

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Finance and Resources	<b>DATE</b>	17 June 2010
<b>CORPORATE DIRECTOR</b>	Stewart Carruth		
<b>TITLE OF REPORT</b>	Policies Update Report		
<b>REPORT NUMBER</b>	CG/10/123		

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### 1. PURPOSE OF REPORT

This report seeks approval for revisions and updates to four Human Resources policies/procedures:

### 2. RECOMMENDATION(S)

It is recommended that the Committee:

1. Approves the revisions/updates to the following policies
  - Maximising Attendance (Appendix 1)
  - Managing Work Performance (Appendix 2)
  - Managing Substance Misuse (Appendix 3)
  - Managing Redundancy (Appendix 4)
2. Delegates authority to the Director of Corporate Governance to approve minor amendments to the wording of Maximising Attendance and Managing Substance Misuse following ongoing consultation with Trade Unions representing Teachers to ensure that these policies are consistent.

### 3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the revised policies.

### 4. SERVICE & COMMUNITY IMPACT

These policies will enable us to comply with our obligations under health and safety and employment legislation.

### 5. OTHER IMPLICATIONS

These policies will ensure that a fair and consistent approach is adopted when managing employees.

## 6. REPORT

The proposals bring all policies up to date with best practice and the legal position that currently applies.

The Council is seeking for all Human Resource policies to apply equally to all employees of the Council but it recognises the separate industrial relations and decision making processes for teachers. This consultation route may result in amendments or changes to these proposed policies. As initial discussions have already taken place with the EIS, it is not anticipated there will be a need for significant amendments or changes. In order for the policy to be consistent for all employees it is proposed that authority be delegated to the Director for Corporate Governance in consultation with the Convener of Finance & Resources Committee to approve minor amendments. However, any major or substantial changes will be reported back to Committee for decision.

The Managing Work Performance policy does not apply to teachers as they have a separate arrangement (i.e. GTC Code of Competence) and the Managing Redundancy Policy was approved by the Education, Culture and Sport Committee in February 2010. Therefore, these two policies have no implications for teachers.

All proposed policies have been consulted with the trades unions (i.e. UNISON, GMB, UNITE and UCATT.) No substantive comments have been made on the Managing Redundancy and Managing Substance Misuse policies.

On the Managing Work Performance policy the trades unions have expressed their disappointment at consideration for redeployment being removed as an alternative to dismissal, where an employee is not viewed as capable of adequately performing the duties of their job. The point they have made is that given the extensive nature of change within the organisation some staff may find themselves in posts they neither applied for nor particularly wanted but had to accept to remain in employment.

The management response to this is that the redeployment procedure does not provide for redeploying people for any other reason than redundancy or ill-health. An employee's performance/capacity in their employed role is not a sufficient reason for redeployment and to give such employees the expectation that they could be redeployed elsewhere is inappropriate. If employees are not up to the job they are employed to do, there are no other opportunities within the organisation.

Detailed below is a brief summary of the main changes to each of the policies being considered under this report.

### Maximising Attendance

The existing policy and procedure on managing attendance has been updated to bring it in to line with best practice.

The main features of the revised policy and procedure are as follows:

- Trigger levels have been reviewed and it is proposed they be revised to

Absence over a rolling period of:	Total Working Days lost to sickness absence	Number of separate occasions
12 months	10 days	3 occasions
24 months	15 days	5 occasions

- Places a clear responsibility on managers to apply the policy and manage the attendance of their staff and where this does not happen they will be subject to performance management measures
- Provision where following a review period and someone comes out of formal procedure then have further sickness, they would go back to the stage they left the procedure.
- When an employee hits the trigger formal process automatically activates.
- Introduction of a concept called “Employee AIDE.” This recognises that an employee may find themselves in a situation where they need to take time away from work to deal with non-work emergencies. To avoid this being reported/recorded as sickness to approve appropriate time off or allow for time off to be worked back.
- Introduces the process to deal with non-attendance due to short term sickness absence, **without an underlying medical cause**, under a “conduct or some other substantial reason” route.
- Outlines the process to deal with non-attendance due to short term sickness absence, **with an underlying medical cause**, under a “capability” route.
- Provides for a supportive and understanding approach to employees who suffer from an underlying medical cause.
- Makes explicit the outcome of the first two stages of the short term processes could be a caution to improve attendance and review period. The third and final stage i.e. the Capability Hearing could result in the dismissal of the employee.
- Outlines the process to deal with non-attendance due to long-term sickness absence.

### Managing Substance Misuse

The existing policy and procedure on managing alcohol and/or substance misuse is updated to bring it in to line with best practice. The review has been conducted in accordance with the Healthy Working Lives criteria in support of the Council’s aspiration to achieve the Healthy Working Lives Silver award. This recognises organisations providing a healthy and safe workplace.

The main features of the revised policy and procedure are as follows:

- The policy provides a structure for a supportive and constructive approach to managing substance misuse in line with the Council's legal obligations under the Health & Safety at Work Act 1974 and Misuse of Drugs Act 1971.
- The policy states that employees must attend work free of the affects of alcohol and / or substances.
- The substances that are covered by the policy and procedure are defined, including alcohol.
- The policy states that employees should notify their manager if they are taking prescribed medication which may impair their ability to undertake their duties safely and effectively.
- The responsibilities of managers and employees in the management of alcohol or substance misuse are explained.
- The procedure identifies the possible referral routes and explains when it is appropriate to follow each depending upon how the substance misuse issue has come to light.
- The procedure details the supporting provisions that are available and when these should be put in place.
- Clarification is provided on how and when management of substance misuse may integrate with the implementation of the Managing Discipline, Managing Work Performance or Managing Attendance Policies.
- The circumstances when testing for alcohol or substances may occur are explained.
- Information is provided on sources of support, sensible drinking limits and recognising alcohol and/or substance misuse.

The policy and procedure will be supported by guidance notes for managers

### Managing Redundancy

Changes to this policy are required arising from the learning of successfully applying this policy to workforce reduction exercises over the past two financial years and developments in case law. It also reflects amendments made to the Voluntary Severance/Early Retirement Policy and to reflect. The proposed changes are:

- Amending the selection criteria to be as objective as is possible, which reflects the legal requirement.
- Amending the process, which has been previously agreed with trade unions, to apply the competencies identified in the person specification.
- Detailed the simplified the process of consultation, agreed with trade unions.

## Managing Work Performance

The changes to this policy are relatively minor with more emphasis on streamlining the process with a view to improving work performance.

- The process has been adjusted with the appeal against the action plan being removed.
- The previous provision to search for redeployment has been removed. Unless there are medical reasons behind the under performance improvement within the role is required.

