



Hertfordshire and West Essex  
Integrated Care Board

# Human Resources Policy Manual



First edition (published 2022)

Improving health and care  
in Hertfordshire and West Essex



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# Introduction

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## Welcome to the first edition of the Herts and West Essex ICB Human Resources Policy Manual

An organisation is only as good as its people, and running a fair, inclusive and supportive workplace is vital if we want to continue to attract and retain excellent staff.

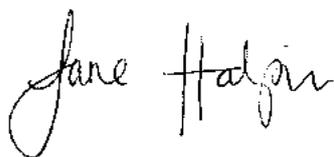
This manual clearly sets out the policies that help to create a positive working culture, where everyone understands what is expected of them and is given the opportunity and encouragement to thrive. It has been developed by our human resources and organisational development team, working closely with colleagues from across the organisation, including trade union representatives.

We value our diverse workforce and the range of experiences and life events that shape the insights and understanding that we all bring to our work. Our policies reflect our busy and often complicated lives and aim to ensure that our lives outside work, as well as our career ambitions, are acknowledged and respected.

Our organisation is charged with improving the health and wellbeing of Hertfordshire and West Essex residents; tackling the inequalities that affect people's physical and mental health, getting the most out of local health and care services and supporting social and economic development.

In the same way, I want the very best for everyone who works in or with our organisation. The framework set by these policies will play an important part in helping every one of us to feel valued and respected as Hertfordshire and West Essex Integrated Care Board employees.

With best wishes,



**Jane Halpin**  
Chief Executive  
Hertfordshire and West Essex Integrated Care Board





# Adoption leave

## 1 What this policy covers

**If you are adopting a child, you are entitled to adoption leave. This policy provides an overview of your leave entitlement and qualifying conditions, how to apply and how your pay, terms and conditions are affected during your leave.**

## 2 Principles

- In recognising the responsibilities and needs of adoptive parents, regardless of their gender identity, the ICB wants to enable employees who are adopting a child to enjoy similar benefits to those on maternity leave.
- Where a couple adopts a child, only one parent can take adoption leave. The other parent may be able to take paternity leave or shared parental leave.
- This policy does not apply if a child is not newly matched for adoption (eg when a step parent is adopting a partner's child or children) or where there is already an established relationship with the child (eg if the child or children have already been fostered prior to their adoption).

## 3 Responsibilities

- The ICB Board of Directors will ensure that this policy is applied fairly and equally, so that it does not discriminate.
- Managers are responsible for actioning adoption leave requests in accordance with this policy.
- The HR and Payroll departments will advise on applying this policy.
- Employees wishing to apply for adoption leave should use the procedure outlined in this policy.
- This policy does not apply where employees become a special guardian, kinship carer or adopt privately (eg without permission from a UK agency).

## 4 Policy in practice

### 4.1 Entitlements

All employees, including those on bank contracts, regardless of gender identity, are entitled to 52 weeks' adoption leave. Only one period of adoption leave can be taken, irrespective of whether more than one child is placed for adoption as part of the same arrangement. There is no limit to the number of periods of adoption leave that you may take during your employment.

### 4.2 Eligibility

While all employees, including those on bank contracts, are entitled to 52 weeks' adoption leave, certain conditions apply to some staff:

#### a) Fixed-term contracts

Employees on fixed-term contracts are entitled to 52 weeks' adoption leave, providing their fixed-term contract expires after the week in which they are informed of the match (for this purpose, weeks run from Sunday to Saturday).

Employees whose fixed-term contract expires after the week they are informed of the match and who have more than 26 weeks' continuous service will have their contract extended to enable them to receive their entitlement of 52 weeks' adoption leave. Such employees will not have any entitlement to a role within the ICB at the end of their adoption leave unless they have been selected for another role through competitive interview.

#### b) Rotational contracts

If you work on a planned rotational contract with one or more NHS employer as part of an agreed training programme, you will retain the right to return to work in the same post or next planned post and your contract will be extended to enable you to complete the remainder of the agreed programme.

### 4.3 How to request adoption leave

You must give your manager at least 28 days' notice of your intention to take adoption leave. You must also advise your manager within seven days of being matched with a child for adoption (or 28 days if adopting from overseas), unless this is not reasonably practicable. You must also give the date the child is expected to be placed with you.

Before you can start adoption leave you must meet with your manager and:

- complete the Application for Adoption Leave and Pay form (available from the ICB staff internet site)
- provide a "matching certificate" from your adoption agency as evidence of your entitlement to take adoption leave and adoption pay.

Your manager will send these to the HR Department.

### 4.4 Starting adoption leave

You can start your adoption leave either on the date of the child's placement (whether this is earlier or later than expected) or from a fixed date that can be up to 14 days before the expected date of placement. If the placement is delayed and adoption leave has started, it cannot be stopped and resumed at a later date. Adoption leave can start on any day of the week.

The date on which you wish to start your adoption leave can be amended, provided you advise your manager at least 28 days in advance (unless this is not reasonably practicable).

### 4.5 Notification of return to work

The maximum amount of adoption leave is 52 weeks. All employees are expected to return to work on the date specified, which should be no later than 52 weeks after the start of their adoption leave (not including any annual leave taken).

Employees are requested to confirm their expected return to work date before they start adoption leave. However, we realise that this is not always practical, so you have the right to change your date of return if you choose to do so.

If an employee decides to change their return-to-work date after starting their adoption leave, they must advise their manager, giving at least eight weeks' notice.

### 4.6 The right to return to work

At the end of the adoption leave period all employees have an automatic right to return to work in a comparable job to the one they were doing:

- on terms and conditions no less favourable than those that would have applied had they not been on adoption leave
- with the same seniority, pension and other similar rights as they would have had they not been on adoption leave.

The ICB reserves the right to move an employee to an alternative role or department as long as it is the same type of work, at the same site and at the same level within the organisation.

### 4.7 Returning to another NHS employer

If an employee decides to return to work at another NHS organisation, they must notify the ICB of their intention. To retain full Occupational Adoption Pay (OAP – see 5.3), the employee must return within a three-month period, after the end of their adoption leave.

To ensure OAP is maintained, the employee must provide a copy of their offer letter and contract of employment with another NHS employer within a three-month period, following the end of their adoption leave. Otherwise the employee is liable to refund the whole of the OAP received; they will not be required to repay Statutory Adoption Pay (SAP – see 5.2) to which they are entitled.

## 5 Pay

### 5.1 Adoption leave pay

Adoption leave for employees with less than 26 weeks' NHS service is unpaid. In these circumstances, the Payroll Department will provide a written statement explaining why you are not eligible for adoption pay, which can be used to claim other benefits if required.

Employees with more than 26 weeks' continuous NHS service are eligible to take up to 39 weeks' adoption leave with pay.

Adoption leave pay is subject to PAYE income tax, National Insurance contributions (NICs) and pension contributions where appropriate.

There are two types of adoption pay:

- Statutory Adoption Pay (SAP) – paid by the government
- Occupational Adoption Pay (OAP) – paid by the ICB.

The type of adoption pay paid is based on:

- how long you have worked for the ICB/or how much continuous NHS service you have
- whether you have earned enough salary in the relevant period
- whether you intend to return to work
- whether you have provided the correct evidence and paperwork
- whether this evidence has been provided within the correct timescales.

### 5.2 Statutory Adoption Pay

SAP is paid to all employees, including bank staff, if they have 26 weeks' service ending the week in which they are notified of having been matched. Their earnings must also be above the lower earnings limit for NICs. Calculations include all pay within the earnings period.

If you have also provided the correct notification and proof to show that you have been matched with a child, SAP is paid for 39 weeks, as detailed in the box below.

#### Statutory Adoption Pay

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of your average weekly earnings for the first six weeks followed by
- a set standard rate agreed by the government each year or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks.

**You can find out more about SAP by visiting government website [www.gov.uk](http://www.gov.uk).**

### 5.3 Occupational Adoption Pay

OAP is paid at the same rate as Occupational Maternity Pay and will be paid to all employees who:

- have more than one year's continuous service – service from another NHS organisation will be eligible, provided there has not been a break of more than three months between the two organisations. However, the break in service will not count as service

and:

- intend to return to work and do so for at least three months – employees must return to work for an NHS organisation for a minimum of three months following their adoption leave. Failure to return to work will result in owing back the occupational element of the adoption pay.

Employees who change their mind about returning to work should inform the ICB as soon as possible, to avoid overpayment.

### 5.4 Calculation of OAP

OAP is paid in addition to SAP to employees who qualify. It is assessed as an average of normal pay for eight weeks or two months up to the last normal pay day before the date of adoption.

For OAP purposes, normal pay will include all items for the qualifying period on which National Insurance is calculated, including any arrears that would normally have been accrued during that period. It does not include expenses.

In exceptional circumstances, the ICB may need to change the qualifying period if the salary cannot be determined. This will be managed in accordance with HMRC regulations.

### 5.5 Fixed-term contracts

Employees on fixed-term contracts may not be entitled to OAP, but may be entitled to SAP provided they meet the eligibility criteria (see 5.2). Fixed-term employee contracts will be extended to allow them to receive SAP, but not unpaid adoption leave. This is to allow for payment to be made and will not count as service or

### Occupational Adoption Pay

Weeks	Pay	Duration
1-8	Full normal pay	8 weeks
8-26	Half normal pay plus SAP	18 weeks
26-39	SAP	13 weeks
40-52	Unpaid	12 weeks

mean the employee will accrue employment rights during this period. Employees on a fixed-term contract should apply for adoption leave in the normal way (see 4.3) and the Payroll Department will advise them of their entitlements.

#### 5.6 Bank employees

Bank employees will not be eligible for OAP, but may be eligible for SAP. Their average weekly earnings must not be less than the lower earnings limit for NICs for the eight-week period prior to the adoption leave starting.

Adoption pay for bank employees will be based on the earnings for the eight-week period prior to the start of their adoption leave. The Payroll Department will advise accordingly.

#### 5.7 Rotational contracts

Adoption pay will be calculated in the same way for employees on rotational contracts.

#### 5.8 Pay step increases before/during adoption leave

If a pay award or annual pay step is implemented before paid adoption leave begins, the adoption pay will be calculated as though the pay award or annual pay step had applied throughout the entire adoption pay calculation period. If such a pay award was agreed retrospectively, adoption pay will be re-calculated on the same basis.

If a pay award or annual increment is implemented during paid adoption leave, the adoption pay due from the date of the pay award or annual increment will be increased accordingly.

#### 5.9 Sickness during the eight-week calculation period

If an employee is on half-pay or unpaid sickness absence during the whole or part of the period used for calculating average weekly earnings in accordance with SAP earnings rules, the average weekly earnings

for the period of sickness absence will be calculated on the basis of full notional sick pay.

## 6 Your terms and conditions

#### 6.1 Contractual rights

During adoption leave, all contractual rights, including accrual of annual leave and continuous service, are retained.

#### 6.2 Annual leave and sickness on adoption leave

All employees on adoption leave will continue to accrue their holiday entitlement throughout their adoption leave.

There is a flexible approach to taking annual leave in conjunction with adoption leave. All employees must ensure that they communicate their intentions to take holiday before starting their adoption leave. The manager will then agree this as part of the final arrangements for adoption leave. Normally this would include taking at least one week's annual leave before commencing adoption leave, to avoid large amounts of annual leave being taken on their return.

If an employee reduces their hours on their return, they should discuss how their accrual of annual leave would be managed and taken. As a reasonable approach to reducing the impact on the department's service needs, this should be managed by taking part of the annual leave entitlement before adoption leave starts.

If an employee becomes ill while on adoption leave, they will not be entitled to sick pay or benefits and will continue to be paid as per their entitlement to adoption pay.

Sickness while on adoption leave does not need to be reported, unless it would impact on Keeping In Touch (KIT) days or return-to-work dates.

### 6.3 Pension contributions during adoption leave

Pension contributions made by the ICB continue during the whole period of paid adoption leave and are based on the employee's normal salary before the start of the leave. For more information on this, employees should contact the ICB Pensions Department.

### 6.4 Training

Employees on adoption leave will not be expected to attend mandatory training, however, this will need to be completed upon return to work, either during a KIT day or within the first month of return. Managers should make arrangements for employees to receive training and re-orientation where needed. This must include any changes that have occurred while the employee was on leave.

Employees on adoption leave can access information on training opportunities via the HR intranet, which can be accessed via most electronic devices.

### 6.5 KIT days

With their manager's agreement, employees can attend work for up to 10 mutually agreed KIT days during the adoption leave period to attend work, for example, for team meetings, conferences, training events or performance reviews. Part days will be counted as whole days for the purpose of the KIT day entitlement and pay.

For the time spent in work, employees will receive pay for days worked based on the contractual rate of pay (including any enhanced rates of pay normally applicable for days worked outside of normal office hours Monday to Friday). KIT days will not affect adoption pay entitlement. Employees must discuss and agree KIT days with their manager in advance.

Managers are responsible for ensuring the Payroll Department is instructed to pay employees for KIT days worked by completing the ESR Change form (available on the ICB HR intranet).

### 6.6 If adoption ends before adoption leave

If the adoption is disrupted or ends, adoption leave and pay (if eligible) will normally continue for eight weeks (or until the end of the adopter's 39 week SAP period if that is sooner) following the end of the adoption. The employee should contact their manager and agree arrangements for return to work as early as possible.

### 6.7 Organisational change

Where organisational change would affect employees on adoption leave, this will be managed in the same way as all other affected employees in regards to consultation and communication.

They will receive written documents, letters and notifications and be required to attend the ICB for formal meetings where appropriate.

