
Report to Partnership and Performance Committee

Date of Meeting: 29th August 2019

Subject: HR Policies

Report by: Strategic Director Partnership & Performance

1.0 Purpose

1.1. This paper seeks Committee approval of the undernoted policies:

1.1.1. Disclosure Scotland Referral Policy

1.1.2. Career Break Policy

2.0 Recommendations

Committee are asked to:

2.1. The Committee is asked to agree the attached Human Resources policies and procedures, subject to Council approval.

3.0 Considerations

3.1. HR Services continues, as part of its rolling programme, to review and update the Council's policies and procedures related to HR, H&S, OD and Payroll.

3.2. Full consultation has taken place with our Trade Union colleagues, as part of the policy group, in the formation of these policies. Tripartite also considered the policies and procedures when it met on June 2019.

3.4 The Disclosure Scotland Referral Policy has been developed to ensure that managers clearly understand what is required of them regarding referrals to Disclosure Scotland. It should be noted the council has a legal obligation to report employees to Disclosure Scotland where there has been harm or inappropriate behaviour to a child or protected adult.

3.5 The policy on Careers Breaks has been revised to ensure that it remains fit for purpose and that the guidance it provides is clear for managers and employees.

4 Sustainability Implications

4.1 There are no sustainability implications arising from this report.

5 Resource Implications

Financial Details

5.1 There are no financial implications arising from the recommendations set out in the report

Staffing

5.2 There are no implications of additional staff resource arising from the recommendations set out in this report.

6 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)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(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".

Appendix 1 Disclosure Scotland Referral Policy

Appendix 2: Disclosure Scotland Referral Procedure

Appendix 3: Career Break Policy

Appendix 4: Career Break Procedure

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

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Strategic Director Partnership & Performance	



Appendix 1

Disclosure Scotland Referral Policy

2019



DOCUMENT CONTROL SHEET:

Key Information:

Title:	Disclosure Scotland Referral Policy
Date Issued:	January 2019
Date Effective From:	Date approved by P&P Committee
Version Number:	1.0
Document Type:	Policy draft
Document Status:	Draft
Author:	Kimberley Dickson
Owner:	HR Department
Approver:	Council
Approved by and Date:	
Contact:	HR Department

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
1.0	January 2019	Draft	KD	N/A

DISCLOSURE SCOTLAND REFERRAL POLICY

1. Introduction

1.1. The policy sets out Clackmannanshire Council's approach to referring individuals in a regulated work role to Disclosure Scotland where they have demonstrated the unacceptable behaviour detailed in the procedure.

2. Policy Statement

- 2.1. Clackmannanshire Council has a legal obligation to report employees to Disclosure Scotland where there has been harm or inappropriate behaviour to a child or protected adult.
- 2.2. This policy applies to all members of staff and must be adhered to at all times. Failure to do so may result in a fine or imprisonment.

3. Scope and Responsibility

- 3.1. This policy applies to all employees of Clackmannanshire Council undertaking regulated work.
- 3.2. Human Resources will be responsible for sending referrals to Disclosure Scotland. This will happen once the employee has satisfied the referral grounds identified in the procedure.

4. Monitoring and Review

- 4.1. HR will monitor the effectiveness of the policy on an ongoing basis. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions.

