

**FALKIRK COUNCIL**

**Subject: REFERRAL FROM JOINT CONSULTATIVE COMMITTEE**  
**Meeting: EXECUTIVE**  
**Date: 30<sup>TH</sup> SEPTEMBER 2014**  
**Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to seek approval of the policies which were referred to the Executive, by the Joint Consultative Committee on 12<sup>th</sup> August 2014.

**2. POLICIES FOR APPROVAL**

- 2.1 At its meeting on 12<sup>th</sup> August 2014, the Joint Consultative Committee agreed to refer the following to the Executive for approval.

**2.2 Severance Policy**

Council previously asked officers to review and negotiate a revised Severance Policy with the aim of reducing associated costs, in order to increase the number of employees that could be released. The policy has now been updated accordingly. The report also highlights good practice that has been identified within the Accounts Commission's "Managing Early Departures from the Scottish Public Sector" report and how Falkirk Council's policy relates to these measures of good practice.

**2.3 Acting Up and Secondments Policy**

A specific Acting Up and Secondments Policy has been developed to provide a clear definition of these arrangements and guidance for the management of internal and external secondments and acting up arrangements.

**2.4 Recruitment & Selection Policy**

The Policy has been reviewed to take into account changes following the implementation of Baseline Personal Security Standards (BPSS) checks. BPSS are the minimum standards required to ensure the identity and integrity of an employee with access to official information/systems. In addition, the policy has also been updated to confirm that employees are now responsible for the cost of any fees related to PVG Membership or Disclosure checks and provide details of the new online process for pre-employment health questionnaires which is due to be implemented shortly.

- 2.5 Given the size of the Recruitment & Selection Policy, only appendices that have changed have been attached for approval.

**2.6 Short-Term Supply/Fixed Term Employment Policy for Teachers**

The Scottish Negotiating Committee for Teachers (SNCT) recently agreed changes to the arrangements for engaging short-term supply teachers. These changes came into effect from 1<sup>st</sup> April 2014. The Short-Term Supply/Fixed Term Employment for Teachers Policy has been revised to take account of the changes.

2.7 **Smoking Policy**

The Smoking Policy now includes reference to electronic cigarettes, specifically all references to “Cigarettes” has been amended to state “Regular cigarettes, electronic cigarettes, vapour cigarettes or any other substances smoked or inhaled.

3. **RECOMMENDATION**

- 3.1 It is recommended that the Executive approves the immediate implementation of the policies as noted in section 2 above.

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**DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

Author: T Gillespie, ext 6239, K Algie, ext 6223  
Date: 01/09/14

**BACKGROUND PAPERS**

## **FALKIRK COUNCIL**

**Subject: SEVERANCE POLICY**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 12<sup>TH</sup> AUGUST 2014**  
**Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

### **1. INTRODUCTION**

- 1.1 The Severance Policy covers all employees of the Council who cease employment where:
- on the grounds of business efficiency, it is in the interest of the Council that an employee should leave the Council's employment; or
  - an employee is dismissed by reason of redundancy.
- 1.2 The purpose of the policy is to set out the framework within which employees, in the above circumstances, will be compensated, for loss of future employment. The policy outlines the benefits that may be payable in an efficiency (severance) or redundancy situation.
- 1.3 Council previously asked officers to review and negotiate a revised Severance Policy with the aim of reducing associated costs, where possible, in order to increase the number of employees that could be released.
- 1.4 The purpose of this report is to advise Committee of updates to the Severance Policy. The report also highlights good practice that has been identified within the Accounts Commission's "Managing Early Departures from the Scottish Public Sector" report and how Falkirk Council's policy relates to these measures of good practice.

### **2. SEVERANCE POLICY**

- 2.1 Members will be aware that specific savings criteria must be achieved before any voluntary severance offer can be made. At the February meeting of Council, Members agreed to relax the savings criteria for a temporary period, to enable applications to be granted where savings over a 5 year period, net of associated costs, equate to no less than 50% of the salary of the applicant; the normal criteria was to require savings equivalent to 100%. This applies to applications submitted up to and including 31st March 2015 with a leaving date up to and including 31<sup>st</sup> March 2017.
- 2.2 At the same time officers were asked to negotiate changes to the policy which reduced the cost of the package for applications submitted by employees from 1<sup>st</sup> April 2015. This has now been done and these changes together with other changes required as a result of legislative change, or in response to consultation on the policy, are noted below:
- Legislative changes:
    - Reference to 'Compromise Agreements' has been amended to 'Settlement Agreements';
    - Consultation periods for redundancy have been reduced from 90 days to 45 days;
  - With regards to the cost of the package, Members will be aware that compensation levels are linked to the Statutory Redundancy Pay Matrix and based on service and age. In order to reduce the overall cost of severance offers, the multiplier used for compensation payments has been amended as follows:
    - In respect of voluntary severance and voluntary redundancy, the compensatory multiplier has reduced from 2.2 to 1.5, meaning a reduction in the maximum number of weeks compensation from 66 weeks to 45

weeks. Services are also able to further reduce the multiplier on the grounds of affordability.

- The multiplier for compensation payments for compulsory redundancy has reduced from 1.8 to 1.2, meaning a reduction in the maximum amount of weeks compensation from 54 weeks to 36 weeks.
- The policy has been updated to include reference to the new online Voluntary Severance system which ensures proper approval processes and records are in place;
- Changes have been made to the replacement policy section, offering services wider flexibility;
- Additional guidance has been provided in respect of casual and secondary posts.

2.3 A copy of the revised policy is attached for Committee's consideration.

### **3. ACCOUNTS COMMISSION REPORT - "MANAGING EARLY DEPARTURES FROM THE SCOTTISH PUBLIC SECTOR"**

3.1 The above report was published in May 2013 and sets out principles of best practice in managing and monitoring early departure schemes. The report accepts that the circumstances of individual organisations will vary however it recognises that there are a number of underlying principles that apply to all organisations and need to be considered.

3.2 The Accounts Commission report identifies 8 principles of good practice, each of which are noted below, along with a short description of how this applies within Falkirk Council.

3.3 Principle 1 – Early departure schemes should be driven by a long term workforce strategy, rather than by short term budget cuts.

The Severance scheme is open to employees throughout the full year and therefore is not restricted to a short window of opportunity linked to the budget process avoiding rapid reactive decision making. In addition, and as highlighted in the February budget report to Council, work will be done to target voluntary severance to particular groups linked to the longer term budget strategy.

3.4 Principle 2 – Organisations should consider alternatives to early departure.

A number of options have been, and continue to be, considered as part of the budget strategy and as identified in the February budget report to Council. These include reviewing vacancies, redeployment, discussions on terms and conditions and reviews of working patterns. As stated at Section 2, the proposed severance package has also been reviewed in order to reduce associated costs and ensure value for money.

3.5 Principle 3 – Organisations should have clear and up to date policies and procedures setting out their approach to early departures.

The Severance Policy is kept under review and this report provides a revised copy for consideration.

3.6 Principle 4- Early departure proposals should be supported by business cases, demonstrating that they represent value for money

The Policy, supported by the online severance system, ensures identification of a replacement strategy and at the same time ensures achievement of the agreed level of savings, thus making sure all offers of severance represent value for money.

- 3.7 Principle 5 – Councillors or board members should provide independent scrutiny of early departure schemes and formally approve packages for senior managers.

Information on severance is reported to the Joint Consultative Committee on an annual basis for scrutiny purposes. The next report is scheduled to be submitted in November 2014. The policy has a recognised process to deal with applications of severance from Chief Officers, which ensures Councillor notification and requires all such applications to be treated in the same way as those from any other employee.

- 3.8 Principle 6 - Compromise agreements should be clear about which employment rights are being waived and should not be used to limit public accountability.

Compromise Agreements, now named ‘Settlement Agreements’ are used in limited circumstances and confirm the specific areas of the employment relationship to which they relate.

- 3.9 Principle 7 – Organisations should monitor that the planned savings in the early departures have been achieved and use this to help shape future proposals.

Savings generated as a result of Voluntary Severance continues to be monitored and reported to the Joint Consultative Committee. Arrangements are in place to ensure that the approved replacement strategies are implemented, eg posts and budgets are deleted or amended as per each agreement.

- 3.10 Principle 8 – Organisations should report openly about their early departures and the extent to which they have delivered savings.

Information is presented to the Joint Consultative Committee on an annual basis.

#### **4. RECOMMENDATION**

- 4.1 It is recommended that Committee:

- Agree the changes to the Severance Policy and refer it to the Executive Committee for approval;
- Note the principles of the Managing Early Departures from the Scottish Public Sector report and the actions taken by Falkirk Council to address these.

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**DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

Date: 24<sup>th</sup> June 2014

Contact Name: Claire Haston, ext 6252

#### **LIST OF BACKGROUND PAPERS**

Accounts Commission Report – Managing Early Departures in the Scottish Public Sector



# FALKIRK COUNCIL

# SEVERANCE POLICY



\*\*\*\* 2014

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## **PART 1**

### **1.1 POLICY STATEMENT**

Falkirk Council is committed to maintaining, as far as possible, the security of employment for its employees and the avoidance of compulsory redundancies. The Council however recognises that from time to time, a number of internal and external factors impact on how Services are delivered which in turn impacts on the number of employees required. It also accepts that there may be situations where employees may express an interest in severance.

The Severance Policy aims to ensure that all employees will be treated fairly and the process applied is transparent and objective. The principles of the policy will be applied to severance and both voluntary and compulsory redundancy situations. The policy will be implemented in consultation with all recognised Trade Unions.

## **PART 2**

### **2.1 INTRODUCTION**

The Severance Policy covers all employees of the Council who cease employment where:

- on the grounds of business efficiency, it is in the interest of the Council that an employee should leave the Council's employment; or
- an employee is dismissed by reason of redundancy.

The purpose of the policy is to set out the framework within which employees will be compensated in the above circumstances, for loss of future employment. The policy outlines the benefits that may be payable in an efficiency (severance) or redundancy situation. For the purposes of this policy, the definitions are as follows:

- Severance – where an employee leaves the Council's service on a voluntary basis, through business efficiency and is awarded compensation for loss of future employment. Any termination is by agreement and may be in response to a corporate exercise or to an individual expression of interest.
- Voluntary Redundancy- voluntary redundancy can be requested and considered where a pool has been identified as part of a compulsory redundancy process. Where a compulsory redundancy exercise occurs, voluntary redundancy will, where appropriate, be requested and considered in the first instance from within the identified pool.
- Compulsory Redundancy - The Employment Rights Act 1996 defines a redundancy situation (see section 2.5.1). This will arise where the employee is dismissed on the grounds of compulsory redundancy in accordance with the agreed criteria noted within the policy.

This document constitutes the statement of published policy required by Regulation 51A of the Local Government (Discretionary Payments and Injury Benefits)(Scotland) Regulations 1998.



## **2.2 SCOPE**

This policy covers all employees of the Council.

Where an employee wishes to access their pension scheme benefits and continue working in their existing post or another post, their request should be dealt with in accordance with the Council's policy on Flexible Retirement.

## **2.3 GENERAL PRINCIPLES AND CONSIDERATIONS**

Nothing in the policy can take precedence over the statutory provisions that authorise the Council to pay pension scheme benefits, statutory redundancy benefits or compensatory benefits. The final decision regarding any discretionary payment lies with Falkirk Council.

Where an employee has received a benefit under the Severance Policy, they cannot be re-employed by Falkirk Council, including as a casual worker or on a consultancy basis for Falkirk Council. In specific circumstances and to meet service requirements, Service Directors in consultation with the Head of Human Resources and Customer First may authorise a short term arrangement, however this must be time limited.

If an employee holds a casual post at the time of accepting severance they must resign from this post.

If an employee has a second post with the Council that they are not taking severance from, they may remain in this post but they cannot, from the date of severance, accept an increase in hours in their current post, an offer of employment for any additional post or accept any casual work in any capacity.

Where appropriate, benefits in respect of part time employees will be proportionately reduced relative to the actual hours worked.

With the exception of compulsory redundancy situations, the compensatory lump sum may be offered on the basis of a signed settlement agreement between the employer and the employee. Where appropriate, this will be discussed with the employee at the time the formal offer is made to them.

## **2.4 SEVERANCE**

Severance includes cessations and retirements on the grounds of the Council's business efficiency.

From time to time, the Council may seek expressions of interest in severance. Alternatively, employees may request consideration of severance at any time in their employment. In these situations the termination date will be by mutual agreement. As the reason for the termination itself is by mutual agreement, no notice period nor notice pay need be given as the termination date itself will be agreed by both parties. Severance requests should be submitted using the SEV1 form (Appendix 1).

Severance should not be used to encourage poor performers to leave the employment of the Council. Such cases should be dealt with by using the appropriate training and development techniques to improve the employee's performance, or ultimately, by using

the Council's Capability Policy & Procedure or Disciplinary Policy. Similarly employees with ill health should be managed in accordance with the Managing Sickness Absence Policy and where appropriate the Rehabilitation & Redeployment Policy & Procedure/Capability Policy & Procedure.

Voluntary requests will normally only be approved and agreed where efficiency savings are achieved (see section 2.4.1 for further information on assessment). There is no guarantee that any request will be approved or agreed.

In order to compensate for the future loss of employment and to encourage employees to voluntarily offer to terminate their employment with Falkirk Council a compensatory lump sum will be payable and where appropriate pension benefits may be released. The compensatory lump sum is an immediate one off payment, paid by the employing service.

A compensatory lump sum cannot be awarded if the employee is being awarded compensatory added years pension for the same employment. In a compulsory redundancy situation, Falkirk Council will ensure that all statutory entitlements are received.

See section 3 for levels of compensatory lump sum payments that can be awarded.

#### **2.4.1 Assessing Applications for Severance**

When considering an application for severance under the scheme, the Head of Service must, using the HR Forms Online System:

- Prepare a comprehensive assessment of service delivery implications, including the replacement strategy (see section 2.4.2) and financial implications of any offer being considered;
- Consult with the Service Accountancy Manager, Service Director and Chief Finance Officer on the proposal and proposed service delivery;
- Consult with the Head of Human Resources and Customer First and the Chief Finance Officer regarding the financial implications of the severance package.

#### **2.4.2 Replacement Strategy/Financial Implications**

If an employee is to be granted severance, the Head of Service in consultation with the Service Director must clearly identify efficiency savings and/or operational improvements that will be implemented. Generally any proposal will be expected to include the deletion or redesign of the employee's or a related post. This could include techniques such as job re-design and/or alternative service delivery methods. The list below is not exhaustive but provides an indication of the type of situations that could be considered to achieve the necessary savings:

- The employee will not be replaced and the post will be deleted;
- The employee will not immediately be replaced, thus leaving the post vacant, using vacancy management to support savings required;
- The employee will be replaced, but an alternative vacant post in the structure will be deleted;
- The vacant post will be re-designed on a lower grade;
- The vacant post will be filled on a part time basis;
- A budget will be deleted either on a one off or rolling basis.

The employing service has to meet any associated cost of granting a severance application, including any payment to the Pension Fund (a “strain payment”) to offset the liability arising from the early payment of an employee’s pension scheme benefits and any other payments arising from the severance package.

Taking this into account, a severance proposal can only be approved, by the Director, where financial savings of at least 100% of the annual salary can be recovered over a period of up to 5 years.

In each case, the service will require to show how the existing workload will be delivered in the future on the basis of the proposal. The information will be shared with the Trade Unions and provided in writing. The Head of Service should discuss their proposals with Trade Union local stewards. A printout from HR Forms Online may aid/support discussions but will not be shared in full as this involves confidential financial information.

### **2.4.3 Approval Process**

The employing Service Director (or Chief Executive in relation to Chief Officer requests) in conjunction with the Head of Human Resources and Customer First and the Chief Finance Officer will consider all relevant factors, including the costs and savings to the Council and the impact on the existing team.

Whilst decisions on severance should be based on financial benefit, consideration must also be given to operational improvements and on-going service delivery.

Only where it can be demonstrated that financial savings of at least 100% of the annual salary will be recovered over a period of no more than 5 years and that the proposal is in the interests of the Council will an offer be approved.

Where the proposal does not achieve the required level of savings, the proposal can be referred to Elected Members for approval. This may include situations involving conservation or protection arrangements, which will in the longer term achieve a saving. The Service Director should consult with the Head of Human Resources and Customer First and the Chief Finance Officer prior to referral to Elected Members.

Where severance is proposed for a Chief Officer, the Chief Executive will advise the relevant Portfolio Holder prior to any offer being made.

If an application is to be granted, the Head of Service or Service Director, with support from Human Resources, must consult with the appropriate Trade Union(s) regarding the future performance of the employee’s work. This may include the re-organising or restructuring of the Service or a redesign of the job.

Services have the ability to “pool” applications where savings for individuals are less than the required percentage but combined with offers being made to other individuals achieve over the required percentage savings.

Where a severance request is approved on the basis of the post being deleted or amended, Finance Services and Human Resources will ensure the necessary changes are made to the Service’s budget and establishment.

There is no general right of appeal against any refusal to grant a severance request. Where however an employee considers that their request has not followed policy or has been dealt with unfairly, the matter will be dealt with as part of the normal grievance process.

Where a severance request is refused, the Service and employee may consider alternative approaches such as Flexible Retirement or flexible working.

All documentation relating to severance applications (whether granted or not) will be retained by the Head of Human Resources and Customer First for future audit purposes. Electronic records will be held on HR Forms Online.

## **2.5 REDUNDANCY**

### **2.5.1 Definition of Redundancy**

The Employment Rights Act 1996 outlines that a redundancy situation arises where a dismissal is wholly or mainly because the Council:

- has ceased, or intends to cease, to carry on a particular function or role of its business for the purposes of which the employee was so employed or;
- has ceased, or intends to cease, to carry on a particular function or role of its business in the place where the employee was so employed or;
- requirements for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish or;
- requirements for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

Employees who have less than 2 years' service and are on a temporary contract will be managed in accordance with the temporary employment policy.

Where a redundancy situation arises as a consequence of a Service restructure, the Service Director will consult with the relevant Portfolio Holder. Corporate redundancy exercises will be initiated by Elected Members.

### **2.5.2 Consultation**

The Trade Union & Labour Relations (Consolidation) Act 1992 (TULR(C)A & (Amendment Order 2013) requires the Council to formally consult 'in good time' with recognised Trade Unions where redundancies are contemplated. To do otherwise is in breach of this legislation and would bring with it potential liability. As such, collective consultation with recognised Trade Union representatives must take place prior to any decision being made that compels, contemplates or plans for redundancies.

The aim of collective consultation is to avoid the termination of employment contracts, minimise the number of workers affected and mitigate the consequences of any proposed redundancies. This consultation process will enable Trade Unions to formulate constructive proposals for consideration and work with the Council to achieve the above objectives. Collective consultation will be undertaken with a view to reaching agreement.

Although as much time as practical will be provided, the Council will abide by the statutory minimum timelines for consultation which are as follows:

- Where it is proposed that 19 or fewer employees could potentially be made redundant from one establishment, no collective consultation is required, however in accordance with good practice, the Council will consult with relevant Trade Unions at least 30 days prior to notification of the first dismissal. The requirement for individual consultation with those affected will still apply. This will not include the end of a temporary project or individual contract which necessitates a redundancy payment, due to the length of the contract.
- Where it is proposed that between 20-99 employees could potentially be made redundant from one establishment within a 90 day period, collective consultation will commence at least 30 days before the date of implementing any dismissals;
- Where it is proposed that 100 or more employees could potentially be made redundant from one establishment within a 90 day period, collective consultation will commence at least 45 days before the date of implementing any dismissals.

Whilst the above indicates the minimum collective consultation period, the Council will endeavour to provide earlier notice where practicable and possible. The collective consultation process may end before the expiry of these periods if that is the intention of, or inferred by, the relevant Trade Unions.

In accordance with legislation, the Council will initially provide the following information to main Trade Union contacts of the recognised Trade Unions:

- The reason/s for potential redundancy;
- The numbers and descriptions of employees proposed for redundancy;
- The total number of employees of any such description employed at the establishment in question or where more appropriate, by Falkirk Council in general;
- The proposed method of selection for redundancy (refer to section 2.5.6);
- How the redundancy dismissals are to be carried out including the time period;
- The method of calculating the amount of redundancy payments to be made to those who are dismissed.

Information will also be provided to relevant Trade Unions where there are implications for employees not directly affected by the redundancies, for example, those employees whose roles or working arrangements may differ as a result of the redundancies being made. Employees who are absent from the workplace during the consultation process such as on a career break, long term sick or maternity/adoption leave will be provided with the relevant notification and information.

The Council will also notify the Department for Business, Innovation and Skills (BIS) when there is a proposal to make 20 or more employees redundant at one establishment over a period of 90 days, as is the statutory requirement.

The Council recognises certain Trade Unions for collective bargaining purposes and will fully consult with these Trade Unions on potential redundancies, however information will be provided directly to affected employees where necessary and appropriate. Following the commencement of the formal consultation process with Trade Unions, information will be provided to affected employees as quickly as possible thereafter.

Women who are on maternity leave when there are redundancies that may affect them must be consulted. This will mean either inviting them to come in to discuss the situation or visiting them at home.

### **2.5.3 Alternative Measure to Redundancy**

Where the need for redundancies has been identified, attempts in the first instance will be made to avoid compulsory redundancies by considering a number of options:

- Restrictions on Recruitment/vacancy management – for instance, stop advertising vacancies in order to reduce numbers being appointed or recruit temporary employees to offer some level of short term flexibility if this would assist;
- Voluntarily reduced hours; this may be of interest to a number of employees which may reduce the need for compulsory redundancies or reduce the numbers affected.
- Reduction in overtime;
- Short time working; it may be that employees would consider reducing their hours of work on a temporary basis to reduce the need for compulsory redundancies.
- Redeployment, including retraining of employees – individuals identified as part of a pool could consider redeployment/training opportunities.
- Career breaks/sabbaticals;
- Discontinuing temporary employees;
- Flexible Retirement
- Natural turnover;
- Voluntary Severance;
- Voluntary Redundancy ( see section 2.5.5 below); and
- Any other cost/saving initiative which may be available.

This list is not exhaustive but an indication of options that may be considered. Services should carefully consider these options which may be used creatively to avoid compulsory redundancies, for instance, it may be appropriate to consider reducing hours from 37 to 32 for all employees for a short period. These options should be fully explored and consulted on as part of the process. These options may also be considered prior to any compulsory redundancies being proposed.

### **2.5.4 Identifying the Pool**

The Council will in the first instance determine the pool of employees from which the compulsory redundancies will be made. For consultation purposes, each site is usually a separate “establishment”, however it may be more appropriate in some cases to identify an organised group of staff across different sites, eg SJC employees or a particular job title. The pool will be determined by the area or function reducing or ceasing, for example, a nursery closing would mean all employees within that particular location, or if it was identified that there were surplus chargehands in general, the pool would be that particular job title. The selection pool will be discussed with Trade Unions and where possible agreed in line with legislative requirements. Employees across more than one location or Service can be classed as ‘one pool’ for the purpose of calculating the minimum periods of collective consultation.

If a unique post is identified for redundancy affecting a single employee, depending on the tasks of the role there may not be a need to identify a pool.

Where necessary, support will be provided by Governance and Human Resources to identify the suitable pool of employees.

Once a pool of employees has been identified, no vacancy will be automatically advertised for recruitment. Where possible, each post will be considered for redeployment against the pool of employees, with the aim of reducing the numbers that may require be made redundant. This will be organised in line with the Rehabilitation and Redeployment Policy.

#### **2.5.5 Voluntary Redundancy**

In the interests of the Council, before any compulsory redundancy exercise is progressed, a voluntary redundancy option will enable all employees, with over 2 years service, within the specific pool identified, to apply to be considered for voluntary redundancy.

There is no right to voluntary redundancy and the Council will make the final decision on which volunteers to accept, which will be based on the selection principles outlined below.

A full consultation process as outlined in Section 2.5.2 will be required for any voluntary redundancy exercise. In this situation, the Council will determine the termination date, although Service Directors will have discretion to consider alternatives where this offers increased efficiencies to the Council.

In order to compensate for the future loss of employment and to encourage employees to voluntarily offer to terminate their employment with Falkirk Council a compensatory lump sum will be payable. The compensatory lump sum is an immediate one off payment, paid for by the employing service.

#### **Assessing Applications for Voluntary Redundancy**

When considering an application for voluntary redundancy, the Service Director must:

- Prepare a comprehensive assessment of service delivery implications, including the operational and financial implications of any offer being considered;
- Consult with the Chief Executive and the Head of Human Resources and Customer First on the proposal and proposed service delivery;
- Consult with the Chief Finance Officer regarding the financial implications of the severance package. This must include discussions with the relevant Service Accountant.
- Where more than one employee from the same pool/unit requests voluntary redundancy, and where necessary, the selection process outlined in section 2.5.6 will be used to determine the employees who may be further considered. Whilst this will provisionally determine the selection process, consideration must also be given to the financial cost of any offer(s) being assessed before any final determination is made.

#### **Replacement Strategy/Financial Implications for Voluntary Redundancy**

If an employee is to be granted voluntary redundancy, the Service Director must clearly identify efficiency savings and/or operational improvements that will be implemented. Generally any proposal will be expected to delete the employee's or a related post, however it is accepted that where more than one employee is involved, in some circumstances this may require the team to be redesigned or a restructure of a unit, resulting in the creation of a post at a lower level.

The employing service has to meet the cost of granting a voluntary redundancy application, including any payment to the Pension Fund (a “strain payment”) to offset the liability arising from the early payment of the employee’s pension scheme benefits.

Taking this into account, a voluntary redundancy proposal will only be approved, where financial savings of at least 100% of annual salary will be recovered over a period of no more than 5 years and it is in the interests of the Council.

In each case, Services will require to identify how the current workload will be managed. This means determining how the existing workload will be delivered in future on the basis of the proposal being made, and this will be provided to Trade Unions in writing. A print out from HR Forms online can be used to facilitate discussions.

### **Approval Process for Voluntary Redundancy**

The Chief Finance Officer in conjunction with the employing Service Director (or Chief Executive in relation to Chief Officer requests) and the Head of Human Resources and Customer First will consider all relevant factors, including the cost and savings to the Council and the operational implications.