Employees made redundant while on adoption leave are entitled to receive SAP for the full 39 weeks. OAP will be paid to redundant employees until the date their contract of employment ends.

All organisational change will be managed in line with the ICB policy for managing organisational change and ACAS guidance and advice.

### 6.8 Vacancies

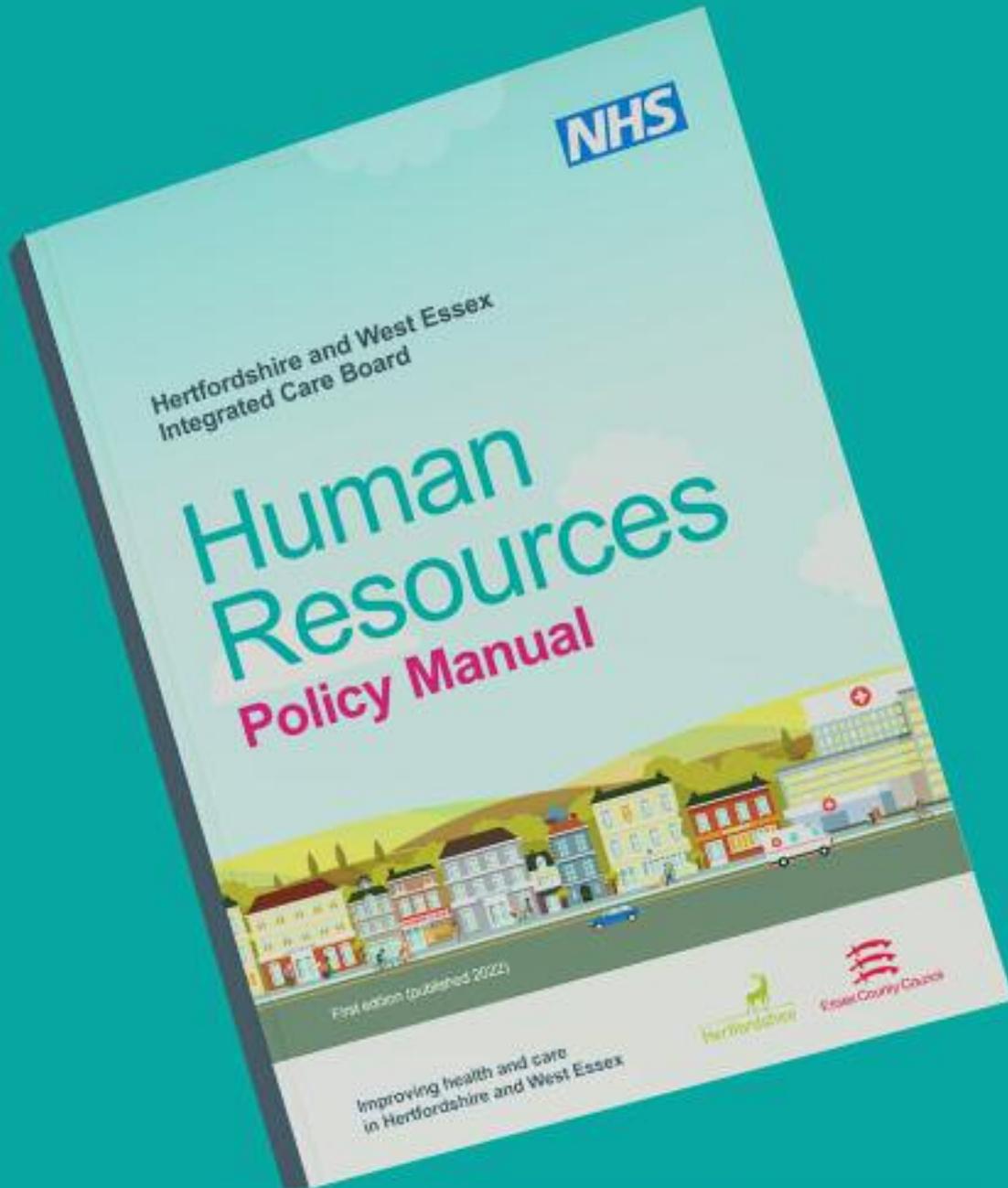
Employees taking adoption leave can access information on ICB vacancies and opportunities for promotion via the HR intranet, which can be accessed via most electronic devices. Any application should be completed through the normal recruitment procedure. Employees will not be treated any differently in the selection for such opportunities.

The time taken to attend an interview for a vacancy will not be paid nor considered as a KIT day (unless it is part of a KIT day already arranged to complete other activities) and will not affect adoption pay or leave.

## 7 Sickness preventing return to work

If an employee cannot return to work after their adoption leave because of sickness, they should inform their line manager as soon as possible. This will be communicated to the HR, Occupational Health and Payroll Departments.

In some circumstances, sickness that happens before adoption leave starts will mean that Statutory Sick Pay (SSP) is overridden by SAP (within the statutory adoption pay period). This can lead to a change in pay, and the Payroll Department will advise the employee and manager accordingly. A medical certificate will be required in line with our Attendance Management Policy.



The HR forms mentioned  
in this publication are available  
to download from the  
**ICB HR intranet**



# Adverse weather and travel disruption

## 1 What this policy covers

This policy will tell you what you need to do if either severe weather or travel disruptions (eg bus or train strikes) affect your ability to get to work.

## 2 Principles

- This policy will provide a clear and fair framework when bad weather or severe travel disruption affects your ability to get to work.
- While delivering services is vital to the ICB and is at the heart of decisions made about attendance, we also recognise that this must be balanced against your health and safety.
- While you are responsible for making every reasonable effort to get to work during periods of severe weather or travel disruption, you should not put yourself at unnecessary risk.

## 3 The policy in practice

**3.1** If having made every effort and explored all options to come to work you're unable to come in, you should personally inform your manager as soon as you know this will be the case. If your



manager is not available, contact their deputy or another senior team member.

**3.2** You should discuss with your manager whether it is possible to work from your home.

**3.3** If it is not possible to work from home, you should agree with your manager whether:

- you will change your shift
- make the time up (within one month of the date concerned)
- use any time in lieu you may have already accrued
- take annual leave
- take unpaid leave.

**3.4** If the problem is likely to continue for more than one day, you should agree with your manager how often you need to contact him or her to review the options open to you.

**3.5** In some situations, alternative forms of transport may be available, and where this is the case, staff should take advantage of these where appropriate. Such alternatives may include lifts from other staff members, walking to a public transport route or use of taxis. The ICB will not reimburse additional costs incurred by use of alternative transport.

**3.6** In certain circumstances, severe weather may occur while you're already at work and potentially may limit or put at risk your ability to get home. In these instances, you should discuss this with your manager, taking into account advice issued by the police, motoring organisations and weather bulletins, and agree when you should leave work.

**3.7** In certain circumstances, reasonable adjustments will be made for staff who meet the Equality Act definition of disability.

# Agile working

## 1 What this policy covers

**Agile working can benefit people and the environment. For example, employees may be able to better balance their work and home commitments, while reducing their carbon footprint by not having to commute to work. But if it isn't properly managed, agile working can create challenges. This policy provides guidance and support when considering agile working.**

The ICB will operate a hybrid-working model that offers staff the choice of working at home, the office, other NHS sites or abroad, based on what enables the ICB to meet business needs. There is no single model for doing this, but the principles set out here should support positive and realistic discussions within teams and with line managers to set out agreed working patterns.

We aim to give everyone the choice of how they work, with the needs of the business being a primary factor. Acknowledging that some roles will require a greater presence in the office, we expect staff to discuss and agree arrangements with their line managers and fellow team members.

### Definitions

For clarity, we will draw a distinction between agile working and flexible working:

- **Agile working** – defined as where you work from. This could be at home, another NHS site, in one of our office bases or on the move. Agile working refers to 'bringing people, processes, connectivity and technology, time and place together to find the most appropriate and effective way of working to carry out a particular task'. It is working within guidelines (relevant to the task at hand), but without prescription (of how it is achieved).



- **Flexible working** – defined as how you work. For example, full time or part time, job share, compressed hours, flexi time; self-rostering; and with flexibility (eg people with caring responsibilities could potentially not be able to work between 9am and 10am, but they could work from 5pm to 6pm).

## 2 Principles

- Agile working can be supported for most roles, however, some roles may require an office-based presence (eg reception) or line managers may require office attendance for specified reasons.
- There will be some minimum requirements. For example, new starters (particularly those new to a role) will need to meet their manager in person in their first week of employment, and at agreed intervals for successful induction and orientation.
- General requirements – regular 1:1 meetings and team meetings (in person, virtual or a combination) will be agreed between line managers, teams and individuals based on service needs.
- Staff will collect and bring in their IT equipment to an office when required.

- Access to printing, photocopying and stationery is available at each ICB office. Costs incurred while working at home (unless a prior agreement is in place to support reasonable adjustments) cannot be claimed from the ICB as an expense.
- All staff working away from one of our office bases must ensure access to the ICB networks for at least two hours per day, to ensure updates are uploaded regularly from the IT service provider.
- The ICB offices remain the base for travel claims and any fringe allowances, subject to national guidance and local policy application.
- “Normal” office hours are agreed as between 8am and 6pm – the usual time during which staff will complete their contracted hours.
- The principles of agile working differ from flexible working and one is not designed to replace the other (please refer to the ICB Flexible Working Policy).



### 3 Responsibilities

The ICB will ensure that all agile working arrangements are managed consistently and effectively. Your line manager will take a positive approach to your request to work from home or other sites. In choosing to work from other offices, you will need to check local desk booking arrangements with corporate support service teams.

The ICB colleagues who are responsible for health and safety (whose details are accessible via the staff intranet website), will provide advice and support to you and your manager with associated policies to support you to work in an agile way. Every ICB staff member must adhere to this policy.

You are responsible for alerting your line manager at the earliest opportunity if you are aware of changes to your health and wellbeing that may impact your ability to do your job. You are also responsible for attending meetings in person when you are on-call or any other occasions where it has been deemed necessary to be held in person.

When working in an agile way, you are asked to make sure your calendar is up to date and show where you are working on any given day. Finally, it is your responsibility to ensure that your home insurance allows for home working.

#### Working abroad

All requests to work from another country must be made to your manager and authorised by your Managing Director in advance of travelling. You and your manager will need to consult your information governance and IT leads to ensure that the necessary arrangements are in place to support you to work effectively whilst abroad.

When requests are received, line managers should consider any on-call responsibilities of the staff member, as well as team operational requirements and how the staff member’s availability during office hours will be affected.

### 4 The policy in practice

Examples of agile working, subject to agreement with your line manager include working from:

- home more often
- both home and at ICB sites
- other sites or areas, as agreed with your line manager, information governance and IT.



### Discussing agile working

You and your manager will discuss options for agile working. When discussing working arrangements, please consider:

- impact on service delivery
- impact on other staff/departments
- any impact on your health, safety, and wellbeing
- suitable IT equipment and software needed, as well as dedicated workspace.

### Health and safety

When you're working from home or other sites, we will ensure, so far as is reasonably practicable, that your health, safety and welfare are protected. You also remain responsible for your own wellbeing and you will need to complete an agile-working risk assessment, including a checklist for display-screen equipment.

Teams with responsibility for health and safety will be able to advise and support you to complete this and discuss any potential risks or concerns. If there are significant risks that cannot be rectified, agile working may not be suitable.

Wherever you choose to work, it is your responsibility to familiarise yourself with the health and safety requirements of those sites. You should also maintain your workstation and surroundings, taking account of the advice provided and agreed during the assessment process. In the unfortunate event of an accident,

incident, or dangerous occurrence, please notify your manager immediately by telephone and then complete the appropriate accident/incident form.

### Supporting health and wellbeing

Your manager will provide support when you are working in an agile way, including ensuring regular communication individually and within the wider team. It is also important that you consider how to maintain your own health and wellbeing while working in an agile way. Your manager will discuss and review this with you. Colleagues in the HR team can provide further advice.

### Sickness absence reporting

The normal sickness policy and absence reporting will apply if you cannot work because of sickness. Please contact your manager/nominated other as soon as possible if you become ill.

## General

### Trial period

A trial period may be appropriate, especially for new staff, to see how effective agile working is for you, your role and the team or department. You and your manager will meet at the end of the trial period to discuss the effectiveness and agree if it will be a short-term, long-term, or permanent arrangement.

After a trial period, if you or your manager do not believe agile working is beneficial or appropriate, you will discuss and agree arrangements for returning to fixed working at one of the ICB offices. In some cases, this may mean arrangements need to be put in place before you can return to working full time in the office.

### Security, confidentiality, and governance requirements

If you are working from home, other NHS sites, relevant ICB HR policies, procedures and rules continue to apply. It is important that you can continue to follow expected security, confidentiality and governance protocols as if you are working at any ICB office. Any breach should be reported to your manager as soon as possible.

### Implications for tax and insurance

Working from home may affect your personal tax or

insurance. You should speak to your financial advisor, HMRC or your insurance provider if you think this may apply to you. The ICB cannot accept any responsibility for invalid insurance or tax implications. You may be able to apply for tax relief for additional household costs if you work from home regularly, either all or part of the week. You cannot claim if it is your choice to work from home.

Visit Gov.uk to find out more and apply online:  
[www.gov.uk/tax-relief-for-employees/working-at-home](https://www.gov.uk/tax-relief-for-employees/working-at-home)

### **Supporting the costs of agile working**

The ICB may ask you to work from home and will explain the reasons for this. Reasonable costs (up to a maximum of £150 as a one-off contribution) for staff new to working at home could be agreed. Where appropriate, this can be reclaimed. You must agree purchases with your line manager before submitting any claim and ensure that all claims are evidenced and processed using the ICB's expenses system.