### 6. REPORT AUTHOR DETAILS

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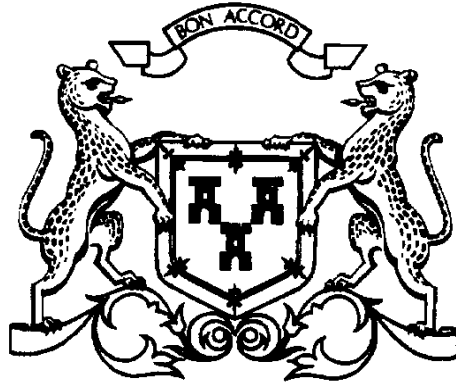
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### 7. BACKGROUND PAPERS

None



**ABERDEEN CITY COUNCIL**

# **MAXIMISING ATTENDANCE**

**POLICY & PROCEDURE**

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## **SECTION 1: POLICY**

### **1.1 Policy statement**

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We are committed to maximising attendance at work. This policy seeks to ensure that this is achieved and to encourage reliable attendance among all employees. It intends to convey to employees that their employer is concerned about their attendance and wellbeing, that management genuinely wishes to remove or reduce any work-related factors that may discourage reliable attendance, and that taking time off work without good reason is not acceptable.

#### **The importance of managing attendance**

- All employees have a contractual duty to attend work. Any absence has a financial and operational impact on the provision of services and customer service levels. When an employee is unable to attend work either due to sickness or for other prior approved reason, managers (including headteachers) are responsible for identifying, understanding and taking the appropriate action in relation to the reason(s) for absence. In order to manage attendance effectively managers need to quickly establish the reasons why employees fail to attend work.
- Positive management of attendance issues indicates to employees that this issue is important to the Council. A relaxed attitude to absence notification, recording and monitoring and/or lack of effective management can send an incorrect message to employees that a certain level of non-attendance is acceptable. One of the main purposes of this policy is to send the clear message that managers who do not take the necessary steps by applying the provisions of this policy to manage attendance will themselves be subject to performance management measures.
- The policy recognises that from time to time an employee will have legitimate reason for absence. We will provide reasonable support to employees whose absence is genuine with the aim of assisting their immediate or swift and/or sustainable return to work.
- However, this policy is clear that appropriate action will be taken against employees who take time off work without good and sufficient reason and/or without providing proper notification.
- We recognise that short term absences and long term absences need to be managed differently although they could potentially result in the same outcome.



## 1.2 - SCOPE

This procedure applies to **all employees** of the Council. It does not apply to any casual or agency worker where a contract of employment does not exist.

## 1.3 - CORE PRINCIPLES

Employees are paid and contracted to attend work and are expected to do so unless they have significant and legitimate reasons for their absence.

The responsibility for **Maximising Attendance** and **Managing Absence** rests with Line/Service Managers, who will be supported by Human Resources by providing advice and guidance as necessary.

Attendance issues will be dealt with promptly and consistently in accordance with the provisions of this and related policies.

Every employee has a responsibility to appreciate the impact their absence has on work colleagues and service delivery.

Reasonable support will be given to staff who are absent for legitimate reasons with the aim of assisting a swift and sustainable return to work. Ultimately, the responsibility for regular and reliable attendance rests with employees

Employees will be offered the opportunity to be accompanied by a trade union representative or work colleague of their choice at each stage of the formal procedure. The employee will not however be permitted to be accompanied by a legal practitioner, partner or spouse.

Throughout the procedure, special allowance should be made for those employees whose first language is not English or who have difficulty expressing themselves

Whilst maximising attendance, the Council will always recognise our statutory obligations and comply with all relevant legislation and Council policy, including our responsibilities in relation to health and safety and disability discrimination.

Where requested all staff will comply with any request to attend medical appointments with the Council's Occupational Health advisers.

Employees will be permitted to request and granted a manager of the same gender to consider matters under the formal stages of this procedure, where the medical reason is of a gender specific and/or intimate nature.

## 1.4 - POLICY PROVISIONS

In order to effectively maximise attendance it is necessary to clarify what is being referred to in these policy provisions. Maximising attendance is seeking to eliminate any unnecessary absence from work which is not approved in advance.

Absences that can be approved prior to the time off could be (this is not an exhaustive or inclusive list)

- Leave from work (including annual leave, public holidays and unpaid leave)
- Work related training
- Jury Service
- Maternity, Paternity, Parental and Adoption Leave
- Special leave for public service duties (e.g. Justice of the Peace, member of the Children's Panel, elected member of another Local Authority etc.)

Absences that are unplanned could be due to:

- Sickness
- domestic crises (e.g. need to be in attendance for security or maintenance of the home)
- family bereavement
- bad weather
- break-down of caring arrangement of dependents

The absences that are subject to prior approval can be pre-planned and as such can and MUST be managed. However, the unplanned absences require appropriate action and decisions by managers at the appropriate time, depending on the circumstances.

In managing sickness absence (which can be subdivided further into short-term and long-term sickness) it is necessary in all cases to have the appropriate immediate response by the manager. This is outlined in the procedure in Section 2 and the guidance notes which support this policy.

### **Short duration Sickness Absence Trigger Levels**

For the purposes of this procedure there are short duration trigger levels that, if met, require a formal management response is detailed in the table below (i.e. commencement of Stage 1 of the short duration sickness absence process.) **The table below shows the trigger points at which the formal process must be applied.** This includes the reference period during which a sickness absence will be considered (this will be a rolling reference period), the number of working days lost due to sickness during the rolling reference period and the number of separate occasions of absence during the rolling reference period. For the sake of clarity the formal procedure will be applied if either of the trigger points (i.e. lost number of working days OR number of separate occasions) is met.

<b>Absence over a rolling reference period of:</b>	<b>Total Working Days lost to sickness absence</b>	<b>Number of separate occasions</b>
12 months	10 days	3 occasions
24 months	15 days	5 occasions

The formal procedure may also be applied where an employee's sickness record viewed over a period of time indicates the employee is managing their sickness within the trigger points and appears to be using these triggers as additional leave entitlement.

When an employee hits a trigger or the manager decides to apply the formal procedure it is for the manager to use his/her judgment to determine whether referral to the council's occupational health adviser, is appropriate. This is **NOT** automatic

Long term sickness absence is where the employee has been absent from work for a continuous period that exceeds four calendar weeks from the first day of sickness.

The number of days lost due to long term sickness will not be taken into account when looking at the above short duration trigger levels

#### **'Employee AIDE' (i.e. Absences Involving Domestic Emergencies)**

Employee AIDE is a provision which recognises that on occasion, employees may experience unexpected family, personal or domestic problems and may need to take time off work to deal with such emergencies. Employees facing these problems may not have the opportunity to give sufficient notice to take annual or flexi leave so may report that they are sick to avoid being penalised for taking such time off work.

Further information on how Employee AIDE is to be applied is detailed in the guidance notes which accompany this policy.

### **1.5 - Absence Prevention and promotion of well-being**

Absence prevention is vitally important and this starts with the recruitment process, ensuring new employees are medically fit to carry out the duties of the post. This will include pre-employment screening and requesting/checking absence details from employer references in a manner that takes account of all legal implications.

The Council also seeks to promote a working environment which encourages healthy working lives and personal well-being.

Further information on absence prevention and promotion of well-being is detailed in the guidance notes which accompany this policy.

## **SECTION 2 - THE PROCEDURE**

This is the formal procedure which must be applied in all cases by managers when an employee is absent or hits a trigger level identified in the policy

### **"Return to work discussion"**

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On each occasion, irrespective of the duration, an employee returns to work following a period of sickness absence, irrespective of the duration, the employee's line manager/supervisor will arrange to meet or at least contact the employee to enquire in a supportive manner about their absence and taking an interest in their welfare.

