

**CHEXS**

**EMPLOYEE HANDBOOK**

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## **Absence**

### **What this policy covers**

The purpose of this policy is to ensure that employees who are genuinely unwell are treated fairly and consistently, while minimising the impact of sickness absence on the Charity.

The policy sets out procedures for reporting sickness absence and for the Charity's management of short-term and long-term absence. Any absences that are disability-related will be managed in accordance with relevant legislation and related Codes of Practice.

This policy also contains information on your entitlements in relation to paid and unpaid time off work for reasons other than sickness.

### **Your responsibilities**

#### **Breach of absence procedures**

Breach of any of the absence reporting procedures detailed below, including those relating to the notification of absence or provision of a medical certificate, may result in disciplinary action. Any periods of absence that are unauthorised may be treated as gross misconduct and could lead to your dismissal without notice from the Charity. Unauthorised absence will not be subject to pay.

#### **Frequent short-term absence**

Persistent absenteeism has a detrimental impact on your colleagues and on the Charity as a whole. If it is considered that your absence level is a cause for concern, the Charity may meet with you to investigate the situation fully. The Charity may require you to undergo an Occupational Health assessment.

The Charity cannot sustain frequent short-term absences, even if the reasons for the absences are genuine. Therefore, unacceptable levels of absence will be subject to disciplinary proceedings. The Charity will take into account the reasons, frequency and pattern of your non-attendance in determining an appropriate course of action.

If you are issued with a formal disciplinary warning, you will be advised as to the level of attendance which the Charity expects of you. If you fail to achieve this level of attendance further disciplinary action may be taken.

#### **Medical report**

It may be necessary for the Charity to obtain a medical report during the course of your employment in order to gather further information about your medical condition, its probable effect on your future attendance at work, your ability to do your job and whether there are any reasonable adjustments to be made, if appropriate.

Although you have the statutory right to withhold your consent to the Charity to approach your GP or consultant for a medical report, if you do choose to withhold your consent to our application, the Charity may need to assess your state of health and its impact on your continued employment without the benefit of professional medical advice.

The Charity reserves the right to refer you to the Fit for Work scheme for an assessment and/or return to work plan.

You may also be required to undergo a medical examination by a doctor nominated by the Charity. The Charity will be entitled to receive any report produced in connection with any such examination, and the Charity may discuss the contents of the report with the doctor in question.

If you refuse to undergo a medical examination without good reason, this may be viewed as a failure to follow a reasonable management instruction and could result in disciplinary action, up to and including dismissal without notice.

#### Medical suspension

If the Charity becomes concerned about your health and safety at work, or that the health and safety of others is being affected by your physical and/or mental health, you may be suspended on medical grounds pending further investigation to establish that you are fit to work. You will receive full pay during the period of your suspension.

### **Your entitlements**

#### Medical and dental appointments

Where possible, you are requested to arrange any medical or dental appointments outside working hours.

If this is not possible, you must obtain permission from management before taking any time off and appointments should be arranged at the beginning or end of your working day to minimise any disruption to the Charity. Unless otherwise agreed, you will not be paid for any time off as a result of medical or dental appointments, with the exception of antenatal appointments.

#### Jury service

You are entitled to time off work for jury service. You should notify management immediately on receipt of the jury summons, giving full details.

You will not normally be paid for this time off, and you are advised to claim the expenses to which you are entitled from the Court. These will typically include compensation for loss of earnings.

#### Time off for religious observance

You should make any requests for time off for religious observance to your manager as early as possible. Although you have no legal or contractual right to religious leave or time off to pray, the Charity will consider all such requests.

Time off for religious observance must be taken from your rest periods or annual holiday entitlement. Alternatively, at the Charity's discretion, you may work additional hours in lieu of the time taken off.

If you wish to take the time off as annual holiday, you should make the request in accordance with the Charity's annual holiday procedures. For the avoidance of doubt, the Charity's rules relating to annual holiday will apply.

#### Bereavement leave

In addition to your right to take reasonable unpaid time off following the death of a dependant, the Charity may, at its discretion, permit you to take paid or unpaid leave following the death of an immediate or close relative. Please ask your manager for further information.

#### Adverse weather and other exceptional circumstances

If you are unable to attend work due to adverse weather conditions or other exceptional circumstances, you will not be paid for any periods of non-attendance. You may request to take paid holidays or work additional hours at an alternative time to make up for the time you have been absent. The Charity reserves the right to refuse such requests depending on the needs of the business.

If the Charity cannot operate due to these exceptional circumstances, it reserves the right to require you to take holidays during this time or impose a period of lay-off, when appropriate. The Charity also reserves the right not to provide you with advance notice of this requirement.

#### Other types of leave

The Charity will adhere to statutory requirements in providing time off when you have commitments relating to public office or role, trade union duties and activities and the Territorial Army. You should discuss such requests for time off with your manager at the earliest opportunity in order to work out the necessary arrangements, allow planning time and work with your manager to minimise any potential disruption to the Charity.

#### Disabilities

If you have a disability that impacts on your attendance at work, the Charity will give consideration to whether there are any reasonable adjustments that could be made to your job or other aspects of your working arrangements to minimise absenteeism or assist your return to work.

### **Absence-reporting procedures**

#### Sickness absence reporting

You should notify the Charity of your absence in accordance with the Absence Reporting clause contained within your Contract of Employment.

It is not acceptable for you to text, email, contact a colleague, leave a message or have a friend or relative call on your behalf. If your manager is unavailable you should contact someone in a position of authority in the Charity.

You should provide the reason for your absence, an estimate of how long you expect to be off work, a telephone number by which you can be contacted and details of any outstanding or urgent work that requires attention.

#### Medical certification

If your absence lasts for seven calendar days or fewer, you must complete an absence form immediately upon your return to work.

However, if you are entitled to contractual sick pay (please see your contract of employment for details) you may also be required to provide the appropriate medical certification for absences of fewer than seven days.

If your absence lasts more than seven calendar days, you must forward a medical certificate, completed by a medical practitioner, to management in order to cover the absence.

The medical certificate must be submitted as soon as possible. If you unreasonably delay in providing a medical certificate, your absence will be classed as unauthorised.

If, on a medical certificate, your doctor recommends any adjustments to your duties, hours or working conditions, the Charity will discuss these with you and implement the recommendations, if these are reasonably practicable.

Failure to comply with the arrangements to assist your return to work without good reason may be treated as misconduct and may result in disciplinary action.

It is essential that you keep the Charity updated on the reasons for your continued absence and its estimated duration. You should contact the Charity daily during periods of absence unless you are instructed otherwise by your manager. You should also contact the Charity before the expiry of your medical certificate if you continue to be unwell. In addition, a further medical certificate should be submitted immediately on expiry of the previous certificate. Failure to contact the Charity or submit a medical certificate at this time may result in the interim absence being classed as unauthorised.

#### Procedure for return to work

You should contact your manager as soon as you become aware of your intended return date. If this date changes, you should update the Charity immediately.

#### Return to work meeting

Your manager will interview you on your return to work following a period of absence. The reasons for your absence will be discussed and your manager will decide whether the absence should be authorised. The onus is on you to satisfy management that there was a genuine medical reason for the absence.

### **Long-term absence**

#### Welfare meetings

During a period of long-term absence, you are required to attend any scheduled welfare meetings with the Charity. The purpose of these meetings is to discuss your current state of health, how long you expect to be absent from work and what steps, if any, the Charity can take to facilitate your return to work.

If you are medically incapable of attending your place of work, a representative of the Charity will come out to visit you. If the time scheduled for the meeting is not suitable, you should contact the Charity immediately so that an alternative time can be agreed. You are also required to respond to any correspondence from the Charity and any requests for information about your health.

#### Medical certification

You should continue to provide medical certificates, completed by your medical practitioner, even if you have exhausted your entitlement to sick pay.

#### Failure to co-operate

The Charity will always be sensitive to your physical and mental wellbeing during periods of long-term absence. However, where there is a failure, without good reason, to co-operate with the Charity in relation to attending meetings, communicating effectively, attending occupational-health assessments and providing necessary information, this may be treated as misconduct and the Charity may take disciplinary action.

#### Termination of employment

The Charity is committed to supporting you during your absence and assisting your return to work. However, a prolonged period of absence cannot be sustained indefinitely, and the Charity may need to review your continued employment periodically. Before any decision is made in relation to termination of your employment on the grounds of capability, the Charity will consult fully with you and obtain up-to-date medical advice.



# Alcohol and Drugs Misuse

## What this policy covers

The purpose of the policy is to set out the Charity's position on drug or alcohol misuse in the workplace, to protect the health and safety of workers and to comply with relevant legislation.

Breaches of the policy may be viewed as gross misconduct and may result in disciplinary action up to and including dismissal without notice.

## Your responsibilities

You must not be under the influence of drugs or alcohol when you report for work or during working time.

If you are taking medication or herbal remedies that may affect your work performance, or the safety, of yourself or others, you must inform the Charity as soon as possible of which medication you are taking and the possible side effects.

## Support for employees with alcohol or drug problems

If you have, or believe you may have an alcohol or drug problem, you should inform the Charity and seek medical advice before it affects your performance or conduct at work. If you come forward and seek help for an alcohol or drug problem you will be treated sympathetically and any discussions will remain confidential.

The Charity will treat any absence due to drug and alcohol abuse in the same way as sickness absence on condition that you have obtained professional help and/or are receiving treatment. However, you must not be under the influence of alcohol or drugs at work throughout this time of support.

The use, possession, storage, transportation, promotion and/or sale of illegal drugs are forbidden in any situation connected to the Charity. The Charity reserves the right to involve the relevant authorities if it is deemed appropriate.

You are also expected to comply with any third party site rules, policies and procedures.

## Procedure

The Charity will take all reasonable steps to prevent employees, agency workers and contractors carrying out work-related activities, if they are considered to be unfit or unsafe to undertake the work as a result of drug or alcohol consumption.

If you are suspected to be under the influence of alcohol or drugs during working hours or on Charity premises, the Charity reserves the right to send you home. This type of incident may be viewed as a gross misconduct offence and dealt with under the Charity's Disciplinary Procedure, which could result in dismissal without notice. If the Charity has reasonable grounds to believe that you were under the influence of drugs and/or alcohol at work you will not be paid for this day.



## Annual Holidays

### What this policy covers

This policy sets out the rules and procedures in relation to taking annual holidays. It applies to all employees and workers.

### Your entitlements and responsibilities

Details of the holiday year and your annual holiday entitlement can be found in your Contract of Employment.

#### Accrual of holidays

Annual holiday entitlement during your first year of employment accrues at the rate of one-twelfth of the full annual holiday entitlement, on the first day of each month, in advance.

You will not be permitted to take annual holiday during the first year of employment before it has accrued, unless otherwise agreed. Thereafter, you will be entitled to your full annual holiday entitlement each year and there will be no requirement to accrue holiday rights.

#### Timing and length of holidays

You are not normally permitted to take more than two weeks' holiday at any one time, except at the sole discretion of the Charity.

The Charity may require you to reserve a specified amount of annual holiday entitlement to be taken at a time set by the Charity, depending on the needs of the business. The Charity reserves the right not to provide you with advance notice of this requirement.

#### Carrying over unused holidays

You are not normally permitted to carry over accrued annual holiday from one holiday year to the next. Holidays not taken within the holiday year will be lost.

#### Holiday during long-term absences

You will continue to accrue your full statutory holiday entitlement during sickness absence.

However, any contractual holiday entitlement over and above the minimum statutory holiday entitlement will not accrue during any period of sickness absence. You are permitted to take annual holiday during periods of sickness and this must be requested via the normal procedure.

If you have been unable to take annual holiday due to long-term sickness you may be permitted to carry over part of your unused annual holiday from one holiday year to the next.

#### Termination of employment

The Charity may require you to take all or part of any outstanding holiday entitlement during a period of notice to terminate employment or garden leave. The Charity reserves the right not to provide you with advance notice of this requirement.

Upon the termination of your employment, for whatever reason, you will be entitled to be paid for holiday accrued but not taken in the current holiday year, at the date of termination of employment.