### **Reviewing the agreement for agile working**

A review and evaluation of your agile working arrangements will be conducted during one-to-ones with your line manager. This will include conversations about any effects on your health and wellbeing, which will also be discussed during your performance appraisal. Conversations on how you are managing agile working should also be part of routine discussions with your manager. This will ensure that if there are any problems or concerns, they are addressed as soon as possible.

### **Ending agile working**

If circumstances or service needs change, or if it is determined that the arrangement should end for another reason, your manager will discuss this with you, and you'll receive reasonable notice to return to working at one of the ICB premises. If you wish to appeal this decision, you may use the ICB Grievance Policy.

**“If circumstances or service needs change, or if it is determined that the arrangement should end for another reason, your manager will discuss this with you”**



If you do not wish to work in an agile way, and this has been in place for some time, you should arrange to meet your manager to discuss possible options for returning work at ICB premises. Subject to desk availability, the ICB will endeavor to accommodate anyone preferring to use a desk in a safe office environment. It will be your responsibility to use the booking system in place for the preferred site to ensure that a desk is available for your use.

### **Senior medical staff**

Senior medical staff are expected to work in a flexible and responsive way that allows them to react to changing service demands and professional goals. This will be set out in their job plan, which will be reviewed at least once a year. The agreed job plan will record any mutual agreement that a doctor can work for any proportion of their contracted hours from home. The same principles, as set out in this policy, will apply to any such decisions.

### **Review and monitoring**

This policy and procedure will be monitored and reviewed each year by the HR Department and discussed at senior manager/executive meetings and with the joint staff partnership forum.



# Alcohol and drug misuse

## 1 What this policy covers

**This policy aims to ensure the safety of all staff, patients, service users and visitors by giving clear rules on use and possession of alcohol and/or drugs.**

It will explain the responsibilities of those who believe they have a problem, as well as other staff and managers, and tell you what help and support is available.

For the purposes of this policy:

- “Alcohol misuse” is drinking alcohol so that it adversely affects your work performance, conduct, attendance or normal behaviour at work.
- “Substance misuse” is the deliberate use of illegal or prescribed drugs for intoxication or any reason other than as prescribed medication.

The ICB acknowledges that some staff, in dealing with mental health issues, may have a drug and/or alcohol addiction issues. As part of our commitment to supporting staff health and mental wellbeing, where someone has acknowledged this and sought help and has not breached our Disciplinary Policy, the ICB will take this into consideration when managing their performance and conduct while they undertake treatment and/or access support for that addiction. The ICB may suspend any disciplinary process, as long as the person does not attend work in an unfit state or breach the Attendance Management and Wellbeing Policy triggers.

Suffering the ill effects of taking prescription medication will not normally lead to disciplinary action being taken, although the intentional misuse of prescription medical will be treated seriously.

## 2 Principles

- The rules on alcohol and drugs will be strictly enforced.
- Those who admit to having a problem with alcohol

and/or drugs but engage positively in treatment for their recovery will be supported fully by the ICB.

## 3 Responsibilities

- The ICB Board is committed to providing a safe and healthy workplace for staff, patients, service users and visitors and will ensure that all employees are treated consistently and fairly in line with this policy.
- If you have an alcohol or drugs-related problem, you are encouraged to disclose this at the earliest opportunity, to ensure support and help with treatment. You can speak to your manager, HR or a trade union representative.
- You should not possess or supply alcohol or illegal drugs in the workplace.
- You should not consume alcohol or illegal drugs or abuse any substance at work.
- You should not work while under the influence of drugs and/or alcohol, because the effects may last several hours.
- You should be aware of the possible side effects of any prescription drugs you are taking and tell your manager immediately if they could affect your work.
- Managers must ensure that alcohol or substance misuse issues are dealt with in the strictest confidence and should seek advice from the HR Department and Occupational Health.
- Under the ICB's Raising Concerns (“Whistleblowing”) Policy, you have a duty to raise any concerns you have about a colleague you suspect of alcohol or substance misuse, anonymously, if you wish.

## 4 Policy in practice

If an alcohol and/or substance misuse problem has been identified, an initial meeting with your manager will determine whether it will be treated as a health or conduct issue.

### Health issue

At the meeting with your manager, if you acknowledge that you have an alcohol and/or substance misuse problem, it may be dealt with as a health issue if you agree to accept the help and support you are offered.

Below is an outline of how the process is usually managed, although this can change depending upon individual circumstances. This policy may work in conjunction with the ICB's Attendance Management and Wellbeing Policy and Capability Management Policy.

### Outline process

- 1 Having acknowledged you have a problem, your manager will refer you to Occupational Health, which will advise you on appropriate treatment, intervention or referrals to other agencies. A treatment plan will be discussed and agreed by you and your manager.
- 2 Depending on the severity, you may be advised to go on sick leave while you are rehabilitating, which means you will need to obtain the appropriate sickness certificate from your GP to cover your absence.
- 3 During your rehabilitation period you may be expected to attend regular appointments with Occupational Health, which will review progress and keep your line manager informed. If you don't attend appointments with Occupational Health or other specialist agency without good reason, it will be considered as rejection of support and assistance.
- 4 Where possible, you must make every effort to attend appointments outside of your normal working hours. If this is not possible, paid time off may be considered at your manager's discretion. Requests for paid time off will require evidence.
- 5 If you remain on sick leave for four weeks or more, your absence will be managed in line with the ICB Attendance Management and Wellbeing Policy. A meeting will be arranged, where you can be accompanied by a colleague or union representative, your line manager and an HR representative. Unless there is clear evidence of progress, it may be treated as either an ill health or conduct issue (in which case your future employment may be at risk).
- 6 When you return from absence, your manager will agree with you a documented return to work programme, including the ICB's expectations regarding your performance, standards required and behaviour, with timescales. Advice and assistance should be sought from HR on your return to work programme.
- 7 You must not undertake any alternative employment, whether paid or unpaid, while on sickness absence, without the written consent of the ICB and support of Occupational Health.
- 8 If it is decided that you should remain at work, your manager will monitor your behaviour and performance over a six-month period and formal review meetings will take place at least once a month.
- 9 If your behaviour/performance meets the standard required continuously for six months, your manager will usually agree with you, HR and/or Occupational Health that the formal review period is over. A formal review meeting will be arranged with your manager, HR and/or Occupational Health. This will be confirmed in writing to you, with details of any future support mechanisms.
- 10 If your behaviour/performance has not met the standard required continuously for six months, your manager will write to you to give notification that the formal review period will be extended. Unless there is clear evidence of progress, your future employment may be at risk.

### Conduct issue

If the ICB considers that you are at work under the influence of alcohol and/or misusing substances (or believes you have an underlying alcohol or substance misuse problem) and you refuse the support you are offered, the ICB will deal with its concerns in accordance with its Disciplinary Policy. Misuse of alcohol or substance abuse is regarded as gross misconduct and may result in dismissal.

Where it is suspected that substances may have been obtained fraudulently from the ICB, such cases should be referred to the Counter Fraud Agency.

### Support and advice

#### ■ Occupational Health Service:

Vita Health, EAP 24/7 confidential helpline for staff, support on mental health, etc.

#### ■ Frank – The Drug and Alcohol Helpline

Tel: 0300 123 6600 or visit [www.talktofrank.com](http://www.talktofrank.com)

#### ■ Drinkline

Tel: 0300 123 1110 or visit [www.nhs.uk/Alcohol](http://www.nhs.uk/Alcohol) or [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

#### ■ Release (national drug helpline)

Tel: 020 7324 2989 or visit [www.release.org.uk](http://www.release.org.uk).



# Annual leave

## 1 What this policy covers

**This policy aims to provide a consistent and equal approach to taking and calculating annual leave. It will tell you how much leave you are entitled to, how you should request annual leave and how other factors such as sickness affect annual leave.**

This policy should be read in conjunction with other ICB policies such as Sickness Management, Special Leave, Maternity Leave and Paternity Leave.

## 2 Principles

- This policy applies to all employees who are employed on Agenda for Change terms and conditions, except bank or medical staff who have other arrangements.
- The ICB supports its staff in having a healthy work-life balance and encourages them to take their full entitlement within the current leave year.
- Carrying over annual leave will only be authorised in exceptional circumstances.
- Applications for annual leave should be made in accordance with this policy and any local departmental procedures. Failure to follow these may result in time taken off being considered as unauthorised absence, which may lead to deductions from pay and/or disciplinary action.
- All annual leave requests must be requested via ESR.

## 3 Responsibilities

- The ICB Board of Directors will ensure, through an open and supportive culture, that applications for annual leave are dealt with consistently and fairly.
- Managers will respond in a timely way to annual leave requests and when deciding they'll balance the individual's wishes with service provision.



- Managers will inform staff within their areas of responsibility how to request annual leave.
- Where managers cannot answer annual leave questions, HR will advise.
- All staff should make their annual leave requests in accordance with the procedures outlined in this policy and/or local departmental procedures.

## 4 Policy in practice

### 4.1 Entitlement

- Your annual leave entitlement is based on your completed years of NHS service (see Table One).
- The annual leave year for all staff runs from 1 April to 31 March.
- Your entitlement is calculated in hours not days, to ensure that staff who work variable hours/shifts are not disadvantaged.
- In addition to annual leave you're entitled to paid statutory/public holidays. Entitlement for part-time staff is pro rata. A statutory/public holiday is a period of normal working duty that starts within the period of 24 hours from midnight to midnight.

**Table One: Annual leave entitlement**

<b>Length of service</b>	<b>Annual leave and general public holidays</b>
On appointment	27 days + public holidays
After five years' service	29 days + public holidays
After 10 years' service	33 days + public holidays

- If you change your contracted hours, your annual leave entitlement will be recalculated using months on the new and old contracted hours to give the full entitlement. You will not be disadvantaged by the change.
- If you leave the ICB you will be entitled to leave you've accrued up to your last day of employment, minus any leave already taken. If your total leave taken exceeds the total entitlement, an appropriate deduction will be made from your final salary
- You should aim to spread your leave out, to avoid bunching it at the end of the year. You may lose your annual leave unless prior authorisation by your line manager and in exceptional circumstances authorisation by the Managing Director.

#### **Annual leave accrual for new starters**

On joining, all employees will be entitled to annual leave plus general public holidays, in their year of joining on a pro-rata basis based from their start date.

#### **Annual leave accrual for leavers**

When leaving, employees should make every effort to ensure that they have taken any accrued annual leave before their last day of service. If this is not operationally possible, any outstanding leave remaining may be paid depending on the circumstances and with financial approval in line with local procedures.

#### **4.2 Requesting annual leave**

- You should make requests for annual leave to your manager as early as possible via ESR.
- Until the request has been agreed, you must not assume that you can take your leave at the requested time and should not make any bookings or enter into any financial commitments based on an agreement being given at a future date. It may not be given.
- To balance the needs of all staff in your department, leave of more than two weeks will only be agreed in exceptional circumstances.

- Managers will ensure that authorisation for leave for popular times (eg school holidays, Christmas, New Year, etc) will be made on a shared and equitable basis.

#### **4.3 Carrying over annual leave**

You should be able to take all your annual leave during the leave year. In exceptional circumstances, where service demands/personal circumstances have prevented this, up to five days of basic contracted hours may be carried over to the following year, with the agreement of your manager.

#### **4.4 Sickness during annual leave**

If you are sick while on annual leave, in accordance with the ICB's Sickness Management Policy, the period will be treated as sick leave, where the sickness is certified, allowing you to take your annual leave at another time. Please see the full policy for more information.

Annual leave can be used during periods of long-term sickness. If you wish to take annual leave while you are off sick, you should inform your manager prior to taking the leave.

**“Until the request has been agreed, you must not assume that you can take your leave at the requested time and should not make any bookings or enter into any financial commitments based on an agreement being given at a future date. It may not be given”**



# Apprenticeships

## 1 What the policy covers

The ICB is committed to providing opportunities to develop existing staff and new employees through apprenticeships.

This will enable the ICB to develop and retain current talent and build new talent for the future by providing the opportunity to:

- improve workforce skills and competencies
- achieve vocational, work-based qualifications
- learn practical job skills and knowledge
- progress within specific careers and educational pathways.

This policy sets out how the ICB will place and support apprentices. It applies to all ICB employees, fixed-term contractors, including ICB Board members.

## 2 Principles

Apprenticeships offer an opportunity for people to work within an organisation, gaining invaluable experience, while studying for a qualification. The ICB will work in partnership with local education and training providers to embed an apprentice-management scheme, ensuring that our apprenticeship placements are standardised and compliant with legislation and best practice.

## 3 Definitions

### 3.1 Apprenticeships

Apprenticeships are government-funded work-based training programmes for people aged 16 and over. They combine on-the-job training with nationally recognised qualifications. Apprenticeships can be at



various levels, leading to various qualifications that may benefit those entering the work place for the first time and those with more significant experience, for example, to gain masters-level qualifications.

For full details of the various types of apprenticeships please contact the Apprenticeship lead or go to the government website [gov.uk](https://www.gov.uk) website (search: government/publications/higher-and-degree-apprenticeships).

**3.2 An apprentice** is the learner who is taking part in an apprenticeship, during which they carry out a particular task or duty, or range of tasks or duties, but with an emphasis on learning.

Almost anyone employed by the organisation (who does not hold a formal tertiary qualification) can undertake an apprenticeship providing they're aged 16 or over. They can be starting in a new job or taking on new responsibilities within their existing role. There is no upper age limit to becoming an apprentice.

