
Report to Council

Date of Meeting: 28th September

Subject: Council Policy Papers: Disciplinary, Capability, Maximising Attendance and Recruitment & Selection Policies

Report by: Head of Resources and Governance

1.0 Purpose

- 1.1. This paper seeks Council approval of the revised disciplinary, capability, maximising attendance and recruitment and selection policies which have been developed by the management and trade union policy group.
- 1.2. These policies and associated procedures shall apply to all Council staff. In respect of teaching staff, under terms of the national framework such policies and procedures require to be agreed through Local Negotiating Committee for Teachers (LNCT). The EIS teaching representative has been fully involved with the policy group. The capability and disciplinary policies only will require to be formally approved through the LNCT before implementation.

2.0 Recommendations

- 2.1. Council is invited to agree to the revised staff disciplinary, capability, maximising attendance and recruitment and selection policies attached at Appendix 1,2, 3 and 4.

3.0 Considerations

- 3.1. In order to ensure collaborative and partnership working a policy group was created which comprised representatives from management and trade unions.
- 3.2. The policy group provides a forum to enable effective dialogue between management and trade union representatives on the modernisation of HR/OD policies and procedures within Clackmannanshire Council.
- 3.3. The overarching aim of the policy reviews is to ensure that all policies comply with current legislation and good practice. Additionally, the reviews will ensure that the Council's processes are clearly understood by all parties and are applied consistently, equitably and within reasonable timeframes.

- 3.4. The outputs of the policy group are statements of policy and principles in respect of discipline, capability, maximising attendance and recruitment and selection supported by clear procedures and guidance documents.
- 3.5. It should be noted that all four policies have been discussed at tripartite meetings in August and September and been agreed by management and Trade Unions.
- 3.6. A programme of briefings on the operation of the new policies and procedures will be put in place by HR.
- 3.7. The new policies will become effective from the date of formal approval by Council, and LNCT in respect of teaching staff.

4.0 Sustainability Implications

- 4.1. There are no sustainability implications arising from this report.

5.0 Resource Implications

5.1. *Financial Details*

- 5.2. There are no financial implications arising from the recommendations set out in the report.
- 5.3. Staffing
- 5.4. There are no implications of additional staff resource arising from the recommendations set out in this report.

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box)

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment
- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all

The Council is effective, efficient and recognised for excellence

X

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Disciplinary Policy
Capability Policy
Maximising Attendance Policy
Recruitment and Selection Policy

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

ACAS Guide Discipline and Grievance at Work
Unison model capability policy
ACAS Guidance Recruitment and Selection

Author(s)

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Chris Alliston	HR Service Manager	2184

Approved by

NAME	DESIGNATION	SIGNATURE
Stephen Coulter	Head of Resources and Governance	Signed: S Coulter
Nikki Bridle	Deputy Chief Executive	Signed: N Bridle



**Clackmannanshire
Council**

DISCIPLINARY POLICY

Date: September 2017

Version: Final

DISCIPLINARY POLICY

1.0 Introduction

- 1.1. The Council has a responsibility to set the standards for performance, attendance and conduct and reinforce these through rules which are incorporated into the Council's policies. Policies, rules and procedures inform employees of what is expected from them and help the management of issues to be applied in a consistent and fair manner.

- 1.2. The aims of the Disciplinary Policy are to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and or attendance and to encourage improvement where necessary.

- 1.3. Clear policies, rules and procedures will inform employees of what is expected from them and assist the organisation to operate effectively.

- 1.4. The policy sets out in detail the general standards expected from all employees, as well as highlight the support which may be available to improve an employee's conduct and or attendance, and the processes to be followed when dealing with failures to meet the required standards.

2.0 Policy Statement

- 2.1 The Disciplinary Policy and Procedure conforms to the SNCT Disciplinary Framework for Scottish Teachers and Associated Professionals, and Scottish Social Services Council (SSSC) codes of conduct, and complies with the ACAS Statutory Code of Practice on discipline and grievance.
- 2.2 The Council has a separate Capability Policy and Procedure for dealing with performance and health related issues.
- 2.3 The Council expects staff to be aware of and conduct themselves within the law, any code of practice, competence, or ethics associated with their profession or trade, any rules specifically relating to their professional responsibilities or activities and within generally accepted standards of social and moral behaviour.
- 2.4 The Council will assist employees, so far as practicable, in achieving acceptable standards by ensuring that all staff are aware of what is expected of them. The Council will ensure it brings to the attention of staff relevant policies and procedures, provide the necessary training as required to assist them in undertaking their work effectively and safely.
- 2.5 Problems involving minor misconduct and poor performance should be dealt with, at least in the early stages and where appropriate, through the use of informal advice, guidance and counselling between the member of staff and their line manager.
- 2.6 Apart from gross misconduct, no employee will be dismissed for the first breach of discipline.