If upon the termination of your employment you have taken more annual holiday than you have accrued in the current holiday year, an appropriate deduction will be made from your final payment.

If you are dismissed for gross misconduct or if you fail to give the required notice on resignation, you are not entitled to be recompensed for unused holidays in excess of the minimum statutory entitlement.

#### Unauthorised holidays

If you are absent from work on a date on which a holiday request has been refused, the Charity will investigate the reason for your absence. If the Charity considers that you do not have a reasonable explanation for your non-attendance, you may be subject to disciplinary action, up to and including dismissal without notice.

#### Sickness and holidays

If you are taken ill or sustain an injury during a period of authorised holiday, you may be permitted to take the holiday at a later time. You must follow normal absence reporting and medical certification procedures.

If you are absent from work due to sickness immediately prior to a period of authorised holiday and your incapacity extends into the authorised holiday period, you may be permitted to delay the period of holiday until a later time. You should submit a written request to postpone the planned holiday, together with a medical certificate completed by a medical practitioner.

If you receive more than the statutory minimum annual holiday entitlement and you are absent without authorisation on the day before or the day after a public holiday, the Charity reserves the right to withhold holiday pay in respect of that public holiday.

#### Holidays during maternity, adoption and shared parental leave

You will continue to accrue your full contractual holiday entitlement during maternity, adoption and shared parental leave.

If you are unable to take annual holiday due to maternity, adoption or shared parental leave, you will be permitted to carry over your unused annual holiday from one holiday year to the next.

You should discuss holiday arrangements around your leave with your manager.

### **Procedure**

#### Procedure for requesting holidays

All periods of annual holiday must be authorised in advance by your manager. You must not make firm holiday arrangements before receiving confirmation from your manager that your request has been authorised.

You are required to submit completed holiday requests to your manager as early as possible, normally giving a minimum notice of one month.

Requests for annual holiday will normally be granted on a 'first come, first served' basis. Owing to the needs of the business, the Charity reserves the right to limit the number of employees who are permitted to take holiday at the same time. The granting of all holiday requests will be subject to adequate cover being available and the overall needs of the Charity.

# Computers and Electronic Communications

## What this policy covers

This policy sets out the Charity's guidelines on access to and the use of the Charity's computers and on electronic communications. It sets out the action which will be taken when breaches of the guidelines occur.

You are only permitted to use the Charity's computer systems in accordance with the Charity's Data Protection, Monitoring Policies and the following guidelines.

## Your responsibilities

The Charity's computer systems and software and their contents belong to the Charity and they are intended for business purposes only. You are not permitted to use the Charity's systems for personal use, unless authorised by your manager.

You are not permitted to download or install anything from external sources unless you have express authorisation from your manager.

No device or equipment should be attached to the Charity's systems without prior approval of your manager.

The Charity has the right to monitor and access all aspects of its systems, including data that is stored on the Charity's computer systems in compliance with the Data Protection Act 1998.

## System security

You must only log on to the Charity's computer systems using your own password which must be kept secret. You should select a password that is not easily broken (e.g. not your surname).

You are not permitted to use another employee's password to log on to the computer system, whether or not you have that employee's permission. If you log on to the computer using another employee's password, you may be liable to disciplinary action up to and including summary dismissal for gross misconduct. If you disclose your password to another employee, you may also be liable to disciplinary action.

To safeguard the Charity's computer systems from viruses, you should take care when opening documents or communications from unknown origins. Attachments may be blocked if they are deemed to be potentially harmful to the Charity's systems.

All information, documents, and data created, saved or maintained on the Charity's computer system remains at all times the property of the Charity.

## Use of e-mail

Where the Charity's computer systems contain an e-mail facility, you should use that e-mail system for business purposes only.

E-mails should be written in accordance with the standards of any other form of written communication and the content and language used in the message must be consistent with best practice. Messages should be concise and directed to relevant individuals on a need to know basis.

You should take care when opening e-mails from unknown external sources. Attachments to e-mails may be blocked if they are deemed to be potentially harmful to the Charity's systems.

E-mails can be the subject of legal action (for example, claims of defamation, breach of confidentiality or breach of contract) against both the employee who sent them or the Charity. As e-mail messages may be disclosed to any person mentioned in them, you must always ensure that the content of the e-mail is appropriate.

Abusive, obscene, discriminatory, harassing, derogatory or defamatory e-mails must never be sent to anyone. If you do so, you may be liable to disciplinary action up to and including dismissal without notice.

#### Internet access

You are required to limit your use of the internet to sites and searches appropriate to your job. The Charity may monitor all internet use by employees.

You are expressly forbidden from accessing web pages or files downloaded from the internet that could in any way be regarded as illegal, offensive, in bad taste or immoral.

#### Monitoring

Monitoring of the Charity's computer systems and electronic communications may take place in accordance with the Charity's Monitoring Policy. Please refer to the Charity's Monitoring Policy for further details.

### **Procedure**

#### Misuse of computer systems

Examples of misuse include, but are not limited to, the following:

- accessing on-line chat rooms, blogs, social network sites
- use of on-line auction sites
- sending, receiving, downloading, displaying or disseminating material that discriminates against, degrades, insults, causes offence to or harasses others
- accessing pornographic or other inappropriate or unlawful materials
- engaging in on-line gambling
- forwarding electronic chain letters or similar material
- downloading or disseminating copyright materials
- issuing false or defamatory statements about any person or organisation via the Charity's electronic systems
- unauthorised sharing of confidential information about the Charity or any person or organisation connected to the Charity, and
- loading or running unauthorised games or software

Any evidence of misuse may result in disciplinary action up to and including dismissal without notice. If necessary, information gathered in connection with the investigation may be handed to the police.

#### Complaints of bullying and harassment

If you feel that you have been harassed or bullied or are offended by material received from a colleague, you should inform your manager immediately.

## **Conduct and Standards**

### **What this policy covers**

This policy details the main standards of behaviour that you need to adhere to and also details the behaviours that the Charity would normally regard as gross misconduct. The standards of behaviour and the details of gross misconduct listed in this policy should not be considered exhaustive.

### **Your duties and responsibilities**

You are under a duty to comply with the standards of behaviour required by the Charity and to behave in a reasonable manner at all times.

#### Attendance and Timekeeping

You must:

- comply with the rules relating to notification of absence set out in the Charity's Absence Procedure
- arrive at work promptly, ready to start work at your contracted starting time
- remain at work until your contracted finishing time
- obtain management authorisation if for any reason you wish to arrive later or leave earlier than your agreed normal start and finish times

The Charity reserves the right not to pay you in respect of working time lost because of poor timekeeping.

Persistent poor timekeeping may result in disciplinary action.

#### Conduct Standards

You must:

- maintain satisfactory standards of performance at work
- comply with all reasonable management instructions
- co-operate fully with your colleagues and with management
- ensure the maintenance of acceptable standards of politeness
- take all necessary steps to safeguard the Charity's public image and preserve positive relationships with all persons and organisations connected to the Charity
- ensure that you behave in a way that does not constitute unlawful discrimination
- comply with the Charity's Operating Policies and Procedures

Unless otherwise instructed, personal mobile telephones must be switched off or switched to silent mode at all times during normal working hours.

#### Flexibility

You may be required to work additional hours at short notice, in accordance with the needs of the business.

You may also be required to undertake duties outside your normal job remit and to work at locations other than your normal place of work.

### Confidentiality

You must keep confidential, except as required by law, both during your employment and at any time after its termination, all information gained in the course of your employment about the Charity and that of all persons and organisations connected to the Charity.

### Conduct while representing the Charity

As a general rule, behaviour outside of normal working hours is a personal matter and does not directly concern the Charity. However, there are some exceptions to this rule. The Charity will become involved when incidents occur:

- at office parties or other work related social occasions or gatherings
- at social occasions or gatherings organised by a third party, where you have been invited in your capacity as an employee
- at work related conferences
- while working away on business on behalf of the Charity

On these occasions you are expected to behave in an appropriate and responsible manner, keeping in mind that you are representing the Charity. You are instructed specifically not to consume any alcohol at such events where you are driving.

Any employee whose conduct brings the Charity into disrepute will be subject to the Charity's disciplinary procedure. Such behaviour may be viewed as a gross misconduct offence and could render the employee liable to disciplinary action up to and including dismissal without notice.

### Outside activities and other employment

You are not permitted to engage in any activity outside your employment with the Charity that could reasonably be interpreted as competing with the Charity.

You are required to seek permission from management before taking on any other employment while employed by the Charity.

### Health and Safety

It is your duty and responsibility to familiarise yourself with, and to comply with, the Charity or any third party's health and safety policies and procedures. Breach of these rules may result in disciplinary action, up to and including the termination of your employment without notice for gross misconduct.

You must report all accidents, however minor, as soon as possible, making a comprehensive entry in the Charity's Accident Book.

### Dress and Appearance

The personal appearance of employees makes an important contribution to the Charity's reputation and image. For this reason, it is important that your dress and appearance is professional and reflects the environment in which you work.

All employees will be expected to comply with any management instructions concerning dress and appearance.

### Property and equipment

You are not permitted to make use of Charity or a third party's telephone, fax, postal or other services for personal purposes.

You must not remove property or equipment from Charity or a third party's premises unless for use on authorised business or with the permission of management.



Where you damage property belonging to the Charity either through misuse or carelessness, the Charity reserves the right to make a deduction from your pay in respect of the damaged property.

On termination of your employment you must return all Charity property, such as keys, laptops, mobile telephones, Charity vehicles, documents or any other items belonging to the Charity.

#### Personal searches

The Charity may reasonably request to search your clothing, personal baggage, personal storage areas or vehicles. An authorised person must conduct any such search in the presence of an independent witness. Should you refuse such a request, the Charity will require the appropriate authorities to conduct the search on behalf of the Charity. Failure to co-operate with the Charity in this respect may be treated as gross misconduct.

#### Personal property

You are solely responsible for the safety of your personal possessions on Charity premises and should ensure that your personal possessions are kept in a safe place at all times. If you find an item of lost property on the premises, you are required to inform management immediately.

#### Environment

In order to provide a cost-effective service, you are requested to use Charity equipment, materials and services efficiently. You should try to reduce wastage and the subsequent impact on the environment by ensuring that you close windows, avoid using unnecessary lighting or heating or leaving taps running, switch off equipment when it is not in use and handle all materials with care.

#### Breach of this policy

A breach of the Charity's standards of behaviour is likely to result in disciplinary action being taken.

**Gross Misconduct**

Set out below are details of behaviour that the Charity views as gross misconduct, which is likely to result in dismissal without notice. This list is not exhaustive. Such behaviour includes:

- theft, dishonesty or fraud
- deliberate recording of incorrect working hours
- unauthorised absence
- smoking on Charity or a third party's premises or in a vehicle belonging to the Charity
- sleeping during working hours
- assault, acts of violence or aggression
- bullying
- unacceptable use of obscene or abusive language
- possession or use of or being under the influence of non-medicinal drugs or alcohol on Charity premises or during working hours
- wilful damage to Charity, employee or third party property
- serious insubordination
- serious or gross negligence
- bringing the Charity into disrepute
- falsification of records or other Charity documents, including those relating to obtaining employment
- unlawful discrimination, including acts of indecency or harassment
- refusal to carry out reasonable management instructions
- gambling, bribery or corruption
- serious breach of health and safety policies and procedures
- breach of confidentiality, including the unauthorised disclosure of Charity information to the media or any other party
- unauthorised accessing or use of computer data
- unauthorised copying of computer software

# Data Protection

## What this policy covers

This policy details your rights and obligations in relation to your personal data and the personal data of third parties that you may come into contact with during the course of your employment.

If you have access to the personal data of employees or of third parties, you must comply with this Policy. Failure to comply with the Policy and procedures may result in disciplinary action up to and including dismissal without notice.

## Your entitlements

Personal Data means data held either on a computer or in a paper-based filing system which relates to a living individual who can be identified from that data.

The Data Protection Act 1998 prescribes the way in which the Charity may collect, retain and handle personal data. The Charity will comply with the requirements of the Data Protection Act and all employees and contractors who handle personal data in the course of their work must also comply with it.