**3.3 Young person** is defined for the purposes of apprenticeships as anyone below the age of 18.

## 4 Policy in practice

### 4.1 Recruitment of new apprentices

Apprentices will be recruited in line with the ICB Recruitment and Selection Policy. Job descriptions and person specifications will detail the specific skills and abilities required for each role and the job will be advertised via normal routes.

### 4.2 Terms and conditions for new apprentices

- All new apprentices will be issued with an apprenticeship terms of engagement, which ensures that their rights as an apprentice are protected. This will include their right to attend training/education.
- Apprentices must adhere to the policies and procedures of the ICB and this will form part of their terms and conditions of employment.
- All terms of engagement will be fixed term in line with the duration of the apprenticeship. Six weeks before the end of their terms of engagement, the apprentice will be encouraged to apply for appropriate roles within the ICB or consider further apprenticeship progression. There will be no guarantee of employment at the end of the apprenticeship.
- Apprentices are employees of the ICB and will be paid at the standard apprentice rate of pay discussed with the line manager. All other Agenda for Change terms and conditions will apply.
- Apprentices must complete all statutory and mandatory training, in addition to the apprenticeship.

### 4.3 Apprenticeships for existing employees

- Where an existing member of staff could benefit from an apprenticeship, contact should be made with the apprenticeship lead, who will advise further.
- It is anticipated that existing members of staff offered an apprenticeship will remain on their existing terms and conditions, including pay band.
- There may be some roles, however, where this is not appropriate, for example, if there is a government mandate that dictates otherwise, thus the pay arrangements will be agreed as part of this process.

### 4.4 Time off

All apprenticeship programmes require apprentices to spend 20% of their time on off-the-job training – this training must be directly relevant to the National Apprenticeship Framework or Standard. For more visit the HR Intranet (search: apprenticeships).

### 4.5 Study leave

Apprentices are entitled to five days study leave a year, which includes time off for exams, re-writes, etc. Leave is provided in consultation with the line manager and granted based on the operational demands of the ICB. Please refer to the Special Leave policy for more information.

## 5 Roles and responsibilities

### 5.1 HR is responsible for:

- Assisting managers in the identification of posts suitable for conversion to an apprenticeship programme and also identifying existing staff who would like to undertake an apprenticeship.
- Working with both the manager and the training provider to identify apprenticeship standards and to provide support in designing course programmes (where appropriate).
- Supporting managers with the recruitment of candidates and providing advice and guidance.
- Identifying suitable training providers to deliver the academic qualification for the apprentice and developing service level agreements (where appropriate).
- Identifying suitable training providers to deliver the academic qualification for the apprentice and developing service level agreements (where appropriate).
- Liaising with the skills funding agency and the training providers to keep up to date with any key changes and updates to apprenticeships and providing managers with advice on the learning elements of apprenticeships (where appropriate).
- Supporting the manager and the training provider for tracking, reporting and managing compliance with the apprentice's academic programmes. This includes support and guidance when an apprentice cannot complete part of their academic or work-based components because of exceptional

circumstances (eg sickness absence, bereavement, etc).

- Supporting managers in the performance management of apprentices; this includes formal meetings, where an apprentice consistently fails to meet requirements set out in the competence criteria for the relevant apprenticeship framework.

### 5.2 Managers are responsible for:

The overall management of the apprentice and their apprenticeship programme and ensuring that they're adequately supported within the workplace. This responsibility will include:

- Development of job descriptions and person specifications.
- Practical work experience.
- Corporate and local induction.
- Being the key contact for the educational provider.
- Identifying suitable mentors.
- Regular one-to-ones.
- Conducting relevant risk assessments.
- Manage the apprentice in line with organisational policies and procedures.
- Ensuring that the apprentice is not left unsupervised.
- Assigning work, objective setting, appraisal and developing the apprentice's skills and experience as required
- Advising the apprenticeship lead of any concerns relating to the apprentice being unable to complete any academic or work-based components.
- Seeking advice from the ICB HR team at least six weeks before the end of the apprentice's fixed-term contract, to allow the team to advise accordingly.
- Identify options to progress apprentices onto either the next year apprenticeship programme or to apply for a suitable substantive role.
- Ensuring legislation around apprentice rates of pay is adhered to. Apprentice rates of pay are subject to review on 1 October each year. The apprenticeship minimum rate of pay can be found on government website gov.uk. This rate of pay is only a guide and reflects the minimum pay for apprentices, because, depending on the roles, the apprentice pay can be AFC bands 2 and above.

**“Managers are responsible for overall management of the apprentice and their apprenticeship programme and ensuring that they're adequately supported”**

### 5.3 Mentors are responsible for:

- Meeting regularly with the apprentice and discussing and supporting them if they have any concerns or queries. If this individual is different to the line manager and is not able to resolve any issues directly, it is important that the line manager is aware of any such issues.

### 5.4 Apprentices are responsible for:

- Being available for all pre-employment checks, where relevant, including those established by the Independent Safeguarding Authority following the Safeguarding Vulnerable Adults Act 2006.
- Following the instructions or guidance given to them by the manager, asking for clarity if required, following the policies and procedures of the ICB.
- Complying with their job description and consider the health and safety of themselves and others while undertaking their role.
- Delivering the highest quality work possible and fulfilling requirements to pass their assessments, assignments and qualifications.
- Attending all timetabled classes and work placements regularly and on time and notify their line manager, apprenticeship lead team and tutor/assessor if unable to attend class or work.
- Maintaining confidentiality and protecting the ICB's interests.
- Familiarising themselves with the organisational policies and procedures as appropriate to their role.

### 5.5 The training providers are responsible for:

- The academic element of the apprenticeship; this may be an independent training provider or local college/university.
- The end point assessment on the apprentice.
- Providing all information and support related to the compilation of apprenticeship programmes for which they have been contracted.
- Giving regular formal feedback to the ICB on an apprentice's performance and conduct.

- Providing the necessary compliance information for monitoring by the ICB.
- Participating in the recruitment and selection of suitable apprentices based on the criteria set by the recruiting manager and the ICB's recruitment department.
- Complying with contractual agreements entered into with the ICB.
- Liaising with and supporting managers when creating or reviewing apprenticeship profiles.

## 6 Levels of apprenticeships

There are various levels of apprenticeship, depending on prior skills and qualifications. Apprenticeships have equivalent educational levels.

Name	Level	Equivalent Education Level
Intermediate	2	Five GCSE passes at grade A* to C (4-9).
Advanced	3	Two A level passes
Higher	4&5	Foundation degree
Degree	6&7	Batchelor's or Master's degree

## 7 For reference

- **Employers' guide to taking on apprentices**  
[gov.uk](https://www.gov.uk)
- **Apprenticeships in the NHS**  
[www.healthcareers.nhs.uk](https://www.healthcareers.nhs.uk)
- **National Apprenticeship Vacancy Matching Service**  
[www.findapprenticeship.service.gov.uk](https://www.findapprenticeship.service.gov.uk)
- **Guidance on apprenticeship funding**  
[gov.uk](https://www.gov.uk)
- **The CIPD – employers' guide to apprenticeships**  
[www.cipd.co.uk](https://www.cipd.co.uk)
- **The Right Start. Work experience for young people**  
[www.hse.gov.uk](https://www.hse.gov.uk)
- **Risk assessment: A brief guide to controlling risks in the workplace**  
[www.hse.gov.uk](https://www.hse.gov.uk)
- **Health and safety made simple**  
[www.hse.gov.uk](https://www.hse.gov.uk)

## Child protection guidelines

You are required by law to protect children from harm and each employee is required under the Criminal Justice and Court Services Act (2000) to declare if they are disqualified from working with children.

For adults working with young people, particularly those still of compulsory school age, it is very important to be aware of potentially difficult situations. The following guidelines will help to ensure that the placement is a secure and productive environment for all concerned.

### Touch

There may be occasions when you need to touch a young person. However, any physical contact should be kept to a minimum.

### Environment

Although you may need to reassure a young person on work experience, you should avoid being over-familiar. You should not permit any behaviour that may cause embarrassment or fear.

### Supervision

Those chosen to supervise students on placement should be competent in their role and mature in their attitudes, yet at the same time, be at ease with the student.

### Travel

Where a pupil is required to travel alone with an adult, ensure that the known destination and check-in time is left with a third party. It may be a good idea to make a mobile phone available in such situations.

### Disclosure

If a young person discloses confidential information that raises concern for their physical or emotional safety, share your concern with the HR Department.



# Attendance management

## 1 What this policy covers

**We know there will be times when you cannot attend work because of illness (physical or mental ill-health). When this happens we want to ensure that you're properly supported and treated fairly, so that you can return to work as soon as possible. But we'll also need to review and manage your absence to minimise the impact on the ICB.**

This policy explains how sickness absence should be reported, the effects of sickness on your pay and annual leave and how we manage short- and long-term absence. If you are in your probation period and take time off work because of sickness, your manager will review this using both the ICB Attendance Management and Probation Policies.

This policy applies to all employees directly employed by the ICB. It does not apply to temporary or agency staff. Medical and dental staff should be managed in accordance with the provisions of Maintaining High Professional Standards in a Modern NHS.

If you're on an honorary contract or secondment, your absence should be managed in conjunction with the employing organisation in line with agreements in place.

For this policy, the following definitions apply:

- **Short-term sickness absence:** absence that is short in nature, with frequent episodes not connected to a specific long-term health or pregnancy-related condition.
- **Long-term sickness absence:** absence because of a serious or significant illness, injury or disability which lasts (or is expected to last) for at least 28 calendar days.
- **Underlying health condition:** an illness or injury with potential to influence daily living or attendance, but may be mitigated through medical treatment,

adaptation/management by the individual and/or reasonable adjustment by the ICB if necessary.

## 2 Principles

The ICB's management of attendance is based on the following principles:

- You should make every reasonable effort to attend work, however, if you're unwell, it should be reported and recorded.
- If you have an underlying medical condition, we will work with you to support your attendance at work, through supportive occupational health advice and (where necessary and feasible) making reasonable adjustments.
- We will consider your health needs based on your individual circumstances and the procedure may be varied as appropriate.
- The ICB recognises the importance of having a robust policy that encourages and facilitates staff to return to work following a period of sickness and to manage and support staff with underlying health conditions.
- This policy does not apply if you have cosmetic surgery for reasons other than physical or mental health considerations. Annual leave should be arranged to accommodate this type of absence.

## 3 Responsibilities

Line managers are expected to:

- Familiarise themselves with this document and apply this policy fairly and consistently.
- Keep accurate and up-to-date attendance records and store this information safely and securely, ensuring that Payroll is notified of all absence in line with the agreed system at the time (sickness absence should be recorded on ESR except for absence due to Covid 19 or any other reason advised by national/local guidance).

- Develop a local absence-reporting procedure for their area of responsibility, as appropriate.
- Attend training to support attendance management.
- Signpost staff to the Employee Assistance Programme and/or HR Intranet for health and wellbeing support as appropriate.

ICB employees are expected to:

- Familiarise themselves with this document.
- Familiarise themselves with local processes for notifying absence and follow them at all times.
- Maintain contact with their manager as appropriate during any period of absence.
- Report to their line manager any major changes to their health that may impact their ability to fully carry out their role. This is to enable the ICB to make reasonable adjustments where appropriate or where required due to Equality Act provisions.
- Act in a way that is consistent with the nature of their illness/injury. They must ensure that they take appropriate steps to facilitate recovery and proactively identify to their manager any negative impact on their health as a result of their work or working conditions.
- Access the Employee Assistance Programme and/or HR Intranet for health and wellbeing support as appropriate.

HR is expected to:

- Maintain and update this policy and any associated guidance to ensure that they are in line with organisational and legislative changes.
- Provide advice and support to line managers on the application of this policy and guidance.
- Advise managers at formal meetings.
- Ensure that appropriate records are maintained of formal proceedings.

### 3.1 Notification of sickness

In all circumstances, employees must report their absence on the first day, normally within an hour of their being due to start work, unless otherwise specified in the local absence reporting procedure. Employees will normally be expected to speak to their line manager (or designated area lead in the absence of a line manager). Texting or leaving an answerphone message to inform of sickness absence is not acceptable unless followed up with a telephone conversation with the appropriate

manager. This is so the line manager can ensure that appropriate support is considered at an early stage and wellbeing guidance is given.

Your manager may contact you for an update on how you're feeling and to find out when you expect to return to work. Please inform your manager if your sickness absence is related to a workplace incident.

### 3.2 Sickness Absence certification

Please provide absence certification as follows:

- **For absences up to seven calendar days (including non-working days):** a return to work and self-certification form (available on the HR intranet) must be completed.
- **For absences of eight calendar days or more (including non-working days):** you must provide your manager with a medical certificate from your GP/hospital (also known as a Fit Note). On your return to work, you will meet with your line manager, either face to face or virtually. A record of this meeting will be made using the Return to Work form. You will need to complete and sign the self-certification form for the first seven days of absence, if your Fit Note does not cover these days.

### 3.3 Effects of sickness on your terms and conditions of employment

- **Sick pay:** will be paid in accordance with your contract of employment and current national/local terms and conditions. Please follow the reporting and certification process to ensure you receive any sick pay entitlement.
- **Annual Leave:** if you are sick immediately before annual leave, you must inform your manager, so that this time can be recorded as sick leave.
- If you are sick while on annual leave, contact your manager on the first day of your sickness and provide a medical certificate to cover the period of sickness so that your annual leave can be given back and the absence recorded as sick leave.
- You will continue to accrue annual leave during periods of sickness. Taking annual leave while you are signed off sick may be possible and will not break the period of sickness absence. However,

you will need to discuss this with HR and your manager, prior to anything being agreed.

- If you have annual leave declined and are subsequently sick on the date(s) for which the leave was requested, you may be required to provide medical certification.