This is the informal part of the management of absence process where managers have the opportunity to identify possible underlying cause(s) or patterns of absence. It also demonstrates to employees that their manager is noticing their lack of attendance.

The manager must make a note of each return to work discussion.

### **2.1 Dealing with Short-Term Absence**

This procedure consists of a defined number of stages which provide for the employee's sickness absence record to be subject to review and possible action if the required improvement is not achieved.

There are **four stages** within the formal process irrespective of the reason underpinning the absence:

**Stage 1 : Attendance review meeting**

**Stage 2 : Attendance improvement meeting**

**Stage 3 : Capability/Conduct hearing**

**Stage 4 : Appeal**

### **Consideration of Short Term Sickness Issues**

Where short-term persistent sickness is due to an underlying medical condition this will normally require advice from the council's occupational health adviser and will be viewed as a capability issue. However, where the reasons given for absence appear to have no medical connection, the matter should be viewed (initially at least) as an issue of conduct. It is **NOT** necessary for the Council's occupational health adviser to be involved in conduct cases.

## **UNDERLYING MEDICAL CAUSE (CAPABILITY)**

This route will be applied where there is an underlying medical condition, identified by the council's occupational health adviser. The approach will be supportive with the employee being responsible for improving their sickness absence record. The manager will make all reasonable efforts to support the employee to improve their sickness absence record.

## **NO UNDERLYING MEDICAL CAUSE (CONDUCT)**

This route will be applied where there is NO apparent underlying medical condition. The approach will be focused on the employee being responsible for improving their sickness absence record.

Should an issue initially be determined as a conduct or some other substantial reason issue but at a subsequent point the employee claims there is an underlying medical reason that contributes to their absence record, the Manager should refer the employee to the Council's occupational health adviser. Where it is reported there is an underlying medical condition the case transfers to the corresponding stage in the capability process. Where the report indicates there is no underlying medical cause the matter will progress in accordance with the conduct process.

### **The Process**

As intimated earlier the formal process for both capability and conduct will have four stages. At each stage a review period will be set by the Manager conducting the meeting. Where the employee's attendance improves and achieves an acceptable level of attendance following the review period the manager will inform the employee of that in writing and normal monitoring arrangements will apply thereafter. If normal monitoring arrangements show that the employee has returned to an unacceptable level of sickness the employee will once again be subject to the provisions of this procedure. However, the employee will not normally re-start at Stage 1 of the procedure but may return to the same stage from which they last left the procedure.

## **Stage 1 : Attendance Review Meeting**

### **The Meeting**

A letter will be sent to the employee that will

- notify the employee of the manager chairing the meeting
- include a statement summarising the employee's periods of absence during the defined period
- advise the employee of their right to be accompanied by a trade union representative or work colleague

The chair of the meeting will ensure that the employee understands the requirements of the Maximising Attendance Policy and the reasons why the policy is in place.

The employee will be given the opportunity to explain their reasons for the level of sickness. The chair of the meeting will consider the explanation before determining how to progress matters.

## Outcome of the meeting

- The chair of the meeting, following consideration of the issues discussed and reasons for absence put forward by the employee, will determine the outcome of the meeting.
- In all cases an appropriate review period will be set to seek the required improvement in attendance.
- Where explanation of absence is deemed to be unacceptable a **caution** may be issued.
- The meeting outcome will be confirmed in writing.

## Stage 2 : Attendance Improvement Meeting

A letter will be sent to the employee whose sickness record has not demonstrated sufficient improvement since Stage 1 of the process. It will:

- include an updated statement summarising the employee's periods of absence during the defined period
- advise the employee of their right to be accompanied by a trade union representative or work colleague

## The Meeting

The chair of the meeting will reiterate the requirements of the Maximising Attendance Policy and the reasons why the policy is in place.

The employee will be given the opportunity to explain the lack of improvement in their sickness record since the Stage 1 meeting.

## Outcome of the meeting

- The chair of the meeting, following consideration of the issues discussed and reasons for absence put forward by the employee, will determine the outcome of the meeting.
- In all cases a further appropriate review period will be set to seek the required improvement in attendance.
- Where explanation of absence is deemed to be unacceptable a **FINAL** caution may be issued.
- The meeting outcome will be confirmed in writing.

## Stage 3 : Capability/Conduct Hearing

The hearing will be chaired by someone different to the manager (headteacher) who has managed and determined action at stages 1 & 2. of this procedure It must be someone of no less seniority in the organisation and must be at least at Service Manager (or Headteacher) level or above.

## The Hearing

A letter will be sent to the employee whose sickness record has not demonstrated sufficient improvement since Stage 2 of the process. It will:

- notify the employee of the manager chairing the hearing
- specify the reason for the hearing and that an outcome of the hearing could potentially be dismissal
- explain that the employee has not achieved the acceptable attendance level required since the Stage 2 Attendance Improvement Meeting
- include a statement summarising the employee's periods of absence since formal proceedings commenced
- detail the process to be followed at the Hearing
- advise the employee of their right to be accompanied by a trade union representative, work colleague or legal representative where appropriate.

The employee will be given the opportunity to explain the reasons behind their sickness absence record and why this has not improved at previous stages of the process.

## Outcome of the hearing

Following consideration of the issues discussed, the chair of the hearing will determine the outcome.

Where the employee's explanation is viewed as satisfactory the employee will be informed that their sickness record remains a concern and improvement is required and that their sickness record will continue to be monitored. The review period will normally be for a further **12 month period**.

If at any time during the review period there is further absence due to sickness absence, the management of the case may be immediately reviewed at Stage 3. It is not necessary to wait to the end of the review period to reconvene the Hearing.

Where the employee explanation is viewed as unsatisfactory the employee may be dismissed from employment. Where the outcome of the capability hearing is dismissal the reason will be by lack of capability due to ill-health. In conduct cases where the outcome is dismissal for the identified reason it is unlikely there will be a summary dismissal but one where the contractual notice provisions of the employee's contract of employment need to be observed.

## **Stage 4: Appeal**

- The employee has the right of appeal against dismissal **within 14 calendar days of receipt of written notification** of the decision.
- The employee can choose for the appeal to be heard either by the Service Director or Head of Service of the Council, who has had no prior involvement in the case OR to the Council's Appeals Committee (or equivalent in the case of teachers).

- After the appeal hearing, the employee will be informed in writing of the decision.

## **2.2- : DEALING WITH LONG TERM ABSENCE**

Long term sickness absence for the purposes of this policy is one continued period of absence that lasts longer than four weeks. When managing long term sickness absence cases, managers should take the following steps:

### **Occupational health referral**

refer the employee to the occupational health adviser for medical assessment at an appropriate juncture when the employee's absence is classified as long term. Referral may be earlier if it is apparent at an early stage of the absence that the absence is likely to be long-term.

### **Contact and dialogue with employee**

Managers are required to:

- Maintain regular contact with employees on long term sick leave, which should be empathetic and supportive.
- Arrange to discuss the contents of reports from the occupational health adviser with the employee.
- Discuss and make arrangements for any reasonable support to be given to the employee to facilitate a return to work and offer advice and guidance, where appropriate.
- Keep a record of contact with the employee.
- Where the employee refuses to co-operate in making medical evidence/information available to management, inform the employee in writing that decisions will be taken on the basis of the information available.