Whilst decisions on voluntary redundancy should be based on the financial benefit, consideration must also be given to on-going service delivery to ensure it is in the interests of the Council.

Only where it can be demonstrated that financial savings of at least 100% of the annual salary will be recovered over a period of no more than 5 years and that the proposal is in the interests of the Council, will the offer be approved.

Where the proposal does not achieve the required level of savings, the proposal can be processed by the Service Director referring it to Elected Members for approval. This may include situations involving conservation or protection arrangements, which will in the longer term achieve a saving. The Service Director should consult with the Head of Human Resources and Customer First and the Chief Finance Officer prior to referral to Elected Members.

Where voluntary redundancy is proposed for a Chief Officer, the Chief Executive will advise the relevant Portfolio Holder prior to any offer being made.

If an application is to be granted, the Service Director, with support from Human Resources must consult with the appropriate Trade Union(s) regarding the future performance of the employee’s work. This may include the re-organising or restructuring of the Service.

Where a corporate voluntary redundancy exercise is being conducted and to ensure consistent application of this policy, the proposals will be presented to Corporate Management Team for comment and scrutiny.

Once approved, Finance Services and Human Resources will ensure the necessary changes are made to the Service’s budget and establishment.

There is no general right of appeal against any refusal to grant a voluntary redundancy request. Where however an employee considers that their request has not followed



policy or has been dealt with unfairly, the matter will be dealt with as part of the normal grievance process.

All documentation relating to voluntary redundancy applications (whether granted or not) will be retained by the Head of Human Resources and Customer First for future audit purposes. Electronic records will be held on HR Forms Online.

#### **2.5.6 Selection Criteria**

Where there remains more employees than jobs in the identified pool, selection criteria will have to be applied in order to select the required number of employees for redundancy. Selection criteria must be as objective as possible, measurable and justifiable in order to ensure the fair and transparent selection of employees for redundancy.

The redundancy selection criteria should be objective wherever possible, precisely defined and capable of being applied in an independent and consistent manner to all employees. This is to ensure that the process is conducted fairly. The criteria that will be used can include:

- Qualifications. These must be the essential qualifications for the post and will be identified from the person specification and job description.
- Essential skills, experience, knowledge and competencies to undertake the post. These need to be specific, measurable and linked to the post and will be identified from the person specification and job description.
- Standards of work and performance. Information from 1-1's and supervision should assist in this assessment.
- Disciplinary Record. Only current warnings can be used. Expired warnings should not be considered and therefore records must be checked and accurate.
- Sickness & attendance. Records must be checked and accurate. Absences relating to carer's leave, maternity leave and pregnancy related absences should be discounted. The total of disability-related absences and any industrial injuries may need to be adjusted downwards to provide a fair comparison.

The scoring for each criteria will be as per Appendix 2 attached. Weighting may be applied to the criteria which will be developed at the time of each redundancy exercise to meet the needs of the Council at any given time. This information will not be available to managers making the assessments to ensure objectivity. Those employees with the lowest scores will be selected for redundancy.

Where a situation arises, where all other criteria measures have been exhausted and the employee scores are even, then length of service with Falkirk Council or its predecessor will be used, on a Last in First Out (LIFO) basis. If an individual has broken service, the periods of employment will be aggregated to allow a fair comparison to be made.

The blend or matrix of criteria used may differ between each selection exercise undertaken by the Council and will be discussed with Trade Unions as part of any consultation process.

## **2.5.7 Implementation Process**

### **Stage 1 – Information Meeting**

A brief meeting will be held with all affected employee/s and the relevant manager with a representative from Human Resources. The purpose of the meeting will be to advise the employee/s that they are at risk of redundancy. At this meeting the manager will provide brief reasons for the redundancy and the process to be followed along with timescales. This meeting should be a consultative meeting only and is an opportunity to provide information on the reasons and process to be used along with exploring options to reduce the need for redundancies. It should be made clear to the employees that no decision has been made at this stage as to whether they will be made redundant. Employees can be asked to consider their position with regards to suitable alternative employment at this stage.

The manager will also write to all employees within the pool to confirm that they are at risk of redundancy and outline the selection process and timescales to be applied.

Before Stage 2 the affected employees should have the opportunity to comment on the proposed selection criteria.

### **Stage 2 – Scoring**

The employees contained in the established 'pool' will be scored using the agreed criteria by the relevant manager. The manager may consult Human Resources for assistance in completing this. Once all scoring is completed the scoring sheet will be issued to the relevant employee for their consideration. No weighting will be applied at this stage.

### **Stage 3 – Individual Meetings.**

A meeting will be arranged with each employee, providing at least 5 days notice, to discuss and assess the scoring. This is an opportunity for employees to challenge the scoring, raise concerns or any specific matter that arises from their own assessment. The Service Manager and a representative from Human Resources will be present and each employee will have the right to representation of their choice at this meeting.

Employees should be allowed enough time to reasonably consider their individual scoring and the redundancy proposal in general, for example alternative actions that could be considered to avoid the redundancy. Management should give consideration to any reasonable representations the employee makes.

Where an employee disagrees with the scoring, a panel, made up of 3 independent Managers from across the Council will assess written submissions from both management and the employee for final consideration of any disputed scoring. The panel will make the final decision.

### **Stage 4 - Finalise Scores**

Following individual meetings with employees, the relevant manager will finalise all scores at which time the full list of scores for will be discussed with Trade Unions. Trade Unions will have an opportunity to challenge the scoring applied, however the final decision will lie with the relevant manager. Those with the lowest scores will be highlighted at this stage as being at risk of redundancy.

### **Stage 5 – At Risk – Redeployment & Re-Training**

Those at risk of redundancy will have an opportunity to meet with a representative(s) from Human Resources, or other advisers where appropriate. This will help facilitate the redeployment process and will also provide an opportunity to discuss and consider any possible re-training opportunities.

### **Stage 6 - Notice of redundancy**

After consideration of any representations and where there is no alternative to redundancy, a meeting should be convened with each employee to advise them of the outcome of the scoring process. The relevant Manager and a representative from Human Resources should be present to confirm the decision in relation to whether the employee has been selected for redundancy. The employee will have the right to representation at this meeting.

An employee who is made redundant is entitled to notice. Where the employee has been selected, they will be issued with written notice of redundancy and will be placed on the redeployment list for the purposes of seeking suitable alternative employment. Employees who are given notice must be paid during the notice period even if they are unable to work eg through sickness. The minimum periods of notice employees are entitled to is based on their length of continuous service and will be as per the contract of employment.

Information will also be provided in relation to the proposed termination date and entitlement to payments including outstanding annual leave, all of which will be confirmed in writing. Generally, employees will be required to work their full notice period, however in specific circumstances, pay in lieu of notice may be more appropriate. During the notice period, employees are entitled to reasonable time off to assist in the search for other employment.

The employee will also be advised of the right for their case to be formally reviewed by a review panel. The Service Manager/Head of Service will write out within 5 working days confirming their decision and provide information on the review process.

### **Stage 6 Review Process**

Any employee who has been selected for redundancy and who is dissatisfied with the way in which the Council has applied the redundancy selection criteria, or who believes that he/she has been unfairly disadvantaged by the selection criteria or not given a fair opportunity to put forward representations, can request a formal review of his/her selection for redundancy.

The review should be lodged within five working days of the formal notification of redundancy being given. The request for a review should be submitted to the Head of Human Resources and Customer First, who will arrange for a review hearing to be heard within 5 days of receipt of the request, or as soon as possible thereafter. The review hearing will be chaired by an independent Chief Officer. The same Chief Officer will consider all review cases received from the one pool, unless due to numbers or unforeseen circumstances this is impractical.

The outcome of the review process will be communicated to the employee in writing within five working days of the review hearing. The decision of the review hearing will be final.

The process to be adopted at the review hearing is outlined in Appendix 3.

#### **2.5.8 Alternative Employment**

Employees within an identified pool will be asked whether they would be willing to consider suitable alternative employment should they be selected for redundancy. With individual agreement, employees will be added to the redeployment list and considered for posts in accordance with the Rehabilitation & Redeployment Policy. Following confirmation of their selection for redundancy a redeployment search will automatically commence as per the Rehabilitation & Redeployment Policy.

Trial periods will be offered in accordance with the Rehabilitation & Redeployment Policy and may be extended by written agreement with the employee.

Employees should be made aware of the consequences of accepting or refusing an offer of suitable alternative employment, for example should the employee unreasonably refuse an offer of suitable alternative employment, the employee may lose the right to a redundancy payment. Suitable Alternative Employment will be a post at a similar level, grade and status.

Consideration should also be given to reasonable adjustments that can be made to posts in line with the Disability Provisions of the Equality Act 2010.

Employees selected for redundancy should also be afforded reasonable time off to look for work or to arrange training. The employee should submit their request in writing to their Line Manager, outlining the reason for the time they require, within a reasonable time frame for the manager to consider the request.

If an employee finds alternative employment external to the Council and wishes to leave before the end of their notice period they may lose the right to a redundancy payment and any outstanding period of notice. If the employee wishes to leave prior to their termination date they must submit their request in writing to their Head of Service and consideration will be given to this.

#### **2.5.9 Outplacement Programme**

The Council will offer an outplacement programme which may cover the following and be provided either internally or externally or by a combination of both:

1. Uncertainty, Stress, transition Counselling;
2. Financial/welfare benefits advice
3. Assessment Centre to enhance employees' self-knowledge of their skills, abilities, interests, values, decision-making, personality and experience;
4. Identify Career Opportunities and setting goals;
5. Job Search techniques – Self marketing skills, C.V. writing, networking skills & opportunities, Interview skills & techniques;
6. Computer and internet access skills;
7. Careers advice.

### **3. COMPENSATORY PAYMENTS**

- 3.1** Where eligible and approved, the package may consist of a combination of components. Some elements are mandatory and some discretionary. Levels of compensation vary

depending on whether the termination of employment is voluntary or the employee has been dismissed on grounds of redundancy.

In severance and redundancy situations a compensatory lump sum is payable. The compensatory lump sum payment made under these arrangements by the Council includes any entitlement to the statutory redundancy payment as per the Employment Rights Act 1996. An employee made redundant, with 2 or more years' continuous service is entitled to a redundancy payment. The Council operates the Statutory Redundancy Payment scheme which from 1<sup>st</sup> October 2009 is as follows:

- Employees aged 22 and under – 0.5 weeks pay for each year of continuous service;
- Employees aged between 23 and 40 – 1 weeks pay for each year of continuous service;
- Employees aged 41 and over – 1.5 weeks pay for each year of continuous service;

Appendix 4 provides an easy reference matrix to assist in calculating the above.

A week's pay is the amount an employee would normally receive under his/her contract on the date of the cessation. If a week's pay varies for any employee an average pay over the previous 12 weeks will be used (excluding non-contractual payments such as overtime).

For the purposes of this policy continuous service is service with employers listed in The Redundancy Payments (Continuity of Employment in Local Government, etc (Modification) (Amendment) Order 2001, where there has been a break of seven days or less between employments. Employees with less than 2 years continuous service are not eligible for a redundancy payment.

The compensatory lump sum payment will be calculated as at the termination date or where appropriate, the date when the notice period has expired.

For the purposes of this policy where an employee's pay exceeds the maximum level specified in the Employment Rights Act 1996, the redundancy payment will be based on the employee's actual pay.

An employing Service can decide to pay a compensatory lump sum that is less than the maximum allowed, although any statutory redundancy entitlement would be the minimum payable in redundancy situations. There is no right to receive this payment for termination on grounds of efficiency.

This Policy does not apply to situations where a redundancy payment is paid as a consequence of the end of a temporary or fixed term contract. In this situation the standard statutory redundancy award with no multiplier will be paid.

### **3.2 COMPENSATORY PAYMENT ON GROUNDS OF EFFICIENCY - SEVERANCE & VOLUNTARY REDUNDANCY**

In order to compensate employees for the loss of future employment, in situations where the employee voluntarily requests severance or redundancy, a maximum payment of up to 45 weeks may be available. Appendix 4 provides an easy reference matrix of the above

calculation for all age/service ranges, which in the case of any severance or voluntary redundancy situation, will be multiplied by 1.5. The Service may decide to, on the grounds of affordability, in voluntary severance cases reduce the multiplier used. This calculation will take into account incremental progression but will not include pay awards. The calculation will be done at the time of application and will not be reviewed.

### **3.3 COMPENSATORY PAYMENT ON GROUNDS OF COMPULSORY REDUNDANCY**

In order to compensate employees for the loss of future employment in compulsory redundancy situations, a maximum payment of up to 36 weeks may be available. Appendix 4 provides an easy reference matrix of the above calculation for all age/service ranges, which in the case of any compulsory redundancy situation, will be multiplied by 1.2. This calculation will take into account incremental progression but will not include pay awards. The calculation will be done at the time of application and will not be reviewed.

### **3.4 COMPENSATORY ADDED YEARS**

Compensatory added years could be used as an alternative to a compensatory lump sum on the basis of financial/economic grounds as the cost of compensation can be spread over a longer period.

Compensatory added years can be awarded to those who are or could be members of the pension scheme provided they have completed at least 5 year's service and would qualify for immediate access to scheme benefits on redundancy or efficiency grounds. The benefits arising from compensatory added years are a lump sum and a pension based on the compensatory period awarded and the employee's final pensionable pay. Compensatory added years compensation is paid for the duration of the employees' lifetime, or where appropriate, payable to the spouse or civil partner, which means it is not uncommon for a compensatory added years payment to be paid for a significant period of time. The immediate and ongoing costs of awarded compensatory added years are met by the Service.

Compensatory added years and compensatory lump sums are mutually exclusive. It is possible however to combine a statutory redundancy payment with an award of compensatory added years.

Where appropriate, the Council will determine the approach that will be taken on each occasion, ie to offer compensatory lump sum or whether compensatory added years is more appropriate. Employees may request compensatory added years as an alternative to a compensatory lump sum. There is however no guarantee or right to be offered compensatory added years.

Should compensatory added years be considered appropriate and offered as part of the package to an employee as an alternative to a compensatory lump sum, the total value of the package will be limited to the value of the compensatory lump sum, ie the 36 or 45 weeks. In all cases, the maximum number of compensatory added years that can be awarded is the shortest of the following:

- The number of years needed to make up the employee's pension scheme membership to 40 years;
- The period equivalent to the employee's service;

- The period between the date of cessation and the employee's 65<sup>th</sup> birthday; and
- 5 years.

### **3.5 PENSION SCHEME MEMBERS – MANDATORY PENSION SCHEME BENEFITS**

#### **SCOTTISH LOCAL GOVERNMENT PENSION SCHEME**

Accrued pension benefits must be released if the employee retires on redundancy or efficiency grounds and:

- has attained age 50, having been an active member of the Scottish LGPS on 5<sup>th</sup> April 2006, or
- has attained age 55, and
  - has at least 2 years' scheme membership, or
  - has completed less than 2 years' membership but has transferred in previous pension rights from outwith the Scottish LGPS.

Pension benefits are dependent on scheme membership. Membership up to 31/3/2009 will be based on a pension of 1/80<sup>th</sup> of final pensionable pay for each year of service along with a lump sum payment, whereas membership from 1/4/09 is based on 1/60<sup>th</sup> of the annual pay, with no automatic lump sum. There is the opportunity to take a smaller pension in return for a larger lump sum. There are changes to the scheme being implemented from 1<sup>st</sup> April 2015.

Members of the scheme, who neither qualify for retirement benefits nor a refund, can leave their rights deferred in the pension fund for payment at retirement age. Alternatively, they can elect to transfer them to a new pension arrangement.

Employees are encouraged to contact the Pensions Section for further information where appropriate.

Retirement benefits are inflation-proofed provided employees have attained age 55. A spouse, civil partner or child's pension benefits are inflation-proofed irrespective of the age of the beneficiary.

#### **SCOTTISH TEACHERS' SUPERANNUATION SCHEME**

Membership on or after 1<sup>st</sup> April 2007 will have pension calculated on 1/60<sup>th</sup> of the annual pay. Teachers who were in service before 1<sup>st</sup> April 2007 have their pension calculated at 1/80<sup>th</sup>. If there is a break in service however, some members may however have mixed service based on both 1/60<sup>th</sup> and 1/80<sup>th</sup>.

Retirement benefits are inflation-proofed provided employees have attained age 55. A spouse, civil partner or child's pension benefits are inflation-proofed irrespective of the age of the beneficiary.

Employees are encouraged to contact SPPA for further information where appropriate.

Under STSS regulations, Teachers cannot receive early access to their pension and receive a compensatory lump sum payment. In a compulsory redundancy situation, Falkirk Council will ensure that all statutory entitlements are received.

### **3.6 PAYMENT IN LIEU OF NOTICE & OUTSTANDING ANNUAL LEAVE**

In general, in cases where severance is granted by reason of efficiency or voluntary redundancy the employee will be considered to be leaving the employment of the Council by mutual consent so no notice will be payable. Termination dates will, in most cases, be by agreement, however the Council reserves the right to withdraw an offer if the termination date proposed by an employee is not suitable.

In compulsory redundancy situations, employees will in most situations be required to work their notice period. Where this is not the case, the compensatory lump sum, as detailed above, will include any contractual or legal entitlement to pay in lieu of notice. No additional payment will therefore be payable in this respect.

Services should ensure that employees take any unused annual leave entitlement prior to the agreed termination date, including those on term time contracts. In exceptional circumstances a payment in lieu of outstanding annual leave may be authorised in advance of the agreed termination date.

### **3.7 TAX & DEDUCTIONS**

A compensatory lump sum may be subject to the deduction of income tax depending on the level of the termination package. Where an employee remains in a secondary post, their compensatory lump sum will be subject to tax and national insurance deductions.

It is a condition of this policy and a term of the employee's contract of employment that any outstanding payments due to the Council will be deducted from the final salary and/or compensatory package.

### **3.8 IMPACT OF RE-EMPLOYMENT**

In the limited circumstances referred to in section 2.3 above, where an individual is in receipt of a compensatory added years benefit and is re-employed, the benefit can be affected by the re-employment.

In addition, re-employment may affect the payment of the Scottish LGPS or STSS benefit. The individual should discuss these aspects with the Pensions Section or SPPA if appropriate.

## **PART 4**

### **4.1 MONITORING & REVIEW**

This policy will be reviewed, revised and updated to meet the needs of the Council by the Chief Finance Officer and Head of Human Resources and Customer First in conjunction with Service Directors and in consultation with the recognised Trade Unions as appropriate.



**FALKIRK COUNCIL – VOLUNTARY SEVERANCE  
SEV1 - INTIMATION OF INTEREST**

<b>PART A      PERSONAL DETAILS</b>			
FORENAME		SURNAME	
ADDRESS			
		POSTCODE	
TELEPHONE NUMBER		EMAIL ADDRESS	
DATE OF BIRTH			

<b>PART B      POST/JOB INFORMATION</b>			
SERVICE		JOB TITLE	
LOCATION			
EMPLOYEE NUMBER		CURRENT SALARY	
POST ID		PREFERRED DATE OF LEAVING	

<b>PART C      AUTHORISATION/DECLARATION</b>			
I hereby intimate an interest in voluntary severance and I authorise the Pensions Section to disclose all details of my pension rights and benefits to the Officers who will be considering this intimation. I am making this application on a voluntary basis.			
<b>Signed</b>		<b>Date</b>	

**Notes to Employee**

1. All applications for Voluntary Severance will be considered and processed in accordance with the Council's Severance Policy. A copy of the Policy is available from your line manager and from Falkirk Council's Underground site.
2. Completed forms should be returned to **HR Helpdesk, Room 325, Municipal Buildings, Falkirk, FK1 5RS.**
3. There is no automatic right for a severance request to be granted and no guarantee that an offer will be made to you. You will be advised whether or not your request can be progressed as quickly as possible.

**In accordance with the Data Protection Act 1998, you are advised that the above information will be processed as required to allow your application to be considered and information regarding your application will be held on file for statistical/ audit purposes.**

**REDUNDANCY SELECTION MATRIX****QUALIFICATIONS**

No qualification for post	Part qualified/part completed qualification	Obtained qualification
0	3	5

**SKILLS & EXPERIENCE, KNOWLEDGE & COMPETENCIES**

Essential skills, experience and competencies to undertake the post linked to the job description and personal specification for the post; These need to be specific, measurable and linked to the post. The 1-1, supervision, APDS and TNA processes should help determine these levels, eg a Very high level of skills, experience etc would be evidenced by no gaps in the TNA process.

Lack of skills experience, knowledge & not meeting competencies /in formal capability process (performance related)	Acceptable level in some areas, with high level of gaps in all criteria	Acceptable level across all areas, with some gaps showing in most criteria	A very high level for one or more of the criteria and small gaps in all remaining areas	Very high level across all areas
0	2	3	4	5

**STANDARDS OF WORK AND PERFORMANCE**

Non-acceptable standard of work and performance and fails to meet objectives	Low level of standard of work and performance which has raised concern in the last 12 months	Acceptable level of work and performance and sometimes meets objectives	Usually a very high level of work and performance and usually meets objectives	High standard of work and performance and always meets objectives
0	2	3	4	5

**DISCIPLINARY RECORD**

Live Final Written Warning on file	Live Written warning on file	No disciplinary record
0	3	5

**SICKNESS/ATTENDANCE\***

More than 1 trigger reached in previous 2 years	1 trigger reached in previous 2 years	No Triggers reached in previous 2 years
0	3	5

\* in cases where there has been disability-related absence or an Industrial Injury, the number of triggers above will be divided by 2, for example, a disabled employee who has reached 2 triggers in the previous 2 years will score 3 points and where they have reached 3 or more triggers, they will score 0.

## REVIEW PROCESS

### Notification of Appeal

Any employee who has been selected for redundancy can ask for the situation to be reviewed on the following grounds:

- the application of the redundancy selection criteria;
- the selection criteria have unfairly disadvantaged the employee;
- the employee has not given a fair opportunity to put forward representations;
- the policy has not been applied properly.

Employees must confirm their intention to apply for a review/appeal in writing to the Head of Human Resources and Customer First within 5 days of notification of selection for redundancy. This should set out the reasons that their case should be reviewed eg the grounds of their appeal and provide any evidence/documentation to demonstrate their case. This information will be available to all parties of the review.

On receipt of a letter of review/appeal, Human Resources will arrange a suitable hearing, providing a minimum of 3 days' notice in writing. The line manager will be asked to submit any relevant papers that may be referred to during their submission, copies of which will be provided to the appellant in advance of the hearing taking place.

### The Review Hearing

The hearing will be chaired by an independent Chief Officer. Representatives from Human Resources and Law & Administration will attend to provide support and advice to the chair.

The Appellants may be accompanied at the hearing by a colleague or their Trade Union representative. A representative from the appropriate Service will also be invited to attend the hearing to present managements case.

The Chair will introduce those present and ensure those attending understand the procedure which is to be followed during the hearing.

The appellant, or their Trade Union representative, will have approximately 15 minutes to present their case, after which they may be questioned by the Chair and the relevant Advisers.

Management's case will be presented by the relevant line manager. Again approximately 15 minutes will be provided to present management's case and the opportunity for questioning from the panel will be restricted to a further 5 minutes. Each party will have the opportunity for cross examination.

Management's representative, followed by the appellant or their representative, will then be provided with an opportunity to briefly summarise the key points of their case. No new evidence should be introduced at this time. The parties will then be asked to withdraw to allow the Chair to come to decide whether the appellants case is upheld or not. Appellants and managers will be advised in writing whether their case has been upheld or not within 5 days of the date of the review hearing.

Before closing the hearing, the Panel Chair will:

- Ascertain whether or not the appellant considers that they have had a fair hearing
- Advise the appellant that the panel's decision will be notified in writing at the conclusion of all appeals.

**STATUTORY REDUNDANCY PAY TABLE**

To calculate the number of weeks redundancy pay, cross reference the person's age and years of service and then multiply that number by the weekly salary. E.g. a person with a salary of £200 per week, aged 22 with 4 years of service will be entitled to two weeks salary e.g. a total redundancy of £400.

Statutory redundancy pay table																				
	Service (Years)																			
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17*	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	17
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	17½
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	18
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	18½
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	19
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	19½
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	20½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	25
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	26
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	26½

53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

### **Compensatory Lump Sum Calculation – Severance and Voluntary Redundancy**

To calculate the number of weeks redundancy pay, cross reference the person's age and years of service and then multiply that number by the weekly salary. E.g. a person with a salary of £200 per week, aged 22 with 4 years of service will be entitled to two weeks salary e.g. a total redundancy of £400. Then multiply that sum by 1.5 to arrive at a payment of £600.

### **Compensatory Lump Sum Calculation – Compulsory Redundancy**

To calculate the number of weeks redundancy pay in a compulsory situation, cross reference the person's age and years of service and then multiply that number by the weekly salary. E.g. a person with a salary of £200 per week, aged 22 with 4 years of service will be entitled to two weeks salary e.g. a total redundancy of £400. Then multiply that sum by 1.2 to arrive at a payment of £480.

## **FALKIRK COUNCIL**

**Subject: ACTING UP AND SECONDMENTS POLICY**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 12<sup>TH</sup> AUGUST 2014**  
**Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

### **1. INTRODUCTION**

- 1.1 The Acting Up and Secondments Policy was considered by the Joint Consultative Committee on 22<sup>nd</sup> April 2014. A number of points were raised which required further discussion with Trade Unions. These discussions have now taken place and the policy has been amended accordingly.
- 1.2 The purpose of this report is to advise Committee of the revised Acting Up and Secondments Policy.