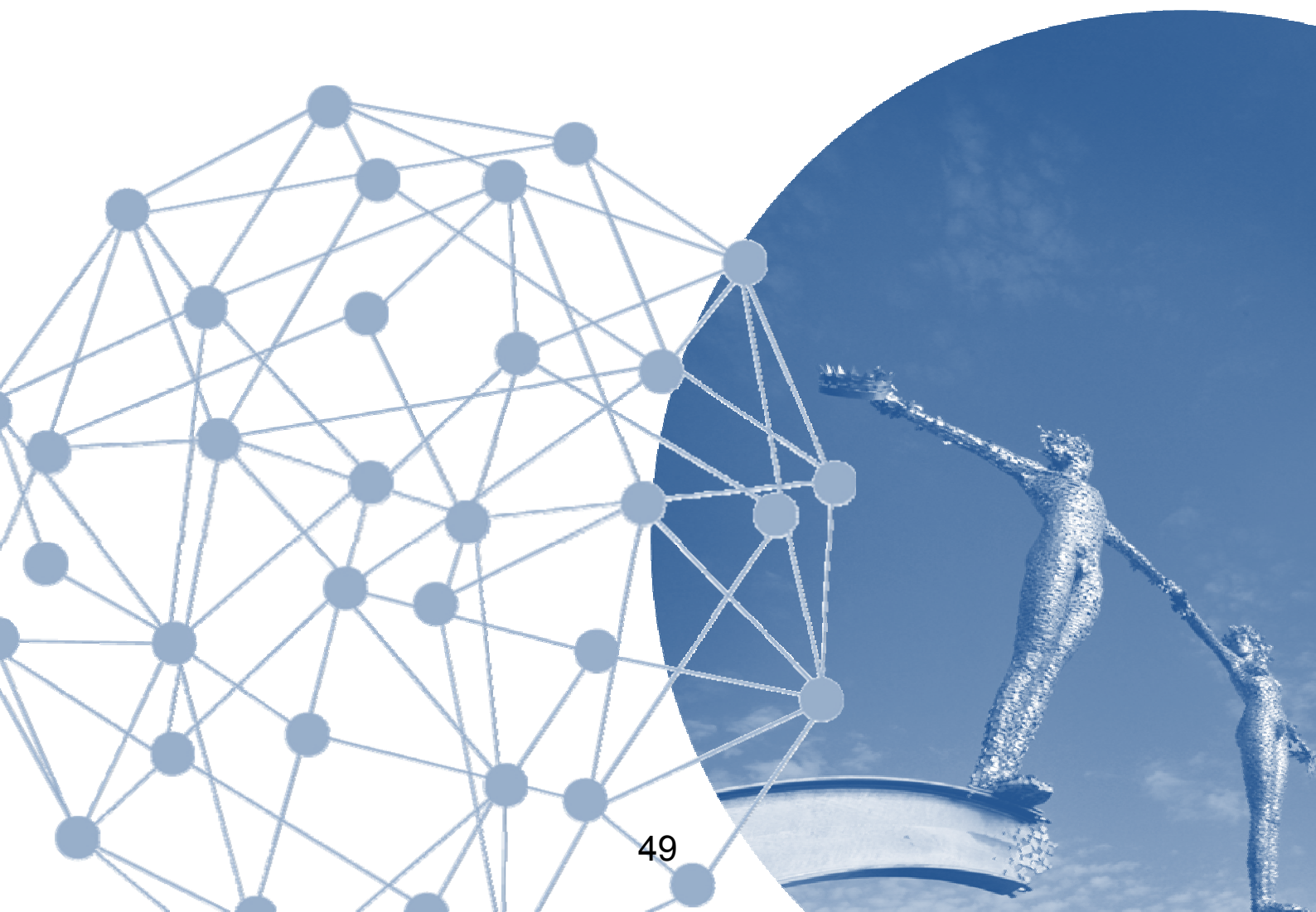
5. Equality Impact Assessment

Policy Name	Disclosure Scotland Referral Policy
Department	Human Resources
Policy Lead	Kimberley Dickson
Equality Impact Assessment	
Stage 1 EQIA completed	Yes
Stage 2 EQIA completed	No
Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the protected characteristics.	
Date Approved	
Review Date	



Appendix 2

**Disclosure Scotland Referral
Procedure**
2019



DOCUMENT CONTROL SHEET:

Key Information:

Title:	Disclosure Scotland Referral Procedure
Date Issued:	January 2019
Date Effective From:	Date approved by P&P Committee
Version Number:	1.0
Document Type:	Procedure draft
Document Status:	Draft
Author:	Kimberley Dickson
Owner:	HR Department
Approver:	Council
Approved by and Date:	
Contact:	HR Department