### **Consideration of long term sickness absence cases**

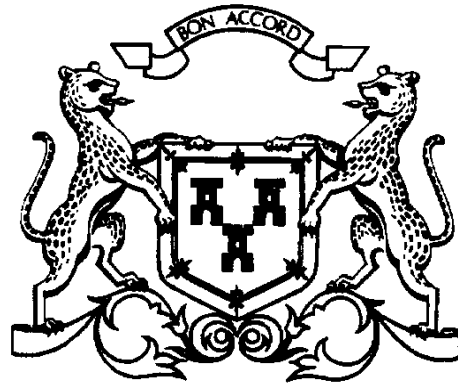
- A Capability Hearing will be arranged where an employee has been on sick leave for some considerable time and the latest occupational health report states that there is very little or no likelihood of an early return to work.
- The meeting will be chaired by a Service Manager or Head of Service.
- The purpose of the meeting is to carefully examine all options, including dismissal by reason of lack of capability due to ill health.
- At the hearing the employee's manager will present a report on the employee's period of long term sickness absence and on the content of the meetings held with the employee during that period to discuss their absence, including highlighting any measures taken to assist the employee to return to work.



- The reason for the long- term absence will be discussed as well as the contents of the latest occupational health medical report. The employee will be given the opportunity to provide a full response at the Hearing .
- The employee should be informed that they should make every effort to attend the hearing and if they refuse or fail to attend it could take place in their absence. A decision will be taken on the basis of the information available at the hearing, including a decision to dismiss by reason of lack of capability.
- Where the Chair of the Hearing decides, after considering all available information and options put forward, to dismiss the employee, the employee will be informed of that and the reason why, with the decision confirmed in writing along with their right of appeal. The appeals procedure is set out earlier in this document.

### **SECTION 3 - : REVIEW OF THE POLICY & PROCEDURE**

The Human Resources and Organisational Development Service will review this procedure every 5 years. It will, nevertheless, be subject to continual review and amendment in light of experience of its operation, employment best practice and statutory requirements. Changes will only be made following normal consultation arrangements.



**ABERDEEN CITY COUNCIL**

# **MANAGING WORK PERFORMANCE**

**POLICY & PROCEDURE**

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## **SECTION 1: INTRODUCTION**

### **Policy statement**

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Employees have a contractual duty to perform their duties to the standards required by their employer. The Managing Performance procedure provides a framework to ensure that employees who fall below these standards are managed through early intervention in a fair and consistent manner.

The procedure ensures that the employee is informed of the concerns with their performance and provided with reasonable time and support to meet the required standards. The employee will also be informed of the consequences of their failure to improve, which could ultimately be dismissal from the Council.

## **SECTION 2: SCOPE AND PRINCIPLES**

### **Scope**

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This procedure applies to all employees of Aberdeen City Council, except teachers whose performance will be considered under the General Teaching Council Code of Practice on Teacher Competence.

### **Core principles**

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- A supportive and constructive approach to performance issues will be encouraged and applied by employees, managers and trades unions
- Every effort will be made to ensure poor performance is dealt with promptly and effectively, demonstrating clear outcomes at all stages
- Managers will ensure that all employees know and understand the performance standards expected of them
- Reasonable efforts will be made to identify sustainable solutions to overcome individual performance difficulties. Whilst the Council will make all reasonable efforts to assist the employee, it cannot guarantee to maintain employment
- Employees will be offered the opportunity to be accompanied by a trade union representative or work colleague of their choice at the formal stages of the procedure. The employee will not normally be permitted to be accompanied by a legal practitioner, partner, spouse or family member

## SECTION 3: MANAGING PERFORMANCE PROCEDURE

### Three critical stages

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The procedure comprises of **three** critical stages:

**Stage 1: Initial discussion and opportunity to improve**

**Stage 2: Performance review and further opportunity to improve**

**Stage 3: Performance Capability Hearing**

### **Stage 1 (Informal): Initial discussion and opportunity to improve**

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- **Discussion and explanation**

Where an employee is performing below the acceptable standard, the employee's line manager should raise their concerns with the employee and ask for an explanation.

This discussion may result in a **performance improvement plan** designed to address the issue(s)

- **Performance improvement plan**

The performance improvement plan will confirm:

- the required improvement(s) in performance
- what support / training will be provided
- the timescale for improvement
- how progress will be monitored and reviewed

The performance improvement plan will be agreed by both the line manager and the employee. The plan will be confirmed in writing to the employee, highlighting the agreed timescale for improvement and the potential consequences for failing to meet this.

### **Stage 2 (Formal): Performance review and further opportunity to improve**

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#### **Performance review meeting**

If the required standard is not achieved within the agreed timescale the employee will be required to attend a **performance review meeting** with their line manager to investigate the continuing poor performance.

Following this meeting, the manager will decide whether to:

- extend the review period  
(to be considered where there has been a genuine attempt to reach the required standard but there are additional training needs to be met)

OR

- proceed to a capability hearing  
(to be considered where there has been a genuine attempt to reach the required standard but despite additional training and support they have failed to meet or maintain this)

OR

- commence an investigation under the Managing Discipline policy  
(to be considered where there is a reasonable belief that the poor performance is a conduct/attitude issue)

The line manager will confirm their decision in writing to the employee.

### **Stage 3: Performance capability hearing**

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If the required standard is still not achieved then the employee will be required to attend a performance capability hearing on the basis that dismissal is being contemplated.

The hearing will take the same form as a disciplinary hearing under the Council's Managing Discipline policy. Prior to the hearing the employee must be informed in writing as to why the hearing has been called and the format which it will take. The employee should be given a reasonably opportunity to prepare their response.

The chair of the hearing will make a decision based on the evidence presented as to whether dismissal is justified.

The outcome of the hearing must be confirmed in writing to the employee and if the decision is to dismiss, the employee must be notified of their right to appeal.

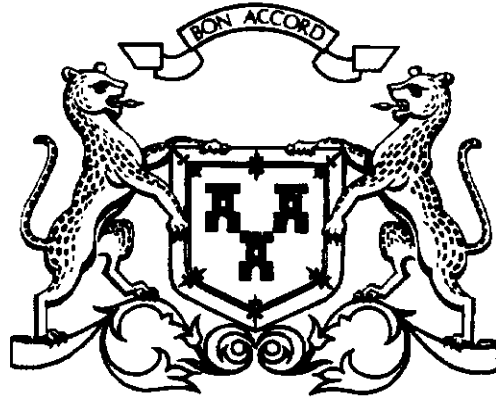
### **SECTION 4: APPEALS**

- The employee has the right of appeal against dismissal **within 14 calendar days of receipt of written notification** of the decision.
- The employee can choose for the appeal to be heard either by their Service Director or their Head of Service of the Council, who has had no prior involvement in the case OR to the Council's Appeals Committee

### **SECTION 5: REVIEW OF PROCEDURE**

Human Resources will review this procedure every three years. It will, nevertheless, be subject to continual review and amendment in the light of experience of its

operation, employment best practice and statutory requirements. Changes will only be put into effect following the normal consultation arrangements.