### The purposes for which your personal data may be held by the Charity

Personal data relating to employees may be collected by the Charity for the purposes of:

- recruitment, promotion, training, redeployment and / or career development, such as references, CVs and appraisal documents
- administration and payment of wages, such as emergency contact details and bank/building society details
- calculation of certain benefits including pensions
- disciplinary or grievance issues
- performance management purposes and performance review
- recording of communication with employees and their representatives
- compliance with legislation
- provision of references to financial institutions, to facilitate entry onto educational courses and/or to assist future potential employers and
- staffing levels and career planning

### Sensitive personal data

Sensitive personal data includes information relating to the following matters:

- your racial or ethnic origin
- your political opinions
- your religious or similar beliefs
- your trade union membership
- your physical or mental health or condition
- your sex life, or
- the commission or alleged commission of any offence by you

### Processing of sensitive data

The Charity will process sensitive data primarily where it is necessary to enable the Charity to meet its legal obligations and in particular to ensure adherence to health and safety and vulnerable groups protection legislation or for equal opportunities monitoring purposes. In most cases, the Charity will not process sensitive personal data without your consent.

## **Procedure**

### Accuracy of personal data

The Charity will review personal data regularly to ensure that it is accurate, relevant and up to date.

To ensure the Charity's files are accurate and up to date, and so that the Charity is able to contact you or, in the case of an emergency, another designated person, you must notify the Charity as soon as possible of any change in your personal details (e.g., change of name, address, telephone number, loss of driving licence where relevant, next of kin details, etc).

### Security of personal data

The Charity will ensure that personal data is not processed unlawfully, lost or damaged. If you have access to personal data during the course of your employment, you must also comply with this obligation. If you believe you have lost any personal data in the course of your work, you must report it to your manager immediately. Failure to do so may result in disciplinary action up to and including dismissal without notice.

### Access to personal data ["subject access requests"]

The Data Protection Act gives you the right to access the personal data held about you by the Charity.

The Charity will arrange for you to see or hear all personal data held about you within 40 days of receipt of a written request and subject to a £10.00 administration fee.

# Disciplinary Policy and Procedure

## What this policy covers

This policy is designed to ensure that all disciplinary matters are dealt with promptly, fairly and consistently and to encourage an improvement in individual conduct and/or performance. It outlines the procedures that the Charity will follow should there be a need to take disciplinary action and your right to appeal.

The Charity reserves the right to discipline or dismiss you without following the Disciplinary Procedure if you have less than 24 months' continuous service.

## Your entitlements and responsibilities

The Charity aims to deal with disciplinary matters promptly and fairly.

You have the right to appeal against a decision the Charity makes at a disciplinary meeting. In these cases, the Charity will make every effort for the appeal to be dealt with by a different manager to the person who dealt with the matter initially.

The Charity's decision at the appeal stage is final and there is no further right of appeal.

You have a responsibility to assist the Charity, if required, to investigate the matters raised at disciplinary meetings and comply with the disciplinary procedures.

## Disciplinary sanctions

The level of the disciplinary sanction, if any, will be determined by the severity of the offence. The Charity will normally select one of the following:

### Written warning

A Written Warning will usually be applied as the first step of corrective action following unsatisfactory performance or conduct offences.

The Charity will define the unacceptable acts and explain the conduct or standards required in the future. You will be advised in writing that a failure to improve the standard of conduct or performance may result in further disciplinary action. A time limit will be placed on the warning.

### Final written warning

A Final Written Warning is usually applied after a Written Warning has been given and performance or conduct has not improved but may be applied after a more serious first or a second offence.

You will be advised in writing that a failure to improve the standard of conduct or performance may result in dismissal. A time limit will be placed on the warning.

### Dismissal

Dismissal occurs when your employment is terminated either with or without notice. Dismissal without notice is also referred to as 'summary dismissal' and is restricted to cases of gross misconduct.

The Charity reserves the right, at its complete discretion, to impose a sanction short of dismissal if it is deemed appropriate. This may include demotion, transfer to a different post or another appropriate sanction. Any such decision will be confirmed to you in writing once you have been informed of the outcome.

## **Disciplinary procedure**

### Suspension from work

If the Charity believes it is appropriate, it may decide to suspend you from your work pending further investigation or disciplinary action. Suspension itself is not a disciplinary sanction.

If a decision to suspend is made, you will be informed verbally and this will usually be followed up in writing. While you are suspended, you should not attend work or make contact with anyone connected to the Charity unless otherwise instructed by the Charity. If you need to contact anyone connected to the Charity while you are suspended, you must notify your manager. Any reasonable request will not be refused. Breach of the terms of your suspension may result in additional disciplinary action up to and including dismissal without notice.

The Charity will endeavour to keep any suspension as brief as possible. Any period of suspension will be on full pay. However, should you fail to co-operate at any time with the investigatory process, for example by failing to attend any meeting, without good reason then the Charity reserves the right to treat this as unauthorised absence and this may result in pay being withheld until such time as you attend any rearranged meeting.

### Investigation Meetings

Depending on the circumstances, you may be required to attend Investigation Meetings before a decision is taken to invoke the disciplinary procedure. An Investigation Meeting is an informal meeting and so you are not permitted to be accompanied unless you are under the age of 18 (when a parent or guardian will be permitted).

Depending on the outcome of the investigation, the Charity will decide whether or not to proceed with a Disciplinary Meeting.

If it is decided that there is no case to answer then you will be informed of this fact either verbally or in writing. You will be expected to return to work at the agreed date and time. This will end the process.

### Invitation to a Disciplinary Meeting

If you are required to attend a Disciplinary Meeting, the Charity will inform you of this in writing.

In the letter, the Charity will set out the issues that are to be considered, how seriously these are being viewed, the potential consequences and details of any intention to call witnesses. The letter will also inform you of the date and time of the meeting to allow you sufficient time to prepare your case.

As this is a formal meeting, the letter will also detail your right to be accompanied.

### Your right to be accompanied at a Disciplinary Meeting

You are entitled to be accompanied at a Disciplinary Meeting by a fellow worker or a trade union official. With the exception of those under the age of 18, when a parent or guardian will be permitted, no other person will be permitted to attend.

Should you wish to be accompanied, you must notify the Charity of the name and position of your chosen companion as soon as possible.

Your companion is permitted to put forward and summarise your case, respond on your behalf to views expressed in the meeting, ask questions and confer with you, but will not be entitled to answer questions directly on your behalf.

### Action if you cannot attend the meeting on the proposed date

If you feel that you have a legitimate reason as to why you cannot attend the meeting on the proposed date, you must contact the person named on the invitation letter to advise them of this fact immediately. The meeting may then be delayed to facilitate your attendance, if this is considered reasonable.

### Attending the disciplinary meeting

You must attend the meeting at the proposed time. Failure to participate in the process or attend arranged meetings without good reason may result in additional disciplinary action or a decision being made in your absence.

Prior to the meeting, you should ensure that you are fully prepared to answer questions relating to the incident/circumstances in question. At the meeting you will be given every opportunity to state your case, present any evidence and call relevant witnesses before any decision is made.

### After the Disciplinary Meeting

At the end of the meeting there will normally be an adjournment to allow for consideration of the facts. You will be informed of the outcome and any sanction will be confirmed in writing to you as soon as possible.

In some circumstances there may be a need to adjourn and reconvene a meeting at a later date, to allow further investigation. In this case you will be advised accordingly.

### Notification of the decision and disciplinary sanction

Following the Disciplinary Meeting, the Charity will notify you of its decision and the disciplinary sanction it will apply. This letter will also explain your right to appeal against any decision taken and sanction applied.

### Your right of appeal against disciplinary action

If you wish to appeal against a decision you must submit your request in writing, stating the reasons for the appeal, to the individual identified in the letter confirming the sanction. This should be submitted within five working days of receiving notification.

### The Appeal Meeting

You will be informed of the date and time of the Appeal Meeting. If you feel that you have a legitimate reason as to why you cannot attend the meeting on the proposed date, you must contact the person named on the invitation letter to inform them of this fact immediately. The meeting may then be delayed to facilitate your attendance, if this is considered reasonable. You will be entitled to be accompanied by a fellow worker or a Trade Union official.

At the Appeal Meeting you will be given an opportunity to state your case. Your companion is permitted to put forward and summarise your case, respond on your behalf to views expressed in the meeting, ask questions and confer with you, but will not be entitled to answer questions directly on your behalf.

The meeting will then be adjourned to allow the Charity to consider the facts and the decision will be confirmed in writing. The outcome will be communicated as soon as possible, taking into account the complexity of the issues raised in the appeal. The decision at this stage will be final.





## **Disclosures and Disclosure Information**

### **What this policy covers**

The Charity uses a Disclosure service to assess the suitability of individuals for employment in positions of trust. As recipients of Disclosure Information, the Charity must comply fully with the relevant Code of Practice.

This policy outlines the Charity obligations in respect of the handling, use, storage, retention and disposal of Disclosures and Disclosure Information. It also sets out your obligations regarding disclosing information and the implications of an unsatisfactory disclosure being received.

### **The Charity's responsibilities**

#### General principles

Where a Disclosure is deemed both proportionate and relevant to the position concerned, all application forms, job advertisements and recruitment briefs will contain a statement that a Disclosure will be conducted in the event of the candidate being offered the position.

The Charity also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure Information.

#### Use of disclosure information

Disclosure Information is only used for the specific purpose for which it was requested and for which your full consent has been given.

In the event of an unsatisfactory Disclosure the Charity will arrange to meet with you to discuss this issue and reserves the right to withdraw any employment offer or terminate your employment.

#### Storage and access

Disclosure Information is held separately from your personnel file and stored securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

#### Handling

In accordance with relevant legislation, Disclosure Information is only passed to those who are authorised to receive it in the course of their duties. The Charity maintains a record of all those to whom Disclosures or Disclosure Information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

#### Retention

The Charity will not retain your Disclosure Information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any dispute or complaint.

If, in exceptional circumstances, it is considered necessary to keep Disclosure Information for longer than six months, the Charity will consult the relevant statutory bodies and will give full consideration to your rights under the Data Protection Act 1998. Throughout this time the usual conditions regarding safe storage and strictly controlled access will prevail.

### Disposal

Once the retention period has elapsed, the Charity will ensure your Disclosure Information is immediately destroyed by secure means. While awaiting destruction, Disclosure Information will not be stored in any unsecured receptacle (e.g. waste bin).

The Charity will not keep any photocopy or other image of the Disclosure Information or any copy or representation of the contents of a Disclosure. However, the Charity may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position in relation to which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

### **Your responsibilities**

You are required to inform the Charity immediately if at any time during your employment you are questioned in connection with, charged with or convicted of any criminal offence or if you are in receipt of any notice of prosecution or police caution. Failure to notify the Charity may result in disciplinary action against you, up to and including dismissal without notice for gross misconduct.

## **Equal Opportunities and Diversity**

### **What this policy covers**

The Charity recognises the benefits of a diverse workforce and is committed to providing a working environment that is free from discrimination.

The Charity will seek to promote the principles of equality and diversity in all its dealings with employees, workers, job applicants, clients, customers, suppliers, contractors, recruitment agencies and the public.

All employees and those who act on the Charity's behalf are required to adhere to this policy when undertaking their duties or when representing the Charity in any other guise.

### **Your entitlements and responsibilities**

#### Unlawful discrimination

Unlawful discrimination of any kind in the working environment will not be tolerated and the Charity will take all necessary action to prevent its occurrence.

Specifically, the Charity aims to ensure that no employee or job applicant is subject to unlawful discrimination, either directly or indirectly, on the grounds of gender, gender reassignment, race (including colour, nationality, caste and ethnic origin), disability, sexual orientation, marital status, part-time status, pregnancy or maternity, age, religion or belief, political belief or affiliation or trade union membership. This commitment applies to all aspects of employment, including:

- recruitment and selection, including advertisements, job descriptions, interview and selection procedures
- training
- promotion and career-development opportunities
- terms and conditions of employment, and access to employment-related benefits and facilities
- grievance handling and the application of disciplinary procedures
- selection for redundancy

Equal opportunities practice is developing constantly as social attitudes and legislation change. The Charity will review all policies and implement necessary changes where these could improve equality of opportunity.