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
1.0	January 2019	Draft	K.D	N/A

1. Introduction

1.1 As a provider of regulated work Clackmannanshire Council are legally obliged in certain circumstances to submit referrals on individuals to Disclosure Scotland. This obligation exists irrespective of involvement of other agencies – e.g Police, regulatory bodies

2. Types of Conduct

2.1 The obligation to refer arises when an individual in a regulated work role (i.e a position that is eligible for a PVG check) is responsible for one of the following:

- Harming a child or protected adult
- Placing a child or protected adult at risk of harm
- Inappropriate behaviour involving pornography
- Inappropriate behaviour of a sexual nature involving a child or protected adult
- Giving inappropriate medical treatment to a child or protected adult

In relation to the above, harm can include

- Physical harm (including assault or inappropriate restraints)
- Psychological/emotional harm (eg. placing a child/protected adult in a state of fear, alarm or emotional distress)
- Damage to property, rights or interests, such as theft, fraud, embezzlement or extortion
- Attempts to harm
- Trying to make others cause harm
- Encouraging someone to self harm

2.2 Placing at risk of harm is a wide ranging category but may include behaviour or incompetence that may cause someone to be harmed (even if unintentional and/or where harm does not actually occur).

2.3 The conduct does not need to have happened in the workplace but must be something the Council becomes aware of that subsequently leads to the below action or equivalent.

3. When to refer to Disclosure Scotland

3.1 A referral to Disclosure Scotland outlining the conduct need only be done if the behaviour led to the staff member or the volunteer involved:

- Being dismissed as a result and following conclusion of the appeal period
Would have been dismissed but left before they could be
- Permanently removed from regulated work

3.2 The referral must be made within three months of the date of decision of the Council to either dismiss/permanently remove the individual from regulated work or the date that the individual would have been permanently removed had they not otherwise or already left.

3.3 The three month period to submit referrals to Disclosure Scotland is a statutory requirement, irrespective of any associated dismissal appeals or appeal periods etc. Even where an individual appeals against a decision to permanently remove from regulated work, the three month period begins on the date of the decision to either dismiss or permanently remove from regulated work.

3.4 Where an individual leaves their post before an investigation or disciplinary hearing can be completed, the Council should complete the process where possible. The ex-employee should still be allowed an opportunity to represent themselves during the proceedings however if they fail to engage in the process it should be completed in their absence.

3.5 The type of conduct committed by the individual must be in relation to the group that the individual is in regulated work with, whether that regulated work is for Clackmannanshire Council or another organisation – for example, If an individual is permanently removed from post due to assaulting a child, they are only in regulated work with protected adults; it is not possible under current legislation for the Council to refer that individual to Disclosure Scotland.

3.6 Failure to make a referral to Disclosure Scotland is a criminal offence and is punishable by fine or imprisonment.

4. How to refer an individual to Disclosure Scotland

4.1 A referral should be made by the line manager following advice from HR. The referral should be made using the form available on the Disclosure Scotland website. The line manager will need to provide information on the individual's identity, the type of regulated work the individual is involved in for the Council, PVG scheme number, information on the harmful behaviour and details (with documentation) relevant to the investigation carried out by the Council and the outcome.

4.2 The referral should not identify any children or protected adults by name and should use a coded reference (e.g child A, aged 12).

4.3 The completed referral form and relevant documentation can be submitted via email to pucorrespondence@disclosurescotland.gsi.gov.uk or can be printed out and posted to the address provided in the form.

5. Contacts

5.1 The Protection Unit or Customer Engagement Team at Disclosure Scotland are available to provide advice on whether a specific situation means a referral must be submitted to Disclosure Scotland. They can be contacted on 0300 020 0040. However advice should be sought from your HR Business Partner in the first instance.