### **2. ACTING UP AND SECONDMENTS POLICY**

- 2.1 Falkirk Council aims to recruit and retain high calibre employees and ensure a commitment to equal opportunities. It must be recognised however, that to achieve this commitment, there may be occasions where acting up or secondment arrangements offer managers the flexibility to, for example, make short term changes to their team/ section, to assist with short term projects or to cover absence. Such arrangements also offer employees the opportunity to experience new areas of work and develop their skills and experience.
- 2.2 The Acting Up and Secondments Policy has been developed to provide a clear definition of these arrangements and guidance for the management of internal and external secondments and acting up arrangements. A copy of the policy is attached.
- 2.3 The policy defines Acting Up and Secondment arrangements as follows:
- Acting Up arrangements - where an employee temporarily covers part or all of a more senior post within their own section/team or service area for a limited period of time only;
  - Secondment - either a temporary move to a post, at any level within Falkirk Council, or a temporary move to an external organisation.
- 2.4 The key provisions of the policy can be summarised as follows:
- The policy outlines the recruitment and selection and associated administrative processes for managing acting up and secondment arrangements in line with the Council's Recruitment & Selection and Equal Opportunities Policies;
  - The policy provides clear guidance for managers in relation to secondment of employees internally, from external bodies to the Council and from the Council to external bodies. It includes standard documentation, for example, external secondment agreements. The policy also now includes information on employing individuals in internal secondments from other organisations on their substantive terms and conditions. This has been included to meet the national agenda e.g. Health & Social Care Integration;

- It outlines the arrangements for keeping in touch with employees on secondment and for managing their return to their substantive post;
- The policy outlines roles and responsibilities for the administration and management of acting up and secondment arrangements and the conditions applying in each case;
- As requested by the Joint Consultative Committee, discussions have taken place and the wording of the draft policy at paragraph 3.2.3 has been amended to ensure longer term acting up arrangements only exceed one year in exceptional circumstances.

### **3. RECOMMENDATION**

- 3.1 It is recommended that Committee agree the proposed Acting Up and Secondments Policy and refer it to the Executive Committee for approval.



.....  
**DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

Date: 23<sup>rd</sup> June 2014

Contact Name: Claire Haston, ext 6252

LIST OF BACKGROUND PAPERS

None



**FALKIRK COUNCIL**

**ACTING UP AND  
SECONDMENTS  
POLICY**



**\*\* 2014**



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## **PART 1**

### **1.1 POLICY STATEMENT**

Falkirk Council aims to recruit and retain high calibre employees and ensure a commitment to equal opportunities. The Council recognises there may be occasions where employees wish to pursue secondment opportunities either internally within the Council or externally to other bodies. Alternatively, there may be occasions, where employees can support internal change by acting up into different posts for a short period.

## **PART 2**

### **2.1 INTRODUCTION**

The aim of the policy is to provide a clear definition and guidance for the management of secondments and acting up arrangements.

Acting up arrangements and secondment opportunities offer managers the flexibility to make short term changes to their team/section, to assist with short term projects, pending a service review or to cover the absence of a postholder e.g. sickness, maternity etc. They offer employees the opportunity to experience new areas of work and to develop their skills and experience and expand their knowledge.

Both arrangements are regarded as an opportunity for personal development, allowing employees to develop new skills and/or enhance existing skills, as well as responding to business needs.

### **2.2 SCOPE**

This policy applies to all employees of Falkirk Council and should be read in conjunction with Falkirk Council's Temporary Employment Policy.

### **2.3 DEFINITION**

The distinction between acting up and secondment arrangements can be defined as follows:

Acting Up arrangements (otherwise known as higher duties arrangements) - where an employee temporarily covers part or all of a more senior post within their own section/team or service area for a limited period of time only.

Secondment - either a temporary move to a post, at any level, within Falkirk Council, or a temporary move to an external organisation.

## **PART 3**

### **3.1 ACTING UP PAYMENTS**

An acting up payment may be appropriate in circumstances where an employee is undertaking all or a percentage of a higher graded post within their own section/ team or service area for a specified period of time.

Where an employee is only undertaking a proportion of the duties of a higher graded post, they will normally continue to undertake all or a proportion of their substantive role depending on the extent of the higher duties undertaken. Alternatively if they are fully acting up into a higher graded role i.e. undertaking the full duties of this role, it is likely that arrangements will be made for someone to act up or otherwise backfill into their substantive post.

### **3.2 ACTING UP PROCEDURE**

#### **3.2.1 ADVERTISING AND SELECTION**

All acting up arrangements will be advertised internally and will normally be ring-fenced within a particular team. Trade Unions should be notified of any specific arrangements.

Relevant pre-employment checks should be carried out prior to the start of any acting up arrangements where there is a significant change in duties which may need verification through Occupational Health or Disclosure Scotland/ PVG Scheme.

#### **3.2.2 ACTING UP PAYMENTS**

An employee temporarily and formally engaged on an acting up arrangement, will be paid an allowance for undertaking the additional duties from day one of such duties. The allowance will be determined with regard to:

- the salary for the higher post;
- the extent/percentage of the additional duties and responsibilities;
- the period for which the duties are undertaken.

Contractual documentation should be issued to the employee to confirm the terms of all formal acting arrangements in all circumstances. All acting up payments should normally be notified to payroll using the HR Forms Online system and the employee should receive written confirmation of the arrangements (see appendix 1).

#### **3.2.3 DURATION OF ACTING UP ARRANGEMENTS**

Acting Up arrangements should be for a limited duration, normally not exceeding one year, and only in exceptional circumstances. In all circumstances, such arrangements should kept under regular review.

## **PART 4**

### **4.1 SECONDMENT**

A secondment involves either a temporary move to a post, at any level, within Falkirk Council, or a temporary move to an external organisation.

Secondments offer employees the opportunity to experience new areas of work and to develop their skills and experience and expand their knowledge, whilst meeting service demands and needs. Secondments will be for a pre-determined period and be by mutual agreement between the employee and their Service.

In any secondment there will normally be three parties involved: the secondee, the receiving or host service and the employing service.

During the period of secondment the member of staff will report to the host manager rather than their 'original' manager.

The '**original**' manager is the pre secondment manager i.e. the manager of the employee's substantive post. The '**host**' manager is the manager who will receive the secondee in the temporary seconded role.

During the period of secondment, the host service/organisation into which the member of staff is seconded will normally be responsible for all costs associated with the secondee's salary and other employment costs during the period of secondment.

### **4.2 TYPES OF SECONDMENT**

There are a number of types of secondment arrangements as follows:

#### **4.2.1 INTERNAL SECONDMENTS - SECONDMENTS WITHIN FALKIRK COUNCIL**

An internal secondment is where an employee temporarily transfers within the Council for a period of time, for a specific purpose, to the mutual benefit of all parties. Internal secondments will always be advertised, offering employees a fair opportunity to apply.

- **Role of Host Manager for Secondment**

Managers of secondment posts who are receiving a secondee into their team are responsible for ensuring that appropriate paperwork is completed at all stages of the secondment. They should ensure that Human Resources and Payroll are notified of the secondment and of any changes to the secondment arrangement via HR On-line forms and that an offer letter is issued to the secondee confirming the secondment arrangements (Appendix 2).

- **Role of Original Manager for Substantive Post**

Managers have responsibility for determining whether an employee can be released to go on secondment taking into account service delivery requirements. They also have responsibility for agreeing any extension, should this arise.

Managers of employees who are on secondment should ensure that they maintain communication with the employee to ensure that they are advised of any changes at their

substantive base (to job, team or service). Where any reviews or restructures are being undertaken that could affect a seconded employee, the original line manager must ensure that this employee is included within all consultation exercises, including the issue of letters etc. Further advice can be obtained from Human Resources on this matter where required.

#### **4.2.2 EXTERNAL SECONDMENTS - SECONDMENTS OF FALKIRK COUNCIL EMPLOYEES TO OTHER ORGANISATIONS**

Secondments to external bodies may be considered on an individual basis and can offer advantages both to the individual and Falkirk Council. Secondments can provide an opportunity for personal development but also the experience gained can be of value when the employee returns to the Council. However, it is important for managers to consider any secondment request in conjunction with the requirement to ensure continuation of a high standard of service delivery and any consequential recruitment costs. Within these parameters the Council, as an employer, will give such requests consideration and support them when practicable.

The terms of agreement and the aims and objectives of secondments to external organisations must be agreed between Falkirk Council and the receiving organisation. The secondment objectives agreed should take into account the personal development needs of the secondee and the needs of both Falkirk Council and the receiving organisation. It is essential that all parties are clear about their obligations, expectations, accountabilities and performance objectives. A sample agreement is attached as appendix 3. Any external secondment agreement should be discussed and agreed with representatives from Human Resources and Governance, particularly where organisations have their own secondment agreements.

Any individual seconded externally to other organisations will continue to remain an employee of Falkirk Council and will receive their salary, costs and expenses, subject to normal tax, pension and NI deductions, from Falkirk Council. Falkirk Council will then invoice the host organisation on a monthly or quarterly basis for reimbursement of all costs incurred. It is the responsibility of the relevant Head of Service to ensure that the appropriate administrative procedures are in place for re-charging. The time spent on secondment with an external organisation will count towards the calculation of continuous service and, where applicable, reckonable service with Falkirk Council. Secondees may be required to sign a confidentiality agreement with the receiving organisation, which protects the misuse of information considered to be of a sensitive or confidential nature.

- **Role of Original Manager for Substantive Post for Secondment to External Organisation**

Before agreeing any secondment, contact should be made with Human Resources, for advice and support on dealing with the request. Where the manager agrees, in principle, that the employee can be released, the manager should contact the manager within the receiving organisation to agree the terms of the secondment as soon as possible, but in all cases before confirmation of the secondment is agreed with the employee. Agreement should be reached regarding the mechanisms by which any concerns or issues arising during the course of the secondment can be reported, e.g. attendance concerns, and the procedures that will apply. Managers should ensure that they maintain appropriate

communication with the employee who is being seconded to ensure that the employee is advised of any changes at their substantive base (to job, team or service). Where any reviews or restructures are being undertaken within the Council that could affect a seconded employee, the original line manager must ensure that this employee is included within all consultation exercises, including the issue of letters etc. Further advice can be obtained from Human Resources on this matter where required.

#### **4.2.3 INWARD SECONDMENTS - SECONDMENTS OF EXTERNAL STAFF INTO FALKIRK COUNCIL**

Any external individual who is seconded into Falkirk Council will normally be employed on Falkirk Council's Terms and Conditions and is responsible for making any arrangements with their employer with regard to their return to their originating post. However, there are specific circumstances where it may be appropriate to employ individuals on the terms and conditions of their substantive post. This should only be considered in exceptional circumstances and must be agreed in advance with the Head of HR and Customer First and Governance.

- **Role of Receiving Manager for Secondment from Other Organisation**

Where an employee from another organisation is being seconded into a post within the Council, the manager should contact Human Resources to seek advice prior to the commencement of the secondment or any external advertisement of the secondment opportunity.

#### **4.3 SECONDMENT PROCEDURE**

Secondments of employees from one post to another are at the discretion of the original employing Service. Any employee may ask for their Service Manager's authority to apply for a secondment but such a request may be declined. Any request should be given full consideration taking into account:

- Impact on remaining team and service delivery;
- The ability and cost to recruit a replacement for the time period;
- Potential savings that could be achieved by alternative replacement arrangements;
- Potential to redesign service delivery and/or pilot different working arrangements for a time limited period.

##### **4.3.1 ADVERTISING AND SELECTION**

Where a vacancy is proceeding to advert, managers should consider whether applications will be considered from employees on a secondment basis and this should be clear within the recruitment advert. Any such opportunity identified within Services should be advertised and filled in accordance with the Council's Recruitment and Selection Process.

Where the post is not an established post, this will be subject to the normal grading and Standing Order approval requirements.

The Recruitment and Selection Policy must be followed throughout the full process, including all pre-employment checks. Where the post is subject to checks with

Disclosure Scotland/ PVG Scheme, these must be carried out prior to the start of the secondment.

#### **4.3.2 APPLYING FOR A SECONDMENT**

Prior to applying for a secondment, it is the responsibility of the employee to consult with their immediate line manager who, in turn, will discuss this request with their Head of Service or nominated senior manager. Employees should seek authority and agreement for the secondment arrangement prior to applying for any opportunity.

An external secondment shall only be granted with agreement between the relevant Head of Service and the host organisation. In such instances, the employee should ensure that they fully understand the terms of the secondment and their rights to return to a post, prior to taking up an external secondment.

If an application for a secondment is approved by the Head of Service, then the employee should apply for the secondment in the normal manner, confirming that their application has been approved and that their application is on a secondment basis.

If an employee wishes to change or withdraw from a secondment arrangement, they must give a minimum of 4 weeks notice of this in writing to their Head of Service. This request will be given every consideration however cannot be guaranteed.

#### **4.3.3 REFUSAL OF SECONDMENT**

Where, after considering a secondment request against business objectives as outlined in Section 4.3 above, a Head of Service does not support a request for a secondment, the reasons should be provided to the employee in writing.

If permission is not granted, but the employee decides to take the job, this is not a secondment. In this situation, the employee will require to resign from their substantive post and will then be treated as a temporary employee. The end of any internal temporary contract will be managed in line with Falkirk Council's Temporary Employment Policy.

A template letter is attached at appendix 4 to confirm refusal of a secondment request.

#### **4.3.4 DURATION OF SECONDMENT**

Secondments will normally be for a period of between 1 month and 2 years. Projects outwith these timescales should be dealt with by other working arrangements.

Secondments must be reviewed on an annual basis in line with the Council's Temporary Employment Policy.

#### **4.3.5 EXTENSION TO SECONDMENTS**

In the main, secondments will be for the agreed period and the secondee will return to the substantive service at the end of that period. Extensions should therefore be the exception rather than the norm. It should be made clear at the outset of the secondment that there is no commitment or guarantee that an extension will be considered or

approved. Any request for an extension must be made a minimum of 3 months prior to the date of expiry of the secondment agreement or, in the case of a short duration secondment, as soon as this is practicable.

The relevant Head of Service will consider any potential impact both on other staff within the section and on service delivery. An extension must be agreed by the original Head of Service with advice from Human Resources and confirmed in writing. The conditions of the secondment must also be reviewed to ensure they continue to be relevant.

Where a manager has received a request for an extension to a secondment, and they are unable to accommodate this, advice should be obtained from Human Resources.

#### **4.3.6 TERMS & CONDITIONS DURING SECONDMENT**

Where an employee applies for and is successful in gaining a secondment opportunity they will normally retain the right to return to their substantive post. There may however be occasions where this will not be possible e.g. due to difficulties in backfilling their substantive post or where the secondment arrangement extends beyond 2 years duration. In such circumstances, the employee will be made aware that they will only have the right to return to a post at a similar level.

Any employee who is seconded to undertake other duties will be paid during the period of secondment on the grade and conditions of the seconded post, including any incremental progression in this post. Where an individual has applied for a secondment to a lower graded post, the appropriate rate of pay for the job applies.

Salary on return from secondment will be on the salary for the substantive post he/she left, incorporating the normal salary increments and pay awards the employee was eligible to receive during the period of the secondment.

Entitlement to annual leave will not change for internal secondments, unless there is a change in hours or working weeks, in which case leave will be pro-rated to reflect this.

All terms and conditions for external secondments will be considered and agreed as part of the approval process. An employee going on an external secondment must repay any loans or expenses (e.g. training or relocation expenses etc) in full prior to the start of the external secondment. No allowances will be payable by Falkirk Council to the employee during their external secondment, including mileage allowance, telephone allowance, and excess travel etc.

#### **4.3.7 ENDING SECONDMENT BEFORE SCHEDULED END DATE**

If there is a justifiable reason for a secondment to end before an agreed end date e.g. early completion of a project, the appropriate notice period will be required to be given by the host manager and both the secondee and original manager should be contacted in relation to this.

Where the secondee wishes to end their secondment early, the notice period stipulated within their contract will apply and the originating Service will try to accommodate this where possible, but there is no guarantee that a secondment can be ended early at an employee's request.



If the seconded employee wishes to terminate their employment with Falkirk Council at any time within the secondment period, the notice period stipulated within their contract will apply.

#### **4.3.8 RIGHT TO RETURN TO A POST AT THE SAME LEVEL**

At the end of a secondment, the seconded employee will as outlined in 4.3.6 either return to their substantive post or revert to a similar post on a similar grade.

In the event that there are any fundamental changes in the original Service during the secondment, e.g. a restructuring, the seconded employee will be included in the consultation process in the same way as other staff in the affected Service. This may result in the seconded employee returning to their substantive post, a suitable alternative post or the employee's employment with the Council may be terminated.

When a seconded employee cannot return to a similar post, the substantive manager will explain the reasons why this is not possible. In these circumstances, managers should first consult Human Resources to ensure that all alternatives have been considered. Redeployment opportunities should be looked for ideally 3 months before the end of the secondment.

#### **4.3.9 PLANNING A RETURN FOLLOWING SECONDMENT**

It is recognised that it can be difficult to re-integrate an individual to their own workplace on their return from a long period of secondment. It is important therefore that, in the last few weeks prior to the end of the secondment period, the original line manager meets with the employee to make arrangements for their re-introduction to their own substantive or alternate post. The time for the structured re-induction of the employee will vary according to the length of the secondment and the amount of change in the post.

It is good practice to keep in touch with an employee on secondment and there must be discussion between the seconded employee and their original line manager and the host line manager of the receiving Service to agree the exact date of return. Wherever possible this will be subject to the agreement of all three parties. This must be confirmed in writing.

If the secondment has been longer than two years or significant change has occurred during it, re-training and/or significant re-induction may be required.

## **PART 5**

### **5.1 IMPLEMENTATION & REVIEW**

The Head of Human Resources & Customer First will review this policy as per the agreed Human Resources Policy Review timetable in conjunction with Service Directors and Trade Unions taking into consideration legislative amendments and best practice advice.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.

Enquiries to:  
Direct Dial:  
Date:

**CONFIDENTIAL**

Dear

**Temporary acting up arrangements**

As discussed, I am writing to confirm that for an initial {time} month period you will act up into the post of {job title}.

[You will not perform the full range of duties of the post. However you will undertake {details of expected areas role will cover}].

This acting up arrangement is effective from {date} and will terminate on {date}, [or until the post holder returns from ..... if this is sooner]. At the end of this period you will revert back to your substantive post of {job title}.

For the duration of this acting up arrangement, you will receive an allowance for undertaking higher duties equivalent to .....% of the difference between your current SCP, ..... and the minimum SCP of the grade for the post to which you are acting up i.e. .... Where relevant, incremental progression will apply.

Payroll Services have been advised of this amendment and any necessary adjustment to your pay will be made shortly.

All other terms and conditions of service will remain as previously intimated.

You should note that this letter constitutes a formal amendment to your contract of employment and should be attached to your Statement of Particulars and any other relevant documents issued to you.

Please confirm acceptance of this amendment by signing the enclosed copy letter and returning it to me within 14 days.

Yours sincerely,

I have received the original of this letter and hereby confirm my acceptance of the amendment to my contract of employment.

Signature.....

Date.....

Enquiries to: Service Director  
Direct Dial: 01324 50Extn. No.  
Date:

**CONFIDENTIAL**

Name  
Address  
Town  
Postcode

Dear Name,

**SECONDMENT**

I am pleased to offer you a secondment to the post of temporary {Job Title} within {Service} Services, commencing on {Day & Date} and terminating on {Day & Date}. The purpose of the secondment is to (state reasons either developmental or organisational e.g. cover maternity leave, personal development, etc.)

The salary grade for this seconded post is {Grade}, currently £{lowest point} to £{highest point}. Your salary will be SCP {Spinal Point}, £{Salary} per annum.

Your normal working hours will be {number} hours per week, to be worked {days}.

Your place of work for the period of the secondment will be (location). However, you are employed in the Service of Falkirk Council and may be required to work at any of the Council's workplace locations.

All other terms and conditions remain as previously in your Statement of Particulars and the Terms and Conditions of Employment.

At the end of your secondment, you will return to your substantive post of ..... ( or a post at a similar level/grade as your substantive post that may or may not be in the same Service and/or location). When you return to this post, your salary will be based on the grade for the post and include any pay awards and/or increments applicable during your secondment.

Early termination of this secondment is subject to agreement by all parties and a minimum of (number) weeks notice (*or shorter notice if agreeable to all parties*).

Your secondment can only be extended by mutual agreement with all parties (including your substantive department). It may not be possible to agree such requests due to service delivery or other reasons.

In the event that there are any fundamental changes in your original Service during this secondment, e.g. a restructuring, you will be included in the consultation process in the same way as other staff in the affected Service.

Please confirm your acceptance of this offer of secondment by signing one copy of the attached and returning it to {Service HR Contact}, at the address below.

I look forward to receiving your acceptance and would like to take this opportunity of wishing you every success in your post.

Yours sincerely,

Enc.

---

I accept the terms and conditions as stated.

Signature.....

Date.....

## Model External Secondment Approval & Agreement

**This is a standard template but this must be agreed with Human Resources and Legal Services before being issued to the employee**

### PRIVATE AND CONFIDENTIAL

(Name)  
(Address Line 1)  
(Address Line 2)  
(Address Line 3)  
(Postcode)

Dear (Name),

I am writing to outline the details of your secondment to (host organisation). The terms and conditions of this secondment are as follows:

1. START DATE  
Your secondment will commence on **Date**. You will continue to be employed by Falkirk Council during the (duration) month period of your secondment.
2. LOCATION  
You will be based within the (location).
3. SALARY  
Your salary will continue to be paid to you in the normal way by Falkirk Council however your salary will be (amount) as specified in the (host organisation) contract. You will receive no increments during your secondment from Falkirk Council but you will receive any cost of living rise which is applied.
4. HOURS OF WORK  
Your hours of work will remain unchanged. Your work pattern will be agreed between yourself and your new line manager.
5. ANNUAL LEAVE & PUBLIC HOLIDAYS  
Your annual leave and public holiday entitlement will remain unchanged. Falkirk Council operates with 8 public holidays. The dates on which you take leave will be agreed by you with (host organisation). Your new line manager will notify Falkirk Council Management.
6. PROFESSIONAL DEVELOPMENT  
(Host Organisation) will provide Falkirk Council with feedback on your performance throughout your secondment however Falkirk Council will be responsible for reviewing your performance with you.

7. SICKNESS ABSENCE

During periods of sickness absence you must notify the (host manager) as soon as possible on the first day of absence, who will notify Falkirk Council Management. Falkirk Council terms and conditions of service relating to Occupational Sick Pay apply.

The Managing Sickness Absence Policy of Falkirk Council continues to apply and you will be able to continue to access Falkirk Council's Occupational Health Service.

8. TRAVEL AND SUBSISTENCE EXPENSES

Your entitlement to receive travel and subsistence expenses is detailed in your secondment contract with (host organisation).

9. DISCIPLINE AND GRIEVANCE

**Discipline**

The policies and procedures within Falkirk Council will be followed for disciplinary matters for seconded staff. Falkirk Council remains legally accountable for such employees under all applicable employment legislation. It is possible however that (host organisation) will investigate any disciplinary matter and may present management's case at any disciplinary hearing, although it will be chaired by Falkirk Council. In matters of Gross Misconduct Falkirk Council's Human Resources Department will liaise with (host organisation) to conduct any investigation.

**Grievance**

At the informal stage, any grievance should be raised initially with the employee's immediate line manager using the agreed procedures for (host organisation). Every effort will be made by the (host organisation) to resolve the grievance at this stage. If however the employee remains aggrieved then this will proceed in accordance with Falkirk Council's second/final and appeal stage of their grievance procedure.

Such matters are best resolved locally and you are encouraged to work with the (host organisation), to reach resolution without recourse to formal procedures wherever possible.

10. PENSION ARRANGEMENTS

You must contact the Pensions Section directly in this regard.

11. FUTURE ARRANGEMENTS

As a seconded employee, you continue to be employed by Falkirk Council retaining your continuity of service and employment rights. The secondment is for a (duration) month period.

12. RETURN TO FALKIRK COUNCIL

On your return to Falkirk Council you will return to work in your substantive post of ...../ or to a post at the same or similar level if possible as was held prior to the break, although not necessarily to the same post or location.

In the event that there are any fundamental changes in the original Service during the secondment, e.g. a restructuring, you will be included in the consultation process in the same way as other staff in the affected Service.

If there are any matters relating to your secondment that you would like to discuss, please do not hesitate to contact

Please sign and date the acceptance form attached, which should be returned by (date)

Yours sincerely  
(Title)

---

Acceptance

I confirm that I have read and understood the terms of the letter and accept the conditions as detailed above.

Signed..... Date.....

## Refusal of Secondment

### PRIVATE AND CONFIDENTIAL

(Name)

(Address Line 1)

(Address Line 2)

(Address Line 3)

(Postcode)

Dear (Name),

### Application for Secondment

Following your request dated *(date of Secondment Application)* for a Secondment Arrangement to be considered, I am now writing to advise that, it is not possible to support your request for the following reasons:

- 
- 

I appreciate that you may be disappointed by this decision, however I hope you understand the reasons behind the decision.

Yours sincerely

Head of Service



## **FALKIRK COUNCIL**

**Subject: RECRUITMENT & SELECTION POLICY**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 12<sup>TH</sup> AUGUST 2014**  
**Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

### **1. INTRODUCTION**

- 1.1 The Recruitment & Selection Policy applies to all potential and existing employees of Falkirk Council to ensure effective recruitment, selection and retention of high calibre employees.
- 1.2 The purpose of this report is to advise Committee of updates to the Recruitment & Selection Policy.

### **2. RECRUITMENT & SELECTION POLICY**

- 2.1 The Policy has been reviewed to take into account changes following the implementation of Baseline Personal Security Standards (BPSS) checks.
  - 2.2 BPSS are the minimum standards required to ensure the identity and integrity of an employee with access to official information/systems and involve the following checks:
    - Identity check;
    - Nationality and Immigration Status;
    - Employment History (past 3 years);
    - Verification of Criminal Record (unspent convictions only);
    - References covering previous 3 year period;
    - Checks relating to time spent living or working abroad.
  - 2.3 In addition, the policy has also been updated to confirm that employees are now responsible for the cost of any fees related to PVG Membership or Disclosure checks and provide details of the new online process for pre-employment health questionnaires which is due to be implemented shortly.
  - 2.4 Given the size of the Recruitment & Selection Policy, only appendices that have changed have been attached for approval.
- ### **3. RECOMMENDATION**
- 3.1 It is recommended that Committee agree the changes to the Recruitment & Selection Policy and refer it to the Executive Committee for approval.