#### Recruitment of ex-offenders

The Charity actively promotes equality of opportunity for all candidates, including those with criminal records where appropriate.

The Charity requires you to provide details of any criminal record at an early stage in the application process. Any such information should be sent in a separate confidential letter to the designated person. Only those who need to see it as a formal part of the recruitment process will have access to this information.

Having a criminal record will not necessarily prevent you from being appointed.

Any recruitment decision will depend on the nature of the position and the circumstances and background of the offence(s). The Charity will discuss with you the relevance of any offence to the job in question.

If you fail to reveal any information relating to disclosures in accordance with the Charity's Disclosures Policy, this may lead to the withdrawal of an offer of employment.

### Career development

While positive measures may be taken to encourage under-represented groups to apply for employment opportunities, recruitment or promotion to all jobs will be based solely on merit.

All employees will have equal access to training and other career-development opportunities appropriate to their experience and abilities.

However, the Charity will take appropriate positive action measures (as permitted by equal opportunities legislation) to provide specialist training and support for groups that are under-represented in the workforce and encourage them to take up training and career-development opportunities.

### **Procedure**

#### Complaints of discrimination

The Charity will treat seriously all complaints of discrimination made by employees, clients, customers, suppliers, contractors or other third parties and will take action where appropriate.

If you believe that you have been discriminated against, you are encouraged to raise the matter as soon as possible with your manager or other senior employee using the Charity's Grievance Procedure (outlined elsewhere in the Employee Handbook).

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you make an allegation of discrimination, the Charity is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment. Any such incidents will be dealt with under the Charity's Disciplinary Procedures.

#### Investigating accusations of unlawful discrimination

If you are accused of unlawful discrimination, the Charity will investigate the matter fully.

During the course of the investigation, you will be given the opportunity to respond to the allegation and provide an explanation of your actions.

If the investigation concludes that the claim is false or malicious, the complainant may be subject to disciplinary action.

If the investigation concludes that your actions amount to unlawful discrimination, you will be subject to disciplinary action, up to and including dismissal without notice for gross misconduct.

## **Flexible Working**

### **What this policy covers**

The Charity recognises that employees may be interested in reducing working hours, working from home or changing working patterns.

This policy outlines who is eligible to make a formal flexible working request, the procedure that should be followed and the issues that will be taken into account when deciding whether to agree to the request.

The Charity will make every effort to accommodate requests for flexible working, provided that an employee's duties can still be carried out effectively.

### **Your entitlements**

#### Eligibility for flexible working

To be eligible to make a request for flexible working, you must:

- have been employed by the Charity for at least 26 weeks before the request is made
- not have made a formal request to work flexibly during the past 12 months

### **Procedure**

Any employee considering making an application to the Charity in terms of this policy has a responsibility to think carefully about their desired working pattern before making an application.

#### Making an application

You are only permitted to make one formal application per year; each year runs from the date when the application was made.

Applications must be made in writing and submitted to your manager. An application will be considered to have been made on the day that it was received by the Charity.

For an application to be considered by the Charity, you must:

- set out the date of the application, the change to working conditions that you are seeking and when you would like the change to come into effect
- explain what effect, if any, you think the proposed change would have on the Charity and how any such effect might be dealt with
- state that this is a statutory request and whether a previous application has been made to the Charity and, if so, when it was made

To help the Charity consider the request please also provide details of the reasons for your application.

If you fail to provide all the required information, the Charity reserves the right to ask you to re-submit the application. An application may not be considered unless it is completed and submitted in full.

#### How your application will be considered

Unless your Manager intends to approve the request straight away, they will arrange to meet with you. The proposed changes will be considered in light of the impact on the Charity financially, from a service viewpoint and in terms of the impact upon colleagues, as well as other practical considerations.

The meeting provides an opportunity to explore the desired work pattern in depth and to discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns, should there be difficulties in accommodating the desired work pattern outlined in your application. You can be accompanied by a work colleague at this meeting.

If the application for flexible working is granted, it will mean a permanent change to your own terms and conditions of employment. Accordingly, it will be important that, before making an application, you give careful consideration to:

- any financial implications it might have on you in cases where the desired working pattern will involve a drop in salary
- any effects it will have on the Charity and how these might be addressed.

### The Charity's response

Following the meeting your manager will write to you to either:

- agree to a new work pattern and confirm the date from which the contract variation shall take effect

Or

- provide clear business grounds as to why the application cannot be accepted and setting out your right to appeal.

Business reasons for which the Charity may reject your request are:

- the burden of additional costs
- detrimental effect on its ability to meet customer demand
- inability to reorganise work among existing employees
- inability to recruit additional employees
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods that you propose to work
- planned changes

There may also be occasions on which the Charity will need further time to consider an application or to put in place other arrangements before notifying you of the final decision. Accordingly, all time periods can be extended by agreement.

### Appealing if your application is refused

If you wish to appeal against a decision, you must submit your request in writing to the individual identified in the letter confirming the outcome, no later than the end of the fifth working day after you have been notified in writing of the decision.

You will be informed of the date and time of the subsequent appeal. If you cannot attend on this day, you must contact the person named on the invitation letter to inform them of this fact. You can be accompanied by a work colleague.

After the appeal meeting, the Charity shall write to you notifying you of the decision reached. This decision will be final and you will not be permitted to make another formal application until 12 months after the date of your original application.

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt.

# Grievance

## What this policy covers

A grievance is any concern, problem or complaint that you have in relation to your employment.

Where possible, you should try to settle any grievance informally with your manager at the earliest opportunity. Where any grievance is unable to be resolved informally, this policy sets out the Charity's Grievance Procedure.

## Your responsibilities

You have a responsibility to raise any grievances promptly and reasonably, assist the Charity, if required, in any investigation of the matters raised in your grievance, follow the grievance procedure and attend all meetings arranged under it.

You may raise grievances either informally or formally. If you raise a grievance informally first, you may still raise the grievance formally subsequently if it is not resolved to your satisfaction.

The Charity aims to deal with all grievances promptly and impartially, and to make all reasonable efforts to achieve a satisfactory outcome.

You have the right to appeal against a decision the Charity makes in respect of a grievance raised by you. In these cases, the Charity will make every effort for the grievance to be dealt with by a different manager to the person who dealt with the grievance initially.

The Charity's decision at the appeal stage is final and there is no further right of appeal.

## Procedure

### Dealing with grievances informally

If you have any grievance, you should discuss this with your manager in the first instance, who will then attempt to resolve the situation on an informal basis.

If you feel unable to approach your manager directly, you should approach another manager or a more senior member of the Charity, who will discuss with you ways of dealing with the matter.

If attempts to resolve the matter informally do not work, it may be appropriate for you to raise a formal grievance under the following formal procedure.

### Your right to be accompanied at Grievance Meetings

At all formal stages of this procedure, you are entitled to be accompanied by a fellow worker or by a trade union official. If you are under 18, your parent or guardian will be allowed to accompany you.

Should you wish to be accompanied, you must notify the Charity of the name and position of your chosen companion as soon as possible.

### Formal procedure

The Charity will make all reasonable efforts to deal with formal grievances in a fair and consistent manner. While the Charity will make every effort to settle any grievance within the time limits detailed in this procedure, this may not be possible on some occasions.

You must set out the nature of the grievance, and the full particulars of it, in writing. The written grievance should be submitted to your manager in the first instance, or to the person identified in your contract of employment. If your grievance is against your manager, you should submit it to another manager or a more senior member of the Charity.

### Attending the Grievance Meeting

You will be invited to a meeting to discuss the grievance, normally within five working days of the Charity receiving your grievance. You must take all reasonable steps to attend this meeting.

Prior to the meeting, you should ensure that you are fully prepared to present your grievance, share any supporting evidence and answer any questions relating to the incident/circumstances in question.

### Notification of the outcome

After the Grievance Meeting, an appropriate period of time may be taken to allow for any further investigation and/or the consideration of all the facts before a decision is reached. The Charity will then, normally, inform you in writing of its decision regarding the raised grievance without unreasonable delay. The letter will also explain your right to appeal against any decision taken.

### Appeals against grievance outcomes

If you are dissatisfied with a decision made regarding a grievance you have raised, you have the right of appeal. Whenever possible, the appeal will be dealt with by a different manager to the person who dealt with the grievance.

Your appeal must be made in writing, stating the reasons for the appeal, to the individual identified in the decision letter. This should be submitted no later than the end of the fifth working day after you received written notification.

### The Appeal Meeting

The Charity will arrange and hold an Appeal Meeting as quickly as possible, normally within five days. You will be entitled to attend the Appeal Meeting and will be given an opportunity to state your case.

You must take all reasonable steps to attend this meeting. If you feel that you have a legitimate reason as to why you cannot attend the meeting on the proposed date, you must contact the person named on the invitation letter to inform them of this fact immediately. The meeting may then be delayed to facilitate your attendance, if this is considered reasonable.



# Harassment and Bullying

## What this policy covers

As part of the Charity's overall commitment to equality of opportunity, it is fully committed to promoting a fair and harmonious working environment in which everyone is treated with respect and dignity and in which no individual feels bullied, threatened or intimidated. The aim of this policy is to prevent harassment and bullying in the workplace which includes harassment and bullying by other workers or by third parties you encounter while doing your job.

Harassment or bullying at work in any form is unacceptable behaviour and will not be permitted or condoned and will be viewed as a gross misconduct offence which may result in dismissal without notice.

## What is harassment and bullying?

Harassment and bullying detract from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

### Definition of harassment

Harassment is any unwanted physical, verbal or non-verbal conduct based on sex, sexual orientation, marital or civil partnership status, gender reassignment, religion or belief, age, race or disability which affects the dignity of anyone at work or creates an intimidating, hostile, degrading, humiliating or offensive environment.

A single incident of unwanted or offensive behaviour can amount to harassment. Some examples are given below, but many forms of behaviour can constitute harassment. These examples are:

- physical conduct, ranging from touching, pushing or grabbing to punching or serious assault
- verbal or written harassment through jokes, offensive language, defamatory remarks, gossip, threats or letters
- unwelcome sexual behaviour, including unwanted suggestions, propositions or advances
- the sending or displaying of material that is pornographic or obscene, including e-mails, text messages, video clips, photographs, posters, emblems or any other offensive material
- inappropriate posts or comments on or via social media commonly known as "cyber bullying"
- isolation, non-co-operation at work or exclusion from social activities
- coercion, including pressure for sexual favours
- inappropriate personal contact, including intrusion by pestering or spying

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

### Definition of bullying

Bullying is persistent, offensive, abusive, intimidating or insulting behaviour, which, through the abuse of power, makes the recipient feel upset, threatened, humiliated or vulnerable.

Bullying can be a form of harassment and can undermine an individual's self-confidence and self-esteem and cause them to suffer stress.

Bullying can take the form of physical, verbal and non-verbal conduct. As with harassment, there are many examples of bullying, which can include:

- shouting at or humiliating others
- high-handed or oppressive levels of supervision
- unjustified, offensive and/or insulting remarks about performance
- excluding employees from meetings, events or communications without good cause
- physical or emotional threats

Bullying can occur in the workplace and outside of the workplace at events connected to the workplace, such as social functions or business trips.

## **Your rights and responsibilities**

### Your rights

You have the right to work in an environment which is free from any form of harassment or bullying. The Charity recognises your right to complain about harassment or bullying should it occur. All complaints will be dealt with seriously, promptly and confidentially.

Every effort will be made to ensure that, when you make a complaint, you will be protected from further acts of bullying and harassment. If others also give evidence or information in connection with the complaint, they equally will be protected. Perpetrators of these acts will be subject to disciplinary action which may warrant dismissal.

### Your responsibilities

You have a responsibility to help ensure a working environment in which the dignity of everyone is respected. You must comply with this policy and you should ensure that your behaviour to colleagues and anyone connected to the Charity, does not cause offence and could not in any way be considered to be harassment or bullying.

You should discourage harassment and bullying by making it clear that you find such behaviour unacceptable. You should also support colleagues who suffer such treatment and are considering making a complaint. You must alert a manager or supervisor immediately to any incident of harassment or bullying to enable the Charity to deal with the matter promptly and effectively.