**ABERDEEN CITY COUNCIL**

# **MANAGING SUBSTANCE MISUSE**

**POLICY AND PROCEDURE**

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## Section 3: Review of the Procedure

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### Appendices:

Appendix 1	Referral diagram
Appendix 2	Treatment/Support agreement
Appendix 3	Sources of information/support
Appendix 4	Information on sensible drinking
Appendix 5	Recognising alcohol and/or substance misuse

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# **SECTION 1: POLICY STATEMENT**

## **Introduction**

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The Council recognises the need to manage the effects of alcohol and substance misuse problems in the workplace and will make every effort to ensure that such problems do not adversely affect service delivery nor the health, safety and welfare of employees or the public. Employees must ensure that, whilst at work, they are free of the effects of alcohol and / or substances. It is recognised that alcohol and substance misuse problems may arise which have an effect on an employee's ability to perform their duties or their behaviour. The Council will make every reasonable effort to help and support employees in such circumstances with encouragement given to seek appropriate treatment that will allow them to return to an acceptable standard of performance and/or behaviour. Likewise, the Council is committed to assisting managers to recognise and effectively deal with alcohol and substance misuse problems in the workplace. An employee who refuses advice or assistance or discontinues an identified recovery programme before its conclusion will normally be subject to the appropriate Council procedure for managing conduct , attendance or work performance where their conduct, attendance or work performance continues to be unacceptable.

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## **Scope**

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This policy is concerned with the effects of alcohol and substance misuse in the workplace and applies to all employees. Others undertaking work for or on behalf of the Council, but not employed by the Council, e.g. casuals/reliefs contractors and visitors are required to adhere to the policy guidelines even although not covered by procedural details.

## **Core Principles**

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- To meet the Council's legal obligations under the Health & Safety at Work Act 1974 to ensure the health and safety of its employees and others at work by providing a work environment in which the safety and optimum performance of employees is not adversely affected by the misuse of alcohol and/or substances.
  - To minimise problems arising from the impact of alcohol and substance misuse on work.
  - To ensure that all employees are clear that it is unacceptable to attend for work whilst unfit through alcohol and substance misuse, and that such behaviour will be addressed through the Managing Discipline procedure and will normally constitute gross misconduct
  - To ensure a supportive and constructive approach to managing alcohol and substance misuse issues is adopted by the Council but at the same time recognising the need to maintain high service delivery standards. All
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reasonable efforts will be made to support and assist an employee to overcome an alcohol or substance misuse problem, where the employee acknowledges the problem and demonstrates a willingness to address it.

- To ensure that every reasonable effort is made to address known alcohol or substance misuse issues promptly, consistently and effectively.
- To ensure that appropriate guidance is provided to managers on how to handle employee alcohol and substance misuse issues. The Council will also seek to educate and raise awareness of alcohol and substance misuse issues amongst employees.
- To ensure employees are aware of the consequences of possession of an illegal substance within the workplace. This will be subject to the 'Managing Discipline' procedure and may be reported to the Police. Any person suspected of trafficking illegal substances in the workplace will be reported to the Police and will be subject to the 'Managing Discipline' procedure, this normally being construed as gross misconduct.

The confidential nature of any records of employees who have an alcohol or substance misuse problem will be preserved.

Throughout the procedure, special allowance should be made for those employees whose first language is not English or who have difficulty expressing themselves

## **Definition**

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Alcohol and substance misuse is defined for the purposes of this Policy as the intermittent or continual use of alcohol or other substances which causes detriment to the employee's health, social functioning or work performance, and which affects efficiency, productivity, safety, attendance, timekeeping or conduct in the workplace.

For the purpose of this policy, the term 'substance' includes:

- Any illegal drugs (as defined in the Misuse of Drugs Act 1971);
- Alcohol;
- Prescribed drugs;
- Over the counter medication;
- Solvents, i.e. lighter gas refills, aerosols, glues, paint thinners, etc.

## **Prescribed Medication**

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Regardless of whether an employee has an alcohol or substance misuse problem where drugs are prescribed by a GP, employees should seek advice from the GP or pharmacist as to whether these drugs might affect their ability to fully undertake their work duties. If this is the case the employee must notify their manager immediately that the medicine might cause side effects and impair their ability to undertake their duties safely and effectively.

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## **Organisational Responsibilities**

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The recognition and management of alcohol and/or substance misuse is an integral part of the Council's responsibility to its employees, and the role of Directors, Heads of Service, managers, supervisors and employees in addressing this issue is vital.

As a responsible employer, the Council is aware of its responsibility for the health, safety and welfare of its employees and recognises that their well being is important to performance. In view of this it is important that the responsibilities for the management of alcohol and/or substance misuse within the workplace are explicit and clearly defined.

### **Managers**

Directors, Heads of Service, managers and supervisors are responsible, so far as is reasonably practicable, for ensuring the health, safety and welfare at work of all employees in their respective service. These responsibilities are detailed in the corporate health and safety policy. In relation to workplace alcohol and/or substance misuse these responsibilities also include:

- actively seeking to maintain a good level of communication with all employees;
- dealing with those who may have a problem with alcohol and/or substance misuse empathetically;
- encouraging employees to seek counselling and supporting employees in their attendance at counselling;
- being aware of the signs of alcohol and/or substance misuse (see appendix 5) and the facilities available for employees who may have a problem;
- taking an objective and non-judgmental approach when meeting with employees;
- bringing this policy and procedure to the attention of all employees within their service;
- Informing the appropriate authorities of illegal drug use or any activity or behaviour over which there are concerns as to its legality.

### **Employees**

All employees have a duty to:

- Co-operate with managers and other employees in dealing with alcohol and/or substance misuse issues;
  - declare any alcohol or substance misuse problem at an early stage when being managed under any of the Council's procedures for managing work performance, conduct or attendance;
  - co-operate with any support and assistance provided by the organisation to address alcohol or substance misuse;
  - be responsible for their own behaviour and ensure that, whilst at work, they are free of the effects of alcohol and/or substances. This includes corporate or celebratory events during working hours. Intoxicating substances may
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remain in the system for some time and even small amounts can impair performance and jeopardise safety;

- inform a manager/supervisor, in confidence, if they have been prescribed medication or are taking over the counter drugs which may affect their ability to carry out their work;
- be aware of the symptoms of alcohol and/or substance misuse and raise any concerns for any individual with their line manager;
- make use, where offered, of the occupational health service and counselling service provided by the Council;
- familiarise themselves with this policy and comply with its provisions; and not possess, store, trade or sell controlled drugs on the premises or bring the organisation into disrepute by engaging in such activities outside work.

## **SECTION 2: MANAGING SUBSTANCE MISUSE PROCEDURE**

An alcohol or substance misuse problem can come to light in various ways, either by line manager identification or as a result of a formal disciplinary, capability or attendance process, or through the employee raising the matter themselves. An alcohol or substance misuse problem will be addressed as either a 'management referral', a 'disciplinary referral' or as a 'voluntary referral', depending on how the matter is identified. A flowchart showing the process routes is detailed at Appendix 1.

### **1. Management Referral**

Where an employee's work performance, attendance or behaviour is regarded as unsatisfactory by their manager and the manager's belief is that alcohol or substance misuse may be the cause or a contributing factor, the manager will raise their concerns with the individual and, if deemed appropriate, refer the employee to the occupational health service for assessment.