## 4 Short-term sickness absence

### 4.1 Absence triggers

The triggers for a sickness absence meeting are:

- Three episodes of absence within a rolling three-month period (regardless of days absent in each) or one absence of 28 days or more.
- 11 calendar days or more in a six-month rolling period.
- 15 calendar days or more in a 12-month rolling period.
- Any pattern of absence raising cause for concern, such as every Friday or absence immediately before or following annual leave. If absence is not for genuine ill-health reasons, such matters should be dealt with under the ICB Disciplinary Policy.
- Any pattern of absence where the impact of the absence is not managerially sustainable, including where an employee meets an acceptable level of attendance during a structured monitoring period that declines after the monitoring period has finished.
- The impact of your attendance will take precedence over any trigger point above.

Where you have tried to return to work, but a further absence relating to the same illness occurs, this will be considered as one episode, where this happens within two days of returning.

### 4.2 Representation

You're entitled to be accompanied by a workplace colleague/union representative at all formal meetings.

### 4.3 Return to Work and Wellbeing discussion

Following any period of sickness absence, your manager will ask you to attend a "Return to work and Wellbeing" discussion. This is to:

- Establish that you are fit to return.
- Welcome you back and better understand the reason for your sickness absence, find out whether it's work-related or if there's an underlying health problem.

- Advise you of the dates, frequency and pattern of your absence and ensure that you are aware if you have met a trigger.
- Consider what support could be offered to help improve your attendance, including whether a referral to Occupational Health may be beneficial. Other tools to support you are available, including stress risk assessments and display screen equipment or workplace assessments.
- Inform you of what may happen if further absence(s) arise (eg attend an absence review meeting).
- Review any reasonable adjustments that have been made for you or that are required.

Your manager, nominated deputy or representative should complete a return-to work review as appropriate. Any medical certificates should be collected. You may have a copy of the record and a copy will be placed on your personal file.

Any actions identified at a RTW discussion should be recorded and followed up as appropriate. Next Steps could include, but are not limited to:

- Setting a date for a review meeting.
- Arranging further assessment through a stress risk assessment, display screen equipment or workplace assessment or Occupational Health assessment.
- Making adjustments to the work environment or role.
- Setting a target for improvement.
- Progressing to the policy's next management stage.

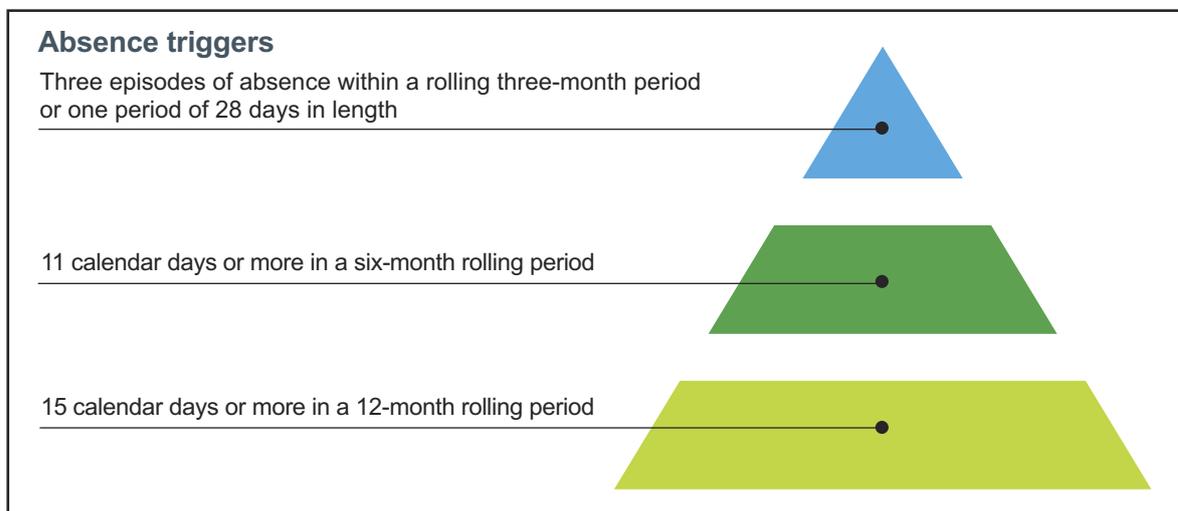
### 4.4 Short-term sickness management

After the Return to Work and Wellbeing Discussion, there are three stages in management of our short-term sickness absence and below you will find what happens during each. The stages are:

- Stage 1 – informal absence review
- Stage 2 – first formal absence review
- Stage 3 – second formal absence review.

### 4.5 Informal stage absence review

While the ICB understands that there will inevitably be some intermittent sickness absence among employees, it also pays due regard to the organisation's needs. If an employee is frequently and persistently absent, it can damage efficiency and productivity, and place an additional burden on the team. By implementing this policy, the ICB aims to strike a reasonable balance



between the pursuit of its organisational needs and the genuine needs of employees to take occasional periods of time-off work because of illness.

Where an employee meets a trigger identified in this policy, the manager should meet to discuss the absence, any management concerns and any support the individual may require. These discussions can take place during a return-to-work conversation.

At this early informal stage, consideration should be given to supporting individuals to help them improve their attendance. For example, undertaking a stress risk assessment, discussing temporary changes to work patterns, hours or duties, considering reasonable adjustments, considering flexible-working patterns, referral to occupational health or advising the employee of the Employee Assistance Programme and/or other wellbeing support.

Alongside these management discussions, there is a formal process (outlined below) designed to provide opportunities for employees to improve their attendance, where their absence falls short of ICB standards. This process provides a framework within which managers can manage attendance and provide corporate assurance that attendance falling short of ICB standards is being managed.

Return-to-work conversations and other informal discussions are critical to establishing with an employee that their attendance may be becoming managerially unacceptable and the potential consequences of this.

At the informal stage meeting, the manager and the employee should agree the standard to be achieved, or a set target for improvement and set a monitoring period (usually between six weeks and three months).

The employee should be warned that if the targets have not been met, the formal stages of this procedure may be initiated.

Managers may maintain ongoing discussions with employees about their general wellbeing and attendance. However, there are occasions when attendance may become a cause for concern and may require more structured management intervention. This procedure may not be appropriate when dealing with cases of long-term or underlying health conditions, which should be managed in accordance with the ICB's managing long-term absence and long-term health conditions procedures (see below). The trigger points above are suggested situations where such an intervention might take place, rather than a statement that a particular outcome will occur.

In some cases, managers may be able to accommodate a pattern of attendance outside of a typically acceptable attendance rate. Each situation should be handled on a case-by-case basis and no precedent will be set. Handling situations in this way may also meet the ICB's statutory responsibility to make reasonable adjustments to support employees meeting the criteria set out in the Equality Act.

#### 4.6 First formal absence review

The formal stages of the procedure will normally be implemented sequentially, following the informal stage. However, there may be circumstances where a manager will deem it appropriate not to use the informal stage or to start at the second Formal Stage (Stage 3), particularly when an employee has acceptable attendance during a monitoring period, but their attendance becomes unacceptable after the Advisory Notice or monitoring period has ended.

The stages give managers the opportunity to tell the employee where attendance standards fall short of the ICB's expectations, either in terms of frequency or patterns of absence. They also give employees the chance to explain any factors that are preventing them from meeting the ICB's attendance standards and for the employee and their manager to identify potential support that will facilitate that future attendance meets ICB standards. This operates under an "advisory note" system designed to let employees know that improvement is needed.

#### 4.7 Second formal absence review

A manager not previously involved will chair the meeting, supported by an HR representative. The line manager or HR representative will provide a report that clearly outlines the process followed to date and identifies the impact of the absence.

The ICB should write to the employee, inviting them to attend the meeting, giving at least five working days' notice, indicating that the meeting is being held under the provision of the second formal stage of this policy and that this is a serious issue that may lead to dismissal. A copy of any information or reports the manager relies upon should be sent to the employee with the invitation.

The employee must be advised of their right to be accompanied by an accredited trade union rep or workplace colleague. In preparation for this meeting, the Chair should determine whether it's appropriate to obtain a further information, including an Occupational Health report.

At the meeting, the Chair will consider:

- The level and reason for the absence, any supporting evidence and/or Occupational health advice and any relevant medical evidence.

- The nature of the illness.
- Whether reasonable adjustments have been considered in cases relating to disability.
- The impact of the employee's absence on the service.
- All alternatives to dismissal.
- Whether ill health retirement is appropriate.

The Chair will take into account the employee's length of service and previous attendance record. On the presentation of mitigating evidence, the Chair/panel may consider an alternative to dismissal and/or set a further review period. In this case, the Chair must write to the employee setting out the reasons for the decision.

Action short of dismissal can include:

- Redeployment to another existing post (on medical grounds), where there is evidence that the medical condition has prevented the individual from attending work in their existing role for the required standard.
- Adjourning the meeting to set a further review period.

The Chair should ensure that the Second Formal Review (Stage 3) meeting is reconvened before the absence has reached 12 months from the date the absence started in line with the requirements of AfC. Employees may be entitled to have their pay reinstated if the final review process is not concluded within 12 months.

If the Chair believes that dismissal is appropriate, they must, in consultation with the HR representative, identify the potentially fair reason for dismissal, as set out in the Employment Rights Act 1996. This will most likely be capability or some other substantial reason.

The meeting's outcome will be confirmed in writing to the employee within five working days, including the reason for the decision, together with details of the right of appeal. A copy will be sent to the employee's union representative (if represented). A copy must be placed on the employee's personal file.

The appropriate contractual notice period must be given. At the discretion of the Chair, notice periods need not be worked, but could be paid in lieu including any unused annual leave entitlement (pro rata) in line with the provisions of this policy.

## 5 Long-term sickness absence

Long-term sickness applies, where absences are of 28 calendar days or more.

Long-term sickness absence will be kept under review by your manager from an early stage and will require regular and ongoing assessment. Your manager will contact you to arrange regular informal health and wellbeing meetings while you are off work. If you're too ill to attend these, a home visit or alternative meeting place will be considered. A telephone or video call may also take place, if you cannot meet in person.

### 5.1 Health and wellbeing meetings

To support you while you are off work, normally, your manager or deputy manager will arrange to meet or speak to you every four weeks for up to six months (ie six meetings). These could be arranged at work, through video/ telephone call or at your home or neutral place. It is important that we maintain contact and that we can ensure you are properly supported while you are off work because of illness. If you have any concerns, you can also speak to your manager at any time outside this process about your health and wellbeing.

The purpose of the wellbeing meeting is to:

- see how you are feeling
- understand current prognosis, recovery or situation
- find out about any planned treatment or appointments
- discuss or organise a medical or Occupational Health report (with your consent)
- discuss the latest medical information and fitness to work advice
- find out if there is anything further we can do to support your return to work and when
- provide you with an update on the team and any recent changes
- remind you of the health, wellbeing and emotional support available, including the Employee Assistance Programme, and resources available on the ICB HR intranet site
- agree next steps (eg contact, meeting dates, return to work).

It is recommended that medical advice and/or an OH report is obtained to guide the discussion around any planned return to work, including a phased return or reasonable adjustments to enable you to carry out your

role. Before any referral is made you will be asked for your consent. If you do not consent, we may make decisions regarding your health and wellbeing and any return to work without the benefit of medical advice.

### First formal review meeting (stage 2)

Stage 2 of this procedure follows the process outlined in Stage 1. This stage will be triggered when the return-to-work date or other target agreed at Stage 1 has not been met during the agreed review period. The details of the Stage 2 meeting, should be confirmed in writing within five working days of the meeting.

### Second Formal Review Meeting (stage 3)

A manager with no prior involvement and authority to dismiss will chair the meeting. They will be supported by an HR representative. The line manager should prepare a report that clearly outlines the process followed to date, identifying the impact of the absence.

The ICB should send a written invitation to the meeting to the employee, as well as a copy of any information or reports the manager may rely upon, giving at least five working days' notice, indicating that the meeting is being held under Stage 3 of this policy and that this is a serious issue that may lead to dismissal. The employee should be advised of their right to be accompanied by a colleague or accredited trade union representative.

In preparation for this meeting, the Chair should decide whether it is appropriate to obtain a further Occupational Health report, to establish whether there is any likelihood of the individual being able to return to work in the future. If this is unlikely, the Chair should identify, in conjunction with Occupational Health, whether the individual meets the criteria for ill health retirement (if they are member of the NHS Pension Scheme).

At the meeting the Chair will consider:

- The level and reason for the absence.
- OH advice and any relevant medical evidence.
- The nature of the illness.
- Whether the requirement to consider reasonable adjustments has been followed in cases relating to disability.

- The impact of the employee's absence on the service.
- All alternatives to dismissal.
- Whether ill health retirement is appropriate.

The Chair will take into account the employee's length of service and previous attendance record.

If mitigating evidence is presented, the manager may at their discretion consider an alternative to dismissal and/or set a further review period. Should this be the case, the Chair must write to the employee setting out the reasons for the decision. Action short of dismissal may amount to:

- Redeployment to another post (on medical grounds) – where there is evidence that a medical condition has prevented the individual from attending work in their existing role for the required standard.
- Adjourning the meeting to set a further review period.

The Chair should ensure that the second formal review (Stage 3) meeting is reconvened before the absence has reached 12 months from the date the absence started, in line with the requirements of AfC. Employees may be entitled to have their pay reinstated if the final review process is not concluded within 12 months.

If the Chair believes dismissal is appropriate, they must, in consultation with the HR representative, identify the potentially fair reason for dismissal as set out in the Employment Rights Act 1996. This will most likely be capability or some other substantial reason.