6. Processing of Personal Data

6.1 The Council processes personal data collected as part of this procedure in accordance with its data protection policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

7. Monitoring and Review

7.1 Senior Management and HR shall monitor the effectiveness of these procedures on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

8. Equality Impact Assessment

Policy Name	Disclosure Scotland Referral Procedure
Department	Human Resources
Policy Lead	Kimberley Dickson
Equality Impact Assessment	
Stage 1 EQIA completed	Yes
Stage 2 EQIA completed	No
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 Approved	
Review Date	



Appendix 3

Career Break Policy
2019



DOCUMENT CONTROL SHEET:

Key Information:

Title:	Career Break Policy
Date Issued:	May 2019
Date Effective From:	Date approved by P&P Committee
Version Number:	2.0
Document Type:	Policy Draft
Document Status:	Draft
Author:	Carole Docherty
Owner:	HR Department
Approver:	Council
Approved by and Date:	
Contact:	HR Department

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
1.0	September 2009	Career Break Scheme		N/A
2.0	May 2019	Reviewed and reformatted	CD	

1. POLICY STATEMENT

Clackmannanshire Council is committed to providing employees with a range of flexible working arrangements to support them in maintaining an appropriate work/life balance. The Career Break Scheme is one of the options available within the Council's suite of flexible working arrangements.

A career break is a useful option for some employees to take a significant amount of time away from work, while maintaining contact with the Council and having the assurance of a job to return to.

A career break provides the opportunity to take an unpaid period of time away from work, doing something that is important to the employee, for example caring for dependants, pursuing further education or travelling. This type of break allows an employee to retain their career with the Council and balance other commitments or fulfilling their personal aspirations.

By allowing career breaks the Council retains experienced members of staff who may otherwise permanently leave the organisation and demonstrably shows that staff are valued.

Employees generally return from career breaks refreshed and ready for the challenge of the work place.

Unlike other options included in the flexible working suite, a career break severs the contract of employment with the Council. While the employee will return to the Council at the end of the agreed break, it will have an impact on their employment rights and benefits both during and after the break. Consequently the employee should find out what the implications of taking a career break could have on their pension and other benefits and give careful consideration to the potential impact this could have.

2. SCOPE OF THE POLICY

This policy applies to all Single Status employees. Teaching and Associated Professionals on SNCT terms and conditions of employment should refer to the SNCT Handbook for guidance if they wish to apply for a career break

(http://www.snct.org.uk/wiki/index.php?title=Appendix_2.15)

An employee can apply for a career break if they have worked with the Council continuously, in any capacity, for 2 years or more.

The manager will try to accommodate a request for a career break wherever possible. Approval will be contingent on a suitable temporary replacement being appointed or alternative arrangements, which mitigate any adverse impact on service delivery, being agreed.

It may be more difficult to approve a career break request from a senior officer or if the post is particularly specialist and the potential impact on the Council is significant.

Before approving a career break the manager will be expected to consider the following general principles:

A career break will not be approved if the long term absence of the employee would result in an adverse impact on the Council.

Other options under the flexible working suite should be explored before considering a career break.

Career breaks should not be approved where the primary purpose is to take up alternative employment or pursue business interests. In exceptional circumstances other employment during a career break may be approved following consultation with the Council.

Having taken these points into account a request will not be refused unreasonably.

3. MONITORING AND REVIEW

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.