### **2. Disciplinary Referral**

If during the course of a discipline case the employee indicates that the underlying cause of their conduct/behaviour is related to alcohol or substance misuse, the manager undertaking the discipline case will normally adjourn the disciplinary proceedings (except in the case of apparent gross misconduct or where it is not reasonable to accept that the employee's unacceptable conduct was directly caused by their alcohol or substance misuse) to allow for referral of the employee to the occupational health service for assessment.

### **3. Voluntary Referral**

An employee with an alcohol or substance misuse problem which has not been identified by their manager and which has not yet had an adverse effect on their work performance or behaviour at work, is encouraged to voluntarily seek help and assistance in overcoming their problem. The employee can either contact the Council's confidential employee counselling service or can approach their manager, a more senior manager or their trade union representative, who will be able to offer assistance and guidance with regard to their problem.

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If no underlying problem is identified through a management or disciplinary referral, or if a problem is identified but the employee does not comply with or accept support, the appropriate procedure will be instigated.

## **Supporting Provisions**

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If a problem is identified through the management or disciplinary route the employee will be offered the following support and will be required to sign an agreement outlining the commitment expected of them and the consequences of failing to adhere to the support programme (see appendix 2).

- Where treatment involves a full-time absence from work, the employee will be regarded as being on sick leave and will be subject to the normal conditions governing such leave.
- Where the employee requires time off to attend a treatment/support programme during working hours, reasonable paid time off will be granted provided there is full co-operation from the employee in respect of attendance and responsiveness to the programme.
- The employee will, where possible, remain in their post during their period of recovery/rehabilitation, unless they are unfit to fulfil their duties, there is an issue relating to health and safety or if their duties conflict with the long term resolution of their alcohol or substance misuse problem, in which case efforts will be made to identify a suitable alternative role in the interim.
- Following treatment, reasonable efforts will be made, where possible, to ensure that the employee is able to continue in their substantive post.
- Where the employee is unable to continue in their substantive post, reasonable efforts will normally be made to re-deploy the employee to work of a more suitable nature, in consultation with the employee and their trade union representative. The manager will allow a fixed period of time for a redeployment search to be undertaken. However, where the search was unsuccessful, the matter will be deemed to be one of lack of capability, with the process detailed below followed by the Council.
- Sources of information for support and help outwith the workplace are contained within Appendix 3.

## **Disciplinary Action**

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- In cases of one off incidents where there is no evidence of underlying alcohol or substance misuse problems the normal disciplinary process will be followed.
  - If an alcohol or substance misuse problem has been identified following a disciplinary referral but the employee does not comply with or accept support the disciplinary procedure will be continued and the employee's alcohol or substance misuse problem will not be regarded as a mitigating factor in terms of deciding the level of disciplinary penalty.
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- Following a support programme where the employee has committed to supporting provisions and has responded well, the disciplinary procedure should be continued and the employee's alcohol or substance misuse problem may be regarded as a mitigating factor and as such may be taken into account when deciding the level of disciplinary penalty.

In cases of apparent gross misconduct, the disciplinary process will continue regardless of whether the employee's apparent actions may be attributed to alcohol or substance misuse. Also, there is no need to defer disciplinary proceedings if it is not reasonable to accept that the employee's conduct was directly caused by their alcohol or substance misuse. In each of these situations the employee's misuse problem needs to be dealt with as a separate matter and the offer of assistance and support should still be made.

## **Action Other than Disciplinary**

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If the employee's performance continues to cause concern or if the employee fails to achieve acceptable levels of attendance following the conclusion of a support programme the Managing and Supporting Work Performance or Managing Attendance procedure will be instigated.

## **Capability**

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Where the employee is deemed unfit to return to their substantive post and reasonable efforts to re-deploy the employee have been unsuccessful, a Capability Hearing will be arranged, which will be chaired by a senior manager. An up-to-date occupational health report will be available at the hearing.

The employee will be provided with appropriate written notification of the hearing, which will detail the grounds for calling them to the hearing and that a possible outcome may be dismissal on grounds of capability. The employee will have the right to be accompanied at the hearing by a trade union representative or work colleague of their choice. Management guidance notes detail the process that should be followed at the hearing.

The employee has the right of appeal against dismissal within 10 days of receipt of written notification. They can choose for the appeal to be heard by either a senior manager of the Council, who has had no prior involvement in the case, or by the 'Appeals by Employees Committee' (or equivalent in the case of teachers and chief officials). After the appeal hearing, the employee will be informed in writing of the decision. Appeal hearings will be convened at the earliest opportunity.

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## Testing

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The Council may test an employee for substance misuse in the following circumstances:-

- 'With cause', where there is a reasonable suspicion by a manager concerning an employee's possible inappropriate use of substances which is having an adverse effect on their work or has the potential to put themselves, work colleagues, service users or others at risk in terms of health and safety.
- 'Post incident', if it is suspected that substance misuse was a contributory factor to an accident or an incident.
- As part of a recovery programme. After the initial test the employee will have two further random tests within a twelve month period. If these tests show no evidence of use/misuse then the employee will continue to be managed as appropriate. If there is evidence of continued use/misuse, then the employee will be managed under the appropriate Council procedure.

Drugs tested are as follows;

- \* Amphetamines
- \* Barbiturates
- \* Benzodiazepines
- \* Cannabinoids
- \* Cocaine
- \* Opiates
- \* Methadone

The sample is also checked for creatinine levels which indicates if a sample is too dilute to give an accurate result.