### The Charity's responsibilities

The Charity will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment and bullying. This policy and procedure will be communicated effectively to all employees, and the Charity will ensure that all employees are aware of their responsibilities. Appropriate training, where necessary, will be provided.

## **Procedure**

In order to raise a complaint of harassment or bullying, please refer to the Charity Grievance Procedure (outlined elsewhere in this Employee Handbook).

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## Maternity and Adoption Leave

### What this policy covers

This policy outlines your statutory rights and responsibilities when you are pregnant, give birth or adopt a child. It also outlines the arrangements and notification requirements before, during and after a period of Maternity or Adoption Leave, your statutory entitlements to pay during your leave and your right to return to work following Maternity or Adoption Leave.

This policy also covers associated issues such as holidays.

Entitlements and procedures that apply to Shared Parental Leave are contained in a separate policy in this Handbook.

### Your entitlements

#### Time off for antenatal care

If you are pregnant, you have the right to take reasonable time off work, with pay, during your working hours to receive antenatal care, regardless of your length of service. This includes relaxation and/or parent craft classes, when this has been recommended on medical grounds by your registered medical practitioner or registered midwife.

The Charity requires you to give reasonable notice when making a request to take time off for scheduled antenatal appointments. Prior to time off being authorised, you will also be required to provide a copy of your appointment card and/or medical certificate confirming your pregnancy, with the exception of your first appointment.

#### Time off for adoption appointments

If you intend to adopt a child, you are entitled to time off to attend adoption appointments. Adoption appointments refer to those which take place after you are notified that a child is to be placed with you for adoption or for a fostering for adoption placement and before the placement occurs.

The amount of time off (and any entitlement to pay) depends on whether you have elected to be the main adopter or are the partner of the main adopter. No request for time off will be unreasonably refused.

If you are the main adopter, you are entitled to time off to attend adoption appointments on up to five occasions. The maximum time off which can be taken on each occasion is six and a half hours. Time off will be paid at your normal rate of pay.

If you are the partner of the main adopter, you are entitled to time off to attend up to two adoption appointments. The maximum time off which can be taken on each occasion is six and a half hours. Time off is unpaid.

#### Different types of leave available

If you are pregnant or you have recently given birth, you are entitled to Maternity Leave.

If you adopt a child, either you or your partner will be entitled to Adoption Leave. Adoption leave can be taken by either partner adopting a child jointly, regardless of your gender. To obtain the benefit of these rights, you must comply with the qualifying conditions that are outlined below.

Where you meet the eligibility criteria, you are entitled to 52 weeks' Maternity or Adoption Leave, in order to care for a new baby or a newly adopted child who is up to 18 years of age.

Maternity and Adoption Leave is made up of 26 weeks' Ordinary Leave, followed by 26 weeks' Additional Leave. Additional Maternity Leave (AML) or Additional Adoption Leave (AAL) follows immediately after the end of your Ordinary Leave. There can be no gap between the two types of leave.

New mothers and adoptive parents have the right to transfer all, or part, of their AML or AAL entitlement to the other parent or to share Parental Leave. Further details can be found in the Paternity Leave policy and the Shared Parental Leave policy (outlined elsewhere in the Employee Handbook).

#### Compulsory Maternity Leave

When you give birth, you are legally compelled to take a minimum of two weeks' Maternity Leave immediately after giving birth. For health and safety reasons, new mothers who work in a factory have a longer minimum period of four weeks.

#### Benefits during Maternity or Adoption Leave

During Maternity or Adoption Leave, you are entitled to receive all your normal contractual benefits, including annual holiday entitlement, with the exception of your normal pay.

### Statutory Maternity and Adoption Pay (SMP/SAP)

SMP and SAP are payable for up to 39 weeks.

The first six weeks are payable at the higher rate, which is the equivalent of 90% of your normal earnings. For SMP your normal earnings are calculated based on the eight-week period before the Qualifying Week, i.e. the 15th week before your expected week of childbirth. For SAP your normal earnings are calculated over the eight-week period ending with the week in which you are notified of having been matched with the child for adoption.

The remaining 33 weeks are payable at a standard rate for the relevant tax year and can change each year.

If your earnings are below the standard rate set by the Government, you will be paid at the equivalent of 90% of your average earnings in the eight-week period before the Qualifying Week or the date the child is matched.

If you do not qualify for SMP or SAP, you may be entitled to claim for an allowance of financial support by contacting your local benefits office.

### Qualifying for SMP and SAP

To qualify for SMP or SAP you must:

- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes during the eight-week period up to and including the Qualifying Week or the date you are matched with a child
- have been continuously employed for at least 26 weeks, ending with the 15<sup>th</sup> week before your expected week of childbirth (the 'Qualifying Week') or the date you are informed by the approved adoption agency, or the central authority, that you have been matched with a child
- (if you are pregnant) still be pregnant at the 11<sup>th</sup> week before your expected week of childbirth or have had the child by that time
- give the Charity at least 28 days' notice (or, if that is not possible, as much notice as is reasonably practicable) of the day you would like your SMP or SAP to start
- provide the Charity with the appropriate medical certification of your expected week of childbirth, normally using the medical certificate MAT B1, or provide a written declaration that you have chosen to receive SAP rather than Statutory Paternity Pay

### Returning to work after Maternity or Adoption Leave

You do not need to give notice of your return to work if you simply return at the end of your Maternity or Adoption Leave period.

If you wish to return to work before the full entitlement of your Maternity or Adoption Leave has ended, or change your mind about the intended date of return to work, you must give the Charity a minimum of eight weeks' notice of the intended date of your return.

In the event that you fail to give the required eight weeks' notice of an earlier date of return, the Charity may postpone your return until the end of the eight weeks' notice you should have given, or until the end of the Maternity or Adoption Leave period, whichever is earlier.

You are entitled to return to your original job at the end of Ordinary Maternity or Adoption Leave. Where you take Additional Maternity or Adoption Leave, you are also entitled to return to your original job at the end of the Additional Leave. However, if this is not reasonably practicable, you will be offered a similar role on no less favourable terms and conditions.

You will not lose the right to return to work if you do not follow the correct notification procedures. However, the Charity may take appropriate disciplinary action if you fail to return to work at the end of the Maternity or Adoption Leave period.

In the event that you are unable to return to work at the end of the Maternity or Adoption Leave due to ill health, the Charity's normal sickness absence rules, procedures and payments will apply.

#### Holiday entitlement and Maternity or Adoption Leave

Annual holiday entitlement will continue to accrue during the whole of your Maternity or Adoption Leave. You must discuss and agree with the Charity, in advance, when your accrued holiday entitlement can be taken.

Holiday entitlement cannot be taken simultaneously with Maternity or Adoption Leave. Accrued holiday can only be taken either before the beginning of the Leave or after the end of the Leave. Authorisation must be obtained from the Charity in the normal way prior to your accrued holiday being taken.

#### Contact during Maternity or Adoption Leave

The Charity may make reasonable contact with you during your Maternity or Adoption Leave. In addition, you may attend work during your Maternity or Adoption Leave, for a limited period, without affecting your Maternity or Adoption Leave. These days are referred to as Keeping in Touch days (see below).

#### Keeping in Touch (KIT) days

During your Maternity or Adoption Leave, you may work up to 10 days for the Charity, during your Leave, without losing your right to your Maternity or Adoption Leave pay.

Any days worked will be paid at your normal rate of pay, and any SMP or SAP will be taken into account for these purposes.

Neither you nor the Charity is under any obligation to agree to work or provide work for KIT days.

### **Procedures**

#### Notification procedures for Maternity Leave

If you are pregnant and give birth to a child, you are entitled to take Maternity Leave. To be eligible, you must comply with the rules and procedures set out below:

- no later than the end of the 15th week before the week your child is due, you must give the Charity notice of:
  - the fact that you are pregnant and the date on which you intend to start your Maternity Leave
  - the expected week of childbirth, which must be confirmed by providing the medical certificate MAT B1
- within 28 calendar days of you giving notice, the Charity will respond in writing, to confirm the date on which your Maternity Leave will end. This will normally be 52 weeks from the start of your Maternity Leave
- the earliest you may start your Maternity Leave is 11 weeks before your expected week of childbirth. However, Maternity Leave will start automatically if you give birth before this date

Your Maternity Leave will automatically start if you are absent from work for a pregnancy-related illness during the four weeks before your expected week of childbirth.

### Changing the start of your Maternity Leave

You may change your mind about when you want to start your Maternity Leave, as long as you notify the Charity, in writing, of your new start date. You must give the Charity the relevant notice by whichever date is the earlier of the following notice periods:

- 28 days before the date on which you originally intended to start your leave

Or

- 28 days before the new date on which you want to start your leave

### Notification procedures for Adoption Leave

If you adopt a child, you are entitled to Adoption Leave. This right applies to both men and women.

The partner of an individual who adopts, or the other partner of a couple adopting a child jointly, may also be entitled to Paternity Leave and Statutory Paternity Pay.

If you are part of a couple that adopts a child, you can choose which partner will take Adoption Leave and which will take Paternity Leave. Either partner can choose the type of leave that applies to them.

To qualify for Adoption Leave, you must:

- be newly matched with a child for adoption by an approved adoption agency (this includes placement of a child with local authority foster parents who are prospective adopters under the fostering for adoption scheme)
- have notified the agency that you agree that the child should be placed with you and have agreed the date of placement
- notify the Charity of when you want to take Adoption Leave no more than seven calendar days after being notified that you have been matched with a child
- in the case of surrogacy adoption leave, be in receipt of, or in the process of applying for, a parental order.

You should also give the Charity the matching certificate from the approved adoption agency as evidence of your entitlement to Adoption Leave. Only one period of Adoption Leave will be available, irrespective of whether you have more than one child placed with you for adoption as part of the same arrangement.

Within 28 calendar days of you giving notice, the Charity will respond in writing to you, confirming the date when your Adoption Leave will end. This will normally be 52 weeks from the start of the Adoption Leave.

You may choose to start your Adoption Leave either from;

- the date of the child's placement

Or

- a fixed date, which can be up to 14 calendar days before the expected date of the child's placement

### Changing the start of your Adoption Leave

You may change your mind about when you want to start Adoption Leave, as long as you notify the Charity, in writing, of your new start date. You must give the Charity the relevant notice by whichever date is the earlier of the following notice periods;

- 28 days before the date you originally intended to start your leave or
- 28 days before the new date you want to start your leave

### Overseas adoption

If you are adopting a child from overseas, you must have received official notification that the adoption has been approved by the central authority and give the Charity notice, in writing, at each of the three notification stages.

The Charity will require copies of official notification as evidence of the child arriving in the UK and to support your request to take Adoption Leave.

The procedures for overseas adoption are determined by the central authority and are thorough. In the first instance, you should discuss your intention to take Adoption Leave within 28 days of the date on which you received the official notification.



## **Mobile and Office Telephones**

### **What this policy covers**

This policy outlines your responsibilities in respect of Charity mobile and office telephones and the rules relating to personal mobile phones at work.

### **Your entitlement and responsibilities**

#### Provision and use of equipment

If the Charity provides you with a mobile phone or use of a landline for business purposes, the Charity will meet the rental and standard costs in respect of business calls. You must ensure that the mobile phone and accessories are kept in good condition at all times and that your mobile phone is charged and available for use during working hours.

You must observe any site specific restrictions imposed by other organisations regarding the use of mobile phones, including requests to keep mobile phones turned off.

#### Inappropriate use

The content of text messages and voicemail must comply with the standards required of any other form of written or verbal communication and be consistent with accepted conventions and practice.

Abuse of the text or voice messaging facility may result in disciplinary action. The sending and/or receiving of any material which is, in the opinion of the Charity inappropriate i.e. defamatory; offensive or obscene; untrue or malicious; may constitute gross misconduct and result in summary dismissal.

If you receive an inappropriate text or voice message, you must notify your line manager immediately.

The Charity monitors the use of its mobile and Charity telephones in compliance with the Monitoring Policy. Charity mobile or office telephones may not be used for personal calls unless specified otherwise in your Contract of Employment.