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EQUALITY IMPACT ASSESSMENT

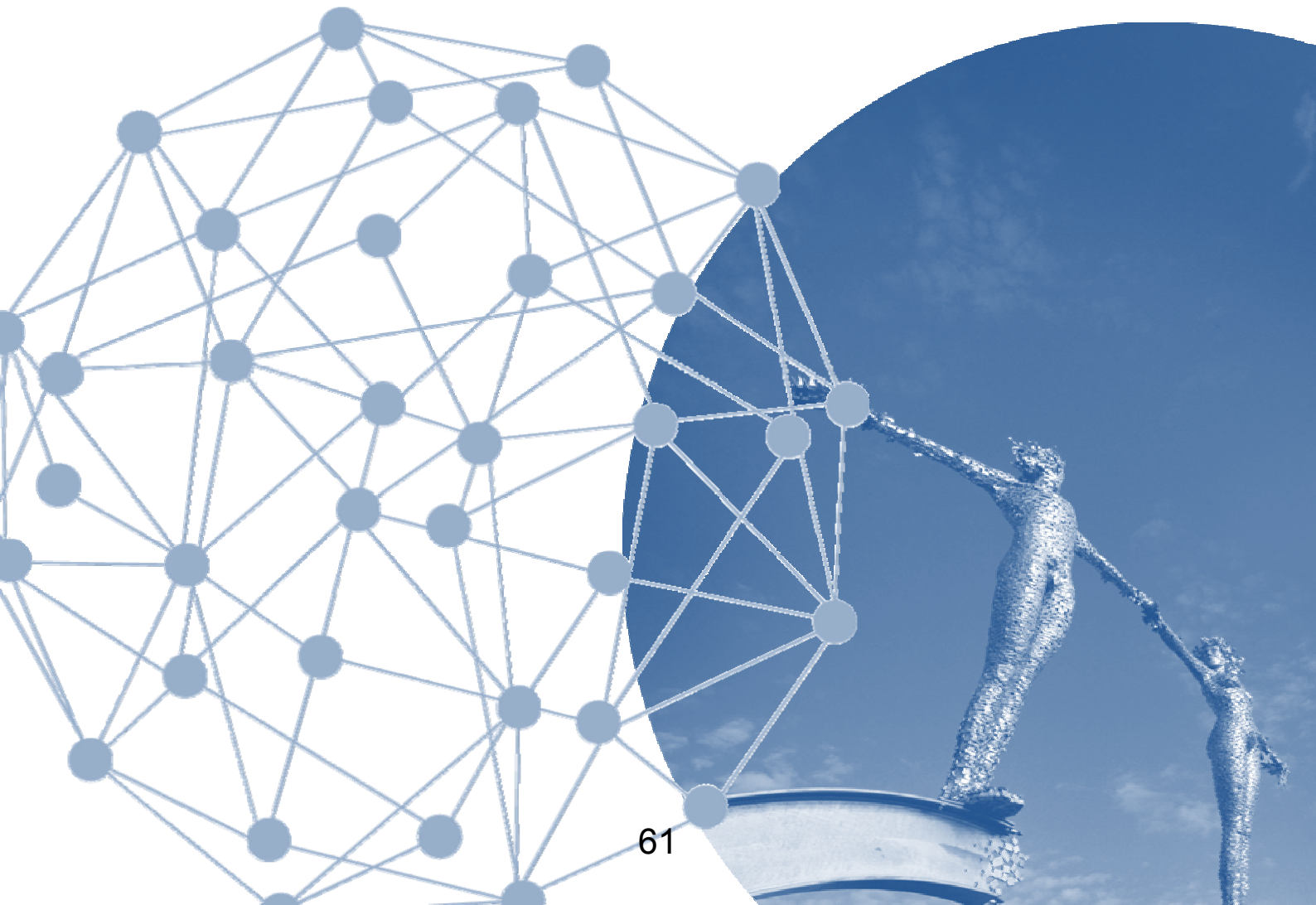
Policy Name	Career Break Policy
Department	Human Resources
Policy Lead	Carole Docherty
Equality Impact Assessment	
Stage 1 EQIA completed	Yes
Stage 2 EQIA completed	No
Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics.	
Date Approved	
Review Date	



Appendix 4

Career Break Scheme Procedure

2019



DOCUMENT CONTROL SHEET:

Key Information:

Title:	Career Break Scheme Procedure
Date Issued:	May 2019
Date Effective From:	Date approved by P&P Committee
Version Number:	2.0
Document Type:	Procedure Draft
Document Status:	Draft
Author:	Carole Docherty
Owner:	HR Department
Approver:	Council
Approved by and Date:	
Contact:	Carole Docherty x2182

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
1.0	September 2009	Career Break Scheme	CD	N/A
2.0	May 2019	Revision of existing Career Break Scheme	CD	

1. INTRODUCTION

- 1.1 This procedure should be read in conjunction with the Council's Career Break Scheme Policy.