The outcome of the meeting will be confirmed in writing to the employee within five working days of the meeting, including the reason for the decision, together with details of the right of appeal. A copy will be sent to the employee's union representative (if represented). A copy must be placed employee's personal file. The appropriate contractual notice period must be given. Notice periods need not be worked, at the discretion of the Chair, but could be paid in lieu including any unused annual leave entitlement (pro rata) in line with this policy.

## 6 Appeal

There is a right to appeal against any formal sanctions under this policy. Reasons for appeal should be clearly outlined and appeals must be made within 14 calendar days of the date of the letter to the employee advising them of the sanction applied. The procedure for hearing

appeals will follow the appeals procedure that is set out in the ICB Disciplinary Policy. The decision of the appeal panel will be final.

## 7 Key guidance during short- and long-term absence

### 7.1 Unauthorised absence

Your absence may be considered unauthorised if you do not:

- Report your absence for one or more days.
- Provide certification for a sickness absence or maintain appropriate contact with your manager during the period of your sickness absence.

Your manager will investigate any period of unauthorised absence which may result in Occupational Sick Pay being withheld or in disciplinary action being taken in accordance with the ICB's Disciplinary Policy.

### 7.2 Keeping in touch

You are responsible for maintaining adequate contact with your line manager during your absence; submitting fit notes alone is not an adequate level of maintaining contact. You and your manager should agree and record how and when you will keep in touch as soon as possible during any absence. You and your manager should keep in touch as appropriate during any period of sickness absence. Your manager may appropriately, and following due consideration, contact you while you are absent from work to:

- Check on your wellbeing.
- Understand what work may need to be covered.
- Understand the reason and likely duration of absence and appropriate information relating to the absence.
- Discuss return to work arrangements, OH referrals and arrange meetings.

During long term absence you and your manager should have regular keeping in touch conversations (in addition to meetings in line with the policy) to ensure a supportive approach.

In extreme circumstances, if you do not maintain contact with your line manager, your absence may be investigated in line with the ICB's Disciplinary Policy.

### 7.3 Occupational Health

You may be asked to attend Occupational Health during short- or long-term sickness absence procedures if:

- You continue to hit triggers under the short-term sickness procedure.
- You have been off work because of sickness for 28 calendar days or more or if a date of return has not been indicated.
- You have suffered an illness or injury that may impact on your ability to carry out your role.
- You, your manager or medical practitioner requests a change of duties on medical grounds.
- You wish to be considered for ill-health retirement.
- An assessment is required following an injury sustained at work.

Occupational Health may provide recommendations of changes to your workplace, working pattern or work practice to help you return to work or improve your attendance. All recommendations will be considered, taking into account the impact on service delivery and other team members. If necessary, Occupational Health may ask for consent to contact your GP or specialist for a medical report. Confidentiality will be maintained in line with the consent provided.

### 7.4 Outcome following Occupational Health advice

On receipt of the Occupational Health report, you will usually be asked to attend a meeting to discuss it. This may be as part of the health and wellbeing/ill health meetings or (if appropriate) it may take place outside of these. The discussion will review the advice and discuss options for supporting you back to work, or where you are not yet fit to return to work, your manager will talk you through the next steps.

### 7.5 Phased return to work

A phased return to work is where an employee returns to work on reduced hours or days and gradually increases their working hours up to their contracted hours. This may also consist of additional breaks, working from home or other locations or carrying out a reduced amount of tasks while gradually increasing to their normal workload and working pattern.

An employee may return to work on a reduced number of days per week and/or a reduced number of hours per working day. Occupational Health can advise on how the phased return might be planned. Line managers

and employees should start to discuss what a phased return to work might look like, as well as other potential adjustments, as soon as appropriate.

A phased return will normally take place over a period of up to four weeks. In exceptional circumstances, this may be extended, dependent upon the medical condition and length/prognosis of the absence. In these circumstances, the employee must use accrued annual leave to accommodate a longer phased return to work.

### 7.7 Disability-related sickness absence

If you are absent from work because of a condition that is protected under the Equality Act 2010, reasonable adjustments should be considered to help you to return to work and effectively carry out your role. Therefore, you should let your manager know about any condition that may require us to consider appropriate reasonable adjustments.

Adjustments may be agreed on a temporary (usually no longer than 12 weeks) or permanent basis. Examples of reasonable adjustments include:

- Changes to duties.
- Changes to the method of doing the job.
- Changes to working hours
- Transfer to a different workplace.
- Allowing absence during working hours for rehabilitation, assessment or treatment.
- Additional or tailored training, coaching, mentoring or supervision.
- Making adjustments to the premises.

**Disability:** According to the Equality Act 2010: “A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”. “Long-term” means the condition must last, or be likely to last, for more than 12 months, or is likely to last for the rest of the person’s life. People with cancer, multiple sclerosis or HIV/AIDS are defined as disabled from the date of diagnosis, regardless of the illness’s impact on their life at the time of diagnosis.

### 7.8 Management of injuries and diseases

If you’ve been injured because of an accident at work or an incident while on duty, or if you have contracted a disease in the course of your ICB employment or you’ve developed a condition attributable to your work,

you must tell your manager and ensure that it is recorded on an incident form.

Your manager must ensure that RIDDOR reports are completed (via Governance). Where death, major injury or injuries for more than seven days' absence result, and for notifiable diseases, they must be reported to the Health and Safety Executive (HSE) without delay. For injuries resulting in absence of more than three days, records must still be kept.

If your manager determines the disease was caused through your work, the episode will still be recorded as sickness absence and sick pay will be paid as appropriate. However, the work-related nature of the absence will be taken into consideration as mitigation when managing absence under this policy. You and/or your manager can obtain further advice, from HR, Occupational health or Clinical Governance.

### **7.9 Injury Allowance**

Employees working under NHS terms and conditions may apply for Injury Allowance where the criteria are met. This is a top-up payment to sick pay or reduced earnings when on a phased return to work, to 85% of pay for up to 12 months.

This is payable if you are off work and on authorised sickness absence or an agreed phased return with reduced pay or no pay due to an injury, disease or other health condition that is wholly or mainly attributable to your NHS employment. If you believe that you may be eligible to apply for injury allowance please contact HR.

### **7.10 Work-related ill health**

If there is a possibility that your ill health may have been caused or exacerbated by work or working arrangements, seek advice from Occupational Health. Where a disease or injury has occurred at work, you should record this on an incident form immediately and hand it to your manager. You may be able to claim for Injury Allowance (see above) in some circumstances. Detailed guidance can be found on the HR intranet.

### **7.11 Working while absent from the ICB due to sickness**

While on sickness absence from the ICB, you should normally refrain from work in any other capacity for any other employer. Any other work undertaken during a period of sickness absence will need to be covered by

a Fit Note. If you're found to be working in another capacity while obtaining sick pay from the ICB, disciplinary action, up to and including dismissal and may also be referred to the Local Counter Fraud Service.

### **7.12 Sickness because of substance addiction or misuse**

In some cases, sickness absence may be caused by a substance-related problem (eg drug or alcohol). Where this is identified and accepted by you, use of the ICB Attendance Management Policy may be inappropriate. Please see the ICB Drug and Alcohol Misuse Policy for more information.

### **7.13 Adjustments to the post or working environment**

To support an employee's return to work, managers should consider reasonable adjustments to working conditions, working arrangements and environmental conditions.

In some circumstances, managers and employees may be able to determine these adjustments based on the employee's understanding of their capabilities and the manager's expectations of the job role. Where this is not possible or further specialist input is appropriate, managers and employees can seek guidance from other sources, such as Occupational Health.

The ICB has a legal obligation to make adjustments to support employees who consider themselves to meet the legal definition of a disability. Adjustments may be agreed on a temporary (usually no longer than 12 weeks) or permanent basis.

Examples of reasonable adjustments include:

- Changes to duties.
- Changes to the method of doing the job.
- Changes to working hours
- Transfer to a different workplace.
- Allowing absence during working hours for rehabilitation, assessment or treatment.
- Additional or tailored training, coaching, mentoring or supervision.
- Making adjustments to the premises.

### **7.14 Life-threatening or terminal illness**

If you're faced with a life-threatening or terminal illness it will be a very distressing time and you'll have lots to think about besides work. As your employer, we'll fully

support you and your family in whatever way we can, so that you need not worry about work. Where possible, your manager and HR will arrange to meet you, together with anyone else you want to be present, so that we can understand the support that would be most helpful to you.

### 7.15 Ill health retirement

Ill health retirement benefits may be available to those with at least two years' NHS Pensions Scheme membership, assessed by NHS Pensions and its medical advisers as being permanently unable to do their current NHS job or being permanently incapable of ever working again.

The application for such benefits will be made to the NHS Pensions Scheme and must be supported by an Occupational Health physician or your GP/consultant. Responsibility for approving the application lies with the NHS Pension Scheme. Until this approval is received, ill-health retirement cannot be guaranteed. A HR representative will support the application process.

### 7.16 Redeployment

Redeployment may be considered if an employee is unfit to continue in their existing post, or if the existing post has a detrimental effect on their health or well-being that cannot be overcome with reasonable adjustments. Redeployment is the process of seeking suitable alternative employment for an employee.

The ICB will normally seek redeployment for an employee within four weeks. The employee will attend a meeting with the line manager and an HR representative to discuss the redeployment process.

The details of the meeting will be confirmed in writing and the employee will be sent an application form within five working days of the meeting. An up-to-date application form and any other required documents should be returned to the manager by the deadline date specified in the letter.

The four-week redeployment period will start from this date. The line manager and HR representative will consider existing and new vacancies and that arise during the redeployment period against the employee's skills, experience and abilities specified in the application form. Where a match occurs, the employee will be invited to attend a priority interview for the post.

If successful, an offer to undertake a four-week trial period will be made to the employee. The trial period may be extended if retraining is required, if agreed by the employee and the line-manager of the new post.

During the trial period, the employee will be paid by the originating department under the terms of the existing contract of employment. If the trial is successful, the employee's appointment to the new post will be confirmed.

The employee will be paid in accordance with the terms and conditions of the new post. Managers may progress to the final stage of the formal procedure if an employee rejects redeployment. A rejection can be considered as: failing to provide requested information without good reason; refusal to attend/non-attendance for a priority interview; refusal of an offer to undertake a trial period or failure to attend for the trial period without good reason; or refusal of an offer of alternative employment.

If the employee is considered to have reasonably refused alternative employment, further attempts to redeploy them will be made until the end of the four-week redeployment period. If alternative employment has not been secured by the end of that, or an individual has unreasonably declined a 'reasonable' position, the manager may convene a meeting to consider whether dismissal is appropriate.

### 7.17 Confidentiality

Information shared during the sickness management process will be protected in line with legislation.

**Please note:** This policy is for use in cases of genuine sickness absence. Where sickness absence is not for genuine ill health reasons, such matters should be dealt with under the ICB Disciplinary Policy.



# Bullying and harassment

## 1 What this policy covers

The ICB is committed to creating a work environment that is free of harassment, bullying, victimisation, and discrimination for all employees.

The ICB expects our staff to embrace the values and behaviours of our organisation this means:

- being caring and respectful
- demonstrating compassion and kindness
- treating each other with dignity
- being supportive and encouraging
- building positive working relationships that are meaningful and productive
- promoting and role modelling a positive organisational culture
- promoting a healthy work-life balance and enhancing health and well-being.

The ICB believes that harassment, victimisation, discrimination and bullying at work in any form is completely unacceptable. All allegations will be investigated and, if appropriate, disciplinary action will be taken.

The ICB believes that it is the impact of the behaviour that matters – not the intent. The ICB aims to create an environment and reporting structure that enables employees to feel safe in reporting bullying, harassment and other inappropriate behaviours.

## 2 Definitions

**Direct discrimination** – when a person or group is treated less favourably than others are or would be in the same or similar circumstances.

**Indirect discrimination** – when an apparently neutral provision or criteria adversely impacts someone because they have one or more of the protected characteristics.

“The ICB believes that it is the impact of the behaviour that matters – not the intent”

At times, it is possible to justify indirect discrimination, but this has to be done on sound, objective grounds, having shown that all possible measures have been taken to lessen the discriminatory effect.

**Protected characteristic** – a characteristic shared by a group of people that is protected from discrimination under the Equality Act 2010. These are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including colour, nationality, and ethnic or national origin)
- religion or belief
- sex (gender) and
- sexual orientation.

Our Equality and Diversity Policy also includes protection for trade union membership, offending background, domestic circumstances, social and employment status, HIV status, political affiliation, carer status and socio-economic background.

**Victimisation** – where an employee receives detrimental treatment because they have, in good faith, raised a concern or complaint, formally or informally, that they've been bullied or harassed, or they've supported someone who has raised a concern or complaint or they've given evidence in relation to a complaint. Discrimination by victimisation is unlawful. A person is victimised, for example, if they receive less favourable treatment because it is suspected or known that they've brought proceedings under the Equality Act or given evidence or information relating to such proceedings or alleged that

discrimination has occurred. It is illegal to discriminate against someone who has brought an action (or who has considered it), made a complaint, alleged discrimination or who has appeared as a witness.

**Micro-aggressions** – subtle, indirect discrimination as the result of action and/or inaction over a period of time. IT can be against recognised equality groups or between individuals. On their own, micro-aggressions may not seem like much, and they can easily be brushed off in isolation. The accumulative effect of brushing off multiple microaggressions, every day, can be draining, demoralising and disheartening.

**Civility** – politeness and courtesy as a standard way of working with everyone. A wealth of research demonstrates the negative outcomes of incivility in the workplace (ie thoughtless actions that leave employees feeling disrespected, ignored, undermined or belittled).