The Charity reserves the right to deduct from your pay the cost of any personal calls made or alternative arrangements may be agreed to repay these costs.

#### Personal mobile phones

Unless otherwise instructed, personal mobile telephones must be switched off or switched to silent mode at all times during normal working hours.

#### Loss or damage

Your Charity mobile phone is your responsibility. You must take all reasonable precautions to ensure that your mobile phone is not stolen, lost or damaged. Do not leave your mobile phone in a visible place such as in an unattended vehicle. Where possible you must set up a personal identification number (PIN) to prevent any unauthorised person from accessing or using your phone.

In the event that your Charity mobile phone is stolen, lost or damaged you must contact your manager immediately.

If loss or damage is caused to your Charity mobile phone as a result of your negligence, you may be charged for the cost of the repair or for a replacement phone. You may be required to reimburse the Charity for the associated costs or the Charity may deduct the sum owed directly from your pay.

## **Procedure**

### **Mobile phones and Driving**

It is a criminal offence to drive (or have another person drive) a motor vehicle while using a 'hand held' mobile telephone. Driving includes sitting in a stationary vehicle while the engine is running and a 'hand held' mobile phone will include any 'hands free' mobile phone if it is held at any point during the call.

If you incur a fixed penalty or fine in relation to the use of a mobile phone whilst driving you will be responsible for the associated costs. You must inform your line manager immediately of any fine or penalty points placed on your licence or if you are disqualified from driving.

### **Returning the equipment**

If you are requested to return your mobile phone to the Charity you must return the phone and accessories immediately. On termination of your employment, the mobile phone must be returned to the Charity no later than the final day of your employment. The Charity retains the right to deduct the cost of the mobile phone and/or accessory that is not returned, or is returned in a damaged condition due to your negligence, from your final pay.

### **Breach of this policy**

If this policy is breached the Charity reserves the right to withdraw the Charity mobile phone and take disciplinary action. Any breach of the policy including, but not limited to, inappropriate use of Charity mobile or land-lines and using a mobile phone device whilst driving may be treated as gross misconduct and may result in your dismissal without notice.

# Monitoring

## What this policy covers

This policy sets out the Charity's approach to employee monitoring, provides information relating to the types of monitoring used and the Charity's obligations in relation to such monitoring and in introducing additional monitoring.

## The Charity's responsibilities

You should be aware that the Charity may carry out employee monitoring.

In addition, employee monitoring may be necessary to detect and/or investigate unauthorised or excessive use of the Charity's telecommunications systems, detect and/or prevent crime and to maintain compliance with regulatory practices or procedures relevant to the Charity, where applicable.

## Types of monitoring

The monitoring carried out may include:

- monitoring lateness via video cameras
- checking e-mails and analysing e-mail traffic to ensure the system is not being abused
- checking websites visited by employees using Charity systems
- recording telephone calls and checking call logs
- monitoring the use of Charity vehicles via vehicle-tracking systems

The Charity may use information gathered through employee monitoring as the basis for disciplinary action against employees.

If disciplinary action results from information gathered through monitoring, you will be given the opportunity to see or hear the relevant information in advance of the disciplinary meeting.

The Charity will ensure data collected through monitoring is processed in accordance with the Charity's Data Protection Policy and the Data Protection Act 1998 and, in particular, it will be kept secure and access will be limited to authorised individuals.

## Additional monitoring

The Charity reserves the right to introduce additional monitoring. Before doing so, the Charity will:

- identify the purpose for which the monitoring is to be introduced
- ensure that the type and extent of monitoring is limited to what is necessary to achieve that purpose
- where appropriate, consult with affected employees in advance of introducing the monitoring
- weigh up the benefits that the monitoring is expected to achieve against the impact it may have on employees

The Charity will ensure employees are aware of when, why and how monitoring is to take place and the standards they are expected to achieve.

### Covert monitoring

If the Charity has reason to believe that certain employees are engaged in criminal activity, the Charity may use covert monitoring to investigate that suspicion. In such instances, any monitoring will take place under the guidance of the police and will be carried out in accordance with Data Protection legislation.

# Parental Leave

## What this policy covers

The Charity recognises that working parents may need to take additional unpaid leave from work to care for their children. This policy outlines the qualifying conditions and the procedure to request Parental Leave. It also sets out how and when the leave can be taken, provides information on your contractual rights and your right to return to work following Parental Leave.

If you meet the qualifying conditions set out below, you are entitled to take the relevant Statutory Parental Leave for each child. The Charity will consider all requests for Parental Leave, however, you must be aware that Parental Leave can only be authorised to be taken at a time to suit the needs of the business.

## Your entitlements

### Qualifying conditions

In order to qualify for Parental Leave, you must have been employed by the Charity for a continuous period of one year or more. You must also have responsibility for the child and you must be one of the following:

- the biological mother or father of the child
- the child's adoptive parent (male or female)
- have legal responsibility for the child, such as the child's legal guardian

You must confirm that the requested leave is intended for the purpose of spending time with or caring for the child.

### Taking Parental Leave

If you meet the qualifying conditions, you are entitled to:

- a maximum of 18 weeks' unpaid Parental Leave for each of your children under the age of 18; the leave must be taken before the child's 18<sup>th</sup> birthday.

You should be aware that there is a maximum of four weeks' Parental Leave that can be taken in any one year.

Parental Leave can only be taken in blocks of one complete week or more, except in the case of children with a disability, when you may take Parental Leave one day at a time.

### Contractual benefits during Parental Leave

You are entitled to enjoy your normal terms and conditions of employment, with the exception of pay, while on Parental Leave.

## Procedure

If you meet the qualifying conditions detailed above, you are required to give the Charity a minimum of 21 calendar days' notice, in writing, of your request to take Parental Leave. The request must specify the start and end date of the intended leave and state that the purpose of the leave is to spend time with or to take care of the child.

You must confirm if you have previously taken Parental Leave, in relation to the same child, during any previous or other employment with another employer.

You are also required to provide evidence of your responsibility to the child: either a copy of the child's date of birth or adoption placement.

If you intend to take a period of Parental Leave immediately after a period of Paternity Leave, you must give the Charity a minimum of 21 days' notice from the beginning of the expected week of childbirth or placement.

#### The right to postpone Parental Leave

The Charity has the right to postpone your Parental Leave for up to six months if the timing of your absence will unduly disrupt the business. However, any Parental Leave requested to take place immediately after the birth of your child, or the date of placement, will not be postponed provided that you have given 21 calendar days' notice of your intention to take Parental Leave at this time.

#### Returning to work after Parental Leave

You are normally entitled to return to work following Parental Leave to the same position you held before commencing your leave. Your terms of employment will remain unchanged upon your return from a period of Parental Leave.

If your Parental Leave has been combined with a period of Maternity, Adoption, Shared Parental or Paternity Leave of more than four consecutive weeks, and it is not reasonably practicable for you to return to the same position you held before commencing leave, the Charity will offer you a suitable and appropriate alternative position.

#### Breach of this policy

If you take a period of Parental Leave under this policy for any purpose other than to spend time with or otherwise care for your child, you may be subject to disciplinary action, up to and including dismissal.

## **Paternity Leave and Paternity Pay**

### **What this policy covers**

This policy outlines your statutory right to Paternity Leave and the qualifying conditions and the procedure that you need to follow when requesting Paternity Leave. It also provides information relating to your contractual rights and your right to return to work following Paternity Leave.

You may also be eligible to take Shared Parental Leave. Entitlements and procedures that apply to Shared Parental Leave are contained in a separate policy in this Handbook.

The following sections provide only a general guide; further guidance and clarification must be sought from Management.

### **Your entitlements and responsibilities**

#### **Right to accompany a pregnant woman to antenatal appointments**

You have the right to take unpaid time off during working hours to accompany a pregnant woman to antenatal appointments where you:

- are the pregnant woman's husband or civil partner, or
- live with the woman in an enduring family relationship (whether heterosexual or same-sex relationship) and are not a relative of the woman, or
- are the expected child's father, or
- are one of a same-sex couple who is to be treated as the child's other parent under the assisted reproduction provisions, or
- are the potential applicant for a parental order under surrogacy laws.

This time off is limited to:

- no more than two occasions
- each lasting no more than six and a half hours

#### **Paternity Leave**

You can take Paternity Leave (PL) in relation to the birth or adoption of a child. If you are the partner of an individual who adopts, or you are the other member of a couple who is adopting jointly, you may be entitled to Paternity Leave.

If you have adopted the child, you can choose who will take the Adoption Leave and who will take the Paternity Leave. Only one period of Maternity or Adoption Leave and one period of Paternity Leave may be taken between the couple even if your partner works for a different company.

Further details of Adoption Leave entitlement are set out in the Maternity and Adoption Policy (outlined elsewhere in the Employee Handbook).

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### Qualifying conditions for Paternity Leave

In order to qualify for Paternity Leave you must:

- have worked continuously for the Charity for 26 weeks leading into the 15th week before the child is due; or by the week in which an approved adoption agency matches you with the child (the notification week)
- be the biological father of the child or the mother's husband or partner (male or female) or have, or expect to have, responsibility for the child's upbringing
- confirm the requested leave is intended for the purpose of caring for the child, or to support the child's mother or adoptive parent in caring for the child.

Eligible employees are entitled to take up to two weeks' paid PL. PL must be taken in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week, on or following the child's birth, but must be completed:

- within 56 calendar days of the actual date of birth of the child; or
- if the child is born early, within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

You may change your mind about the starting date for PL, providing you tell the Charity at least 28 calendar days in advance of the changed start date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period).

### Statutory Paternity Pay

Eligible employees are entitled to be paid during their PL following the birth or placement of their child in order to care for the child or support its mother or adoptive parent.

During PL, most employees will be entitled to Statutory Paternity Pay (SPP), which will be the same as the standard rate of Statutory Maternity Pay (SMP). In order to qualify for SPP you must:

- meet the PL qualifying conditions mentioned above and
- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight week period leading up to and including, the 15th week before the child is due or, in adoption cases, the Notification Week

In addition to meeting the conditions detailed above, the Charity may request you to provide a self certificate as evidence that the mother or adoptive parent meets these conditions. The self certificate must also provide the information required above and include a declaration that you meet the necessary conditions.

### Contractual benefits during your Paternity Leave

You are entitled to enjoy your normal terms and conditions of employment, with the exception of pay, whilst on Paternity Leave. You are also entitled to return to the same job following your leave.

If the Charity provides you with an enhanced contractual right to Paternity Leave or Paternity Pay you should clearly understand, that when payment of contractual paternity pay is made this is inclusive of any SPP entitlement i.e. you are not entitled to both.

### Contact during Paternity Leave

The Charity may make reasonable contact with you during your Paternity Leave.



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## **Procedure**

### Requesting Paternity Leave

If you wish to take PL you must notify the Charity by the 15th week before the expected week of childbirth or no more than seven days after you are notified of being matched with the child, stating the week the child is due, or the expected placement date; whether you wish to take one week's or two weeks' continuous leave; and the date you want the leave to start.

The Charity will consider all requests for Paternity Leave. However, you must be aware that Paternity Leave can only be authorised to be taken immediately after the birth or the placement of the child or if later at a time to suit the needs of the business.

### Taking Paternity Leave

You are permitted to take PL in units of either one whole week or two consecutive whole weeks.

Leave may start on any day of the week on or following the child's birth or the date of adoption placement. Your leave must be completed within 56 calendar days of the actual date of birth of the child, or the date of the adoption placement.

If the child is born early, leave must be taken within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

### Changing the start of your Paternity Leave

Where you are to take PL in respect of a child's birth or to coincide with the day a child is placed with you, you can give written notice to vary the start date of your leave from that which you originally specified.

At least 28 days before the Expected Week of Childbirth or the Expected Placement Date, notice should be given where you wish to:

- vary your leave to start on the day of the child's birth
- vary your leave to start a specified number of days after the child's birth or after the placement date of the child (minus the specified number of days)
- vary your leave to start on a specific date (or a different date from that you originally specified).

### Returning to work after your Paternity Leave

You are normally entitled to return to work following Paternity Leave to the same position you held before commencing your leave. Your terms of employment will continue to be the same as they would have been had you not been on Paternity Leave.