2. PURPOSE

- 2.1 To provide guidance on the required actions and responsibilities of the Council, line managers and employees in regard to a Career Break application.
- 2.2 To set out the procedural steps necessary for an employee's application for a career break to be considered.
- 2.3 This procedure applies to all Single Status staff employed with Clackmannanshire Council. Teaching and Associated Professionals on SNCT terms and conditions of employment should refer to the SNCT Handbook for guidance if they wish to apply for a career break (http://www.snct.org.uk/wiki/index.php?title=Appendix_2.15)

3. ELIGIBILITY

- 3.1 You can apply for a career break if you have worked with the Council continuously, in any capacity, for 2 years or more.
- 3.2 Your manager will try to accommodate your request for a career break wherever possible. Approval will be contingent on a suitable temporary replacement being appointed or alternative arrangements, which mitigate any adverse impact on service delivery, being agreed.
- 3.3 You should be aware that it may be more difficult to approve such requests if you are a senior officer or if the post is particularly specialist and the potential impact on the Council is significant.

4. HOW THE SCHEME WORKS

4.1 Applications

You must apply to your manager at least 3 months in advance of any proposed break, using the pro-forma attached at Appendix 1, to advise:

- When you propose to start a career break
- The proposed duration
- The primary purpose of your career break

Allowing a member of staff to take a protracted career break can have a major impact on a service or in some cases the Council as a whole. Consequently your application must be considered and supported by your line manager before seeking approval from your Strategic Director.

4.2 Breaks

You can apply for a maximum of 2 career breaks during your employment with Clackmannanshire Council. Your length of service at the time of each application must be equal to or greater than the proposed break. There must also be a minimum gap of 2 years between returning from a career break and a subsequent application.

Career breaks are not intended for the purpose of taking up alternative employment or to pursue business interests.

4.3 Duration

The minimum period you may take for a career break is 6 months and the maximum period is 3 years.

4.4 Impact on Pay and Benefits

While you are on a career break you will not:

- Receive your salary.
- Receive any incremental increase during the period of the career break (you will however receive any cost of living increases).
- Accrue annual leave (this will be pro-rated to any part year you work).

4.5 Impact on Your Pension and Other Employment Benefits

A career break will have an impact on your entitlement to some benefits and on your pension. You must consider this option carefully and take appropriate advice before making an application.

For general guidance, some practical issues you will wish to consider include:

- Your break does not count towards reckonable service for pension purposes.
- You will not be entitled to sick pay if you become ill during the break. On returning from a career break your entitlement to sick pay will also be affected and you will have to re-qualify for payment (unless the break was for maternity reasons - see 5.9).
- Your annual leave entitlement will return to the basic entry level and you will have to re-qualify for additional leave based on service (unless the break was for maternity reasons - see 5.9).
- You will have a gap in National Insurance Contributions which may have an impact on your entitlement to state pension (you may be able to repay contributions) and other state benefits.
- In the event of a redundancy situation, your career break will impact on the payment you would be entitled to receive.

- During your career break you will not be eligible for in service death benefits.
- Should you move to another Council, they may not recognise the period of service prior to your career break as continuous.

It is solely your responsibility to find out what the implications of taking a career break could be on your pension and other benefits. Your manager or Human Resources can assist by directing you to agencies that can provide further guidance.

4.6 Continuous Professional Development

While you are on a career break it is your responsibility to update your skills, knowledge, maintain continuous professional development (CPD) and meet the membership requirements of your institute, where applicable.