Healthcare excellence depends on teams, and teams work best when all members feel safe and listened to.

**Weathering** – The process of wearing or being worn by long exposure to the atmosphere. If someone is exposed to a toxic or unhealthy atmosphere, it can damage their mental wellbeing.

**Banter** – The dictionary definition is “teasing, joking or talk that is amusing and friendly – the playful and friendly exchange of teasing remarks”. It’s a loose expression – covering what otherwise might be abusive behaviour. It’s acceptable only if those participating do so willingly and on an equal level. Although it can be an important part of social bonding, it can also be precarious at work.

### 3 Principles

Bullying is unacceptable behaviour as perceived by the employee, which subjects a person or group of people to unwelcome attention, intimidation, humiliation or ridicule or violation of a person’s dignity. Bullying is also offensive, abusive or insulting behaviour, abuse of power or unfair sanctions that make the recipient feel upset, threatened or vulnerable. It includes deliberately undermining a competent employee (eg by imposing unreasonable workloads or frequent unjustified criticism).

Harassment is any conduct that is:

- unwanted by the recipient
- considered objectionable by the recipient
- causes humiliation, intimidation, offence or distress

“Bullying is unacceptable behaviour as perceived by the employee, which subjects a person or group of people to unwelcome attention, intimidation, humiliation or ridicule or violation of a person’s dignity”

(or other detrimental effect) or

- when a third party is witness to the above and finds it intimidating or offensive.

Harassment can happen once or regularly. It may occur against one or more individuals. Harassment may be, but is not limited to:

- physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour
- verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and “banter”, offensive language
- non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusion or isolation from social activities
- unwanted conduct that has the purpose or effect of violating someone’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them, whether related to a protected characteristic (as defined by the Equality Act 2010) or not.

### 4 Responsibilities

Executive responsibilities:

- Take steps to create an environment and culture where all staff are treated with dignity and respect and are valued for their unique contribution.
- Support all parties involved in an unbiased and respectful manner.
- Ensure that policies exist and are implemented consistently to protect employees from inappropriate behaviour such as bullying and harassment.
- Enable safe reporting of inappropriate behaviour so that staff feel able to come forward for help.
- Provide an infrastructure of support available to staff (eg Freedom to Speak up Guardians and Champions, Mental Health First Aiders, Employee Assistance Programme, etc)

Line managers must:

- Familiarise themselves with the content of this policy and apply it fairly and consistently.
- Seek to prevent any infringement of this policy by employees in their team and ensure that all team members are aware of its content, as well as what is acceptable and unacceptable behaviour at work, and that harassment is a disciplinary offence.
- Ensure a supportive working environment.
- Act promptly to prevent and stop unwanted behaviours by using this policy.
- Attend appropriate training and seek guidance from HR where necessary in applying this policy.
- Deal with any informal or formal complaints under this policy in a timely and sensitive way, seeking guidance as appropriate from their HR Business Partner.
- Promote a culture where inappropriate behaviours are not tolerated but acted on, creating a safe space for reporting them and empowering staff to challenge appropriately.
- Attend and be compliant with the related Mandatory and Statutory training: Equality, Diversity and Inclusion; Civility; and Stamp-out Bullying and Harassment.

Employees must:

- Familiarise themselves with this policy's content.
- Take personal responsibility for acting within this policy.
- Be aware of the effect their behaviour may have on others around them.
- Treat colleagues with respect and dignity.
- Tackle inappropriate behaviour where possible and where they feel safe to do so, whether against themselves or whether witnessed against others.
- Use the formal procedure responsibly and in good faith.
- Assist in an investigation, if asked to provide witness evidence.
- Report infringements of this policy and act in a manner consistent with this policy.
- Attend and be compliant with the related Mandatory and Statutory training: Equality, Diversity and Inclusion; Civility; and Stamp-out Bullying and Harassment.

Human Resources responsibilities:

- Maintain and update this Bullying and Harassment Policy to ensure that it is in line with organisational and legislative changes.

- Engage with training and development around this agenda to maintain an appropriate level of expertise.
- Provide development opportunities for leaders to manage difficult situations.
- Support the development of a culture free from bullying and harassment and other unacceptable behaviours.
- Provide advice and support to line managers and employees on applying this policy and guidance, including any formal investigations.
- Support the use of mediation where appropriate.

## 5 Policy in practice

### Informal Resolution

People may not be aware that their behaviour is unwelcome or sometimes there may be a genuine misunderstanding. Often an informal discussion can lead to greater understanding and agreement that unwanted behaviour will cease.

Those who are experiencing unwanted behaviour or those who are witnessing this are therefore encouraged, if they feel able, to resolve the problem informally by making it clear that the actions are unwanted and should not be repeated. This may be done verbally or in writing. It is important that times and dates are recorded, together with any witnesses to the unwanted behaviour.

If the employee feels unable to make the approach, their manager (or next in line manager if the concerns relate to the direct line manager) could be asked to speak on the complainant's behalf. A note should be made of the action taken.

Someone who is made aware that their behaviour is unacceptable should:

- listen carefully to complaints and concerns raised
- respect the other person's point of view – they have a right to work in an environment free from unwanted and unacceptable behaviour
- remember that the other person's reaction/perception to the behaviour is important
- agree aspects of their behaviour they'll change
- seek support to make the change as necessary (eg coaching, mentoring)

**Mediation**

Mediation is a voluntary process and may be considered an informal approach in resolving issues between individuals. Mediation involves bringing in a neutral third party to assist with the conversation.

Mediation may be used when:

- dealing with conflict between colleagues or between a line manager and employee
- rebuilding and restoring relationships after a dispute has been resolved
- addressing a range of issues including relationship breakdown, personality clashes, communication problems, etc.

Mediation won't be suitable for all cases and both parties must agree for mediation to go ahead. Should mediation be considered, please discuss this with your HR Business Partner, who will identify an independent mediator to take the matter forward.

**Formal resolution**

If the alleged behaviour continues, the employee feels unable or unwilling to deal with the matter informally, or the allegation is so serious that the informal procedure can't be used, a complaint must then be raised formally in line with the ICB's Grievance Policy.

**Appeal process**

Appeals against decisions taken under the ICB Bullying and Harassment Policy will be dealt with as follows:

- Appeals against a disciplinary sanction will be dealt with in accordance with the ICB Disciplinary Policy.
- Appeals by a complainant about the outcome of any investigation will be dealt with in accordance with the appeal process in the ICB Grievance Policy.



# Capability

## 1 What this policy covers

**This policy is designed to support you in improving your performance so that you can achieve and maintain the standards your role requires.**

## 2 General principles

- The policy will provide a clear, fair and consistent framework for handling capability issues.
- We understand discussions regarding your performance can be stressful, so this policy seeks to balance the requirement for a comprehensive and supportive process with ICB's need to deliver services effectively.
- Unsatisfactory work performance may be caused by numerous factors and (where possible) concerns will be dealt with through supportive discussions with your manager, before using this policy.
- The standards that you need to achieve will be realistically achievable within a specified time frame.
- In some circumstances it may be appropriate to deal with capability issues under the ICB Disciplinary, Probation or Sickness Management Policies. The manager should seek advice from Human Resources before making this decision.
- Redeployment may be considered at any stage of this policy.
- In cases of serious incapability, moving straight to the capability hearing may be appropriate.

## 3 The policy in practice

The Capability Policy has the following stages:

- Stage One – Informal
- Stage Two – Formal
- Stage Three – Capability Hearing
- Stage Four – Appeal

### 3.1 Your right to be accompanied

Should you wish, you can be accompanied at formal meetings by a trade union/staff representative or appropriate work colleague not acting in a legal capacity.

You're responsible for choosing your representative, but you must let your manager know who this will be before the meeting. They can participate fully at the meetings, but they cannot answer questions on your behalf.

### 3.2 Stage One – Informal

If your line manager has concerns about your performance, they will discuss this with you at the earliest opportunity, before moving onto the formal stages of this policy.

Your manager will explain their concerns and you will be given time to discuss:

- the reasons why
- problems you're experiencing at work
- factors outside of work that impact you at work
- support required (eg training, guidance, mediation, coaching).

If you are unclear what you need to improve or how you can improve, you should seek clarification.

Your manager will make a record of the discussion and the agreed action plan with SMART targets. They will provide you with a copy and if necessary meet with you to review and update.

If things do not improve within a reasonable timescale or there is serious concern about your ability to perform your role, moving to formal stages may be considered. But before this happens your manager will make sure:

- you're clear about expectations of you in your role
- you've had the level of training, advice and support required to do your job

- you've had reasonable time to improve
- no underlying health issues/medical conditions are contributing to any under-performance
- any reasonable adjustments have been considered and implemented where this has been advised by occupational health and/or other medical advice.
- an action plan has been undertaken with regular reviews.

Following these discussions, in most cases, most performance-related issues can be resolved promptly and informally. If you are having difficulties maintaining your expected standard levels of performance, discuss it with your line manager as soon as possible, so that the appropriate support can be provided.

### 3.3 Stage Two – Formal

Managers will normally be able to deal with minor concerns about poor performance in the course of the day-to-day manager-employee relationship, as set out in the Stage 1 Informal Procedure. However, where following such discussions the manager establishes that an employee's performance continues to be unacceptable, or where the nature of the concern is more serious or is similar to concerns raised previously, the Formal Procedure should be followed.

A formal capability meeting will be arranged, giving you at least 10 working days' notice, and all documentation to be used at the meeting will be enclosed. If you have any documentation you'd like considered, you must provide this at least five calendar days in advance of the meeting.

A senior manager (Chair) advised by HR will listen to information provided by you and your manager during the formal meeting. The following points will be considered:

- Areas where your performance isn't meeting the required standards.
- What support, training and supervision has been put in place through the informal stage, including action plans.
- Your views and responses and what you believe is preventing you reaching the required standards including training/support not yet been considered.
- Any further mitigating factors hindering your progress in achieving the required standard.
- Anything else you would like considered.

If the meeting is adjourned, to consider all the matters discussed and/or further evidence before reaching a decision, where possible, the Chair will recall both parties and announce the decision verbally. If a decision cannot be made without further deliberation, it may be necessary to communicate the decision in writing at a later date. In either event, the outcome will be confirmed in writing to you and your representative no later than five working days after the Formal Hearing.

In determining the outcome, consideration will be given to your views and the documentation presented and reviewed. The managers will reach their decision based upon the evidence and documentation considered. Outcomes of a formal meeting could be:

- a further action plan and monitoring period
- redeployment to another role which may include down-banding
- a written warning
- final written warning
- consideration of down-banding
- dismissal with contractual notice.

Where warnings have been given, review meetings and action plans will also be set. As far as possible the outcome of the formal meeting will be given verbally during the meeting and will be confirmed in writing, including the right of appeal where appropriate.

### 3.4 Feedback on your progress

Where an action plan and monitoring period has been agreed through the formal process, your manager will feedback on your progress at regular review meetings, offer support where required and update your action plan.

### 3.5 Subsequent formal meetings

If you haven't made the required progress during the monitoring period after a formal capability meeting your manager will tell you and a further formal meeting will be arranged. The meeting will be held within the format outlined for a formal capability meeting, however an independent manager who has not previously been involved will chair the meeting.

### 3.6 Professional bodies

The ICB reserves the right, if appropriate, to report the matter to the relevant professional body (eg NMC, GMC, HCPC), which may also take additional action.

### 3.7 Absence during the capability process

Very rarely, due to the seriousness of some concerns, we may ask you not to attend work. This decision will only be taken if genuine risks are identified and all alternative options have been ruled out.

Where this is considered, your manager will seek approval from another senior manager and both will be advised by HR. If this happens, we will fully explain the reasons for the decision. This does not constitute disciplinary action.

## 4 Stage Three – Capability Hearing

Where performance level as set out through the informal Stage 1 and formal Stage 2 has not been achieved or maintained, or in the case of a serious performance issue, dismissal on grounds of incapability due to unsatisfactory work performance will be considered.

In such cases, a formal Stage 3 Capability Hearing will be arranged. The Capability Hearing Chair will be the next level manager with authority to dismiss or another senior manager with delegated authority to dismiss. HR support will be provided to the Capability Hearing Chair.

If professional issues are involved, an appropriate professional advisor will also sit on the Capability Panel. The line manager will prepare a capability management report to be presented and referred to at the hearing.

Prior to the Stage 3 Capability Hearing, the employee should be informed in writing of the meeting's purpose, and given the capability management report and any other relevant supporting documentation, the date and time of the meeting and their right to representation. At least five working days' notice of this meeting will be given, unless shorter notice is mutually agreed. The employee is entitled to representation.

At the formal Stage 3 Capability Hearing the Hearing Manager should:

- identify the shortfall between the employee's performance and the required standard
- review the reasons for the employee failing to meet the required standard of performance
- review any action taken to date.
- consider any information the employee wishes to offer in mitigation.

Taking into account all the matters discussed at the hearing, the Hearing Manager should consider the following options:

Extend the monitoring period and period of any previous warning (if one is already in operation) and give the employee a further opportunity to achieve the required standard of work performance within a defined timeframe.

Downgrade to a lower banded role if this is possible (ie if there is a current vacancy at the lower band). Consider, based on all the facts as presented, whether to dismiss the employee on the grounds of incapability due to unsatisfactory work performance.

The decision of the Hearing Manager will be confirmed in writing, within five working days of the hearing, together with the employee's right to appeal against the decision.

## 5 Stage Four – Appeal

### Right of appeal

You will always be given the right to appeal any formal sanction. How to appeal will be explained in the capability meeting outcome letter. You will need to appeal within 10 working days of getting your outcome letter, but this may be increased in exceptional circumstances.