If your PL has been combined with a period of Shared Parental Leave totalling more than 26 weeks or a period of Parental Leave of more than four consecutive weeks, and it is not reasonably practicable for you to return to the job you held before commencing leave, the Charity will offer you a suitable and appropriate alternative position.

If you are unable to return to work following a period of Paternity Leave due to sickness or injury, this will be treated as sickness absence and the normal reporting procedures will apply.

You should be aware if you do not return to work for any other reason, the Charity will treat a late return as an unauthorised absence, which may result in disciplinary action up to and including dismissal without notice.

Breach of this policy

If you take a period of Paternity Leave under this policy for any purpose other than to care for the child, you may be subject to disciplinary action up to and including dismissal.

## **Public Interest Disclosure ('Whistleblowing')**

### **What this policy covers**

The Charity constantly strives to safeguard and act in the interest of the public and its employees. It is important to the Charity that any fraud, misconduct or wrongdoing, by employees or other agents, is reported and properly addressed.

This policy applies to all employees and all other agents of the Charity, who are encouraged to raise concerns in a responsible manner. The Charity prefers that a concern is raised and dealt with properly, rather than kept quiet.

### **Your responsibilities**

You are encouraged to bring to the attention of the Charity any practice or action of the Charity, its employees or other agents that you reasonably believe is against the public interest, in that the practice or action is:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- an attempt to conceal information on any of the above

Any individual raising legitimate concerns will not be subject to any detriment, either during or after employment. The Charity will also endeavour to ensure that the individual is protected from any intimidation or harassment by any other parties.

This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work, which should be raised under the Charity's Grievance Procedure.

### **Procedure**

In the first instance, you should raise any concerns you have with your manager. If you believe your manager to be involved, or if, for any reason, you do not wish to approach your manager, then you should raise it with a more senior person in the Charity.

Any matter raised under this policy will be investigated promptly and confidentially. The outcome of the investigation, as well as any necessary remedial action to be taken, will be confirmed to you. If no action is to be taken, the reason for this will be explained to you.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you raise any concerns under this policy, the Charity is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment. Any such incidents will be dealt with under the Charity's Disciplinary Procedures.

### **Escalating your concern**

If you are dissatisfied with this response, you should raise your concerns in writing directly with a more senior person in the Charity.

If, after escalating your concerns, you believe that the appropriate remedial action has not been taken, you should then report the matter to the proper authority. These authorities include:

- HM Revenue & Customs
- the Financial Conduct Authority
- the Health and Safety Executive
- the Environment Agency or Scottish Environmental Protection Agency
- the Information Commissioner

This list is not intended to be exhaustive, and you must take care to ensure you contact the proper authority in relation to the particular concerns you have.

If you are unsure as to the appropriate authority, advice can be sought from Public Concern at Work which is an independent Whistleblowing Charity. Their contact details are at the end of this policy.

If you raise a false allegation and you are found to be culpable, or in any way involved in the wrongdoing, or if you raise a concern maliciously or in a manner not prescribed in this policy, then you may be subject to disciplinary action up to and including dismissal without notice for gross misconduct.

You should not disclose to a non-relevant third party any details of any concern raised in accordance with this policy, and you must not, in any circumstances, publicise your concerns in any way.

#### Independent advice

Independent advice and support can be obtained from Public Concern at Work (Independent Whistleblowing Charity):

Email address	<a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a>
Tel	Tel:020 7404 6609
Website	<a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

# Safeguarding

## What this policy covers

The Charity is committed to protecting children against all forms of abuse. You have a responsibility towards children to ensure that they are protected from abuse.

This policy sets out the Charity's obligations on handling recruitment into job roles that involve working with vulnerable people and on monitoring and reporting information about you received during the course of your employment in those roles.

It also sets out your responsibilities for reporting abuse to any children and the procedure for doing so.

## Your entitlements and responsibilities

### What is "abuse"?

Abuse is a violation of an individual's human or civil rights by another person and may consist of a single act or multiple acts. As well as physical and psychological abuse, acts of neglect or an omission to act may amount to abuse. Abuse may also occur when a child or vulnerable adult is persuaded to enter into a financial or sexual transaction to which he or she has not consented or cannot consent.

### Recruitment

The Charity will make it clear when advertising jobs whether the work will involve "regulated activity" as defined by the Safeguarding Vulnerable Groups Act 2006.

Before an applicant can be employed in a regulated activity, the Charity will require you to provide a satisfactory Enhanced Disclosure with a barred list check from the Disclosure and Barring Service to confirm your suitability to carry out regulated activity.

### Work that becomes a regulated activity

If your work either becomes a regulated activity or where you are asked to perform work that is a regulated activity, the Charity will require you to provide a satisfactory Enhanced Disclosure with a Barred List check from the Disclosure and Barring Service to confirm your suitability to carry out regulated activity

If you refuse to undertake this check, or if you appear on the Barred List, the Charity will investigate whether you can continue to be employed in activities that are not regulated activities, but the Charity reserves the right to dismiss you.

### If you are added to a barred list during the course of your employment

If you are added to a barred list during your current employment, the Charity will be legally obliged not to allow you to continue to engage in regulated activity. This may mean that the Charity cannot continue to employ you.

If the Charity receives notification that you have been barred, the Charity will investigate whether you can continue to be employed in activities that are not regulated activities, but in these circumstances the Charity reserves the right to dismiss you without notice.

### The Charity's duty to refer information

By law, the Charity has a duty to refer certain information to the Disclosure and Barring Service. This includes:

- if the Charity has dismissed an individual because he or she has harmed, or may harm, a vulnerable adult or child
- if an individual has resigned from employment with the Charity in circumstances where there is a suspicion that he or she has harmed, or may harm, a vulnerable adult or child (this will apply where an allegation has been made and the employee resigns before the Charity can take disciplinary action)
- if the Charity has suspended an individual and has reason to think the employee has engaged in "relevant conduct" or has harmed, or may harm, a vulnerable adult or child, or has received a caution or a conviction for, a relevant offence

### **Procedure**

You must remain vigilant at all times of the risk to children of abusive behaviour from different sources including members of their family, other children and employees.

If you believe that any children have been subjected to abuse, you should refer the circumstances to your manager (or another manager if appropriate) for full investigation.

If the alleged perpetrator of abuse is another employee, the circumstances will be investigated fully under the Charity's Disciplinary Procedure.

If necessary, the Charity will refer details of the circumstances to the Disclosure and Barring Service.

If, following full investigation of the circumstances, the Charity determines that the perpetrator should be dismissed, the perpetrator's details will be referred to the Disclosure and Barring Service.

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## Shared Parental Leave

### What this policy covers

This policy outlines the statutory right to take Shared Parental Leave (SPL) to care for a child following its birth or placement for adoption. It also outlines notification requirements before a period of SPL and entitlement to pay during SPL.

SPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 52 weeks' leave should they wish to do so. Parents taking SPL can take leave in separate blocks, returning to work in between blocks, and both parents can be on leave at the same time. Eligible employees are entitled to submit up to three 'period of leave' notices and are entitled to take SPL on those dates if a continuous period of leave is requested.

### Your entitlements

#### Qualifying for Shared Parental Leave

To be entitled to SPL you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (each will be referred to in this policy as a parent)
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- still be in continuous employment until the week before any SPL is taken.

In addition, the other parent must:

- have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week
- have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week

If the other parent meets those conditions, but does not qualify for SPL, you may be entitled to the whole SPL period.

You must also follow the statutory notification and information requirements detailed in this policy.

#### Amount and timing of Shared Parental Leave

SPL must be taken in weekly blocks and within a one year period beginning with the date of the baby's birth or the child's placement for adoption.

The maximum of 52 weeks' SPL will be reduced by the number of weeks' maternity or adoption leave that has already been taken by the mother or main adopter (or the number of weeks' Statutory Maternity/Adoption Pay or maternity allowance already taken if the mother or main adopter is not entitled to Statutory Maternity/Adoption Leave).

After the birth of a child it is compulsory for the mother to take two weeks' maternity leave (four weeks for new mothers who work in a factory), so in the majority of cases working parents will have the opportunity to split 50 weeks of SPL.

SPL is in addition to the statutory right to two weeks' paternity leave for fathers and partners. If you wish to take paternity leave you must do so before you take any SPL.

### Benefits during Shared Parental Leave

During SPL, you are entitled to receive all your normal contractual benefits, including annual holiday entitlement, with the exception of your normal pay.

### Shared Parental Pay

In addition to the requirements regarding entitlement to leave outlined above, if you wish to claim Shared Parental Pay (ShPP) you must have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week.

A maximum of 39 weeks' ShPP is payable, and this will be reduced by the number of weeks' Statutory Maternity/Adoption Pay or maternity allowance already taken by the mother or main adopter. ShPP is a standard weekly rate (or 90% of your normal weekly earnings if this is lower) which is set by government each tax year.

You must follow the statutory notification and information requirements detailed below.

### Holiday entitlement and Shared Parental Leave

Annual holiday entitlement will continue to accrue during the whole of your SPL. You must discuss and agree with the Charity, in advance, when your accrued holiday entitlement can be taken.

Holiday entitlement cannot be taken simultaneously with SPL. Accrued holiday can only be taken either before the beginning of the leave, after the end of the leave or in between blocks of leave. Authorisation must be obtained from the Charity in the normal way prior to your accrued holiday being taken.

### Contact during Shared Parental Leave

The Charity may make reasonable contact with you during your SPL. In addition, you may work for up to 20 days without bringing the SPL to an end, but work during SPL will not have the effect of extending your SPL period. These days are referred to as Shared Parental Leave In Touch (SPLIT) days. If you do work, you will be paid your normal rate of pay inclusive of any ShPP entitlement. You are under no obligation to work during SPL, and the Charity is under no obligation to offer work.

The 20 SPLIT days available during SPL are in addition to the 10 "Keeping in touch" days available during Maternity and Adoption Leave.

### **Procedure**

Employees and managers should where possible have an informal discussion prior to employees giving formal notification of intention to take SPL so that statutory entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.



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### Notice of entitlement and intention to take SPL and ShPP

You must notify the Charity in writing at least eight weeks before the start date of the first period of SPL. The written notice must contain the following information:

- your name and the other parent's name
- the start and end dates of the mother's or main adopter's maternity/adoption leave (or the start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave)
- the expected date of birth/placement and the actual date of birth/placement if the written notice is given after the birth/placement
- the amount of SPL and ShPP available and an indication of how much each parent intends to take (this may be varied by a subsequent written notice signed by both parents)
- an indication of the start and end dates of the periods of SPL and ShPP that you intend to take. This indication is not binding and can be amended at a later date
- a signed declaration that you meet the conditions for entitlement to SPL, that the information provided is accurate and that you will notify the Charity immediately if you cease to meet the conditions for entitlement
- a signed declaration from the other parent containing:
  - their name, address and National Insurance number
  - confirmation that they meet the employment and earnings conditions
  - confirmation that, at the time of the birth, they will share the main responsibility for the care of the child
  - their consent to the amount of leave the employee intends to take
  - confirmation that they will immediately inform you if they cease to satisfy the employment and earnings conditions

### Notice of curtailment of Statutory Maternity/Adoption Leave and payments

At the same time that a notice of entitlement and intention to take SPL is submitted, the mother/main adopter must give the Charity a leave and pay curtailment notice giving 8 weeks' notice of the date on which Maternity/Adoption Leave and Pay is to end (or the date on which Maternity/Adoption Pay is to end if they are not entitled to Maternity/Adoption Leave). If the mother is only entitled to maternity allowance (and not Maternity Leave) her notice of curtailment must be submitted to Jobcentre Plus. Her maternity allowance cannot be reinstated, so she is in effect giving consent for her partner to take the whole of any ShPP entitlement.

A notice of curtailment is usually binding, but may be revoked in the following circumstances:

- if it becomes apparent that neither parent is entitled to SPL or ShPP; or
- if the curtailment notice was given before the birth and is revoked up to six weeks following the birth (in this case another curtailment notice can be submitted); or
- if the other parent dies.