.....  
**DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

Date: 18 June 2014

Contact Name: Pauline McGrellis, ext 6250

# LIST OF BACKGROUND PAPERS

None



**FALKIRK COUNCIL**

**RECRUITMENT**

**&**

**SELECTION**

**POLICY**

**Including Recruitment & Selection  
Complaints Procedure**



**\*\*\*2014**

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## **PART 1      POLICY STATEMENT**

### **1.1      POLICY STATEMENT**

Falkirk 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.

The Council is committed to equal opportunities and therefore aims to recruit a workforce which is capable of meeting the needs of the public within the area. The Council is committed to applying its Equal Opportunities Policy 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.

Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of their disability. All disabled applicants who meet the essential requirements of the job as set out in the job description and employee specification will be guaranteed an interview.

## **PART 2      POLICY**

### **2.1      INTRODUCTION**

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.

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.

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.

Where an applicant wishes to raise a complaint regarding the recruitment and selection process within Falkirk Council, they should be issued with the Recruitment and Selection Complaints Procedure (Appendix 1).

### **2.2      SCOPE**

This policy applies to all potential and existing employees. Those involved in undertaking recruitment and selection are representing the Council and must therefore promote the Council in a positive manner. The Panel Chairperson must be trained and panel

members should be trained in the Council's Recruitment and Selection procedures before participating in any part of the process.

Human Resources (HR) are available to advise on all recruitment issues.

## **PART 3 RECRUITMENT AND SELECTION PROCESS**

### **STAGE 1 – THE VACANCY & ADVERTISING**

The process to be followed will depend on whether the post is an existing or new post as detailed below.

#### **3.1 EXISTING POSTS – VACANCY MANAGEMENT**

Before recruiting additional staff to fill a 'vacant' post consideration should be given to available internal resources which may result in an efficiency saving for the Service including the following areas:

##### **Filling vacant posts**

- **Restructuring existing jobs** – this is an opportunity for managers to review the existing establishment and make any changes to meet Service demands. Any changes should be made in consultation with existing jobholders and their Trade Union representatives, HR and Heads of Service. Changes must be reflected in the job description (Appendix 2) and person specification (Appendix 3). This may result in a change of grade therefore this should be referred to HR for guidance. Training opportunities may need to be considered to ensure this transition is effective. Where posts are redesigned approval will be necessary in accordance with section 3.2 below.
- In considering long term workforce planning issues within a Service, the manager may wish to consider **advertising the post on a temporary basis** to allow flexibility or consider whether the working hours or patterns could be adjusted. Other situations may occur where temporary appointments arise rather than permanent. This should be discussed with HR and Trade Union representatives.
- **Redeployment of employees** – refer to the Rehabilitation and Redeployment Policy and Procedure. Consideration should be given to current employees, modern apprentices, and graduates who are proceeding through the redeployment process before advertising or interviewing other applicants. Further information should be sought from HR.
- **Modern Apprentices/Trainee Posts** – consideration should be given to appointing Modern Apprentices or trainees for posts which are hard to fill. Further information should be sought from HR or the Employment and Training Unit.
- **Budgets must be approved** before opting to recruit on a permanent, temporary or casual basis including acting up, secondments, sickness absence or maternity leave, placements or Modern Apprentice programmes. Further information is contained within the Temporary Employment Policy and the Casual Employment Policy.

Once a decision has been taken to fill an existing post (in accordance with the above checks) the following documents will be required to allow the vacancy to proceed:

### **Job Description**

This is a broad statement of the purpose, scope, duties and responsibilities of a post and is used throughout the recruitment process. All job descriptions must include Gaelic as essential or desirable, as appropriate to the post and in line with the Council's Gaelic Language Plan. All job descriptions should be reviewed on a regular basis to ensure that they remain relevant. If changes are made, advice in relation to grading should be sought from HR. The job description template can be found at Appendix 2.

### **Person Specification**

This outlines the essential and desirable criteria required for the post. Essential criteria are those attributes that are absolutely necessary to carry out the duties of the post. Desirable attributes are those which would help the applicant to perform the job more effectively, but are not fundamental requirements of the post. Criteria should be non-discriminatory in line with the Equal Opportunities Policy. All person specifications must include Gaelic as essential or desirable, as appropriate to the post and in line with the Council's Gaelic Language Plan. The person specification is used to develop the job description and for shortlisting purposes, therefore it should not normally be included in application packs (see section 3.3.5). The person specification template can be found at Appendix 3.

### **Chief Officer Posts**

The recruitment process for a Chief Officer post is normally undertaken by Elected Members. Approval to appoint to a Chief Officer post on a permanent basis must normally be obtained from Council. Advice on this process is available from HR.

## **3.2 NEW/REDESIGNED POSTS – APPROVAL PROCESS**

### **3.2.1 Creating a new/redesigned post**

If the need for a new post is identified, the following steps should be taken:

- Confirm available funding for the post with your Service Accountant;
- Create a job description and person specification;
- Pass the job description and person specification with a completed grading request form to HR for grading;
- Obtain approval to create the post by submitting the relevant implementation report - see section 3.2.2;
- Consult with relevant Trade Unions throughout the process.

### **3.2.2 Approval for new/additional posts**

The introduction of any new post requires approval. The level of approval depends on the type of post:

- All new permanent posts and temporary posts of over 2 years in duration require Executive Committee approval;

- All temporary posts under 2 years require Chief Executive approval unless the vacancy is for 6 months or less when Service Director approval is required.
- Redesign of existing posts which result in a change of grade within current staffing levels are subject to Chief Executive approval.

## **Approval Process**

### **Establishment Change - Implementation Approval Process – Chief Executive/Service Director Approval**

Implementation reports are required for (a) all new posts that do not require approval from Committee; and (b) changes to existing posts that result in a change of grade. Refer to the Establishment Change Implementation Approval Process Form in Appendix 4.

### **Committee Report – Executive Committee Approval**

All new permanent posts which are additional to the agreed establishment and/or cannot be implemented within existing budget require approval from Executive Committee. The report should contain similar information to an Implementation Report, but presented in the style of a Committee Report. Long-term temporary posts (over two years) also require Executive Committee approval.

**The requirement to obtain approval must therefore be taken into account when determining timescales for establishing and recruiting to posts.**

Job descriptions and person specifications as detailed in section 3.1 will be required in order to proceed.

## **3.3 ADVERTISING AND APPLICATION PROCESS**

Once approval has been given and before recruitment commences the post can be added to the establishment via HR Forms Online using the 'request a new post ID' functionality. This is accessed through the intranet. A password is required and it must be an authorised user who completes the request which can take up to 48 hours for a post to be created.

**The recruitment process below is generic to all posts; however there are exceptions for the recruitment of Head and Depute Headteachers for which Appendix 5 must be adhered to.**

Falkirk Council manages and advertises all vacancies on "myjobscotland" which is a national shared recruitment portal for Scotland's local authorities. The portal can be accessed at [www.myjobscotland.gov.uk](http://www.myjobscotland.gov.uk). Managers should refer to the 'National Recruitment Portal – "myjobscotland" Guidance Notes for Managers and Support Staff' for process guidelines which are available on the intranet.

Once the appropriate level of approval has been obtained as outlined in section 3.2 above, recruitment can proceed as follows.



### **3.3.1 Recruitment Advertising Request**

The following documents and information are required before a post can be advertised:

- Online Recruitment Advertising Request (all sections must be completed);
- Names of all people requiring access to the vacancy online (for administration and shortlisting) – see section 3.4;
- Job description and person specification – see section 3.1 including requirement for membership of any professional body eg GTC, SSSC, PVG;
- Requirement for a criminal conviction check, e.g. PVG or Disclosure for Safer Recruitment purposes;
- Pre-selection questions if appropriate to be used as initial screening questions on “myjobscotland” – these should be based on the essential criteria of the person specification, Baseline Personnel Security Standard (BPSS) checks and are subject to HR approval – see section 3.5.2;
- Short advert – see section 3.3.2;
- Planned dates for shortlisting and interview (if available).

### **3.3.2 Advertising**

Generic adverts are held by HR for regularly advertised posts. For posts being advertised on “myjobscotland” only, a longer advert may be used as no additional cost is incurred. To minimise recruitment costs, a short advert is required for any external advertisement. HR has final approval, therefore adverts may be altered.

The advert and job description should be forwarded to the Recruitment Team using HR Forms Online. HR will add the relevant closing date to all adverts received which will also be forwarded to the advertising agency/advertiser, if appropriate along with other relevant standard text where this is identified by the Manager, i.e. Disclosure/PVG check. In the case of national press adverts, HR will ensure that a final proof copy of the press advert is sighted by the recruiting manager, along with details of the advertising costs, where time scales permit.

Where Gaelic has been included as an essential criteria for a post, the job advert must also be produced in both Gaelic and English, in line with the Council’s Gaelic Language Plan. It should be noted that this may add to the recruitment timetable to enable translation of the advert.

### **3.3.3 Choosing Advertising Source(s)**

There are a number of different options for advertising vacancies depending on the nature of the post:

- Internal only vacancies will be advertised on the Council’s intranet;
- All other posts will be advertised on the intranet, “myjobscotland” and Job Centre Plus. This is a cost effective way of advertising vacancies and consideration should be given to using this advertising source alone to minimise recruitment costs;
- Professional/Managerial/Teaching – as above but also national press, professional journals and additional websites can be considered if appropriate, but only after an unsuccessful attempt using “myjobscotland”.

Depending on the vacancy and associated costs, appropriate advertising sources should be selected in consultation with HR and within budget constraints. The use of recruitment agencies should only be considered in very exceptional circumstances and only after consultation with HR and appropriate Trade Unions. All appropriate procurement and HR paperwork must be completed if an agency appointment is being made.

### **3.3.4 Recruitment Cycle**

Recruitment requests must be submitted using HR Forms Online and will normally be processed by HR within three working days, with a closing date of two weeks after advertising. All jobs will be advertised using “myjobscotland”, however if this is unsuccessful, adverts may also be placed in appropriate media.

Adverts may be delayed in circumstances where the post has been identified as a potential suitable match under the Rehabilitation and Redeployment Policy and Procedure.

### **3.3.5 Application Packs**

Applicants should apply online via “myjobscotland”. Applicants can access information about the vacancy and the Council on the website. The advert can be viewed online and the job description can be downloaded. Applicants can register on the website and submit job applications online, including equal opportunities monitoring information, which will prompt an electronic acknowledgement. Services may wish to submit additional information about the post and/or services which can also be made available to applicants on the website.

Where the applicant requests a hard copy pack, this will provide applicants with information about the vacancy, the Service and the Council as a whole. A copy of the advert and job description, along with application and equal opportunities monitoring forms and a receipt of application acknowledgment card are included as standard.

### **3.3.6 Completed Applications**

Applications for employment must be made by completing a Falkirk Council Application Form. This ensures that all applicants provide consistent information enabling the panel to shortlist against the essential and desirable criteria. CVs are not accepted for any post and if submitted, applicants will be informed of this by HR.

Application forms can be made available in alternative formats, on request, in accordance with the Council’s Equal Opportunities Policy.

Completed applications must be submitted online or hard copy applications should be returned to HR by the advertised closing date. Late applications will not be considered. HR will advise all late applicants to this effect. Where an applicant has applied online they will receive an automatic email confirming receipt of their application.

## STAGE 2 – SELECTION

### 3.4 SHORTLISTING

Shortlisting should be carried out as soon as possible after the closing date of the job advert, normally within two to three weeks. Standard letter templates for all stages of the recruitment process are available in Appendix 16. Should there be a delay in shortlisting, the Service is responsible for advising all applicants.

#### 3.4.1 Selection of the Interview Panel

To ensure that fair recruitment takes place it is recommended that **three** panel members are appointed, however a minimum of two people may interview for lower graded posts or where extenuating circumstances arise. As far as reasonably practicable the panel should be balanced in terms of gender and include line management. The Panel Chairperson must be trained and panel members should be trained in Recruitment and Selection before participating in any part of the process.

A Chairperson must be appointed to take responsibility for the whole recruitment process and panel members should stay the same throughout the process. If a panel member has a personal relationship with an applicant, for example a relative or friend, they should declare this interest and a decision should be taken as to their ability to remain impartial. A replacement panel member may be appointed if there is any doubt. This also applies to Elected Members involved in the recruitment of Chief Officers.

Where multi-agency panels (ie including panel members from organisations external to the Council) are used, the Panel Chairperson must be employed and trained by Falkirk Council and other panel members must have undertaken their own organisation's recruitment and selection training.

In some instances it may be appropriate to include service users or Parent Councils in the interview process. Any third parties must have an understanding of the principles of recruitment and comply with the processes and procedures detailed within this policy. Services in conjunction with HR will develop specific guidance as required to meet the needs of their service users, which will be discussed with Trade Unions as required. The 'Appointment Procedure for Headteacher/Depute Headteacher Posts' at Appendix 5 includes guidance in relation to Parent Council involvement in the recruitment process.

Any attempt to influence the decision of the interview panel in favour of a particular applicant will be considered as canvassing. Any such incidents should be immediately referred to the Head of Human Resources & Customer First.

In the case of interviews for **Headteachers and Depute Headteachers**, the interview panel should be appointed in accordance with Scottish Schools (Parental Involvement) Act 2006, Appointments (Scotland) Regulations 2007. A copy of the 'Appointment Procedure for Headteacher/Depute Headteacher Posts' can be found at Appendix 5.

#### 3.4.2 Shortlisting Process

The interview panel should shortlist the applications online on “myjobscotland” using the essential criteria established in the person specification and desirable criteria if necessary. Should excess applications be received for a post, the panel reserves the right to enhance the criteria to facilitate shortlisting. Applicants will be shortlisted, provided the criteria is met, regardless of 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.

**Only application forms of those shortlisted for interview should be printed in line with the Council’s sustainability objectives.**

The shortlisting matrix (Appendix 6a) or the shortlisting analysis form and summary sheet (Appendix 6b) may also be used. Once the short list has been finalised and agreed by all panel members the Service should:

- inform all applicants of the outcome ie, either (a) not shortlisted or (b) invite for interview, using “myjobscotland” for online applications and by letter for hard copy applications – see Appendices 16a and 16c;
- if there is only one or there are no suitable applicants, contact HR for advice.

### **3.4.3 Guaranteed Interview Scheme**

Should the essential minimum criteria be met, an interview will be guaranteed for those applicants who indicate on the application form that they are disabled.

If a Guaranteed Interview Scheme applicant has not been shortlisted or appointed after interview, the Chairperson of the interview panel must advise the applicant in writing of how/where they failed to meet the criteria – see Appendix 16b.

## **3.5 PRE-EMPLOYMENT CHECKS**

There are a number of checks which must be satisfactorily met before any offer of employment is made. The Pre-employment Checklist (Appendix 7) will assist managers in ensuring all relevant checks are undertaken. Further information is also provided below on the various checks which may require to be undertaken.

The Chairperson of the panel has overall responsibility for:

- ensuring that all checks are conducted;
- undertaking visual checks to ensure the document(s) and dates of birth against the appearance and apparent age of the applicant correlate;
- checking for obvious discrepancies eg ensuring that any United Kingdom Government endorsement (stamps, vignettes etc) entitle the potential employee to do the type of work on offer and that any expiry date has not passed.

### **3.5.1 Eligibility to work in the UK**

Under the Immigration, Asylum and Nationality Act 2006, specified documents must be checked and copied to establish that an individual has the right to work in the UK.

**All applicants invited for interview** should be asked to provide proof that they are entitled to live and work in the UK. To avoid a civil penalty, **original** documents must

be presented and checked. The required documents are listed on the pre-employment checklist at Appendix 7. A paper or electronic copy must be taken and securely stored.

If applicants are not from the UK further information regarding pre-employment checks should be obtained from HR and reference should be made to the Overseas Criminal Records Checks Policy. Appendix 8 provides further information in relation to the UK Border Agency requirements for applicants from the EEA, A8 Accession States, A2 countries and non-EEA countries.

Where the appropriate evidence has not been provided or if there is any doubt with regard to validity of documentation, a recommendation for and/or offer of employment should not be made. Advice should be sought from HR and Legal before progressing the application.

Where it has been agreed to allow employment through a recruitment agency, it should not be left up to the recruitment agency to undertake these checks. The criminal liability still lies with the Council as the employer to ensure that these checks have been carried out and are satisfactory. Where however, the worker remains an agency employee, this will be the responsibility of the recruitment agency.

#### **3.5.1.1 Certificate of Sponsorship**

A certificate of sponsorship is a unique reference number given when the Council processes a non-EEA applicant through the Sponsor Management System. This process is aimed at enabling the Council to recruit individuals from outside the EEA to fill a skilled job that cannot be filled by an EEA worker.

The Council will be able to apply to sponsor skilled migrants in specific situations. There is a cap on the number of Certificates of Sponsorship available, therefore it may not be possible for the Council to sponsor an applicant. **If a Certificate of Sponsorship will be required the recruiting manager must contact the Council's Employee Resources Team Leader if possible before interview and in all circumstances before any offer of employment is made.**

HR has access and authorisation to process the applicant's details on the government system and will therefore record this information within Resourcelink for monitoring and reporting purposes. Following recruitment of non-EEA nationals, the manager will have specific responsibility under the regulations to monitor and conduct annual checks to ensure continued authority to remain in the UK. Failure to carry out these checks may result in a civil penalty being incurred.

#### **3.5.2 Baseline Personnel Security Standard (BPSS)**

BPSS is the minimum standard required to ensure the identity and integrity of an employee with access to official information/systems. It involves a number of checks:

- Identity check;
- Nationality and Immigration Status – see 3.5.1;
- Employment History (past 3 years);
- Verification of Criminal Record (unspent convictions only) - see 3.5.6 and 3.5.7;
- References covering previous 3 year period - see 3.5.3;

- Checks relating to time spent living or working abroad – see Overseas Disclosure Policy.

The checks relating to gaps in employment history or additional references covering a 3 year period are not mandatory but are considered good practice.

All relevant information required as part of this check should be recorded on the pre-employment recruitment checklist in Appendix 7.

### **3.5.3 References**

Information regarding attendance, ill health or disability must not be requested from previous employers prior to interview. Services are required to take up two appropriate and satisfactory employment references prior to confirming any offer of employment, and the conditional offer letter will advise the candidate that references will now be taken up.

The purpose of seeking references is to obtain objective and factual information about an applicant's suitability for a post and should inform and support appointment decisions. The Chair of the interview panel must ensure that references are received and scrutinised, and any concerns are resolved satisfactorily, before the offer of employment is confirmed.

'Guidance on Employment References' provides further information (Appendix 9). This document must be read in addition to this Policy and complied with before any offer of employment is made in the interest of safe recruitment practice.

### **3.5.4 Baseline Health Questionnaire**

All applicants invited for interview must be advised that, if successful at interview, they will be expected to complete a Health questionnaire.

Once the preferred candidate has been selected, a Baseline Health Questionnaire should be emailed to the candidate via the Occupational Health online system as part of their conditional offer. If the candidate does not have an email address, they will be sent a hard copy which they should complete and return to the Chair of the Interview Panel, ensuring confidentiality by sealing it in a plain envelope and writing their name on the top left hand corner, who will forward it unopened to Occupational Health for assessment.

If the Occupational Health Adviser has any queries regarding the questionnaire, they may invite the candidate for a medical interview or a medical examination. If the candidate refuses to complete the questionnaire, or attend an Occupational Health interview or examination, this would mean that the conditions for appointment had not been satisfied, and the manager must obtain advice from HR.

### **3.5.5 Qualifications and Driver's Licence Checks**

Where a specific qualification, membership of a registered body or equivalent alternative is required as a criterion for the job, including the requirement to drive to perform duties, evidence of this must be checked prior to the job offer being made. The original documents must be checked and a copy of the original certificate(s) and/or licence should be taken and retained on file.

### **3.5.6 Rehabilitation of Offenders Criminal Convictions Declaration**

The government has enacted legislation for regulated work with children and adults through establishing lists of adults disqualified from engaging in this type of work. It is a criminal offence for individuals who have been disqualified from regulated work with children and/or adults to apply for a position working with these groups or for the Council to employ an individual on either of the lists in that type of regulated work. It should be made clear on the advert and the application pack if the post is considered to be regulated work with children and/or adults.

Applicants for regulated work must disclose any conviction regardless of when it was or what it was for. This information will then be verified through a relevant check through Disclosure Scotland – see section 3.5.7. Information disclosed through this process, along with Disclosure Scotland information will be assessed to consider the appropriateness of any appointment.

Applicants for regulated work invited for interview must complete a Rehabilitation of Offenders Criminal Convictions Declaration form (see Appendix 10). Where a hard copy application has been received, the form should be sent to the applicant for completion at the time of inviting for interview. This should be returned by the applicant at interview in the sealed envelope provided. For online applicants this may have to be completed on the day of the interview.

The information contained in the form for the **successful applicant only** should be assessed by the Chairperson of the panel. The other envelopes should **not** be opened. Should any issues arise in relation to the post for which they have applied, advice must be sought from HR.

Unsuccessful applicant's Rehabilitation of Offenders Declaration sealed envelopes must be destroyed within 30 days of the conclusion of the recruitment process.

### **3.5.7 Criminal Record Checks**

Human Resources, in consultation with Services, maintain a list of posts requiring Disclosure/Protection of Vulnerable Groups (PVG) checks. The 'Recruitment of Employees/Volunteers Requiring a Disclosure/PVG Check' Guideline must be read in addition to this policy and complied with before any offer of employment is made in the interest of safe recruitment practice. The requirement for a Disclosure/PVG check should be made clear on the advert and the application pack.

A list of posts exempt under the terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2013 is at Appendix 11.

#### **3.5.7.1 Disclosure /PVG Checks**

At least three forms of identification, including photographic and address verification should be checked at interview, with relevant information noted as detailed in the Pre-Employment Checklist (Appendix 7). The relevant Disclosure Scotland form, if appropriate, should be sent with the recommendation for appointment letter. Applicants must be asked to complete this and return it in the sealed envelope.

Once the relevant Disclosure/PVG certificate has been returned from Disclosure Scotland, this must not be retained for more than 90 days. Details should be noted on the Pre-Employment Disclosure/PVG Scheme Clearance Form (Appendix 12) and kept in the employee's personnel file.

Employees will be responsible for the cost of any fees related to Disclosure Checks. Arrangements will be made for the fee to be paid by the Council initially, to be repaid by employees through regular monthly instalments from their salary (over 12-24 month period).

### **3.5.7.2 Protecting Vulnerable Groups Scheme**

PVG Scheme membership is required for regulated work ie posts working with children and/or vulnerable adults.

Managers will be required to ask candidates at interview whether they have existing PVG Scheme membership or not. Steps in the flowchart (as at 3.5.7.3) below must be followed.

As with the Disclosure process, recruitment panels must check and note the relevant personal identification, as noted on Section A of the Pre-employment Checklist (Appendix 7).

PVG application forms are available from the administration team appropriate to each Service or HR. On receipt of the PVG Scheme Record or Update, the manager should refer to the flowchart below to check whether any further documentation is required. If any convictions are noted, this should be risk assessed in accordance with the current risk assessment process and form which can be found in the Forms section of the Underground or by contacting HR. If any documentation suggests an individual is "considered for listing", the manager must refer the matter to Legal Services and HR for further consideration. If any individual is barred from working, they MUST NOT, in any circumstance, be offered any work within that particular regulated workforce. Again, should this occur, the manager should contact Legal Services and HR for further advice.

The Pre-Employment Disclosure/PVG Scheme Clearance Form (Appendix 12) must be completed and filed in the personal file for future reference and any original certificates destroyed within 90 days. Relevant membership information must also be recorded on Resourcelink.

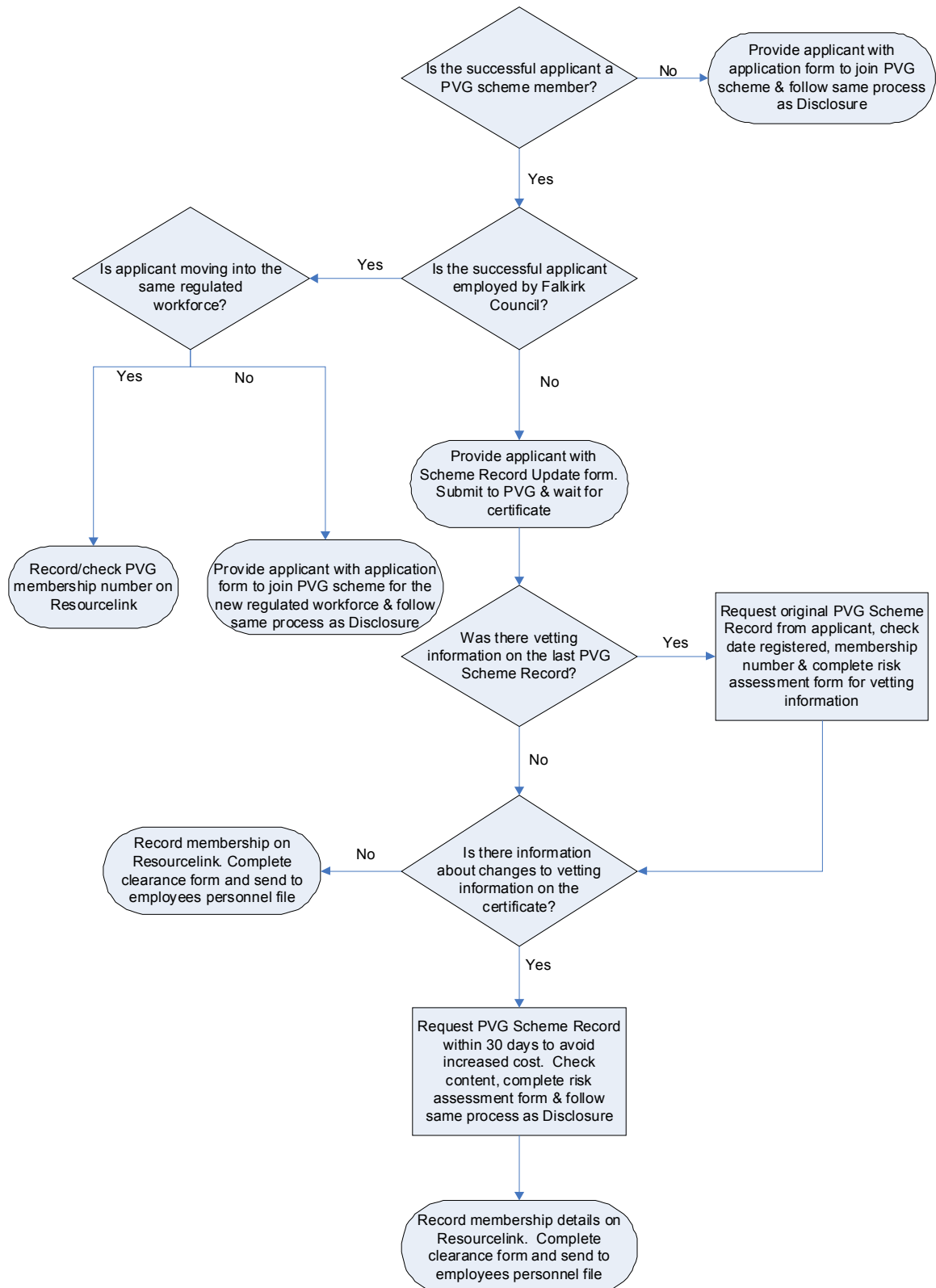
Payment for all PVG Scheme checks will be the responsibility of the applicant. Arrangements will be made for the fee to be paid by the Council initially, to be repaid by employees through regular monthly instalments from their salary (over 12-24 month period). A mandate must be completed and submitted to payroll in order that the appropriate deductions can be made. The mandate should be issued with the offer of



employment letter (Appendix 16f) and must be signed by the new employee prior to commencement.