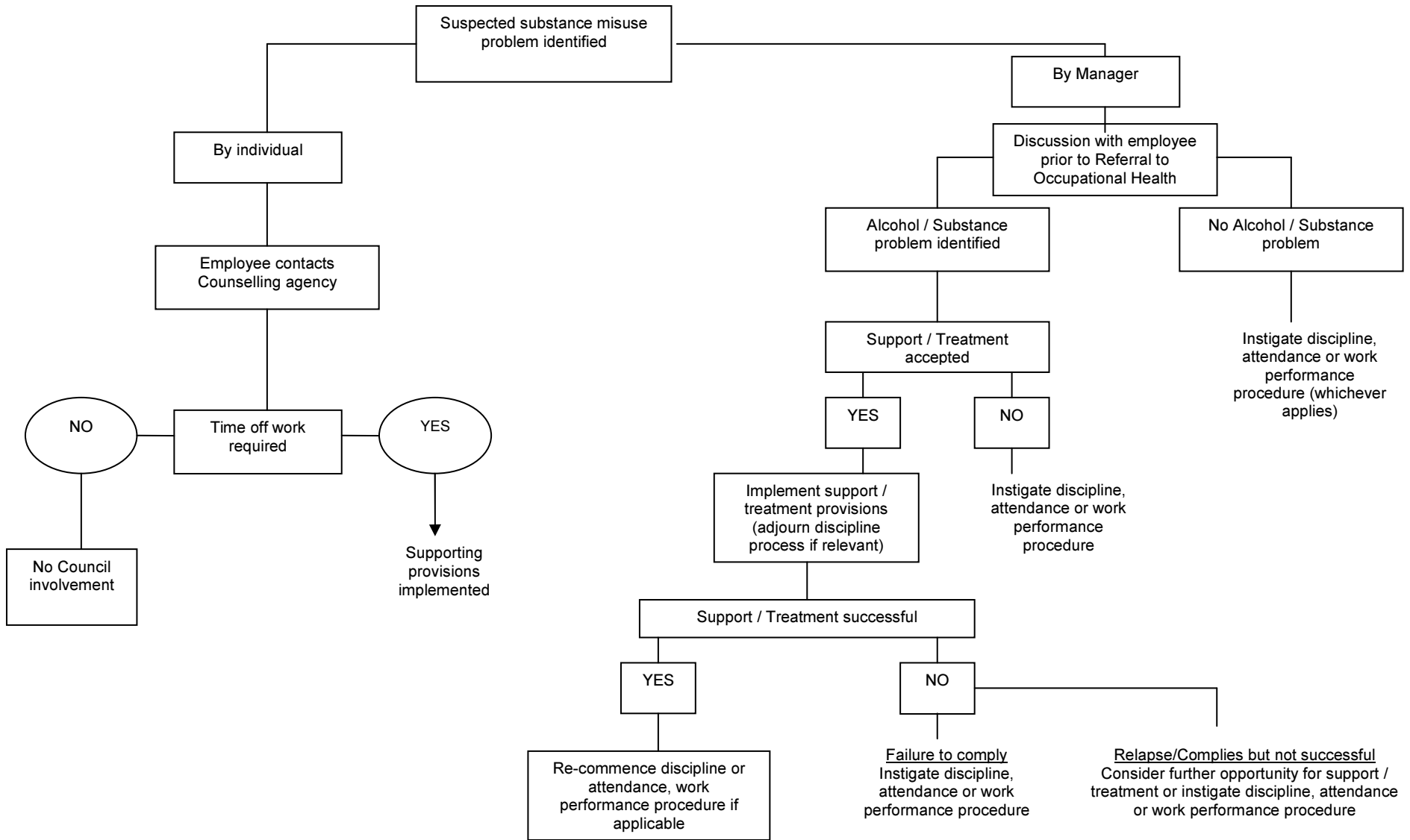
Testing will be carried out only by the Council's occupational health provider. Employees are required to co-operate if they are requested to undergo a test.

### **SECTION 3: REVIEW OF THE PROCEDURE**

Human Resources will review this procedure every 5 years. It will, nevertheless, be subject to continual review and amendment in light of experience of its operation, employment best practice and statutory requirements. Changes will only be made following normal consultation arrangements.

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**Treatment/Support Agreement**

Employee Name: \_\_\_\_\_

Service: \_\_\_\_\_

I agree that I will commit to the following treatment programme/support provisions that have been put in place in respect of my alcohol or substance misuse problems.

**Treatment/Support Programme**

[enter full details of the agreed treatment programme and support provisions that have been agreed.]

**Required Improvement**

[enter details of required improvement in conduct, performance or attendance.]

**Review**

[enter the review periods that have been set to monitor progress].

I am aware that if I fail to adhere to this agreement or to achieve the required improvement in my performance/conduct/attendance (delete as appropriate) I will be managed under the appropriate procedure and understand that this may have consequences for my employment, including possible dismissal.

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

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

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

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

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

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

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### Sources of further advice and information

There are a number of support services available to which employees may be referred. Among them are:

#### Occupational Health Service

Serco Occupational Health  
200 Ashgrove Road West  
ABERDEEN  
AB16 5NY

**Tel:** 01224 305550

**Email:** [oh.aberdeen@serco.com](mailto:oh.aberdeen@serco.com)

#### Employee Counselling Service

Employee Advisory Resource  
Free phone 0800 243458 (24 hours a day; 365 days a year)  
[www.ear.co.uk](http://www.ear.co.uk)

### Further information

Advice and information can also be obtained from the following sources:

- Alcohol Concern - [www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)
  - NHS Scotland - [www.hebs.scot.nhs.uk](http://www.hebs.scot.nhs.uk)
  - Drugscope - [www.drugscope.org.uk](http://www.drugscope.org.uk)
  - The Scottish Drugs Forum – [www.sdf.org.uk](http://www.sdf.org.uk)
-

### Guidance on Sensible Drinking

Drinking too much can damage your physical and mental health in the short and long term. As well as affecting your weight, looks and sleep, heavy drinking can lead to a wide range of medical conditions including high blood pressure, liver disease, strokes, cancers and brain damage.

### Alcohol and units

Units of alcohol are a way of measuring how much alcohol someone is drinking. A unit is 8 grams of pure alcohol – but the amount of alcohol in any given type of drink will depend on how big the glass, can or bottle is and how strong the drink is.

Generally speaking, a half pint of ordinary strength beer/cider/lager is 1 unit. A single (25ml) measure of spirits is also 1 unit, a small glass of wine (125ml) is 1.5 units, or a Smirnoff ice/Bacardi Breezer is 1.4 units. However, home measures of spirits or wine are often 2-3 times bigger than you would get in a bar or restaurant.

Recommended safe limits are:

**Women: 2-3 units per day, up to 14 per week**

**Men: 3-4 units per day, up to 21 per week**

We all need at least 2 days a week without alcohol.

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### How to recognise alcohol and/or substance misuse

Behaviour and work performance should be the concern of managers and supervisors. Expert knowledge about the misuse of alcohol and/or substances is not necessary, but managers and supervisors should remain alert to changes from the normal work pattern and/or behaviour of employees.

Listed below are various warning signs that may indicate some consequences of alcohol or substance misuse. It is impossible to list all relevant behavioural and work pattern signs. They can appear singularly or in combination. They may also signify problems other than alcohol or substance misuse. For example: diabetes, high blood pressure, thyroid disease, psychiatric disorders, emotional problems and certain heart conditions all share some of the same signs. Therefore, it is important to remember that unusual or odd behaviour may not be connected in any way with alcohol and/or substance misuse. The role of managers and supervisors is to recognise and document changes in accordance with the policy, without making any moral judgment or taking the position of counsellor or doctor.

Professional resources within the occupational health service should be used to help evaluate the manager's observations.

#### General signs

- misses deadlines
- misses appointments
- makes mistakes due to inattention or poor judgement
- wastes more material than usual, has to re-do work
- makes bad decisions - errors in judgement, does not accept assigned responsibilities
- gets complaints from customers and work colleagues
- improbable excuses for poor job performance
- attributes poor performance to poor health
- fails to follow instructions
- does not respond to training
- mood fluctuations
- loss of personal esteem

#### Absenteeism

Monitoring the frequency and reasons given for absence can be an indicator of alcohol or substance misuse problems:

- a pattern of absence following weekends, holidays, etc.
- late for work or appointments
- illness with no medical certificate

#### On the-job absenteeism

- frequent trips to toilets
- poor time keeping

#### Prone to incidents

- repeated incidents on the job
  - frequent trips to first aid
-

- incidents off the job
- repeated violation of safe working practices

### **Confusion and poor concentration**

- difficulty in understanding and recalling instructions, details, etc.
- cannot carry out sequential assignments

### **Erratic work patterns**

- fluctuating periods of very high and very low productivity and quality of work
- work is not planned properly; shifts from one thing to another without reasons

### **Unwillingness to change**

- Changing jobs or duties may present a threat that would uncover an alcohol or substance misuse problem that has been carefully hidden.