Your manager may invite you to development events organised by the Council for CPD purposes. Your attendance is purely voluntary, in the capacity of a guest and consequently unpaid.

4.7 Applying to Return Early

You and your manager should agree a start and end date for your career break at the outset. If for any reason you wish to end your career break early then you must provide as much notice as possible, the minimum period being:

Career Break	Notice period
Less than 12 months	10 weeks notice
12 - 23 months	16 weeks notice
24 months plus	26 weeks notice

4.8 Returning to Work

You must confirm your intention to return from a career break, in writing, 3 months before the agreed return date. This provides your manager and Human Resources with an opportunity to find a suitable post for you, if the job you left is no longer available.

If you fail to give the required minimum notice of your return date, this will be treated as ending your career break agreement and therefore your right to return to work. The Council will take this as notice that you do not intend to return and terminate your association with the Council on the last day of the career break.

If your career break is for 1 year or less then you should usually be able to return to the post you left. If your career break is longer than a year, then this will not always be possible.

During your career break, particularly if this is for a lengthy period of time, job roles, grading and departmental structures can change. While we will always try to place you back into the job role and department you left, you should be aware that the Council cannot guarantee this; you may need to be flexible.

We will try to place you in a post at the grade you left (or the nearest equivalent, if grading structures have changed). If there is no obvious post for you to return to, we would invoke the Council's redeployment procedures. You will be offered up to a maximum of three alternative vacancies which the Council considers suitable. These job offers will be at, or as close as possible to, the substantive grade you left when your career break started.

You may need to attend job interviews for these alternative roles or work in another grade until a suitable post becomes available. Your salary would be preserved for the period described in the severance and redeployment policy.

If you reject the three permanent job offers made then the Council has no further obligation to you.

4.9 Maternity and Career Breaks

Employees who become pregnant during a career break may not be entitled to Occupational Maternity Pay.

If you take a career break after a period of maternity leave (and have been paid Occupational Maternity Pay), you need to return to work for a minimum period of 3 months after the break. If you do not, you may need to repay some of the money.

If you return to the Council following a break for maternity, your previous service will be taken into account for the sickness scheme provided that the break in service:

- Does not exceed 8 years
- You have undertaken no paid employment during the break

For annual leave purposes the 8 year limit does not apply provided that no paid employment has intervened.

The current position is outlined in Section 12.2 of the National Agreement on Pay and Conditions of Service.

It is solely your responsibility to find out what the implications of taking a career break could be on your pension and other benefits.

4.10 Letting us Know about Changes

If the primary reason you gave in your application for undertaking the career break changes during the break, you must inform your line manager immediately in writing. He or she may need to consider if it is appropriate for the career break to continue in the changed circumstances.

You should also let your manager know if you change address so that we can keep in touch. Your line manager will ensure that relevant information relating to the Council and your work is passed to you at your home address.

5. RESOLVING PROBLEMS AND DISAGREEMENTS

- 5.1 Your manager is expected to act in a fair and reasonable manner when considering your application and when making arrangements for your return to work. If your application is refused or if you feel that you have not been treated fairly, you should approach your manager to discuss the difficulty.
- 5.2 In most cases problems can be resolved locally, you can however use the Council's grievance policy if, after having received an explanation, you are still dissatisfied with the decision.
- 5.3 Human Resources or your Trade Union representative can provide further advice and information.

6. LEAVING THE COUNCIL

- 6.1 If during a career break you decide that you do not intend to return to the Council, you should provide written notice in the normal way.

7. PROCESSING OF PERSONAL DATA

7.1 The Council processes personal data collected as part of this procedure in accordance with its data protection procedure. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

8. MONITORING AND REVIEW

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

DRAFT

8. EQUALITY IMPACT ASSESSMENT

Policy Name	Career Break Procedure
Department	Human Resources
Policy Lead	Carole Docherty
Equality Impact Assessment	
Stage 1 EQIA completed	Yes
Stage 2 EQIA completed	No
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 Approved	
Review Date	

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