Further information relating to Disclosure checks and PVG Membership can be found in the PVG and Criminal Conviction Checking Policy.

### 3.5.7.3 PVG Process



## **3.6 INTERVIEW PROCESS**

### **3.6.1 Interview Arrangements**

The Chairperson of the panel is responsible for ensuring that the arrangements for interview are made in advance as follows:

- Check for applicants with special requirements e.g. disabled applicants should not be disadvantaged by the interview arrangements. The interview letter/email must ask the applicant to advise of reasonable adjustments required for the interview prior to the day. Reasonable adjustments should be made where appropriate such as physical access to the venue, and any services/equipment that may need to be provided, e.g. sign language interpreter.
- It is the responsibility of the individual to notify the Council of any special requirements, however it is the interview panel's responsibility to ensure where possible that these are met.

### **3.6.2 Interview Preparation**

- Ensure that a suitable room is available and that the reception/person meeting the applicants has a list of who will be arriving, the times of the interviews, a contact number and where the interviews will be taking place.
- Panel members should agree standard open questions in advance of the interview ensuring that the assessment of knowledge and skills can be adequately measured against the essential and desirable criteria during the interview using behavioural interviewing techniques. The panel should also take turns at asking the questions and agree who will ask which ones.
- As an approximate guide, six to eight standard questions should be devised.
- All interviews must be fair and consistent. All applicants should be asked the same questions, based on the criteria for the post. It may be appropriate to rephrase questions to encourage responses depending on an applicant's particular experience and/or ask further probing questions. It may also be necessary for the panel to clarify information submitted in the application form by the applicant.
- Panel members should ensure that the questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview should focus on the needs of the job and skills required to perform it effectively.
- Where a presentation or test is included as part of the selection process, applicants must be made aware of this in advance. The Chairperson is responsible for ensuring availability of appropriate working equipment prior to interviewing, as required for any presentation or test. In addition they should ensure appropriate resources to administer any tests.

### **3.6.3 Conducting the Interview**

- Ensure phones are diverted and a sign is put on the door of the interview room to avoid interruptions.
- The Chairperson should introduce those present and outline the format and timescales of the interview, advising the applicant that the panel will be taking notes. Panel members should avoid recording subjective or personal data during the interview.

- Provide background information for the job and the relevant Service to the applicant.
- If PVG membership is required for the post, ensure that all applicants are reminded that the Council will initially pay for the PVG Scheme Membership fees, but this will be reclaimed from the employee in instalments from 6-24 months.
- If applicable, the applicant would normally deliver their presentation at the start of the interview and prior to questions being asked.
- Tests may be appropriate to determine knowledge or skills eg typing, organisation, IT skills or subject matter, however they must be relevant to the requirements of the post. Tests should be administered at the beginning or end of interview depending on resources.
- Ask the applicant the agreed questions and any follow up questions to elicit all required information.
- Give the applicant the opportunity to ask any questions.
- Pre-employment checks must be carried out at the time of interview, however these may be done by an administration assistant or authorised signatory – see section 3.5 for details of documentation and checks which must be carried out for each post.
- Ensure the applicant has signed their application form, particularly if they have applied online. If required, ask the candidate to sign the form.
- Close the interview by thanking the applicant for attending, indicating when you expect to make a decision and when the applicant will be informed of the outcome.
- Ensure travelling expenses forms are processed – see section 3.6.4.
- A record of every recruitment interview must be made and retained for six months; see Interview Assessment Record (Appendix 13) and Interview Scoring Matrix – Appendix 14) for templates. You must do this in writing and retain any notes. Audio recordings of interviews **must not** be made.
- Section A of the Pre-Employment Checklist (Appendix 7) should be completed for all applicants attending interview. For successful applicants, Section B of this form should also be completed.

#### 3.6.4 Interview Travelling Expenses

Applicants should be offered re-imbursement for travel costs incurred attending interview. Re-imbursement of expenses is normally for either standard class return rail/bus/coach fare or actual mileage paid at 20 pence per mile, starting at point of entry to the UK where relevant.

The applicant should be provided with an Interview Travel Expenses Form (Appendix 15) and asked to provide receipts for expenses being claimed. This should be completed and returned at interview where possible and no later than seven days after interview, with the relevant receipts, to the Chairperson of the interview panel for authorisation and submitted to Finance for a cheque to be sent to the applicant. Where an applicant is travelling a significant distance to attend interview, the travel expenses to be claimed must be agreed in advance with the Chairperson of the interview panel.

## **STAGE 3 – POST INTERVIEW**

### **3.7 INTERVIEW OUTCOMES AND OFFER**

The interview panel have joint responsibility for selecting appropriate applicants based on the criteria set for the post. The scoring matrix (Appendix 14) should be used to determine the outcome of the interviews by scoring each applicant against the responses to the interview questions and any tests where applicable. Normally applicants should be scored after individual interviews by each panel member. On conclusion of the interviews each panel member must rank their own scores in order of merit (1 being the highest). The rank orders of all panel members should then be added together to give an overall ranking. The applicant with the lowest rank score should be appointed. An agreed matrix should be retained with interview records.

The Chairperson of the panel must ensure that they are satisfied with the interview process and challenge any anomalies if required.

The Chairperson must also ensure that “myjobscotland” is updated to reflect the outcome for successful and unsuccessful applicants and the vacancy closed.

#### **3.7.1 Positive Action**

Positive action provisions of the Equality Act in relation to recruitment and selection came into force on 6<sup>th</sup> April 2011. This means that if the recruiting manager believes that a particular protected characteristic (ie age, disability, sex, gender reassignment, pregnancy, maternity, race, sexual orientation, religion or belief, marital or civil partnership status) suffers a disadvantage or is under-represented in the post in question, and where two candidates have scored equally in their interviews, the candidate with the protected characteristic can be selected. Taking the positive action must be a proportionate means of enabling or encouraging people to overcome the disadvantage or to address the under-representation.

For example, if an employer that is recruiting for a management role considers that two candidates, one male and one female, are as qualified as each other for the role, it could decide to offer the job to the female candidate because women are under-represented at management.

All suitably qualified candidates must be considered on their individual merits for the post in question. Where one applicant is clearly superior or better qualified for the job than others then that candidate should be offered the job.

Positive action is entirely voluntary and there is no requirement to use this as part of recruitment and selection processes. Advice must be sought from HR if positive action is being considered.

#### **3.7.2 Offer of Employment**

On no account should any job offer be made during or at the end of an interview. Offers of employment must only be made on condition that all checks have been received and are satisfactory. Template letters are available at Appendix 16 covering a conditional offer subject to pre-employment checks (Appendix 16e), as well as formal offer letters

for permanent employment and temporary employment for secondments (Appendix 16g). Reference should be made to the Casual and Temporary Employment Policies for offer letters in these circumstances.

### **3.7.3 Salary Placement**

Placement within grades, including on promotion, will normally be on the first point on the grade. Heads of Service do however have the discretion to appoint individuals at any point within the appropriate grade in specific circumstances. Consideration should, in the first instance, be given to ability and skills of the successful applicant and the impact on other jobholders to ensure equality.

### **3.7.4 Returned Acceptance of Offer**

Once the applicant has returned a signed copy of their offer letter the Service must ensure that all appropriate administration is completed to facilitate the set up of the new employee with both HR and Payroll – see section 3.8.

### **3.7.5 Unsuccessful Outcome of Checks**

Where the outcome of any pre-employment check (including references) results in the decision not to make a formal offer of employment, HR should be contacted for advice and guidance.

### **3.7.6 Informing the Unsuccessful Applicants**

The unsuccessful applicants should be advised in writing of the outcome (Appendix 16d). Rehabilitation of Offenders Criminal Conviction Declarations must be destroyed unopened within 30 days of the conclusion of the recruitment process.

All application forms and associated recruitment material must be forwarded to the Service/HR Recruitment team for filing within two weeks of issuing letters to unsuccessful applicants. These papers will be held for a 6 month period and then destroyed.

## **3.8 NEW START PROCESS & DOCUMENTATION**

The Recruiting Manager must ensure that a New Appointment Form is completed on HR Forms Online (HRFOL) on or as soon as possible after the start date. The form should not be submitted in advance of the new employee actually starting to avoid them being paid if they do not start employment. Once authorised by the appropriate authorising officer within the Service, this will be automatically submitted to Payroll.

Payroll will approve HRFOL on a monthly basis around 18<sup>th</sup> of each month, after which the new employee's details will move to the HR Admin section of the system. At this stage an employee number will be created on Resourcelink. Services/HR Recruitment team must then issue a Statement of Particulars (SOP) to the new employee within eight weeks of the start date.

A personal file must be made up around the same time as the SOP is issued and the Recruiting Manager must ensure that supporting paperwork as detailed on the Pre-

Employment Checklist (Appendix 7) is sent to the holders of personal files and retained for the duration of employment, then retained for a further 7 years in archive after the termination date.

### **3.9 INDUCTION**

On the first day of employment, a further identity check must be undertaken to ensure that the person interviewed is the same person starting employment. This should include checking the person's appearance against the photographic identification provided on the day of interview.

For posts that have required Disclosure checks/PVG membership, managers should ensure that a mandate has been completed to allow deductions to be made from the employee's salary to reimburse fees where appropriate.

All employees should be inducted into Falkirk Council from the first day of employment. An Induction Pack should be completed for all new employees which is available on the Intranet.

An on-line Induction Training course called 'The Welcome Induction' is available for all new employees. You will find a link to this course on the Learning Zone section of the Underground. Line managers should ensure that where facilities allow, new employees undertake this course within three months of commencing employment. PCs are available in the Learning Resource Centre, Municipal Buildings; to book telephone 01324 506059.

Services will be provided with regular reports in relation to induction progress from HR for monitoring purposes.

### **3.10 PENSION ARRANGEMENTS**

All employees of the Council with contracts of three months or more and who are under age 75 are eligible to join the Local Government Pension Scheme (LGPS) (unless they are Teachers in which case they can join the Scottish Teachers Superannuation Scheme (STSS)). All new employees will be automatically enrolled in one of these pension schemes unless they specify in writing that they do not wish to become scheme members or opt out of the scheme.

Employees on temporary contracts of under three months or casuals, who are under age 75, will be eligible to opt into LGPS or STSS.

Any enquiries regarding the LGPS should be directed to the Pensions Section by telephoning 01324 506329 or email [pensions@falkirk.gov.uk](mailto:pensions@falkirk.gov.uk). Any enquiries relating to STSS should be directed to the Scottish Public Pensions Agency by telephoning 01896 893000.

## **PART 4      IMPLEMENTATION**

### **4.1      RESPONSIBILITIES**

#### **4.1.1    The Chief Executive and Chief Officers**

The Chief Executive and the Chief Officers of the Council are responsible for the effective operation of the policy across the Council as a whole and within the various Services respectively.

#### **4.1.2    Managers**

Managers involved in the recruitment and selection of individuals on behalf of the Council have the responsibility to ensure that the principles and practices of the policy are applied and adhered to at all times.

#### **4.1.3    Employees**

Employees are responsible for ensuring that where they are applying for further employment opportunities within the Council they adhere to the same requirements, as would an external applicant and do not canvas those involved in the process in any way.

#### **4.1.4    Human Resources**

The HR section of Corporate and Neighbourhood Services will provide advice, assistance and support to individual employees, managers and Senior Officers in interpreting and applying the Council's Recruitment and Selection Policy.

### **4.2      MONITORING AND REVIEW**

Falkirk Council has a duty to ensure that all Recruitment and Selection activity is undertaken on a fair and consistent basis, in accordance with the principles of the Council's Equal Opportunities policy and all appropriate employment legislation.

The Head of Human Resources & Customer First will review the Recruitment and Selection Policy as appropriate, in conjunction with Service Directors, Heads of Service and Trade Unions.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.

## RECRUITMENT CHECKLIST

## PART A – TO BE COMPLETED FOR ALL CANDIDATES

Job Title		Recruiting Manager	
<b>CANDIDATE DETAILS – verify and check identification and personal details</b>			
Name:		Date of Birth:	
Address:		Telephone No:	
Place of Birth:		National Insurance No:	
	Initials	Date	Notes
Candidate's application (signed and dated)			
Signature checked against other identification			

**FOLLOWING SECTIONS TO BE CHECKED AND SIGNED OFF (by Chair of Interview Panel)****DOCUMENT CHECK (Eligibility to Work in UK and Disclosure/PVG)**

	Initials	Date	Notes
Eligibility to Work in UK documentation checked ( <i>see Appendix A for relevant documents</i> ).			List documents received and checked:
Disclosure/PVG documentation checked ( <i>Appendix B should be completed, signed and attached to Checklist</i> )			<i>Note: Insert current Membership details if relevant</i>

**QUALIFICATIONS AND PROFESSIONAL REGISTRATION**

	Initials	Date	Notes
Copy of qualifications received (if applicable)			
Copy of Professional Registration (if applicable)			No:  Date of registration:  Date of renewal:



DRIVING LICENCE CHECKS			
Is driving licence required for post?			YES <input type="checkbox"/> NO <input type="checkbox"/>  Licence No:  Level of Licence:
VOLUNTARY SEVERANCE			
Has the candidate previously taken voluntary severance with Falkirk Council?	Yes:  Date:	No:	

**PART B – TO BE COMPLETED FOR SUCCESSFUL CANDIDATE ONLY**

REFERENCES			
	Initials	Date	Notes
<b>Reference 1:</b>  Sent:  Received:			
<b>Reference 2:</b>  Sent:  Received:			
<b>Note: If current employment history does not cover a 3 year period you can request additional references if you wish.</b>			
Additional reference(s) requested (if applicable)			
Additional reference(s) received			
HEALTH			
	Initials	Date	Notes
PEHQ sent to candidate			<i>Please note if paper copy required.</i>
Confirmation of Fit for Work received by Occupational Health			
CRIMINAL CONVICTIONS (Note: Basic Disclosure required for all BPSS posts)			
	Initials	Date	Notes
Disclosure/PVG relevant to post			YES <input type="checkbox"/> NO <input type="checkbox"/>
Level of check required - Regulated Work with Children/Protected Adults or Both	*Children/Protected Adults/Both		* Delete as appropriate
Document checks carried out at interview (Appendix 2 completed)			YES <input type="checkbox"/> NO <input type="checkbox"/>
Disclosure/PVG Form sent to candidate			YES <input type="checkbox"/> NO <input type="checkbox"/>
Completed Disclosure/PVG form received from candidate/or existing PVG member update			YES <input type="checkbox"/> NO <input type="checkbox"/>

Disclosure/PVG Certificate received from Disclosure Scotland			YES <input type="checkbox"/>	NO <input type="checkbox"/>
PVG Scheme Membership No.			Disclosure No.	
Risk Assessment undertaken (if applicable)			By whom:	Date:
Fit/appropriate to undertake duties of the post				
Unfit/inappropriate to undertake duties of the post. Contact HR for advice.				
Overseas Criminal Records Check required and completed			YES <input type="checkbox"/>	NO <input type="checkbox"/>

OFFER OF EMPLOYMENT			
Conditional Offer Issued			
Conditional Offer Acceptance returned			
Unconditional Offer Issued			

**Chair of Interview Panel Declaration:**

I confirm that the checks indicated above have been carried out and that I have seen the original versions of the documents and that they relate to the above named candidate.

I can confirm that only where required are copies of these documents attached for reference (Eligibility to Work in the UK and Basic Disclosure Checks).

I confirm that I am satisfied that all appropriate checks for this post have been completed.

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

## ELIGIBILITY TO WORK IN THE UK

The following provides guidance as to the documentation required for Eligibility to work in the UK checks.

### INTRODUCTION

All prospective employees of Falkirk Council are legally required to evidence their ability to work in the UK.

To satisfy this **all** candidates must provide **one** of the original documents alone, or **two** of the original documents in the **specified combinations** given in **EITHER List A OR List B**. **Copies of these relevant documents should be photocopied and retained on file for the duration of the individual's employment with Falkirk Council.**

The documents in **list A** indicate that the holder is entitled to live and work in the UK indefinitely. These documents can be accepted for checking purposes for a person who has a permanent right to work in the UK. These documents provide an ongoing excuse against payment of a civil penalty.

The documents in **list B** indicate that the holder has a limited right to live and work in the UK. These documents provide an excuse against payment of a civil penalty for up to 12 months. Therefore repeat document checks should be carried out every 12 months.

**It should be noted on the recruitment checklist which document(s) have been checked.**

**NB The front cover of the passport must be copied as well as the relevant pages.**

<b>LIST A (Part 1) - Documents which confirm that you have an on-going right to work in the UK - ONE document only is required (See note re citizens from A2 and A8 countries)</b>
A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.
A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area (EEA) country or Switzerland.
A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of an EEA country or Switzerland.
A permanent residence card issued by the Home Office to the family member of a national of an EEA country or Switzerland.
A <b>current</b> Bio-metric Immigration document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
A <b>current</b> passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or have no time limit on their stay in the UK.
A <b>current</b> Immigration Status Document issued by the Home Office to the holder with an endorsement indicating the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
A <b>full</b> birth or adoption certificate issued in the UK, which includes the name(s) of at least one of the holder's parents or adoptive parents, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

A birth/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
A certificate of registration or naturalisation as a British citizen, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
A letter issued by the Home Office or UK Border Agency to you which indicates that you can stay indefinitely in the UK.

**Note:** Citizens of Bulgaria and Romania (A2 countries) are permitted to work as members of the EEA but require advance authorisation from the UK Border Agency. Citizens of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia (A8 countries) are permitted to work as citizens of the EEA.

<b>LIST B (Part 1) - Documents which confirm that you have a time limited right to work in the UK – ONE document only is required</b>
A <b>current</b> passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
A <b>current</b> Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
A <b>current</b> residence card (including an Accession Residence Card or Derivative Residence Card) issued by the Home Office to a non-European Economic Area (EEA) national who is a family member of a national of an EEA country or Switzerland who has a derivative right of residence.
A <b>current</b> Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

<b>LIST B (Part 2) - Documents which confirm that you have a time limited right to work in the UK but where TWO documents are required. Documents where a time limited statutory excuse last for 6 months.</b>
A Certificate of Application issued by the Home Office under regulation 17(3) or 18A9") of the Immigration (European Economic Area) Regulations 2006 to a family member of a national of a European Economic Area (EEA) country or Switzerland stating that the holder is permitted to take employment which is <b>less than 6 months</b> old <b>together with a Positive Verification Notice</b> from the Home Office Employer Checking Service.
An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, <b>together with a Positive Verification Notice</b> from the Home Office Employer Checking Service.
A <b>Positive Verification Notice</b> issued by the Home Office Employer Checking Service to the employer or prospective employer which indicates that the named person may stay in the UK and is permitted to do the work in question.

\*If candidates are unable to print or bring the Rehabilitation of Offenders Criminal Convictions Declaration form in a sealed envelope, it may have to be provided and/or completed on the day of the interview.

**PVG/DISCLOSURE APPLICATION  
VERIFICATION OF DOCUMENTS**

Applicant  
Name .....

Position .....

Verified by .....

**TYPE OF IDENTIFICATION (Cross each box that applies to documentation checked)**

**Enter details below**

Birth Certificate ☐ Certificate No.....

Passport ☐ Passport No .....

Driving Licence ☐ Driving Licence No .....

Photo  
Driving Licence ☐ Driving Licence No .....

Previous  
Disclosure ☐ Previous Disclosure  
Certificate No...../

Other ☐  
If other please state .....

I confirm that the above form(s) of identification for the applicant have been seen.

Signature .....

Name in  
Capitals .....

Date .....

**Note: For Basic Disclosure checks all relevant documents must be copied for sending to Disclosure Scotland. All checks relating to PVG or Enhanced Disclosure only require verification that they have been checked.**



## Falkirk Council

### GUIDANCE ON EMPLOYMENT REFERENCES

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## **1.0 Introduction**

This Guidance is designed to assist managers in responding and requesting employment references. The guidance should be read in conjunction with the Council's Recruitment and Selection Policy.

## **2.0 General Principles**

- 2.1 Although there is no obligation or legal duty to provide references, it is considered good practice within the Council to provide references for employees. A refusal could result in adverse consequences for the employee. Furthermore, case law has previously suggested that although there may be no legal obligation to provide a reference, there is a moral obligation to do so (Lord Slynn's judgement in *Spring v Guardian Assurance plc and others* [1994]).
- 2.2 References provided on behalf of Falkirk Council should be on headed paper marked private and confidential and signed off by a Manager at an appropriate level e.g. Team Manager. You may wish to check with your own manager that you are authorised to provide a reference.
- 2.3 References must be true, accurate and fair, and must not give a misleading impression. If your impression of the employee is included in the reference, then back this up with factual evidence. If a reference, orally or in writing, contains inaccurate statements which are:
  - knowingly untrue and given with malice intended;
  - positive although they have grounds for suspecting the competence or honesty of the employee then the employee or recipient may be able to raise a civil action.
- 2.4 It is not fair to refer to an issue of concern in a reference that has not been discussed with the employee.
- 2.5 In submitting a reference for an individual it should be remembered that the accuracy and fairness of the contents of the reference reflect on the personal and professional reputation of the referee and the Council. There is a shared responsibility in ensuring that the right person is employed.
- 2.6 If you are a member of a recruitment panel, you must not act as a referee for an applicant applying for the post. You can however, provide assistance to the employee to identify an alternative referee.
- 2.7 If you are approached in a personal capacity outwith your employment, for a reference, you must not refer to the Council in any way, and you should not refer to your professional role within the Council as this can imply related authority or credibility to the reference. A personal reference must detail the home address of the referee and must never be written on Council headed paper.

- 2.8 Open references, i.e. *“To whom it may concern”*, should not be provided as this allows the individual flexibility to select how and when to submit the reference, e.g. it may be that specific environments are not considered suitable but the employee is free to use the reference for any position. There may however be specific circumstances where this arrangement may be appropriate. You should seek advice from your Service Human Resources Adviser before providing this type of reference.
- 2.9 If you are uncertain about whether you should provide a reference, or would like advice on how to prepare a reference, please contact your Service Human Resources Adviser.

### **3.0 Guidelines for Writing References**

- 3.1 When writing references:

- 3.1.1 Be fair to both the member of staff and the recipient of the reference;

- 3.1.2 Ensure the reference is factually correct – if you are unsure of any facts or wish to check employment information please contact Human Resources. Some reference requests ask for specific information. If however they simply request a reference, you may wish to include some of the following areas:

- The nature of your working relationship with the individual;
- Their length of service;
- Length of time you have known the person;
- Duties – nature of current job, including scope of the job;
- Timekeeping and attendance, (including number of absences, or, number of days sickness, and the timescale);

(Please note: When providing information about an individual’s sickness absence record, it is essential to provide only verifiable facts about attendance history, and not to include subjective statements. Even seemingly positive statements [e.g.: “maintained good attendance despite disability”] could be seen as discriminatory. It is not appropriate to provide background information about medical conditions or disability.)

- Current disciplinary record (if applicable);
- Performance;
- Particular contribution to the organisation;
- Particular personal strengths;
- Identified areas for development;
- Suitability for the post applied for.

- 3.1.3 Ensure that your opinions are clearly stated as opinions and that they are based on verifiable facts. If you are asked to express an opinion on areas where you have limited knowledge it might be necessary to use phrases such as,

- *“I know of no reason to question xxxx’s honesty / integrity”*
- *“Although xxxxx has not undertaken xxxxxx role / responsibilities whilst working with me, based on my experience of ..... I am confident he / she has the required experience and skills.”*



- 3.1.4 You should not include anything that you are not prepared to discuss with, or show to, the member of staff. As part of your normal performance management you should be giving continuous feedback, so any member of staff should know what to expect in any reference. If, however you have concerns about conduct or performance but have never raised it with the member of staff, you should not include it in the reference. It is worthwhile to meet with the employee and discuss the contents of the reference, alternatively a copy can be provided to the employee. The content of a reference may be discussed during an exit interview, which would cover the information that you would include in any references that may be requested in the future.
- 3.1.5 If you use information from another source, i.e. another manager, you should make it clear where the information came from and ensure any comments and views can be demonstrated. The reference should only be based on the factual information held on file and you should explicitly state that the information has been included on a factual basis and that the individual is not known personally. For example, if the request requires information about an element of work that you are not familiar with, you might wish to use “having consulted xxxxx xxxxx who has most interaction with xxxxx on this area of work I can advise that...”
- 3.1.6 If in doubt about providing a reference, it is advisable to provide only the basic facts, i.e. dates of employment and a brief description of duties and responsibilities. This kind of reference, however, is unlikely to be suitable for certain positions. If you have concerns about providing a reference, please contact Human Resources for advice.
- 3.2 The provision of references via e-mail is not considered appropriate. All employment references on behalf of the Council should be provided in writing and on letter headed paper.