3.0 Scope and Responsibility

- 3.1 All staff of Clackmannanshire Council have responsibility for ensuring that employees are aware of what is expected of them and for ensuring that the policy is implemented in a fair and consistent manner in all situations.

- 3.2 Representatives from HR are available to provide advice to managers at all stages of the disciplinary process. Where appropriate HR will seek employment law advice.
- 3.3 Trade Union representatives will provide their members with support as detailed in the Policy and will be afforded time off to do so in accordance with protocols agreed with management for facility time.
- 3.4 To ensure fairness and consistency, the disciplinary policy encompasses all employees employed by Clackmannanshire Council. Minor modifications will apply to Chief Executive, Chief Officers and Teachers. The principles will however remain the same.
- 3.5 All individuals involved in administering or managing the disciplinary process must ensure that they are aware of the disciplinary policy, understand what their roles and responsibilities are and follow the process set out in the disciplinary policy, procedures and the supporting checklists.
- 3.6 Employees shall not become the subject of disciplinary procedures solely as a result of being the subject of a criminal investigation, charged with or convicted of a criminal offence. Each case will be considered on an individual basis. Please refer to the procedures for further guidance.
- 3.7 No disciplinary action will be taken against an employee until the case has been thoroughly investigated and the employee has been given the opportunity to present their case at a disciplinary hearing , other than in exceptional circumstances or where there is an unambiguous admission of misconduct from the employee.
- 3.8 Employees have a right to be accompanied by a trade union representative or work colleague at every stage in the process.

3.9 Where allegations relate to a Trade Union Representative, discussion will take place with a Branch Secretary prior to disciplinary action being taken. This will not delay the instigation of a disciplinary investigation or appropriate action being taken.

4.0 Monitoring and Review

4.1 Both HR and Trade Union Representatives shall monitor the effectiveness of the procedure on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions.

Equality Impact Assessment

Policy Name	Disciplinary Policy
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Full EQIA complete	N/A
Date Approved	
Review Date	



**Clackmannanshire
Council**

CAPABILITY POLICY

SUPPORTING PEOPLE TO WORK

Date: September 2017

Version: Final

CAPABILITY POLICY

1.0 Policy Statement

- 1.1 The Council is committed to developing and assisting employees to reach their performance and attendance potential thereby enhancing the services it provides to the residents of Clackmannanshire. To this end the Council will ensure that standards are established, performance and attendance levels monitored and employees given training and support to meet such standards.
- 1.2 Equally all employees will have a responsibility to achieve and maintain a satisfactory standard of performance and attendance to carry out the required duties to the standard required.
- 1.3 All employees will be made aware of the performance and attendance standards that they are expected to deliver through a number of mechanisms including the job description, PRD meetings and employee/line manager meetings.

2.0 Scope

- 2.1 This policy applies to all employees of Clackmannanshire Council in relation to the management of capability whether performance or health related.
- 2.2 Where a capability matter is raised in relation to Teachers Performance, managers should instead follow the GTCS Framework on Teacher Competence.

2.3 Where unsatisfactory performance results from undue attention or neglect by employees, or failure to follow reasonable instructions, managers may consider the case as one of unsatisfactory conduct under the Disciplinary Policy

3.0 Principles of the Policy

3.1 Ensure that all employees are treated in a fair, consistent and understanding manner in relation to capability issues.

3.2 Ensure employees understand their roles and responsibilities and are aware of the standards expected of them.

3.3 Assist employees to improve their performance and reach an acceptable standard where possible through support and training.

3.4 Support managers in carrying out their responsibilities for the maintenance of high standards of work performance by all employees.

3.5 Provide a fair and consistent procedure for dealing with capability problems.

4.0 Representation

4.1 Employees have the right to be represented by a Trade Union representative or work colleague at any meetings held under Capability.

5.0 Monitoring & Review

5.1 Both Senior Management and Trade Union Representatives shall monitor the effectiveness of this policy on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

Equality Impact Assessment

Policy Name	CAPABILITY POLICY
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input checked="" type="checkbox"/> No* <input type="checkbox"/>
Date Full EQAI complete	
Date Approved	
Review Date	



MAXIMISING ATTENDANCE POLICY

Date: September 2017

Version: Final

MAXIMISING ATTENDANCE

1. Introduction

1.1. Clackmannanshire Council values all its employees and is committed to providing support and assistance to staff in the management of ill health and incapacity.

1.2. The Council recognises the importance of maintaining the health and well being of employees and undertakes to provide systems of management, which actively promote and encourage mental and physical well being at work.

1.3. The Council acknowledges that the causes of absence are often far broader than simple ill health, the Maximising Attendance and Employee Wellbeing Procedures will reflect the need for an holistic approach to absence management.