### Notice to take a specific period of SPL and ShPP

The first period of SPL may be identified in the initial notice of entitlement and intention to take SPL. You are entitled to submit a maximum of three formal periods of leave notices.

Each period of leave notice must be given at least eight weeks before the start of a period of leave, stating the dates of the leave and the dates on which ShPP will be claimed, if applicable.

If the first period of leave notice is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks'.

#### Confirmation of SPL & ShPP

If a continuous period of leave is requested in each period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing.

If more than one period of leave is requested in a period of leave notice, the Charity will seek to accommodate the request but this cannot be guaranteed. Your manager will discuss the request with you to determine if it can be accommodated. If it cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused. The Charity's decision will be confirmed in writing.

If no agreement is reached within 14 calendar days of the period of leave notice being submitted you can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date; or
- withdraw the request within 15 calendar days of the request being submitted. If the request is withdrawn in these circumstances it will not count as one of your three requests; or
- take the continuous block starting on a new date, as long as the new date is later than the original start date, and you notify the Charity of the new date within 19 calendar days.

#### Varying a period of leave

If you wish to vary your period of SPL, you are entitled to submit a request to:

- vary the start date as long as the variation is requested at least eight weeks before the original start date and the new start date; or
- vary or cancel the amount of leave requested at least eight weeks before the original start date; or
- request that a single period of leave becomes a discontinuous period of leave, or vice versa

A variation will count as one of your three periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- the Charity has requested the variation
- the Charity has agreed to accept more than three period of leave notices

The usual eight week notice requirement may be modified if your child is born early and the new start date for the period of leave is the same length of time following the birth as in the original notice. In this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child.

#### Evidence requirements

The Charity may request a copy of the child's birth certificate and the name and address of the other parent's employer.

In the case of adoption, the Charity may request the name and address of the other parent's employer, along with evidence confirming the following:

- the name and address of the adoption agency
- the date that the main adopter was notified of having been matched for adoption with the child
- the date on which the adoption agency expects to place the child

Any such request will be made by the Charity within 14 days of receiving your notice of entitlement and intention to take SPL and ShPP. You must respond to the request for evidence within 14 days (or within 14 days of the birth of the child if our request was made before the child was born).

If a birth certificate has not yet been issued, you must sign a declaration stating that fact along with the date and location of the child's birth. If the other parent has no employer, this must also be declared.

#### Returning from Shared Parental Leave

If you wish to return early from SPL, or extend the period of your SPL, you must notify the Charity at least 8 weeks before both the original end date and the new end date.

If you return to work immediately after a period of SPL which (together with any Statutory Maternity/Adoption Leave you may have taken to care for the same child) was 26 weeks or less, you will return to work in the same job that you left.

If you return to work from a period of SPL which (together with any Maternity/ Adoption Leave you may have taken to care for the same child) was more than 26 weeks you will normally be entitled to return to the job in which you were employed before your absence. If that is not reasonably practicable, you will be offered a similar role on no less favourable terms and conditions.

You will not lose the right to return to work if you do not follow the correct notification procedures. However, the Charity may take appropriate disciplinary action if you fail to return to work at the end of the SPL period.

In the event that you are unable to return to work at the end of the SPL due to ill health, the Charity's normal sickness absence rules, procedures and payments will apply.



## **Sick Pay**

### **What this policy covers**

This policy sets out your entitlement to sick pay and outlines the basic rules and qualifying criteria that apply to sick pay. The payment of sick pay is dependent on your adherence to the Charity's Absence Procedures, which can be found in this Employee Handbook.

### **Your entitlements**

#### Statutory Sick Pay

Regardless of your length of service, if you are absent from work because of sickness or injury, you will normally be entitled to receive Statutory Sick Pay (SSP) from the Charity at the prevailing rate. The payment of SSP is conditional upon you satisfying the following qualifying conditions:

- your period of absence consists of at least four consecutive days
- you earn at least the 'Lower Earnings Limit' for National Insurance Contributions (NIC), which is reviewed on an annual basis

The first three days of sickness absence are classed as waiting days, and SSP will not normally be paid.

Once you have met the necessary qualifying conditions and provided the required medical evidence that you are unfit for work, SSP will be paid for each subsequent work day that you remain absent due to sickness or injury. You will only be paid for those days on which you would normally work or are scheduled to work.

SSP is normally payable for a maximum of 28 weeks.

If your absence is as a result of an injury or illness caused by a third party, any Statutory Sick Pay paid is required to be repaid if any compensation for loss of earnings is recovered from the third party.

The provisions relating to SSP are extremely complex. If you have any questions about this policy, you should discuss these with your manager.

### **Procedure**

You must comply with the Charity's Absence Procedure, which is outlined in this Employee Handbook.



## **Social Networking Sites and Blogs**

### **What this policy covers**

This policy sets out the Charity's position on employees' use of social networking sites and blogs, whether conducted on Charity media and in work time or your own private media in your own time.

### **Your responsibilities**

Social networking sites and blogs offer a useful means of keeping in touch with friends and colleagues, and they can be used to exchange views and thoughts on shared interests, both personal and work-related.

The Charity does not object to you setting up personal accounts on social networking sites or blogs on the internet, in your own time and using your own computer systems. However, you must not do so on Charity media or in work time.

You must not link your personal social networking accounts or blogs to the Charity's website. Any such links require the Charity's prior consent.

You must not disclose Charity secrets, breach copyright, defame the Charity or its clients, suppliers, customers or employees, or disclose personal data or information about any individual that could breach the Data Protection Act 1998 on your blog or on your social networking site.

Social networking site posts or blogs should not be insulting or abusive to employees, suppliers, Charity contacts, clients or customers.

### **References to the Charity**

If reference is made to your employment or to the Charity, you should state to the reader that the views that you express are your views only and that they do not reflect the views of the Charity. You should include a notice such as the following:

'The views expressed on this website/blog are mine alone and do not reflect the views of my employer'

You should always be conscious of your duty as an employee to act in good faith and in the best interests of the Charity under UK law. The Charity will not tolerate criticisms posted in messages in the public domain or on blogs about the Charity or any other person connected to the Charity.

You must not bring the Charity into disrepute through the content of your website entries or your blogs.

Any misuse of social networking sites or blogs as mentioned above may be regarded as a disciplinary offence and may result in dismissal without notice.

You should be aware that any information contained in social networking sites may be used in evidence, if relevant, to any disciplinary proceedings.

### **Business Use of Social Media**

If your job duties require you to speak on behalf of the Charity in an online social media environment, you must still seek approval for such communication from your manager, who may require you to have training before you are permitted to participate in social media on behalf of the Charity.

Similarly, if you are invited to comment about the Charity for publication anywhere, including in any social media outlet, you should inform your manager and you must not respond without prior written approval.

If you disclose your affiliation with the Charity on your business profile or in any social media postings, you must state that your views do not represent those of your employer, unless you are authorised to speak on our behalf. You should also ensure that your profile and any content you post are consistent with the professional image you present to clients and colleagues.

### Third parties

You must not disclose any information that is confidential or proprietary to the Charity or to any third party that has disclosed information to the Charity.

This policy should be read in conjunction with the Charity's policies on Computers and Electronic Communications and Monitoring.

### Confidential Information and Intellectual Property

You must not post comments about sensitive business-related topics, such as the Charity's performance, or do anything to jeopardise trade secrets, confidential information and intellectual property. You must not include the Charity's branding, logos or other trademarks in any social media posting or in your profile on any social media platform.

You are not permitted to add business contacts made during the course of your employment to personal social networking accounts.

Details of business contacts made during the course of your employment are regarded as Charity confidential information, and are the property of the Charity. This includes information contained in databases such as address lists contained in Outlook, or business and contacts lists created and held on any electronic or social media format, including but not limited to LinkedIn and Facebook.

On termination of employment you must provide the Charity with a copy of all such information, surrender or delete all such information from your personal social networking accounts, and destroy any further copies of such information that you may have.

Updating your LinkedIn profile to refer to your new employer and setting up your account to ensure that your contacts receive notification of this will be regarded as an act of unlawful solicitation and/or an unlawful attempt to deal with customers, employees, and business contacts of the Charity and may result in civil proceedings being brought against you.

### Monitoring

The Charity reserves the right to monitor, intercept and review, without further notice, staff activities using our IT resources and communications systems, including but not limited to social media postings and activities, to ensure that our rules are being complied with and for legitimate business purposes and you consent to such monitoring by your use of such resources and systems.

### **Procedure**

Breaches of this policy will be dealt with under the Charity's Disciplinary Procedure. You should be aware that the Charity regards breach of any part of this policy as gross misconduct that may result in disciplinary action up to and including dismissal without notice.

If you become aware of information relating to the Charity posted on the internet, you should bring this to the attention of your manager.



## Time Off for Dependants

### What this policy covers

The purpose of this policy is to ensure that employees who are genuinely in need of unpaid time off in order to deal with an emergency are treated fairly and consistently while minimising the impact on the business.

You are entitled to take a reasonable amount of unpaid time off during working hours to deal with particular situations affecting your dependants. The amount of time off will depend on the nature of the incident and your individual circumstances.

This policy explains what is meant by dependant and in which circumstances unpaid time off can be granted and sets out the notification procedures.

### Your entitlements and responsibilities

#### Definition of dependant

A dependant is:

- a spouse
- a civil partner
- a child
- a parent
- a person who lives in the same household as you other than as your tenant, lodger, boarder or employee
- any person who would reasonably rely on you for assistance or who would rely on you to make arrangements for the provision of care in the event of illness or injury
- any other person who may rely on you for the provision of care or arrangements for the provision of care

#### What counts as time off

Reasonable time off will be granted in the following circumstances:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the care of a sick or injured dependant or to make arrangements to deal with an unexpected disruption to their care provision
- in consequence of the death of a dependant
- to deal with an unexpected incident involving your child during school hours or those of another educational establishment

The right is only to deal with emergencies and to put care arrangements in place - for example, arranging to employ a temporary carer or arranging for the dependant to stay with relatives. You would not be entitled to time off under this policy for the ongoing care of the dependant.

### Procedure

You must inform the Charity as soon as practicable of your unavailability for work, the reason for it and how long you expect to be away from work.

You do not have to do this in writing, but you will need to give the Charity sufficient information for it to be determined that your time off falls under the Time Off for Dependants provision.

You may be required to provide evidence to the Charity of your need to take time off under this provision.

If you fail to inform the Charity as soon as is reasonably practicable that you need time off, or if you abuse the rights under this provision, you may be subject to disciplinary proceedings, up to and including dismissal without notice.

# Training

## **What this policy covers**

The Charity recognises that all employees play a crucial role in ensuring the success of the business and is therefore committed to providing training and development to improve the skills and competence of all of its employees.

The Charity will provide you with appropriate training to develop the knowledge and skills necessary for you to perform your duties effectively. Wherever possible, the Charity will ensure you have every opportunity for career development.

This policy covers the different types of training and development you might expect and how the Charity may recover the costs of training from you in particular cases.

## **Your entitlements**

The types of training that the Charity provides falls into four broad categories: induction, occupational, internal and external.

### Induction training

As a new employee, you will be given a comprehensive introduction to the workplace, your colleagues, catering facilities, duties, health and safety and other procedures.

Your manager or supervisor will assess your training requirements and arrange for that training to be provided. As far as possible, the Charity will meet your training needs by a combination of occupational, internal and external training.

### Occupational training

Throughout your employment with the Charity, there may be a need to acquire new skills and these can be gained through occupational training delivered by colleagues.

### Internal training

Occasionally, the Charity may arrange for external training providers to deliver training courses in the workplace. This form of training might be triggered by the introduction of new equipment or working methods and will be arranged when the Charity feels the training cannot adequately be provided in-house.

### External training

External training may be provided in a variety of forms, ranging from short courses of a few hours' duration through to lengthy courses leading to the award of qualifications.

Where necessary, the Charity will arrange for you to undertake external training if this cannot be provided internally.

## **Procedure**

### Paying back your training costs

When you undertake external training courses with significant cost implications, you will be required, prior to commencing the course, to sign an agreement to repay all or a proportion of the costs of the course if you leave the Charity's employment within a certain time period. Full details will be set out in your training cost agreement.