#### **4.0 Providing Verbal References**

- 4.1 Although the same guidelines apply to references given verbally, it is not considered best practice to provide verbal references. Where it is necessary to give a verbal reference it is useful to do the following:
- Ask what information is required and arrange a time to call back – this will help you to verify the nature of the caller and will ensure that you have time to consider and prepare your response.
  - Do not make statements that you would not be prepared to put in writing and back up with facts.
  - Provide written confirmation of the verbal reference.
  - Keep a note of what was discussed verbally.

#### **5.0 Requesting and Following Up References**

- 5.1 Requesting and properly following up references is one of the most vital safer recruitment tools available. As well as providing a valuable source of information on applicants including, their history and performance in previous roles, they can also give an indication of personal qualities and characteristics.
- 5.2 The purpose of seeking references is to obtain objective and factual information about an applicant's suitability for a post and should inform and support appointment decisions.

- 5.3 References should always be requested and obtained directly from the referee. References or testimonials provided by the applicant, or on open reference, i.e. "To Whom It May Concern" should not be relied upon. There have been instances of applicants forging references, also open references/testimonials may be the result of a "compromise agreement" and are unlikely to include any adverse comments. You may therefore wish to check the details of referees given, such as name, address or telephone number.
- 5.4 The most appropriate referee is likely to be the current employer. You should always try to get at least one reference from the current employer from an appropriately senior representative of the relevant organisation, i.e. not a former peer. If someone other than an employer is put forward as a referee you should query this with the applicant. However, if the applicant has not been employed, personal referees may be the only ones available. Information from personal referees may, however, be of less value.
- 5.5 If the candidate has applied for a post which requires additional BPSS checks, you may wish to request additional references that cover a period of 3 years employment history. This is not mandatory but could be considered good practice in terms of the relevant checks being undertaken.
- 5.6 The request letter should allow sufficient time for the reference to be returned prior to the interview and should offer a telephone contact in case of problems. A stamped addressed envelope for returning references should be provided to expedite this process. It is important that the reference request is marked 'private and confidential' for the attention of the named referee. If a reference request is returned by email it must include an appropriate signature and company stamp.
- 5.7 It is not permitted to request or receive references regarding attendance, ill health or disability prior to interview. Therefore references for the successful applicant will be taken up following interview, and the applicant will be advised in the conditional offer letter that this is being done. The Chair of the interview panel must ensure that references are received and scrutinised, and any concerns are resolved satisfactorily, before any conditional offer of employment is confirmed.
- 5.7 All requests for references should seek objective verifiable information as far as possible and not only subjective opinion. Information may be requested on a variety of matters and should be used to check facts. The Council's standard letters **or** pro forma for obtaining references should always be used. These are attached as appendices at the end of this document. A copy of the job description and person specification for the post for which the person is applying should be included with all requests, and every request should ask:
- How long have you known the applicant and in what capacity?
  - In what post was/is the applicant employed in and how long has the applicant been employed in this post?
  - Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification;

- How many days and occasions of sickness absence has the applicant taken over the last two years (or final two years of employment with you)?

*(Please note: When requesting information about an individual's sickness absence record, you must limit the request to dates of absence. Requesting additional information about reasons for absence or medical history or disability would potentially be viewed as discriminatory).*

- Does the applicant have any current disciplinary sanctions? If yes, what was the nature of the offence(s) and the sanction(s)? (Information on expired sanctions need only relate to the safety and welfare of service users.) Please also provide any specific relevant comments about their performance and conduct.
- Is there any reason that you know that we should not employ this applicant?
- Would you re-employ this applicant?

For child care/vulnerable adult posts only:

- Are you completely satisfied that the applicant is suitable to work with vulnerable groups? If not, please provide specific details of your concerns;
- Have any allegations or concerns been raised about the applicant that relate to the safety/welfare of service users or behaviour towards service users, and what was the outcome of those concerns eg were the concerns investigated and how was the issue resolved? This should include details of all allegations or concerns that have been/are being investigated and the conclusion reached.

The Request should remind the referee that:

- As a referee, they have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission;
- They should be aware that any relevant factual content of the reference may be discussed with the applicant.

5.8 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, or appears inadequate or incomplete, or is unsigned or signed by someone other than the referee, the referee should be telephoned and asked to provide written answers or further explanation as appropriate.

5.9 The information given should also be compared with the application form to ensure that the information provided about the applicant and their previous employment, by the referee, is consistent with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant.

5.10 Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or an allegation unfounded, are less likely to cause concern than more serious or recent concerns. Unresolved issues or a history of repeated concerns or allegations over a period of time may be more likely to give cause for concern.

5.11 Additional reference information may be requested in instances where:

- the applicant has had difficulties with a former manager;
- the applicant gives an unusual or inconsistent reason for leaving a job;

- the applicant has no recent work record;
  - an earlier job is particularly relevant to the current application;
  - one referee is unavailable or refuses to provide a reference;
  - you receive two conflicting references in respect of one applicant.
- 5.12 It should be borne in mind that references can offer a great deal of scope for both direct and indirect bias. References tend to be more reliable if:
- The old and new job are very similar in content;
  - Questions are based on job analysis;
  - Facts, rather than opinions and evaluations, are requested;
  - Relevant information about the job vacancy was provided to the referee;
  - The opportunities the referee has had to directly observe the employee are identified;
  - Where any personality traits are to be measured, they are defined and specific examples requested.
- 5.13 Where references are considered suitable and all other pre-employment checks have been successfully completed, an offer of employment can be made. References should be retained in the employee's personnel file.
- 5.14 Inappropriate references or concerns should be discussed with your service HR Adviser for additional advice.

## **6.0 Access Request by Applicants**

### **Confidentiality of references under the Data Protection Act 1998**

- 6.1 References written by an organisation for the purposes of employment are specifically excluded by the Act. This means that employees are not entitled to have access through their own employer to an employment reference, by that employer. However, once the reference has been received by the organisation requesting it, it is, in principle, accessible by the subject of the reference.
- 6.2 In most cases, disclosure of the reference would entail disclosure of the referee's identity. If the reference is given in confidence, the referee's consent is required before the reference can be disclosed. If the referee's consent is refused the recipient can refuse access. Consideration should however be given as to whether the information is actually confidential. You cannot for example, sensibly withhold information that is already known to the individual. Factual information such as employment dates and absence records will be known to an individual and should be provided. Information relating to performance may well have been discussed with the employee as part of an appraisal system. Where it is not clear whether information, including the referee's opinion, is known to the individual, you should contact the referee and ask whether they object to this being provided and why.
- 6.3 You should weigh the referee's interest in having their comments treated confidentially against the individual's interest in seeing what has been said about them.
- 6.4 When considering whether it is reasonable in all the circumstances to comply with a request, you should take account of factors such as:

- any express assurance of confidentiality given to the referee;
- any relevant reasons the referee gives for withholding consent;
- the potential or actual effect of the reference on the individual;
- the fact that a reference must be truthful and accurate and that without access to it the individual is not in a position to challenge its accuracy;
- that good employment practice suggests that an employee should have already been advised of any weaknesses; and
- any risk to the referee.

6.5 In most circumstances, you should provide the information in a reference, or at least a substantial part of it, to the person it is about, if they ask for it. Even if the referee refuses consent, this will not necessarily justify withholding the information, particularly where this has had a significant impact on the individual e.g. job offer. However, there may be circumstances where it would not be appropriate for you to release a reference, such as where there is a realistic threat of violence or intimidation by the individual towards the referee.

6.6 If it is not reasonable in all of the circumstances to provide the information without the referee's consent, you should consider whether you could respond helpfully anyway (for example, by providing a summary of the content of the reference). This may protect the identity of the referee, while providing the individual with an overview of what the reference says about them.

6.7 A decision to refuse disclosure can be overturned by the Information Commissioner. It is therefore best to assume that when you are providing a reference, the member of staff (or former employee) will have access to references.

Advice on this guidance can be obtained from your Service HR Adviser.



## Falkirk Council

### Current or Previous Employment Reference Request (For Employment Working with Vulnerable Groups)

Name:				
Position Applied For:				
The post involves working with:	Children	YES / NO	Vulnerable Adults	YES/NO

Reference Provided By:
Organisation:
Position in Organisation:

#### SECTION 1

1.	How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant within the organisation.

2a.	What post was/is the applicant employed in?	
2b.	Dates of employment	
	From:	To:

3.	Please give a summary of the duties undertaken by the applicant during their employment in your organisation. Alternatively please provide a copy of the relevant job description.

4a.	Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.
4b.	<p>Please describe/comment on the main qualities and attributes of the candidate in terms of the following, highlighting their suitability for the post applied for: (*) <i>Delete any that are not relevant to the post.</i></p> <p><b>Organisational and Leadership Skills:</b></p> <p><b>Personal Initiative and Drive:</b></p> <p><b>Personal Integrity, Honesty and General Character:</b></p> <p><b>Ability to interact with others:</b></p> <p><b>Overall performance in current role, detailing any major achievements and involvement in strategic projects:</b></p>

5.	How many days and occasions of sickness absence has the applicant taken over the last two years (or the final two years of employment with you)?	
	Days:	Occasions:

## SECTION 2

6a.	Has the applicant had any current or expired disciplinary sanctions?	YES / NO
6b.	If yes, what was the nature of the offence(s) and the sanction? (Information on expired sanctions need only relate to the safety and welfare of service users.) Please also provide any specific relevant comments about their performance and conduct.	

7a.	Have any allegations or concerns been raised about the applicant that relate to the safety/welfare of service users or behaviour towards service users?	<b>YES / NO</b>
7b.	If yes, what was the outcome of those concerns eg were the concerns investigated and how was the issue resolved? This should include details of all allegations or concerns that have been/are being investigated and the conclusion reached.	

8a.	Are you completely satisfied that the applicant is suitable to work with vulnerable people?	<b>YES / NO</b>
8b.	If no, please provide specific details of your concerns.	

9a.	Is there any reason that you know that we should not employ this applicant?	<b>YES / NO</b>
9b.	If yes, please provide details.	
9c.	Would you re-employ this applicant?	<b>YES / NO</b>
9d.	If no, please provide details.	

### SECTION 3

10a.	Will you provide the applicant with a copy of this reference?	<b>YES / NO</b>
10b.	<b>If No</b> , is the applicant otherwise aware of all of the information provided by you as part of this reference?	<b>YES / NO</b>



Thank you for your assistance in completing this reference. You should note that the relevant factual content of this reference may be discussed with the applicant by Falkirk Council.

**REFEREE DECLARATION**

I confirm that that the information provided in this reference is accurate, dependable and does not contain any factual inaccuracies. I have authorisation to provide this reference.

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Please return the reference in the enclosed envelope.

Enquiries to: **Recruiting Manager**  
Direct Dial: 01324 50ext no.  
Date:

**PRIVATE & CONFIDENTIAL**

Name & Address

Dear Name,

**Employer Reference Request (Employment Working with Vulnerable Groups)**  
**(name and address of applicant)**

The above named person has applied for the post of {position} with Falkirk Council {Service} Services, and has given permission to approach you for an employment reference.

If you are willing to act in this capacity, I would be grateful if you could indicate your relationship to the applicant and give your views on their suitability for the post. A copy of the job description and person specification is enclosed for your information. This reference is in accordance with Safer Recruitment Guidance and therefore your comments on the following points are requested:

- How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant within the organisation.
- What post was/is the applicant employed in? Please provide the dates of employment, along with a brief summary of the duties undertaken by the applicant or a copy of the relevant job description.
- Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification;
- Please describe/comment on the main qualities and attributes of the candidate in terms of organisational & leadership skills, personal initiative & drive, personal integrity, honesty and general character, Ability to interact with others, overall performance, highlighting their suitability for the post applied for: **(\*) Delete any that are not relevant to the post.**
- How many days and occasions of sickness absence has the applicant taken over the last two years (or the final two years of employment with you)?
- Has the applicant had any current or expired disciplinary sanctions? If yes, what was the nature of the offence(s) and the sanction? (Information on expired sanctions need only relate to the safety and welfare of service users.) Please also provide any specific relevant comments about their performance and conduct.
- Have any allegations or concerns been raised about the applicant that relate to the safety/welfare of service users or behaviour towards service users? If yes, what was the outcome of those concerns eg were the concerns investigated and how was the issue resolved? This should include details of all allegations or concerns that have been/are being investigated and the conclusion reached.
- Are you completely satisfied that the applicant is suitable to work with vulnerable people? If not, please provide specific details of your concerns.
- Is there any reason that you know that we should not employ this applicant?
- Would you re-employ this applicant?
- Will you provide the applicant with a copy of this reference? **If No**, is the applicant otherwise aware of all of the information provided by you as part of this reference?

It would be most helpful if you could let us have your comments by {date}.

You are reminded that you have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission. You should also note that, if necessary, the content of this reference may be discussed with the applicant.

I would like to take this opportunity to thank you for your assistance in this matter.

Yours sincerely,

**TITLE**

Enc stamped addressed envelope for return



**Falkirk Council**

**Current or Previous Employment Reference Request**  
**(For Employment Not Working with Vulnerable Groups)**

Name:
Position Applied For:

Reference Provided By:
Organisation:
Position in Organisation:

**SECTION 1**

1.	How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant within the organisation.

2a.	What post was/is the applicant employed in?	
2b.	Dates of employment	
	From:	To:

3.	Please give a summary of the duties undertaken by the applicant during their employment in your organisation. Alternatively please provide a copy of the relevant job description.

4a.	Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.
4b.	<p>Please describe/comment on the main qualities and attributes of the candidate in terms of the following, highlighting their suitability for the post applied for: (*) <i>Delete any that are not relevant to the post or you are unable to comment on.</i></p> <p><b>Organisational and Leadership Skills:</b></p> <p><b>Personal Initiative and Drive:</b></p> <p><b>Personal Integrity, Honesty and General Character:</b></p> <p><b>Ability to interact with others:</b></p> <p><b>Overall performance in current role, detailing any major achievements and involvement in strategic projects:</b></p>

5.	How many days and occasions of sickness absence has the applicant taken over the last two years (or the final two years of employment with you)?	
	Days:	Occasions:

## SECTION 2

6a.	Does the applicant have any current disciplinary sanctions?	YES / NO
6b.	If yes, what is the nature of the offence(s) and the sanction? Please also provide any specific relevant comments about their performance and conduct.	

7a.	Is there any reason that you know that we should not employ this applicant?	<b>YES / NO</b>
7b.	If yes, please provide details.	
7c.	Would you re-employ this applicant?	<b>YES / NO</b>
7d.	If no, please provide details.	

### SECTION 3

8a.	Will you provide the applicant with a copy of this reference?	<b>YES / NO</b>
8b.	<b>If No</b> , is the applicant otherwise aware of all of the information provided by you as part of this reference?	<b>YES / NO</b>

Thank you for your assistance in completing this reference. You should note that the relevant factual content of this reference may be discussed with the applicant by Falkirk Council.

### REFEREE DECLARATION

I confirm that that the information provided in this reference is accurate, dependable and does not contain any factual inaccuracies. I have authorisation to provide this reference.

Signature:\_\_\_\_\_ Date:\_\_\_\_\_

Please return the reference in the enclosed envelope.

Enquiries to: Recruiting Manager  
Direct Dial: 01324 50ext no.  
Date:

**PRIVATE & CONFIDENTIAL**

Name & Address

Dear Name,

**Employer Reference Request (Employment Not Working with Vulnerable Groups)  
(name and address of applicant)**

The above named person has applied for the post of {position} with Falkirk Council {Service} Services, and has given permission to approach you for an employment reference.

If you are willing to act in this capacity, I would be grateful if you could indicate your relationship to the applicant and give your views on their suitability for the post. A copy of the job description and person specification is enclosed for your information. This reference is in accordance with Safer Recruitment Guidance and therefore your comments on the following points are requested:

- How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant within the organisation.
- What post was/is the applicant employed in? Please provide the dates of employment, along with a brief summary of the duties undertaken by the applicant or a copy of the relevant job description.
- Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification;
- Please describe/comment on the main qualities and attributes of the candidate in terms of organisational & leadership skills, personal initiative & drive, personal integrity, honesty and general character, Ability to interact with others, overall performance, highlighting their suitability for the post applied for: **(\*) Delete any that are not relevant to the post.**
- How many days and occasions of sickness absence has the applicant taken over the last two years (or the final two years of employment with you)?
- Does the applicant have any current disciplinary sanctions? If yes, what was the nature of the offence(s) and the sanction? Please also provide any specific relevant comments about their performance and conduct.
- Is there any reason that you know that we should not employ this applicant?
- Would you re-employ this applicant?
- Will you provide the applicant with a copy of this reference? **If No**, is the applicant otherwise aware of all of the information provided by you as part of this reference?

It would be most helpful if you could let us have your comments by {date}.

You are reminded that you have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission. You should also note that, if necessary, the content of this reference may be discussed with the applicant.

I would like to take this opportunity to thank you for your assistance in this matter.

Yours sincerely,

**TITLE**

Enc stamped addressed envelope for return





## Falkirk Council

### Non-employer Reference Request (For Employment Working with Vulnerable Groups)

Name:				
Position Applied For:				
The post involves working with:	Children	YES/NO	Vulnerable Adults	YES/NO

Reference Provided By:
Job Title:

#### SECTION 1

1.	How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant.
2a.	Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.

2b.	<p>Please describe/comment on the main qualities and attributes of the candidate in terms of the following, highlighting their suitability for the post applied for: (*) <i>Delete any that are not relevant to the post or you are unable to comment on.</i></p> <p><b>Organisational and Leadership Skills:</b></p> <p><b>Personal Initiative and Drive:</b></p> <p><b>Personal Integrity, Honesty and General Character:</b></p> <p><b>Ability to interact with others:</b></p> <p><b>Overall performance in current role, detailing any major achievements and involvement in strategic projects:</b></p>
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## SECTION 2

3.	<p>If successful, the applicant will be required to work with vulnerable people (children/young people/vulnerable adults) and/or their families. Please give examples from your knowledge of how the applicant relates to vulnerable people and how they handle these relationships.</p>

4a.	Are you completely satisfied that the applicant is suitable to work with vulnerable people?	YES / NO
4b.	If no, please provide specific details of your concerns.	

5a.	Is there any reason that you know that we should not employ this applicant?	YES / NO
5b.	If yes, please provide details.	

**SECTION 3**

6a.	Will you provide the applicant with a copy of this reference?	<b>YES / NO</b>
6b.	<b>If No</b> , is the applicant otherwise aware of all of the information provided by you as part of this reference?	<b>YES / NO</b>

Thank you for your assistance in completing this reference. You should note that the relevant factual content of this reference may be discussed with the applicant by Falkirk Council.

**REFEREE DECLARATION**

I confirm that that the information provided in this reference is accurate, dependable and does not contain any factual inaccuracies.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return the reference in the enclosed envelope.

Enquiries to: Recruiting Manager  
Direct Dial: 01324 50ext no.  
Date:

**PRIVATE & CONFIDENTIAL**

Name & Address

Dear Name,

**Non-Employer Reference Request (Employment Working with Vulnerable Groups)**  
**(name and address of applicant)**

The above named person has applied for the post of {position} with Falkirk Council {Service} Services, and has given permission to approach you for an employment reference.

If you are willing to act in this capacity, I would be grateful if you could indicate your relationship to the applicant and give your views on their suitability for the post. A copy of the job description and person specification is enclosed for your information. This reference is in accordance with Safer Recruitment Guidance and therefore your comments on the following points are requested:

- How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant.
- Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.
- Please describe/comment on the main qualities and attributes of the candidate in terms of organisational & leadership skills, personal initiative & drive, personal integrity, honesty and general character, Ability to interact with others, overall performance, highlighting their suitability for the post applied for: (\*) **Delete any that are not relevant to the post or you are unable to comment on.**
- If successful, the applicant will be required to work with vulnerable people (children/young people/vulnerable adults) and/or their families. Please give examples from your knowledge of how the applicant relates to vulnerable people and how they handle these relationships.
- Are you completely satisfied that the applicant is suitable to work with vulnerable people? If no, please provide specific details of your concerns.
- Is there any reason that you know that we should not employ this applicant? If yes, please provide details.
- Will you provide the applicant with a copy of this reference? **If No**, is the applicant otherwise aware of all of the information provided by you as part of this reference?

It would be most helpful if you could let us have your comments by {date}.

You are reminded that you have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission. You should also note that, if necessary, the content of this reference may be discussed with the applicant.

I would like to take this opportunity to thank you for your assistance in this matter.

Yours sincerely,

**TITLE**

Enc stamped addressed envelope for return



## Falkirk Council

### Non-employer Reference Request (For Employment Not Working with Vulnerable Groups)

Name:
Position Applied For:

Reference Provided By:
Job Title:

#### SECTION 1

1.	How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant.
2a.	Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.

2b.	<p>Please describe/comment on the main qualities and attributes of the candidate in terms of the following, highlighting their suitability for the post applied for: (*) <i>Delete any that are not relevant to the post.</i></p> <p><b>Organisational and Leadership Skills:</b></p> <p><b>Personal Initiative and Drive:</b></p> <p><b>Personal Integrity, Honesty and General Character:</b></p> <p><b>Ability to interact with others:</b></p> <p><b>Overall performance in current role, detailing any major achievements and involvement in strategic projects:</b></p>
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## SECTION 2

3a.	Is there any reason that you know that we should not employ this applicant?	YES / NO
3b.	If yes, please provide details.	

## SECTION 3

4a.	Will you provide the applicant with a copy of this reference?	YES / NO
4b.	If No, is the applicant otherwise aware of all of the information provided by you as part of this reference?	YES / NO

Thank you for your assistance in completing this reference. You should note that the relevant factual content of this reference may be discussed with the applicant by Falkirk Council.

## REFEREE DECLARATION

I confirm that that the information provided in this reference is accurate, dependable and does not contain any factual inaccuracies.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please return the reference in the enclosed envelope.

Enquiries to: Recruiting Manager  
Direct Dial: 01324 50ext no.  
Date:

**PRIVATE & CONFIDENTIAL**

Name & Address

Dear Name,

**Non-Employer Reference Request (Employment Not Working with Vulnerable Groups)  
(name and address of applicant)**

The above named person has applied for the post of {position} with Falkirk Council {Service} Services, and has given permission to approach you for an employment reference.

If you are willing to act in this capacity, I would be grateful if you could indicate your relationship to the applicant and give your views on their suitability for the post. A copy of the job description and person specification is enclosed for your information. This reference is in accordance with Safer Recruitment Guidance and therefore your comment on the following points is requested:

- How long have you known the applicant and in what capacity? It would be helpful if you could confirm the relationship between you and the applicant.
- Are you satisfied that the applicant has the ability and is suitable to undertake the job in question? It would be helpful if you could provide specific comments about the applicant's suitability for the post, and how they have demonstrated that they meet the requirements of the job description and person specification.
- Please describe/comment on the main qualities and attributes of the candidate in terms of organisational & leadership skills, personal initiative & drive, personal integrity, honesty and general character, Ability to interact with others, overall performance, highlighting their suitability for the post applied for: (\*) **Delete any that are not relevant to the post or you are unable to comment on.**
- Is there any reason that you know that we should not employ this applicant? If yes, please provide details.
- Will you provide the applicant with a copy of this reference? **If No**, is the applicant otherwise aware of all of the information provided by you as part of this reference?

It would be most helpful if you could let us have your comments by {date}.

You are reminded that you have a responsibility to ensure that the reference is accurate, dependable and does not contain any misleading information or omission. You should also note that, if necessary, the content of this reference may be discussed with the applicant.

I would like to take this opportunity to thank you for your assistance in this matter.

Yours sincerely,

**TITLE**

Enc stamped addressed envelope for return





**Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland)  
Amendment Order 2013 Excluded and Exempted Posts**

Please note this is not an exhaustive list, it includes posts considered relevant to Falkirk Council.  
If you have any queries please refer to Human Resources for a full list of all excluded posts

- Chartered Psychologist
- Social Workers
- Social Service Workers
- Taxi drivers and private hire car drivers
- Advocate, Solicitor
- Accountant
- Police Custody and Security Officers
- Any employment or work which is concerned with the provision of a care service
- Any employment or work in a child care position.
- Any regulated work with Adults
- Any regulated work with Children
- Any employment which is concerned with the monitoring for the purposes of child protection, of communications by means of the internet.
- Posts and proceedings regulated by the Financial Services Authority.
- Registered Teacher
- Any employment which is concerned with the administration of, or is otherwise normally carried out wholly or partly within the precincts of, a prison, remand centre, young offenders institution, detention centre or removal centre, and members of visiting committees for prisons appointed under rules made under section 39 of the Prisons (Scotland) Act 1989 (b) and members of visiting committees for remand centres and young offenders institutions appointed under section 19 (3c) of that Act.
- Any employment or work which is concerned with the provision of health services and which is of such a kind as to enable the holder to have access to persons in receipt of such service in the course of that person's normal duties.
- Any person who provides a service, or who seeks to provide a service under Part 4 of the Adults with Incapacity (Scotland) Act 2000 (d)
- Members of a panel established by virtue of section 101 (1) of the Children (Scotland) Act 1995 (e) panels for curators ad litem, reporting officers and safeguarders.
- The Principal Reporter or officers appointed under section 128(5) of the local Government etc. (Scotland) Act 1994(32) to assist that officer.
- Persons applying for Passenger Carrying Vehicle (PVC) Licences.
- Persons concerned with the operation of the Children's Hearing System.
- Any employment or work concerned with the provision of a social care service which is of such a kind as to enable the holder of the position to have unsupervised one to one contact in the course of that person's normal duties, with an adult at risk.