### **Coming or returning to work in an obviously abnormal condition**

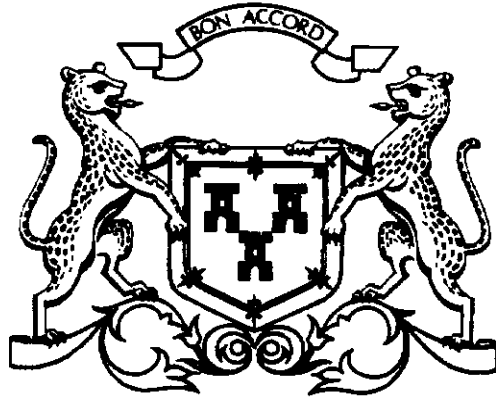
#### **Problems with other employees**

Friction in relationships, including supervisor/employee relationships, usually results in decreased performance and efficiency:

- over-reacts to real or imagined criticism
- borrows money from colleagues
- colleagues complain about behaviour
- express unreasonable resentment and rebellion against authority
- avoids associates/colleagues
- talks louder than usual, or talks when should be listening
- lies chronically
- disruptive behaviour, causing unrest among other employees
- gets others to take over own work responsibilities for no good reason; does not accept work assigned

#### **Personal appearance and demeanour**

- grooming deteriorates, weight loss or gain
  - dress becomes sloppy or inappropriate
  - appears withdrawn or preoccupied
  - smells of alcohol/breath sweeteners/mints/strong perfume or aftershave
  - inability to follow or participate in conversation
  - reports of marital/family problems
  - increasing financial problems
  - co-ordination problems such as unsteady walk, eyes uncoordinated
  - memory gaps
  - tremors
  - eyes red or bleary; pupils dilated or constricted; wears sunglasses
  - extreme sensitivity to mentioning a possible alcohol or substance misuse problem
  - excessive denial of a problem
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**ABERDEEN CITY COUNCIL**

# **MANAGING REDUNDANCY POLICY**

**Policy**

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## **SECTION 1: POLICY STATEMENT**

### **Introduction**

This policy sets out Aberdeen City Council's approach to dealing with potential redundancies.

Although the Council's policy is to avoid redundancies occurring wherever possible, the needs of the organisation may from time to time require a reduction in the overall number of staff we employ or organisational changes that result in some employees facing redundancy, and there may be occasions where compulsory redundancies are unavoidable.

Where redundancies require to be considered, the Council will ensure that

- The total number of redundancies made are kept to a minimum
- Employees and their trade union representatives are fully consulted on any proposals
- Selection for redundancy is based on clear criteria that will be objectively and fairly applied
- Every effort is made to redeploy employees whose employment is at risk on redundancy grounds
- Other alternatives are considered to mitigate the risk of redundancies

This procedure applies to all permanent employees of Aberdeen City Council, including teachers and chief officers.

## **SECTION 2: CONSULTATION**

Aberdeen City Council will meet its statutory redundancy consultation and notification obligations as contained in Part IV of the Trade Union and Labour Relations (Consolidation) Act 1992.

The following information will be disclosed, in writing, to the trade unions:

- reasons for the proposals
- number and descriptions of employees who it proposes to dismiss as redundant
- total number of employees of that description employed in the place in which the requirements to carry out that work have ceased or diminished
- proposed selection procedure to be used
- proposals on how dismissals are to be carried out, including the timescale
- proposed method of calculating redundancy payments

Consultation will begin where management are considering redundancies but no firm decisions have been reached, and will be undertaken with the relevant trade unions with a view to reaching agreement. This consultation will include discussions on ways to:

- avoid the dismissals
  - reduce the numbers of employees to be dismissed
  - mitigate the consequences of the dismissals
-

- the proposed pool for selection
- the proposed selection criteria

### **Timescales**

To meet its legal obligations the Council will consult within the following timescales, however where reasonably practicable the consultation will begin at the earliest possible stage:

- at least **30 days** before the first dismissal takes effect if **20 to 99 employees** are at risk of redundancy over a period of 90 days or less
- at least **90 days** before the first dismissal takes effect if **100 or more employees** are at risk of redundancy over a period of 90 days

Consultation with trade unions **must** be completed **before** notices of redundancy dismissals are issued.

### **Notifying central government**

The Council will notify the relevant central government department of proposed redundancies of 20 employees or more in writing on the relevant form. Such notification will be made according to the following timescales.

At least 30 days written notification will be given if 20 to 99 days employees are at risk of redundancy dismissal. At least 90 days written notification will be given if 100 or more employees are at risk of redundancy dismissal. These timescales are before the first dismissal takes effect.

A copy of this notification will be supplied to the trades unions at the time of notification to central government.

## **SECTION 3: STEPS TO AVOID OR MINIMISE COMPULSORY REDUNDANCIES**

### **Preventative measures**

The Council will seek to mitigate the effects of any necessary staffing reduction by considering alternative courses of action other than compulsory redundancy. Such courses of action may include:

- natural wastage
  - recruitment freeze
  - reducing or removing overtime
  - sabbaticals (paid or unpaid)
  - reduction in working week
  - secondments to other organisations
  - deployment of staff to other parts of the organisation
-

In the event that the above measures do not mitigate the need for redundancies, management will consider the following options:

### **Redeployment**

The Council will make every effort to redeploy any employee who is selected for redundancy. This will be carried out in accordance with the Council's Redeployment Policy and Procedure.

### **Voluntary Redundancies**

The Council may consider voluntary redundancies from **within** the pool of affected employees. This will be carried out by inviting noted interests through the approved Early Retirement/Voluntary Severance Scheme.

It is important to note that in the interest of retaining employees with particular skills and competencies, it is emphasised that not all volunteers will be allowed to leave under the Early Retirement/Voluntary Severance Scheme and applications will be considered at management's discretion.

### **"Bumped" Redundancies**

The Council may consider voluntary redundancies from **outwith** the pool of affected employees if there has been, or there is expected to be, an insufficient number of volunteers from within the affected pool. In these circumstances, employees may be invited to volunteer for redundancy to make way for employees with transferable skills whose job has become redundant and who do not wish to volunteer to leave the organisation.

Where the required reductions cannot be achieved by the means stated in this section the affected employees will be selected for compulsory redundancy.

## **SECTION 4: SELECTION CRITERIA FOR COMPULSORY REDUNDANCIES**

The Council will construct a fair and robust set of selection criteria for each pool of affected employees. This will be determined by measuring those in the pool against the skills, knowledge and competencies that need to be retained by the Council.

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## **SECTION 5: TIME OFF WORK**

An employee under notice of redundancy will be entitled to reasonable paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with their line manager.

## **SECTION 6: COMPENSATORY PAYMENTS**

The compensatory payments made to employees who leave by either voluntary or compulsory redundancy are stated in whichever early retirement/voluntary severance scheme that applies to those employees.

The amount of compensation payable will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment.

Employees who unreasonably refuse an offer of suitable alternative employment are not entitled to a statutory redundancy payment.

## **SECTION 7: APPEALS**

Any employee who feels that they have been unfairly dismissed on redundancy grounds has the right of appeal.

The appeal should be submitted in writing to the Council's Appeals by Employees Committee or the Corporate Director within 10 days of receipt of the letter terminating their employment.

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## SECTION 8: FLOWCHART