1.4. High levels of attendance contribute positively to the provision of quality services. Absence is costly, it affects service provision, efficiency and can impact on morale and motivation amongst other staff. Employees are contracted and paid to come to work therefore regular attendance from all employees is the expected norm. It is critical for the effective and efficient operation of the Council's services.

1.5. The Council, in conjunction with the Trade Unions, is committed to implementing a fair and consistent means of monitoring absence, to ensure that Managers are aware of when they should and how they can properly support staff to maintain or improve attendance. Managers need to be responsive to the needs of employees by identifying health or other problems at an early stage.

- 1.6. The Council undertakes to ensure that employees are aware of their responsibilities under the Maximising Attendance Policy and Procedure.
- 1.7. The Council is aware of the implications of and its responsibilities under the Equality Act 2010 (as amended) and will fully comply with them.

2. Scope

- 2.1. This policy applies to all Council employees and addresses both short and long term sickness absence.

3. Principles

- 3.1. This policy, and the associated procedures prepared for managers and employees, provide clarity about how we intend to support staff to maintain wellbeing and maximise their attendance. In pursuing these aims we will always ensure that the following general principles are followed:

- 3.2. The Council will:

- actively promote the health, wellbeing and safety of our employees
- support employees, wherever practicable, in remaining in the workplace
- ensure that every individual is treated fairly
- communicate clear expectations with regard to attendance and support employees to achieve them

- 3.3. Managers will adopt a supportive and constructive approach to managing attendance issues, taking account of individual circumstances.

- 3.4. Every effort will be made to ensure that attendance issues are dealt with promptly, confidentially, consistently and effectively, demonstrating clear outcomes at all stages.

- 3.5. Every member of staff will know and understand that regular attendance at work is of vital importance and that attendance procedures must be adhered to.

3.6. Advice and guidance will be provided by the Council's Occupational Health Provider where it is deemed appropriate

3.7. In cases of long term sickness absence the Council may have to consider termination of employment in line with its Capability Policy.

3.8. Personal medical information will be handled in line with data protection legislation.

4. Monitoring and Review

4.1. Both Senior Management and Trade Union Representatives shall monitor the effectiveness of this policy on a ongoing basis. Amendments will be made as and when deemed necessary and after consultation with recognised trade unions.

Policy Name	Maximising Attendance
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input type="checkbox"/>
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Full EQIA complete	N/A
Date Approved	
Review Date	



Clackmannanshire
Council

RECRUITMENT AND SELECTION POLICY

Date: September 2017

Version: Final

RECRUITMENT AND SELECTION POLICY

1.0 Introduction

- 1.1 Successful recruitment depends upon attracting applicants with appropriate levels of skill and qualifications, who will identify with the goals and values of the Council, and see themselves as making a positive contribution towards them.
- 1.2 The Council's recruitment and selection process must attract sufficient suitable applicants in a cost effective way, while ensuring potential applicants are not discriminated against.
- 1.3 Under the Data Protection Act 1998, an individual has the right to request access to any personal information held about them in a manual or computer-based file. Thus a job applicant (whether successful or unsuccessful) may submit a request to the Council for access to interview notes, references, etc.
- 1.4 Where an applicant wishes to raise a complaint regarding the recruitment and selection process within Clackmannanshire Council, they should be issued with the Recruitment and Selection Complaints Procedure.
- 1.5 The Council is committed to ensuring that all employees involved in the recruitment and selection process are appropriately trained in order that the objectives of the policy are met, and as such no employee should be a member of a recruitment and selection panel without having undergone appropriate training.

2.0 Policy Statement

- 2.1 Clackmannanshire Council is committed to providing a quality service whilst safeguarding and promoting the welfare of vulnerable people. The Council therefore recognises that effective recruitment, selection and retention of high calibre employees are central to this process.
- 2.2 The Council is committed to applying its Equal Opportunities Statement at all stages of the recruitment and selection process. Shortlisting, interviewing and selection will always be carried out without regard to age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, marital or civil partnership status, political opinion or trade union membership.
- 2.3 Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of their disability.
- 2.4 All disabled applicants and candidates who have previously been in the care of Clackmannanshire Council who meet the essential requirements of the job as set out in the job description and person specification will be guaranteed an interview.

3.0 Scope and Responsibility

- 3.1 This policy applies to all potential and existing employees and those individuals employed to deliver services on behalf of Clackmannanshire Council either directly or indirectly.
- 3.2 Those individuals involved in the recruitment, selection and employment of employees, agency workers or consultants, have a responsibility to ensure that they adhere to all of the procedures which support this policy.

4.0 Monitoring and Review

- 4.1 Both HR and Trade Union Representatives shall monitor the effectiveness of the procedure on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions.

Equality Impact Assessment

Policy Name	Recruitment and Selection Policy
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input type="checkbox"/> No* <input checked="" type="checkbox"/>
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