Enquiries to: Chair of Interview Panel  
Direct Dial: Extn. No.  
Date:

**CONFIDENTIAL**

Name  
Address  
Town  
Postcode

Dear Name,

Post: {Job Title}

I am pleased to advise that following your successful interview, I am pleased to advise you that the Panel has recommended that you are offered this post. Please be aware however that the recommendation will be subject to satisfactory completion of various pre-employment checks.

As part of the pre-employment checking process you are required to complete a baseline health questionnaire. An invitation to complete this questionnaire will be emailed to you as part of the process. If you use a web based email service (such as hotmail or yahoo) then this email may appear in your junk mail folder due to your software settings. Please ensure you check all mail folders for this invitation. Please complete this questionnaire as soon as you are able to. Any delay in completing this may lead to a delay in a formal offer being made to you. If you require a paper copy of the form then please contact me on the number above.

References will now also be taken up.

**\*For posts requiring Disclosure check please insert paragraph (a) here**

**\*For posts requiring PVG check please insert paragraph (b) here if the applicant is not a PVG member or insert paragraph (c) here if the applicant is already a PVG member**

It is important that you note that this letter is a conditional offer of appointment, and will only be confirmed after all pre-employment checks have been completed with a satisfactory outcome. The Council reserves the right not to proceed with an appointment for any reason.

As we are not in a position to confirm a formal offer of employment to you at this stage of the recruitment process you are advised not to resign from your current job. Please wait until such time as you receive a letter from the Council formally offering you an appointment with the Authority. In the meantime, if you have any questions concerning the above please contact (INSERT NAME).

Yours sincerely

**Head of Service**

\*Additional Paragraphs

Paragraph	Purpose	Wording
(a)	Posts requiring Disclosure checks	This post requires a disclosure Scotland check. Disclosure Scotland provides a system of disclosing criminal history information to individuals and organisations for employment purposes. Disclosure Scotland will issue Disclosure Certificates, which will give details of criminal convictions or state that there are no convictions. The cost of the Disclosure (£25) must be met in full by you. Falkirk Council will pay the fee initially and will reclaim this through regular salary deductions. Please complete and return the enclosed Disclosure Scotland Application to the address below at your earliest convenience.
(b)	Posts requiring PVG checks – <b>applicant is not PVG member</b>	This post is exempt from the provisions of The Rehabilitation of Offenders Act 1974 and requires that post holders declare all previous criminal convictions. Disclosure Scotland provides a system of disclosing criminal history information to individuals and organisations for employment purposes, including PVG Scheme Records. You will be required to gain PVG Scheme membership. The cost of full membership (£59) must be met in full by you. Falkirk Council will pay the initial PVG Scheme membership fees however this will be reclaimed from you through regular salary deductions. Please complete and return the enclosed Application to Join the PVG Scheme and Payroll Deduction Mandate to the address below at your earliest convenience.
(c)	Posts requiring PVG checks – <b>applicant is already PVG member</b>	This post is exempt from the provisions of The Rehabilitation of Offenders Act 1974 and requires that post holders declare all previous criminal convictions. Disclosure Scotland provides a system of disclosing criminal history information to individuals and organisations for employment purposes, including PVG Scheme Records. You will be required to maintain PVG Scheme membership. The cost of updating your membership (£18) must be met in full by you. Falkirk Council will pay the fee initially and will reclaim this through regular salary deductions. Please complete and return the enclosed Existing PVG Scheme Member Application to the address below at your earliest convenience.

Enquiries to: Service Director  
Direct Dial: 01324 50Extn. No.  
Date:

**CONFIDENTIAL**

Name  
Address  
Town  
Postcode

Dear Name,

I am pleased to offer you the post of {Job Title} within {Service}, commencing on {Day & Date}.

The salary grade for the post is {Grade}, currently £{lowest point} to £{highest point}. Your salary will be SCP {Spinal Point}, £{Salary} per annum.

Your normal working hours will be {number} hours per week, to be worked {days}.

Your work location will be {Location}. However, you are employed in the Service of Falkirk Council and may be required to work at any of the Council's workplace locations.

A written Statement of Employment incorporating Falkirk Council's Conditions of Service will be issued to you in due course.

**\* INSERT APPROPRIATE PENSIONS PARAGRAPHS (a) or (b) HERE**

Please confirm your acceptance of this offer by signing one copy of the attached and returning it to {Service HR Contact}, at the address below.

I look forward to receiving your acceptance and would like to wish you every success in your post.

Yours sincerely

SERVICE DIRECTOR

Enc.

---

I accept the terms and conditions as stated.

Signature.....

Date.....

\*Additional Paragraphs

Paragraph	Purpose	Wording
(a)	Non-teachers Pension Paragraphs	<p>Falkirk Council is required by law to operate the Local Government Pension Scheme (LGPS). The Scheme is a Final Salary Scheme, which provides high quality inflation proofed benefits. It is registered with HM Revenue as an approved pension scheme and is contracted out of the State Second Pension.</p> <p>Under the rules of the Scheme, you will be contractually enrolled into the LGPS. You have the right to opt out of the LGPS and should you wish to do so, you should complete the opt-out form, which can be found at <a href="http://www.falkirkpensionfund.org">www.falkirkpensionfund.org</a>, and returned to the Pensions Department.</p> <p>Any enquiries you have regarding the Scheme should be directed to the Pensions Section by telephoning 01324 506329 or email <a href="mailto:pensions@falkirk.gov.uk">pensions@falkirk.gov.uk</a></p>
(b)	Teachers Pension Paragraphs	<p>The Scottish Teachers' Superannuation Scheme (STSS) is a contributory final salary scheme administered by The Scottish Public Pensions Agency. The STSS is a statutory scheme subject to the Teachers' Superannuation (Scotland) Regulations 2005 (as amended). It is fully approved by HM Revenue and is contracted out of the State Second Pension.</p> <p>Under the rules of the Scheme, you will be contractually enrolled into the Pension Scheme. You have the right to opt out of the Pension Scheme and should you wish to do so, you should complete the opt-out form, which can be found at <a href="http://www.sppa.gov.uk">www.sppa.gov.uk</a>.</p> <p>Any enquiries you have regarding the Scheme should be directed to the Scottish Public Pensions Agency by telephoning 01896 893000.</p>

**CONFIDENTIAL**

Name

Address

Town

Postcode

Dear Name,

I am pleased to offer you the post of temporary {Job Title} within {Service} Services, commencing on {Day & Date} and terminating on ({Day & Date}/the completion of ..... Falkirk Council cannot guarantee any further employment at the end of this contract, but may, at it's discretion and depending upon the availability of suitable vacancy, elect to offer a further term of employment. It is, however, a condition of your contract that you agree that your contract is subject to termination upon completion of this fixed term/completion of ...../ or a specific event occurs (e.g. return from maternity leave).

Notwithstanding that this contract is for a fixed term, Falkirk Council reserves the right at its entire discretion to terminate your employment prior to the [specified expiry date] [end of the task/project] [return to work of [ ]] by giving you not less than [ ] weeks' notice.

The salary grade for the post is {Grade}, currently £{lowest point} to £{highest point}. Your salary will be SCP {Spinal Point}, £{Salary} per annum.

Your normal working hours will be {number} hours per week, to be worked Monday to Friday {Work Pattern}.

Your work location will be {Location}. However, you are employed in the Service of Falkirk Council and may be required to work at any of the Council's workplace locations.

- **If PVG Membership is required for the post, insert the following – ‘As previously notified, this post requires you to maintain PVG Scheme Membership.’**

A written Statement of Employment incorporating Falkirk Council's Conditions of Service will be issued to you in due course.

Falkirk Council is required by law to operate the Local Government Pension Scheme. The scheme operates on a final salary basis and provides a range of high quality inflation proofed benefits. The scheme is registered with HM Revenue and Customs and is Contracted Out of the State Second Pension (previously known as SERPS).

**INSERT RELEVANT PENSION PARAGRAPH (PARAGRAPH A OR B - SEE TABLE BELOW):**

Please confirm your acceptance of this offer by signing one copy of the attached and returning it to {Service HR Contact}, at the address below.

I look forward to receiving your acceptance and would like to take this opportunity of wishing you every success in your post.

Yours sincerely,

SERVICE DIRECTOR

Enc.

---

I accept the terms and conditions as stated.

Signature.....

<p><b>Paragraph A:</b> For temp contracts more than 3 months</p>	<p>As your contract of employment is for a period of in excess of 3 months, then if you are under age 75, you will automatically become a member of the scheme.</p> <p>You do have the right to opt out of the LGPS and should you wish to do so, you should complete the opt-out form, which can be found at <a href="http://www.falkirkpensionfund.org">www.falkirkpensionfund.org</a>, and returned to the Pensions Department.</p> <p>For further information, you can contact the Pensions Section on 01324 506329 or e-mail them at <a href="mailto:pensions@falkirk.gov.uk">pensions@falkirk.gov.uk</a>.</p>
<p><b>Paragraph B:</b> For temp contracts less than 3 months</p>	<p>If you are under age 75, you will be eligible to opt into Falkirk Council's Pension Scheme with effect from 1<sup>st</sup> February 2013 (<i>insert start date of employment if later than 1<sup>st</sup> February 2013</i>).</p> <p>Should you wish to join the Scheme, you can obtain an Opting In form from the Payroll Section or download it from the Forms and Publications Section at <a href="http://www.falkirkpensionfund.org">www.falkirkpensionfund.org</a></p> <p>For further information, you can contact the Pensions Section on 01324 506329 or e-mail them at <a href="mailto:pensions@falkirk.gov.uk">pensions@falkirk.gov.uk</a>.</p>



Enquiries to: Service Director  
Direct Dial: 01324 50Extn. No.  
Date:

**CONFIDENTIAL**

Name  
Address  
Town  
Postcode

Dear Name,

I am pleased to offer you a secondment to the post of temporary {Job Title} within {Service} Services, commencing on {Day & Date} and terminating on {Day & Date}. With effect from {Day & Date} you will return to your substantive post of {Current Job Title} within {Service}.

The salary grade for the post is {Grade}, currently £{lowest point} to £{highest point}. Your salary will be SCP {Spinal Point}, £{Salary} per annum.

Your normal working hours will be {number} hours per week, to be worked {days}.

Your work location will be {Location}. However, you are employed in the Service of Falkirk Council and may be required to work at any of the Council's workplace locations.

**\* IF PVG MEMBERSHIP IS REQUIRED FOR THE POST INSERT PARAGRAPH (a) HERE**

All other terms and conditions remain as previously advised.

Please confirm your acceptance of this offer by signing one copy of the attached and returning it to {Service HR Contact}, at the address below.

I look forward to receiving your acceptance and would like to take this opportunity of wishing you every success in your post.

Yours sincerely,

SERVICE DIRECTOR

Enc.

---

I accept the terms and conditions as stated.

Signature.....

Date.....

\*Additional Paragraphs

Paragraph	Purpose	Wording
(a)	If PVG membership is required	As previously notified, this post requires you to <a href="#">gain/maintain</a> PVG Scheme Membership.

**FALKIRK COUNCIL**

**Subject: SHORT-TERM SUPPLY/FIXED TERM EMPLOYMENT POLICY FOR TEACHERS**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 12<sup>TH</sup> AUGUST 2014**  
**Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

**1. INTRODUCTION**

- 1.1 The Short-term supply/fixed term employment policy applies to all Falkirk Council teaching employees who are prepared to undertake short-term supply teaching duties on a casual basis, as and when required.
- 1.2 The Scottish Negotiating Committee for Teachers (SNCT) recently agreed changes to the arrangements for engaging short-term supply teachers. These changes are effective from 1<sup>st</sup> April 2014. This report advises Committee of the changes and seeks authorisation for approval of the revised Short-Term Supply/Fixed Term Employment for Teachers Policy.

**2. SHORT-TERM SUPPLY/FIXED TERM EMPLOYMENT POLICY FOR TEACHERS**

- 2.1 As part of national negotiations, the conditions relating to the engagement and payment for supply work for teaching staff changed.
- 2.2 The policy has therefore been revised to take account of the changes and specifies that:
- Periods of cover of 2 days or fewer will now be defined as short term supply;
  - During these short term engagements, teachers may be available to teach for the whole of the pupil day and will receive an additional payment in recognition of additional time spent on preparation and correction, equivalent to 10% of the actual teaching hours undertaken on each short term engagement;
- 2.3 A copy of the revised policy is attached.
- 2.4 The LNCT (Local Negotiating Committee for Teachers) agreed to the changes to the policy at their meeting on 13<sup>th</sup> May 2014.

**3. RECOMMENDATION**

- 3.1 It is recommended that Committee agrees the changes to the Short-Term Supply/Fixed Term Employment Policy and refers it to the Executive Committee for approval



.....  
**DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

Date: 7 July 2014

Contact Name: Aileen Reid, Team Leader (HR Operations)

LIST OF BACKGROUND PAPERS

None



# FALKIRK COUNCIL

## Short-Term Supply / Fixed Term Employment Policy for Teachers



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## **PART 1**

### **1.1 POLICY STATEMENT**

Falkirk Council aims to recruit and retain high calibre employees to enable them to provide quality services to the population of the Falkirk area.

The Council recognises the need to appoint teachers on a short term supply or fixed term basis from time to time in order to support and maintain effective service provision. This policy is intended to assist in the recruitment and management of teachers on a short-term supply and fixed term basis to ensure a consistency of approach throughout Falkirk Council.

## **PART 2**

### **2.1 INTRODUCTION**

This Policy provides information on the management of teachers on a short term supply or fixed term basis. The aim of this policy is to:

- ensure that teachers appointed on a short term supply or fixed term basis are recruited in line with the Council's Recruitment & Selection and Equal Opportunities Policies;
- comply with legislation including the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (as amended 2008) and the Employment Rights Act 1996, Pensions Regulations and Scottish Negotiating Committee for Teachers (SNCT) Conditions of Service;
- ensure that managers adopt a fair and consistent approach to the management of short term supply and fixed term teachers; and
- provide a framework for monitoring and reviewing short term supply and fixed term appointments.

### **2.2 SCOPE**

This Policy is applicable for all short term supply and fixed term teaching appointments. It refers to other policies and procedures of the Council, including Recruitment & Selection Procedures, Equal Opportunities Policy, Disciplinary Policy, Grievance Policy, Dignity at Work Policy, Retirement Policy for Teachers and Associated Professionals and Health & Safety Policy.

### **2.3 DEFINITION**

Under the SNCT Conditions of Service, short term supply and fixed term employment are defined as follows:

**Short Term Supply** is a period of cover for teaching for 2 days or fewer. There is no mutuality of obligation. This means that the Council is not obliged to offer work to an individual on the supply list. Equally the individual is not obliged to accept work, if offered. Engagement is on a daily basis.

**Fixed Term** appointments relate to engagements which extend beyond 2 days. A fixed term contract will have a clear end date which relates to:

- A specified expiry date;
- The completion of a specified task; or
- The occurrence of a specific event.

There are differing conditions relating to the employment of Short Term Supply and Fixed Term teachers which are outlined below in Sections 2.5.1 and 2.6.1 respectively.

## **2.4 ASSESSING APPROPRIATENESS OF SHORT TERM SUPPLY OR FIXED TERM APPOINTMENT**

Short Term Supply or a Fixed Term appointment should only be used when cover cannot be provided utilising existing resources to maintain Service provision.

Short term supply should only be used where the period of cover required is for 2 working days or less. The deployment of short term supply may occur in a number of circumstances, some examples include:

- In service training/ staff development/ working groups;
- Short term special leave, for example, bereavement leave or jury duty;
- Short term sickness absence;
- Trade union duties required on an ad hoc basis;
- SQA duties; or
- Public duties.

When it becomes known that the need for a temporary replacement is likely to be for more than 2 days then employment should be on a fixed term basis. The use of fixed term employment may therefore occur for a number of reasons. This list below is not exhaustive but provides examples of reasons for the use of fixed term employment:

- Maternity or adoption leave;
- Parental leave;
- Career break;
- Long term sickness absence;
- Secondment;
- Sabbaticals;
- Staffing from time limited funding; and
- Pattern of recurrent work.

## **2.5 SHORT TERM SUPPLY**

### **2.5.1 Terms and conditions – short term supply**

- Engagements should be on a daily basis up to a maximum of 2 days.



- There is no mutuality of obligation i.e. there is no duty to offer work and no requirement to accept work.
- All hours worked will be paid based on SCP1 of the main teaching grade scale (SCP0 if not fully registered)\*. Pay will be calculated on an hourly rate of 1/1645 of the annual salary rate and applied to daily hours worked.
- An automatic 10% pay uplift will be applied for any preparation and correction time undertaken by a short term supply teacher.
- The annual leave accrual rate for short term supply will be 0.0293 days for every hour worked. Accrued leave will be paid at the end of each term in arrears.
- The duties of supply teachers are to perform such tasks as the Headteacher shall direct as outlined in the Code of Practice on the Engagement of Short Term Supply Teachers (SNCT Conditions, Part 2, Appendix 2.8A).

\* N.B. Part-time teachers working additional hours in their own class will be paid the additional hours at their main grade rate. Otherwise, when providing short term supply cover, they will be paid at SCP1 (or SCP0) as appropriate.

## **2.5.2 MANAGING SHORT TERM SUPPLY**

### **A. Recruitment**

Recruitment to the short term supply list will be managed through the Reward & Transactional Support Team in Human Resources. Short Term Supply teachers will be appointed to the supply list through the Recruitment and Selection process and will be subject to all normal employment checks, e.g. interview, PVG check, references and pre-employment health screening. Guidance on such checks is available within the Recruitment & Selection Policy and the 'Recruitment of Employees/Volunteers Requiring a Disclosure/PVG Check' Guidelines (both which are available in the Manager's Policy and Procedure Handbook and on the Employee Section of the Underground). The preferred candidate from the Recruitment and Selection process should be issued with a recommendation for inclusion on the Short Term Supply List letter (Appendix A)

Once the recruitment process is complete, a statement of working arrangements will be sent to the supply teacher (Appendix B). It should be noted that this is not a contract of employment.

On receipt of the relevant paperwork from the service the Reward & Transactional Support Section will complete a Notification of New Appointment through HR Forms Online when a teacher is first added to the supply list. Thereafter any periods of employment will be paid through the submission of an authorised time sheet (Form STS1) which is available on the Council's Underground site together with the Code of Practice on the Engagement of Short Term Supply Teachers as detailed above.

### **B. Using Short Term Supply Teachers**

Allocation of available hours should be made, where appropriate, on a rotational basis. In exceptional circumstances, however, a teacher may be specifically selected from the short term supply database to provide a period of cover because, for example, specific skills are required or to maintain continuity of service provision.

The individual(s) most appropriate will be contacted to confirm availability during the period required. There is no obligation for any individual to accept any offer of supply cover.

In the event that a teacher is engaged for short term supply work, a letter should be issued to them by the relevant Head Teacher (see Appendix C) specifying the reason for cover.

Head Teachers should ensure that maximum working hours and class contact time are honoured, that the engagement is for no more than 2 days and that the duties undertaken are limited to those defined by SNCT conditions of service.

Accrued leave will be paid at the end of each term in arrears. Payroll Services will report on actual hours worked on a quarterly basis and issue to Education Services for processing.

### **C. Supply Teachers Database**

The Employee Resources Team in Education Services will be responsible for the administration of the supply teachers database. Given, however, that supply cover is often required at short notice, Head Teachers will be able to access the current supply list directly in order to arrange cover.

It is important that the supply teacher database is reviewed on an annual basis. The Employee Resources team in Education Services will be responsible for writing to Supply Teachers (Appendix D) annually, prior to the start of the new academic year, outlining the terms and conditions in place until the completion of the academic year.

At this annual review stage, previous work patterns should be checked. If, at this stage, any supply Teacher has not worked for the Council within the previous 6 month period, they should be removed from the supply list. If an individual has lived overseas for a period of 3 months or more, relevant checks e.g. PVG as per the Overseas Criminal Records Check Policy, must be undertaken.

The supply teacher database should be kept up to date by the Employee Resources Team in Education Services with the relevant details e.g. contact details, availability etc and copies of any letters of engagement retained. Where necessary, relevant checks will be undertaken e.g. PVG updates.

### **D Terminating supply appointment**

#### **Where supply teacher is no longer required**

The Headteacher should confirm with the supply teacher that casual cover is no longer required and confirm whether or not they wish to be contacted for future work should it arise.

#### **Where supply status has been terminated**

Where a supply teacher indicates that they no longer wish to be considered for future supply work, this should be notified to the Employee Resources Team within Education Services who will process a termination form to update the supply database.

As part of the annual review, removal from the supply database should be applied when a supply teacher has not been available within a 6 month period. The Employee Resources Team will administer the casual list and, where relevant, will process termination forms through HR Forms Online where a worker is to be removed from the short term supply database.

## 2.6 FIXED TERM APPOINTMENTS

### 2.6.1 Terms and Conditions

- Fixed term temporary contracts will be issued for engagements which extend beyond 2 days.
- Fixed Term appointments will be in line with the Code of Practice on the Use of Fixed Term Contracts (SNCT Conditions of Service, Part 2, Appendix 2.8)
- Teachers on fixed term temporary contracts will fulfil the full range of duties of teachers and will be engaged for 35 hours per week or on a pro rata basis according to the contract.
- Fixed term teachers will be treated in the same way as permanent staff and given access to appropriate induction, training and support and access to vacancies/ promotion opportunities.
- The pay, duties, hours of work and other conditions of service for fixed term employees will be the same as permanent teaching staff as set out in the SNCT Handbook.
- All teachers and music instructors will accrue paid leave on the basis of 0.2051 of a day for each day worked in the school session.
- The minimum periods of notice the Authority must provide to a fixed term teacher on terminating their contract are:

#### **Continuous Service**

Up to 1 month  
1 month but less than 2 years  
2 years or more

#### **Period of Notice**

NIL  
1 week  
1 week for every year of employment up to a maximum of 12 weeks.

- Where a fixed term teacher is employed on a contract of less than 3 months duration, they must provide one week's notice on resigning from their post. For contracts of more than 3 month's duration, the notice period required of a fixed term teacher on the Common Scale, a Principal Teacher or an Assistant Adviser, Adviser or Educational Psychologist shall be 4 weeks, and by all other Teachers, Advisers and Educational Psychologists 8 weeks.
- Any breach of conduct should be dealt with under the Council's Disciplinary Policy and Code of Practice. Equally, any fixed term employee has the right to raise a grievance under the Council's Grievance Policy or Dignity at Work Policy.
- Capability issues should be dealt with in line with the Council's Capability Procedures. However, in managing such capability issues, consideration will be given to the duration of the employee's temporary contract when establishing review timescales etc.
- All other terms and conditions and policies will apply.

## **2.6.2 Managing Fixed Term Contracts**

### **A. Recruitment**

The creation of new temporary/ fixed term posts requires to be approved in line with the Council's Standing Orders and Financial Regulations.

Recruitment to fixed term teaching appointments can occur in two ways as follows:

#### **6 days to 8 weeks duration**

Where it becomes known that a period of short term cover is likely to extend beyond 2 days duration or from the 3<sup>rd</sup> day of any such period of cover, the Headteacher should arrange for an appointment to be made from the Council's supply list or for the existing supply cover to be offered a fixed term engagement. A copy of the offer letter to be issued in such circumstances is attached as Appendix E

Any hours worked should be claimed through the submission of an approved fixed term timesheet (Form TT1) on a monthly basis. This should be submitted, together with a signed copy of their engagement letter to validate payment, where relevant, on the main grade teachers salary scale rather than SCP1 (or SCP0).

#### **In excess of 8 weeks duration**

Where it becomes clear that the need for a temporary replacement exceeds 8 weeks then this should, where practical, be advertised and recruited to in line with the Council's Recruitment and Selection Policy.

In such circumstances, any offer of fixed term employment must only be made following satisfactory health and other pre-employment checks, references etc, in accordance with the Recruitment and Selection Policy. This process will be administered by the Reward and Transactional Support Team in Human Resources who will also be responsible for issuing the subsequent offer letter specifying entitlement to pay and conditions of service and detailing the expected duration and reason for the appointment (Appendix E).

In such circumstances, the Reward and Transactional Support team will arrange for a new appointment form to be completed on-line. This information will be recorded for the purposes of monitoring and also used to issue the employee's written statement of terms and conditions of employment.

Any subsequent changes to the contractual status of the employee should be notified, by the Reward and Transactional Support Team, using HR2- Notification of Change form which is available on-line and should be confirmed in writing to the employee.

Human Resources will provide reports to Services on a regular basis to assist in monitoring fixed term contracts. Please note that Payroll are not authorised to and will not make payment beyond the latest notified fixed term contract end date. Services must ensure that appropriate contracts and paperwork are in place to avoid salary overpayments or underpayments.

## **B. Monitoring**

Given the different employment rights which become available to fixed term employees depending upon their length of continuous service, such contracts should not run indefinitely without review. The Head of Educational Planning and Resources is therefore responsible for ensuring that fixed term contracts are reviewed on an ongoing basis by obtaining regular reports, detailing:

- employee's length of service in post;
- employee's overall length of continuous service (including employment with any other Local Authority or relevant employer where there has been no break in Service); and
- the date the contract is set to be reviewed/ end.

The duration of an employee's fixed term employment can have an impact on their employment rights and this should be considered when monitoring fixed term employment as detailed below. In any event it is important that the relevant Headteacher communicate with the employee concerned and keep them informed.

### **• Continuous Employment Of Up To 2 Years Duration**

When terminating contracts of up to 2 years, any employee with one years continuous service or more should be issued with a written statement of dismissal (see Appendix F). Where the dismissal is for conduct or capability reasons, this should be managed in line with the Council's Disciplinary or Capability Policy respectively.

### **• Continuous Employment Of More Than 2 Years Duration**

Where a teacher is employed on a fixed term contract, or successive fixed term contracts, for a continuous period of 2 years or more, a redundancy payment may be payable on terminating their employment. In such circumstances, advice should be sought from the Service HR Business Partner and, where appropriate, redeployment considered in line with the Council's Rehabilitation and Redeployment Policy. Consideration should be given to this, in consultation with the employee, as soon as it is evident that the contract will not be renewed or at least one month in advance of the expiry of the employee's fixed term employment. Any redeployment search undertaken will not extend beyond the expiry date of the employee's current fixed term contract.

Where an employee's contract is terminated in such circumstances, the employee should be issued with a written statement of dismissal (Appendix F).

### **• Continuous Employment Of More Than 4 Years Duration**

Where a fixed term teacher is employed for a continuous period of 4 years, they will be entitled to apply in writing to their Head of Service to automatically acquire permanent status under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations.

When a fixed term teacher attains 3 years' service, consideration should be given to whether the requirement for this post is likely to extend beyond 4 years. The post should

not automatically be offered to the existing postholder. Where a post is to be made permanent, this must be approved in line with standing orders and arrangements made for the post to be added to or amended on the permanent establishment through the completion of an on-line New Post ID request. Once approved, arrangements may be made for the post to be filled, taking into consideration any other suitably qualified candidates currently being managed under the Council's Rehabilitation and Redeployment Policy together with the existing postholder.

If there is no longer a requirement for the post, redeployment opportunities should be explored in line with the Council's Rehabilitation and Redeployment Procedure. This redeployment search should commence in advance of the end of the fixed term contract and will normally last a maximum of 12 weeks. Where redeployment is not possible, consideration should be given to whether a redundancy payment is appropriate. This should only be considered in consultation with the employee concerned and their representative following discussion with the Head of Human Resources & Customer First. If this is the case, the employee's contract is terminated in such circumstances and a written statement of dismissal should be issued (Appendix F).

**N.B.** For the purposes of monitoring the use of fixed term contracts, continuous employment is not broken unless there is a break of more than one week (running Sunday to Saturday). Consecutive fixed term contracts are treated as one period of continuity of employment (e.g. six consecutive six month contracts equals three years' continuous service). It should also be noted that breaks such as school holidays may be regarded as temporary cessations of work and may not break continuity of Service e.g. consecutive August-June term-time contracts may not break continuity of service during summer holiday periods. In such circumstances, advice should be sought from the Service Human Resources Adviser as to whether service would be regarded as continuous.

### **C. Renewal of Fixed Term Contracts**

If a post covered by a fixed term appointment is approved to be extended, the current postholder's contract will normally be renewed. The post would only require to be advertised where:

- there has been a significant change in the duties and responsibilities of the post;
- the number of posts to be renewed is less than that current number of fixed term postholders, undertaking that post.

Any renewal of contract should be actioned via the submission of an on-line Notification of Change form. An extension of contract letter (attached as Appendix G) should also be issued by the Reward and Transactional Support Team.

Where a temporary post is subsequently made permanent, this will require to be advertised and recruited to, in line with the Council's Recruitment & Selection Policy.

## **2.7 ROLES AND RESPONSIBILITIES**

### **Head Teacher**

- To work with the Reward and Transactional Support and Employee Resources Teams to recruit and appoint short term supply and fixed term teachers in accordance with the Council's Recruitment and Selection Policy including appropriate checks;
- To ensure sufficient budget provisions are available to pay for short term supply/ fixed term employment before arranging cover;
- To ensure short term supply teachers do not exceed the 2 days working engagement;
- To ensure teachers are sent a statement of working arrangements alongside the relevant Codes of Practice;
- To ensure that short term supply and fixed term teachers are paid at the appropriate rate of pay for any period of cover undertaken;
- To ensure clear mechanisms are in place for recording deployment as short term supply;
- To ensure that short term supply and fixed term teachers do not exceed relevant hours limits and work to their defined remits

### **Reward & Transactional Support Team**

- To recruit to the short term supply list in accordance with the Council's Recruitment and Selection Procedure including appropriate checks. Managers/Head Teachers will also be responsible for the recruitment.
- To ensure all paperwork is completed including offer letters where appropriate, new start/ transfer/termination forms, and timesheets and sent to Payroll and Human Resources.

### **Service Resources Team**

- To ensure that qualifications, training, registration and health checks needed to meet the requirements of the post are in place and reviewed in line with statutory and legislative requirements and checked on an annual basis.
- To maintain the short term supply teachers database.
- To ensure that short term supply / fixed term teachers are appropriately inducted and trained for the post being covered as for all other workers. In some instances this may be delegated to the appropriate Manager/Head Teacher.
- Calculate annual leave entitlement based on hours worked.
- Liaise with Manager/Head Teacher to ensure sufficient budget provisions are available to pay for short term supply/ fixed term employment before arranging cover.

### **Short Term Supply/ Fixed Term Teacher**

- Complete the relevant timesheet and submit this to an authorised signatory for authorisation and transmission to the Payroll Services in time to meet the payroll processing deadline for weekly payment by BACS.
- Comply with all policies and procedures and undertake the necessary training required to perform their duties. This includes the Drug and Alcohol, Equality and Health and Safety Policies.
- Comply with the Working Time Regulations including work undertaken with other employers.
- Notify the Service Co-ordinator, in writing, if they no longer wished to be considered for supply work.

## **PART 3**

### **3.1 IMPLEMENTATION**

The Chief Executive and Chief Officers of the Council are responsible for the effective operation of the policy across the Council as a whole.

### **3.2 MONITORING & REVIEW**

Falkirk Council has a duty to ensure that all short term supply and fixed term teaching appointments are managed in a fair and consistent basis, in accordance with the principles of the Council's Equal Opportunities policy and all appropriate employment legislation.

The Head of Human Resources & Customer First will review the Short Term Supply/ Fixed Term Employment Policy for Teachers in line with agreed HR Policy Renewal timetable and in conjunction with Service Directors, Heads of Service and Trade Unions.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.



Enquiries to: Chair of Interview Panel  
Direct Dial: Extn. No.  
Date:

**CONFIDENTIAL**

Name  
Address  
Town  
Postcode

Dear Name,

**Post: {Job Title}**

I refer to your recent interview and I am pleased to advise that the Interview Panel will be making recommendations to the Director of Education Services in regard to your appointment to the list of potential Supply Teachers who are prepared to work on an as and when required basis. Any recommendation will be subject to satisfactory completion of various checks.

Appointment to this list, requires that Occupational Health clearance is obtained, and a questionnaire is attached. Please complete the questionnaire and ensure confidentiality by sealing it in a plain envelope with your name written on the top left hand corner. You should then return it to the Chair of the Interview Panel, who will forward it unopened to Occupational Health for assessment.

References will now also be taken up.

This post is exempt from the provisions of The Rehabilitation of Offenders Act 1974 and requires that post holders declare all previous criminal convictions. Disclosure Scotland provides a system of disclosing criminal history information to individuals and organisations for employment purposes, including PVG Scheme Records.

You will be required to gain and maintain PVG Scheme membership. Falkirk Council will pay the fee initially and will reclaim this through regular salary deductions. Please complete and return the enclosed Application to Join the PVG Scheme/Existing PVG Scheme Member application and Payroll Deduction Mandate to the address below at your earliest convenience.

It is important that you note that this letter is a conditional offer, and will only be confirmed after consideration of such checks. The Council reserves the right not to proceed with an appointment to the supply list for any reason.

As we are not in a position to confirm a formal offer to you at this stage of the recruitment process you are advised, if applicable, you should not hand in your notice to your present employer. Please wait until such time as you receive a letter from the Council formally offering you an appointment to the Supply list with the Authority.

Yours sincerely

**HEAD OF SERVICE**

**SHORT TERM SUPPLY STATEMENT OF WORKING ARRANGEMENTS**

Dear

**SHORT TERM SUPPLY LIST**

I am pleased to confirm that you have been appointed to the list of potential workers who are prepared to undertake Supply Teacher duties on a casual basis, as and when required, with effect from [INSERT DATE].

You will be engaged up to a maximum of 2 days per week and paid an hourly rate for all hours worked. Your hourly rate of pay will be calculated on you being placed on spinal column point 1 (or SCP where appropriate), currently ..... per annum, of the salary scale for teachers as set by the Scottish Negotiating Committee for Teachers (SNCT). An automatic 10% pay uplift will be applied for any preparation and correction time undertaken.

You will be contacted should any period of employment appropriate to your skills/experience become available and you will be advised in writing of the hours of work on offer, the location and the reason for the engagement. There will be no obligation on Falkirk Council to offer you employment and there will be no requirement on your part to accept.

Your inclusion on the list will be subject to annual review. If you have not undertaken a period of short term supply work with the Council within the previous 6 month period, you will be removed from the supply list.

In order to be reimbursed for all hours worked, you must complete a timesheet for each period of employment and submit this to the engaging Headteacher for authorisation and then submit to the Educational Resources Manager for payment. All hours worked will be at plain time.

In line with Falkirk Council Financial Regulations – December 2009 “Claims submitted more than 2 months after the end of the calendar month to which the claim relates will only be paid if authorised by the Chief Officer, and accompanied by a memo from the Chief Officer outlining the reason for delay.”

A supply of timesheets (STS1) will be available from [INSERT NAME OF DESIGNATED INDIVIDUAL WITHIN SERVICE]. You will be paid in arrears on the last Thursday of each month by credit transfer directly into your bank account and your pay will be subject to the appropriate deductions for National Insurance and Income Tax.

When you are working, annual leave will accrue based on the number of hours worked. For every hour worked the accrual rate for annual leave will be 0.0293 days (ie 0.2051 divided by 7 hours, where 0.2051 is the daily accrual rate for a full time teacher).

You will have no entitlement to notice, paid sick leave (other than Statutory Sick Pay) or public holiday time off.

Falkirk Council is required by law to operate the Scottish Teachers' Superannuation Scheme. The post is subject to the Scheme of Salaries and Conditions of Service laid down by the Scottish National Committee for Teachers and as supplemented by the Authority's rules as amended from

time to time. Under the rules of the scheme, if you are eligible for STSS membership, you will become a member automatically, unless you write to Payroll Services, Finance, confirming that you do not wish to join the scheme.

You must conform to Service requirements in relation to Codes of Conduct, Drug and Alcohol Policy, Health and Safety and any other specified Service rules.

No other conditions of employment will apply. Access to the appropriate procedures in relation to harassment and discrimination will be provided to you if required by contacting Human Resources.

Your Head of Service has the discretion to remove you from the list of short term supply teachers should you be unavailable to work or when the need for supply employment ceases for any reason.

Please confirm your acceptance by signing the enclosed:-

1. Copy of this letter
2. Supplementary Guidance and Data Collection Form.

All of these must be returned to the Employee Resources team, Sealock House, 2 Inchyra Road, Grangemouth, FK3 0XB within 10 working days.

The following related documents are also enclosed for your attention. :

- Supply Timesheet (STS1) – to be completed monthly as per guidelines and submitted to the Educational Resources Manager, Sealock House, 2 Inchyra Road, Grangemouth, FK3 0XB.
- Guidelines for the Completion of the “Supply Teacher Salary Claim Form”
- Financial Ledger Codes
- Security Badge Information
- Payroll Credit Transfer – to be completed and returned to payroll. If you have any queries regarding pay issues you should contact payroll on 01324 506308 in the first instance
- Code of Practice on the engagement of Short Term Supply teachers
- Code of Practice on the use of Fixed Term Temporary Contracts.

May I take this opportunity to wish you every success when you are required to work within Falkirk Council Education Service.

**Yours sincerely**

**SHORT TERM SUPPLY TEACHER TERMS OF ENGAGEMENT TEMPLATE LETTER  
(to be issued to the supply teacher by the Headteacher on commencement of each engagement)**

Dear

**CASUAL - SHORT TERM SUPPLY ENGAGEMENT**

I am pleased to confirm the details of your engagement as a short term supply teacher in [NAME OF SCHOOL] with effect from [INSERT DATE].

Your engagement in the school will be on a “day by day” basis.

The reason for the engagement is to cover the short term absence of a class teacher due to [SELECT REASON FROM LIST BELOW].

- in service training/staff development/working groups
- short term special leave, for example, bereavement leave, jury duty
- short term sickness absence
- trade union duties arranged on an ad-hoc basis
- SQA duties
- public duties
- interim vacant post cover

As the engagement is on a daily basis, you will not be given notice, but I will keep in touch and let you know whether you will be required tomorrow.

Short term supply teachers will be paid on point 1 (point 0 if not fully registered) of the Main Grade Scale for each period of supply work, with pay calculated on an hourly rate basis.

To be paid, you must complete Form (STS1), Casual – Short Term Teacher Salary Claim Form, additional copies of which are available from the school office or online on the council Intranet. It should be submitted to me for certification. Thereafter it is your responsibility to submit the form, monthly, in line with the stated submission dates otherwise payment may be delayed.

I hope you will enjoy your time in the school.

Yours sincerely

**HEADTEACHER**

**RENEWAL LETTER**

Dear

I write to enquire whether or not you wish to remain on the list of potential workers who are prepared to undertake short term supply teaching duties on a casual as and when required basis with effect from 1 April ..... until 31 March ..... .

**Where individual has lived overseas for a period of 3 months or more in the last year, include the following:**

**Continued inclusion on this supply list is subject to satisfactory employment checks as follows:-**

This post is exempt from the provisions of The Rehabilitation of Offenders Act 1974 and requires that post holders declare all previous criminal convictions. Disclosure Scotland provides a system of disclosing criminal history information to individuals and organisations for employment purposes, including PVG Scheme Records.

You will be required to gain and maintain PVG Scheme membership. Falkirk Council will pay the fee initially and will reclaim this through regular salary deductions. Please complete and return the enclosed Application to Join the PVG Scheme/Existing PVG Scheme Member application and Payroll Deduction Mandate to the address below at your earliest convenience.

Occupational Health clearance is also required, please complete the attached questionnaire and ensure confidentiality by sealing it in a plain envelope with your name written in top left hand corner. You should then return it to ..... who will forward it to Occupational Health for assessment.

You will be engaged on a daily basis and paid an hourly rate for all hours worked. Your hourly rate of pay will be calculated on you being placed on spinal column point 1 (or SCP where appropriate), currently ..... per annum, of the salary scale for teachers as set by the Scottish Negotiating Committee for Teachers (SNCT).

You will be contacted should any period of employment appropriate to your skills/experience become available and you will be advised in writing of the hours of work on offer, the location and the reason for the engagement. There will be no obligation on Falkirk Council to offer you employment and there will be no requirement on your part to accept.

In order to be reimbursed for all hours worked, you must complete a timesheet for each period of employment and submit this to the engaging Headteacher for authorisation and then submit to the Educational Resources Manager for payment. All hours worked will be at plain time.

In line with Falkirk Council Financial Regulations – December 2009 “Claims submitted more than 2 months after the end of the calendar month to which the claim relates will only be paid if authorised by the Chief Officer, and accompanied by a memo from the Chief Officer outlining the reason for delay.”

A supply of timesheets will be available from [INSERT NAME OF DESIGNATED INDIVIDUAL WITHIN SERVICE]. You will be paid in arrears on the last Thursday of each month by credit transfer directly into your bank account and your pay will be subject to the appropriate deductions for National Insurance and Income Tax.

When you are working, annual leave will accrue based on the number of hours worked. For every hour worked the accrual rate for annual leave will be 0.0293 days (ie 0.2051 divided by 7 hours, where 0.2051 is the daily accrual rate for a full time teacher).

You will have no entitlement to notice, paid sick leave (other than Statutory Sick Pay) or public holiday time off.

You must conform to Service requirements in relation to Codes of Conduct, Drug and Alcohol Policy, Health and Safety and any other specified Service rules.

No other conditions of employment will apply. Access to the appropriate procedures in relation to harassment and discrimination will be provided to you if required by contacting Human Resources.

Your Head of Service has the discretion to remove you from the list of short term supply teachers should you be unavailable to work or when the need for supply employment ceases for any reason. The supply list is subject to annual review and you will be removed from the list if you have not undertaken a period of supply work within the previous 6 month period.

Please confirm whether you wish to continue to be included on the list of potential short term supply teachers by signing the enclosed copy of this letter and returning it to <NAME>.

May I take this opportunity to wish you every success when you are required to work within Falkirk Council.

## **HEAD OF SERVICE**

I confirm that I wish my continued inclusion on the list of potential workers on the conditions outlined above.

Signed ..... Date .....

**SHORT TERM SUPPLY TO FIXED TERM APPOINTMENT LETTER**

Dear

**CASUAL - FIXED TERM TEMPORARY ENGAGEMENT**

I am pleased to offer you the post of temporary teacher in [NAME OF SCHOOL] commencing on [Date] and terminating on [Date] or [SELECT REASON (1)].

- the completion of [a specified task];
- the occurrence of [a supervening event];

Falkirk Council cannot guarantee any further employment at the end of this contract. It is, however, a condition of your contract you agree it is subject to termination upon completion of this fixed term or completion of [REPEAT REASON (1) ABOVE].

Notwithstanding that this contract is for a fixed term, Falkirk Council reserves the right at its entire discretion to terminate your employment prior to this giving you not less than 1 weeks' notice in accordance with the council's Temporary Employment Policy.

The salary grade for the post is main grade teacher, currently £ to £ . Your salary will be point [INSERT SCP], £[AMOUNT] per annum.

Your normal working hours will be [number] hours per week, to be worked Monday to Friday, [a] hours class contact time and [b] hours non class contact time.

It is confirmed that the necessary pre employment checks were processed, and main grade terms and conditions of employment covering your engagement to a fixed term contract issued to you, on joining the supply teacher register.

Please confirm your acceptance of this offer by signing and attaching this to your salary claim form (failure to do this will prevent payment). You should retain a copy of your signed acceptance letter for your own future reference.

You must complete Salary Claim Form (TT1) available from the school office or online on the council Intranet. The completed form should be submitted to me for certification. Thereafter it is your responsibility to submit the form, monthly, in line with the stated submission dates otherwise payment may be delayed.

I hope you will enjoy your time in the school.

Yours sincerely

**HEADTEACHER**

I confirm my acceptance of the conditions outlined above:

Signed: ..... Date: .....

***Attach this signed acceptance to your first salary claim form (TT1) following commencement.***

**LETTER OF TERMINATION**

Dear

**END OF CONTRACT**

As you are aware following our meeting held on [date], you were employed on a temporary contract on the condition that your employment would terminate on ..... (or when a specific project was completed/ event occurred. This will be on .....).

As explained to you at this meeting, unfortunately Falkirk Council does not have any further work for you beyond that date and your employment with the Council will therefore terminate on [date] or \*(As explained to you at our meeting, attempts have been made to identify a suitable alternative vacancy to offer you, but unfortunately no suitable vacancies are available at present. This letter therefore gives you [ ] weeks' notice of the termination of your employment by reason of redundancy. Unless there is any change in the situation during your notice period, your employment with Falkirk Council will terminate on [date]. We will, however, continue to seek suitable alternative employment for you throughout your notice period).

I would like to take this opportunity to thank you for the contribution you have made to the Service for the duration of your contract and wish you success for the future.

Yours sincerely,

\* Where an employee has two years continuous service or more.



**LETTER OF EXTENSION**

**Dear**

**EXTENSION OF TEMPORARY CONTRACT**

I write to offer you an extension to your contract for a further fixed term, to run consecutively with your existing contract and continuing until ..... (date/ or completion of .....)

The terms and conditions of the extended contract will (except for the new termination date) be identical to your current terms of employment, including the notice clause(s) contained in the original contract. If you accept this extension to your employment, your employment with Falkirk Council will be continuous for statutory purposes.

Notwithstanding this extension of contract, Falkirk Council reserves the right at its entire discretion to terminate your employment prior to the [specified expiry date] [end of the task/project] [return to work of [ ]] by giving you not less than [ ] weeks' notice

**Please confirm your acceptance of this extension by signing the attached copy of this letter and**

**FALKIRK COUNCIL**

**Subject: SMOKING POLICY**  
**Meeting: JOINT CONSULTATIVE COMMITTEE**  
**Date: 12<sup>TH</sup> AUGUST 2014**  
**Author: DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

**1. INTRODUCTION**

- 1.1 The Smoking Policy has been reviewed to ensure that the Policy continues to meet legislative requirements and remains fit for purpose. The purpose of this report is to advise of updates to the Policy.

**2. SMOKING POLICY**

- 2.1 Following an increasing number of enquiries and concerns from Services regarding the use of electronic and vapour cigarettes, the Smoking Policy has been updated to provide guidance on the use of these products on Council Premises.
- 2.2 There is currently no government standard for the contents of the aerosol cartridges that are used in electronic or vapour cigarettes and the medical research on the benefits and health risk are still unclear. In response to this, the Medicines and Healthcare products Regulatory Agency (MHRA) plan to license e-cigarettes by 2016. The World Health Organisation (WHO) have concerns that these products may increase addiction in young age groups and have concerns regarding the long term health effects of the contents of the aerosol cartridges. In addition, Education Services have advised that they have had several incidences of pupils smoking these and other legal substances during school time.
- 2.3 The revised Smoking Policy is attached. This has been amended to take account of the issues at 2.2 as follows:
- Any reference to “Cigarettes” has been amended to state “Regular cigarettes, electronic cigarettes, vapour cigarettes or any other substances smoked or inhaled.
- 2.4 No other required changes to the Policy were identified. The advice and guidance provided by WHO will continue to be monitored with regard to the use of regular cigarettes, electronic cigarettes, vapour cigarettes or any other substances smoked or inhaled, and the policy will be updated as appropriate.

**3. RECOMMENDATION**

- 3.1 Members of the Joint Consultative Committee are invited to note the updates to the Smoking Policy and refer the policy to Executive Committee for approval.

Shal Ritchie

.....  
**DIRECTOR OF CORPORATE & NEIGHBOURHOOD SERVICES**

Date: 1<sup>st</sup> July 2014

Ref:

Contact Name: Anne-Marie Johnstone, Ext 6218

LIST OF BACKGROUND PAPERS

None



# FALKIRK COUNCIL

# SMOKING POLICY



\*\*\* 2014

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## **PART 1**

### **Introduction**

As a good employer, and in recognition of the statutory duty of care to employees, Falkirk Council aims to improve the health and wellbeing of all employees in line with the Healthy Working Lives agenda. Falkirk Council recognises that smoking is detrimental to the health of all who are exposed to tobacco smoke. The purpose of this Policy is to assist the Council in its management of a smoke-free environment in line with the requirements of the Smoking, Health and Social Care (Scotland) Act 2005, the Health and Safety at Work Act (1974), the Safety & Health of Pregnant Workers Directive (92/85/EEC) and the Tobacco and Primary Medical Services (Scotland) Act 2010.

## **PART 2**

### **Policy Statement**

Falkirk Council is committed to maintaining the health and safety of its employees and all those affected by its activities. The Council recognises the health risks associated with smoking and, in line with the Smoking, Health and Social Care (Scotland) Act, which made it illegal to smoke in any enclosed public place in Scotland from 26<sup>th</sup> March 2006, and the Tobacco and Primary Medical Services (Scotland) Act 2010, which makes illegal the purchase of tobacco products by, or on behalf of, persons under 18 years, will ensure a smoke-free working environment. This applies to all Council workplace premises and vehicles driven on Council business.

There is currently no government standard for the contents of e-cigarettes and vapour cigarettes and as such the medical benefits or possible health risk are still unclear. In response to this, the Medicines and Healthcare products Regulatory Agency (MHRA) plan to license e-cigarettes by 2016. The World Health Organisation (WHO) have concerns that these products may increase addiction to the young and have concerns regarding the long term health effects of the contents of the aerosol cartridges.

In line with current British Medical Association guidance smoking of regular cigarettes, e-cigarettes, vapour cigarettes or any other substances smoked or inhaled is prohibited in Council workplace premises and in vehicles driven on Council business for all staff, elected Members, visitors, customers and contractors.

Falkirk Council will continue to seek to highlight the risks associated with smoking and encourage smokers to stop. Support and guidance will be offered to all those who wish to give up smoking.

Falkirk Council recognises the challenges individuals face in trying to give up smoking and will offer support and assistance to those individuals through:

- The provision of advice and guidance through the promotion and distribution of information on stopping smoking;
- Partnership working with organisations such as the Health Education Board for Scotland, Forth Valley Health Board and the Falkirk Community Trust Leisure Centres;
- Liaison with Services to target groups of individuals to offer advice and support in the same way as instruction is given on safety matters, by way of 'toolbox talks';

- Participation in National No-Smoking Day in March each year;
- The provision of information on Smoking Cessation classes;
- Banning the promotion or sale of tobacco products within Falkirk Council premises;
- Organising promotional events.

## **PART 3**

### **Application of the Policy**

All premises owned or leased by the Council are designated 'no-smoking' areas. This includes offices, schools, coffee areas, toilets and vehicles being driven on Council business.

Within residential homes for the elderly, a smoking area will be provided solely for residents who may face extreme difficulties in giving up smoking. The dangers to staff, contractors and visitors of the exposure to second hand smoke will be minimised by a full risk assessment of the working area and by the adoption of a safer system of working e.g. the room should be fully aired before cleaning.

Where the Council lets its facilities to an outside body, the terms of the legislation and Smoking Policy will be clearly stated and the policy will apply to that body for the duration of the let. Non-compliance may lead to future lets being refused.

The terms of this Policy will apply to all elected Members, staff, contractors and visitors to Falkirk Council premises.

All new employees of the Council will be advised of the content of this Policy.

## **PART 4**

### **Compliance**

All elected Members and employees have a legal responsibility to ensure compliance with the legislation. The legislation allows fixed penalty fines of £200 to be imposed on the manager or any other person in control of any no-smoke premises for allowing others to smoke or for failure to display warning notices within the premises. It also allows a fixed penalty fine of £50 for individuals who smoke in no-smoke premises. Refusal or failure to pay these fines may result in prosecution and a fine of up to £2,500.

Where smoking is taking place in contravention of the legislation this should be reported immediately to the manager or any other person in control of the premises. Staff will also help to ensure compliance by bringing the legislation and Policy to the attention of the person smoking in a non-confrontational manner. The potential difficulty of enforcing the policy is acknowledged and staff will be given the full support of all line and senior managers.

Repeated and deliberate failure of any employee to conform to the requirements of the Legislation and this Policy may give rise to disciplinary action, which will be dealt with in accordance with the Council's Disciplinary Procedures. However, in the first instance, support and advice will be offered.

## **PART 5**

### **Review**

This Policy will be reviewed by the Head of Human Resources in conjunction with Service Directors and Trade Unions on a 5 yearly basis, or earlier if required.