### Appeal panel

An appeal panel will consist of two managers (the Chair will be a more senior manager) who has not been involved previously. You will be invited to attend the appeal meeting, which will be your opportunity to explain the reasons for your appeal. You will be asked to provide documents related to your appeal at least five working days in advance of the meeting.

The appeal will be supported by a senior HR representative, who has not been involved before. You have a right to be accompanied by a trade union representative or workplace colleague.

A letter confirming the outcome of the appeal will be sent to you within 10 working days.



# Disability in the workplace

## 1 What this policy covers

**Under the Equality Act 2010, it is unlawful for employers to treat a job applicant or employee less favourably because they have a disability. This policy will:**

- help you understand what is meant by the term “disability”
- explain the ICB’s responsibilities in complying with this policy
- tell you how you can raise a concern or make a complaint if you feel you or someone else has been unfavourably treated on grounds of disability.



## 2 Definitions

**Disability:** The term covers physical and mental impairments that have a substantial and long-term effect on someone’s ability to carry out normal day-to-day activities, including duties associated with their employment.

**Substantial:** A “substantial” effect means more than limitations that occur as a result of general abilities and capabilities that exist among people.

**Long term:** A long-term effect of impairment is defined as one:

- which has lasted at least 12 months or
- where the total period it lasts is likely to be at least 12 months or
- which is likely to last for the rest of the life of the person affected.

**Normal day-to-day activities:** An impairment considered to effect the ability of a person to carry out normal day-to-day activities only if it affects one or more of the following:

- mobility
- manual dexterity
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- perception of the risk of physical danger.

“The ICB recognises the benefits of a diverse workforce and is committed to supporting applicants and employees with a disability to be part of its workforce, and values their contribution to delivery of patient care”

### 3 Principles

- The ICB Board of Directors is committed to ensuring that no applicant or current employee is subject to discrimination, harassment or unfair treatment on grounds of their disability.
- The ICB recognises the benefits of a diverse workforce and is committed to supporting applicants or employees with a disability to be part of its workforce, and values their contribution to delivery of patient care.
- The ICB will promote positive attitudes towards people with disabilities.

### 4 Responsibilities

- The Executive Directors are committed to adopting and promoting the key principles within this policy.
- The Board of Directors will ensure that any concerns raised or complaints based on an individual's disability will be taken seriously and dealt with promptly and efficiently.
- ICB managers and heads of department are responsible for ensuring the practical application of this policy at a local level and are expected to promote high standards.
- All employees and those who act on the ICB's behalf must adhere to this policy when undertaking their duties or when representing the ICB.

### 5 Policy in practice

#### 5.1 Reasonable adjustments

The ICB has a duty under the Equality Act to make reasonable adjustments to prevent a potential or current employee with disabilities from being placed at a substantial disadvantage by any physical feature of the premises or by any ICB provision, criteria or practice.

We encourage the use of health passports for people with disabilities who work for the ICB. It allow them to easily record information about their disability, any reasonable adjustments they may have in place and any challenges resulting from the interaction of their disability with the workplace . The passports also help to ensure that there is a clear record and can be used with new line managers to explain what is needed in the workplace to help staff members to successfully carry out their role.

When deciding whether or not an adjustment is reasonable, the ICB will consider the:

- effectiveness of the adjustments in preventing the disadvantage
- financial and other costs of the adjustment and the extent of any disruption caused
- extent of the employer's financial or other resources.

Failure to make reasonable adjustments cannot be justified.

#### 5.2 Bringing a concern/raising a complaint

The ICB will treat seriously all complaints or concerns raised in respect of discrimination or harassment of potential employees or employees on the basis of their disability.

Should you wish to make a complaint or raise a concern under this policy you should tell or write to your manager or a member of the HR team. Your complaint will be managed under the ICB's Grievance Policy.

#### 5.3 Your right to be accompanied

The ICB recognises that some situations may be distressing, therefore a colleague or trade union representative may accompany you to informal meetings if you feel this would support you and help to resolve the grievance. If so, prior to any meeting, you should inform the manager with whom you are raising the concern that you will be accompanied.

**“The ICB will treat seriously all complaints or concerns raised in respect of discrimination or harassment of potential employees or employees on the basis of their disability”**



# Disciplinary

## 1 What this policy covers

**This policy provides a framework for maintaining satisfactory standards of conduct. We want to ensure that when something unexpected occurs, a robust process is followed to determine what should happen next. We're committed to ensuring that the practice of reflection and improvement is embedded at the ICB.**

This policy seeks to ensure that any disciplinary matter is dealt with fairly and that *the first steps taken are to establish the facts*. This policy applies to all ICB staff.

## 2 Expected behaviour

Each member of staff will be informed of the standards of conduct and work as per their individual employment contract.

### A "Just Culture"

This policy embeds a "Just Culture" approach to managing concerns, which can be seen as an environment where equal emphasis is put on accountability and learning, and one that when an adverse event happens, it instinctively asks "What went wrong?" rather than "Who is to blame?"

### When an incident or concern is raised

If there is reasonable belief that an incident or event has taken place or that something has happened that raises concerns about conduct or behaviour, your manager (or other manager depending on the nature of the issues raised) will carry out an initial fact-finding exercise to better understand what led to the event.

They will use the "Just Culture" guide to assist this process and will be advised by HR when completing the fact-finding exercise.

## 3 Fact-finding

The key objectives of the fact-finding will be to:

- establish dates and times
- identify who was involved and who witnessed the events (and their lead-up)
- take statements that may assist in establishing the facts
- review documentation and evidence as appropriate.

### 3.1 Absence during fact-finding

Because of the seriousness of some concerns, very rarely, we may ask you not to attend work while the fact-finding exercise is carried out. This decision will only be taken if genuine risks are identified and all alternative options have been ruled out.

Where this is considered, your manager will seek approval from another senior manager and both will be advised by HR. If this happens, we will fully explain the reasons for the decision. It does not constitute disciplinary action or any assumption of guilt, but is to ensure the welfare of everyone involved and to support a fair and timely fact-finding process.

### 3.2 Pay during your absence

You will remain on your normal pay (ie the pay you would have received if you have been at work based on a 12-week reference), except where you have:

- allowed your professional registration to lapse
- lost your entitlement to work under the Immigration and Asylum Act.

**"This policy embeds a 'Just Culture' approach to managing concerns, which can be seen as an environment where equal emphasis is put on accountability and learning"**



During this period, we will maintain regular contact with you and will always aim to keep this period as short as possible. If you are asked not to attend work, we may refer you to Occupational Health so that we can identify how to best support you during this time. Before doing this, we will discuss it with you.

### 3.3 Outcomes from the fact-finding process

The manager will present the key facts in a report to a senior manager who will decide what should happen next.

The options will include:

- organisational and/or team learning
- Individual or team support to change behaviours or practice.

If individual conduct or behavioural issues are identified, the following measures will be considered:

- an informal discussion with your manager, an action plan or other support
- an action plan and/or other support and written advice and guidance
- formal disciplinary action
- use of another policy.

In these instances, your manager will meet you, go through the fact-finding outcome and explain how your conduct or behaviour has fallen short of expectations.

Your views and responses will be heard and the focus will be on supporting you to help improve or adjust your behaviour to an acceptable standard, which may include an action plan. Advice and guidance from your manager will be confirmed in writing and will be kept on your personal file.

Where an informal discussion or management advice and guidance have failed to address the conduct or behaviour concerns, or more serious issues are identified from the fact-finding, the formal disciplinary process may be followed.

### 3.4 Pre-hearing settlements/agreed outcomes

Where the investigation has found that you have a case to answer, but you have taken full responsibility for your actions and accept the outcome reached, it may be possible to agree a warning without the need to move to a disciplinary meeting.

The panel will determine a level of sanction that may be offered (up to and including a final written warning). The disciplinary rules will be used to decide warning level.

If you do not accept the outcome reached or level of sanction offered, the formal disciplinary process will be followed.

## 4 Formal disciplinary process

Where fact-finding establishes more serious behaviour or conduct issues that should be considered using the formal disciplinary process, this will be confirmed to you in writing, giving you at least five working days' notice of the meeting. This will include:

- date, time and venue of the meeting
- sufficient information about any alleged misconduct and its possible consequences
- copies of written evidence to be considered at the meeting, so you can prepare your response
- the right to be accompanied by a trade union representative or work colleague.

If you have any documentation you want to submit for the meeting, please send these at least three calendar days in advance of the meeting, so that they can be distributed.

### 4.1 Safeguarding your health and wellbeing

We understand that going through disciplinary procedures can be very upsetting and we want to ensure that you are properly supported throughout. We will agree a communication plan and ensure that you are given access to wellbeing services.



#### 4.2 Disciplinary meeting

The meeting will be held without unreasonable delay and you should make every effort to attend. An independent manager will chair the meeting and they will be advised by an HR representative. They will explain the concerns, go through the evidence with you and give you the opportunity to respond and put your case across.

You will be given reasonable opportunity to ask questions, present your own evidence and (where appropriate) call relevant witnesses. The fact-finding report will provide the basis of the management case, however, where clarity is required at the meeting, the disciplinary manager may ask them to attend.

Normally, we will record the meeting and provide you with the notes of the hearing afterwards. However, if we're unable to record, a note-taker will attend. If you need any reasonable adjustments for the meeting, please inform HR.

#### 4.3 Witnesses

There is no right for either party to question witnesses directly at a disciplinary meeting. In the first instance, therefore, we will use statements or accounts taken during fact-finding, where permission has been given to use these.

If it is considered necessary to ask a witness to attend a meeting, the name and role reasons for attending will be required in advance, and all parties will be informed before the meeting.

#### 4.4 Being accompanied

You have the right to be accompanied by a trade union representative or work colleague to formal meetings. If they are not available on the proposed date or time of the meeting, we'll talk to you about another date and time, as long as this is reasonable and it is as soon as possible.

Your companion can address the meeting to put or sum up your case, respond on your behalf and confer with you during the meeting. However, they cannot answer any questions on your behalf, address the hearing if you do not want them to or prevent the disciplinary hearing manager from explaining the concerns or going through the evidence with you. If you require reasonable adjustments for the meeting, please contact HR.

#### 4.5 Decision and outcome

As far as possible, the outcome of the disciplinary meeting will be given verbally and confirmed in writing, including the right of appeal, within five working days.

If the meeting is adjourned to consider further evidence before reaching a decision, you will be asked whether you want to receive the outcome in writing. Alternatively, a further outcome meeting can be arranged. If you do not attend the meeting, the outcome will be confirmed in writing. Where appropriate, we may notify your professional body of the outcome.

#### 4.6 Disciplinary sanctions

In determining the outcome, consideration will be given to the evidence presented and documentation reviewed. The Chair will adjourn to decide whether there are reasonable grounds to believe that misconduct or gross misconduct has taken place and whether disciplinary action is warranted. This decision will be based on the

**“Consideration will be given to the evidence presented and documentation will be reviewed. The panel will adjourn to decide whether there are reasonable grounds to believe that misconduct or gross misconduct has taken place and whether disciplinary action is warranted”**

### Formal written warnings

<b>First written warning: 12 months</b>	Where conduct has fallen below acceptable standards and informal guidance has not resulted in sufficient improvement or where the offence is sufficiently serious to justify an immediate formal sanction.
<b>Final written warning: up to 24 months</b>	Where conduct continues to fall significantly below acceptable standards and previous warning(s) has not resulted in sufficient improvement. Misconduct is so serious that a first and final written warning is appropriate. Dismissal is a clear possibility, but significant mitigating circumstances are accepted.
<b>Dismissal: contractual notice or without notice</b>	<p>Considered where there has been gross misconduct or a current final written warning and further misconduct or unsatisfactory conduct has taken place.</p> <p>Dismissal <b>with</b> contractual notice: This will apply unless it is for gross misconduct (ie where this is a result of a series of warnings).</p> <p>Dismissal <b>without</b> contractual notice (summary dismissal): Actions of gross misconduct will, except in the most exceptional circumstances, justify dismissal without notice.</p>

balance of probability from the evidence available.  
Consideration will be given to:

- the seriousness of the conduct and any explanation given or any mitigation
- any previous conduct record
- actions taken in a similar case
- whether the action considered is proportionate and reasonable in the circumstances.

The sanctions available are detailed above, although this list is not exhaustive. They will also consider any wider actions or implications for the ICB. Where you have been issued with a first or final written warning, your incremental pay progression will be withheld for the period of time the warning is active.

#### 4.7 Other action short of dismissal – extension of final warning/ redeployment/down banding

According to the case's circumstances, other action may be considered as an alternative to dismissal. This may involve redeployment, down banding (with the agreement of the employee) or change of work pattern. A copy of the letter confirming formal warnings, down bandings, redeployment or dismissal, plus the investigation report, will be retained on your personal file.

## 5 Right of appeal

You'll always be given the right to appeal any disciplinary sanction. The disciplinary outcome letter will explain how to appeal. You must appeal within five working days of getting your outcome letter, but this will be extended in exceptional circumstances.

You can appeal if you believe:

- there was a defect in the procedure, which may have a material effect on the decision
- not all evidence was considered or proper account was not taken of evidence referred to at the hearing
- the sanction or decision was too severe
- new relevant evidence has come to light since the last hearing.

### 5.1 The appeal meeting

An appeal meeting will review the decision taken at the disciplinary meeting, but it will not be a re-hearing of the case, unless, for example, new information is provided that was not available at the disciplinary meeting, which is likely to impact the decision. Otherwise, the appeal will decide whether the decision taken was reasonable in light of all the circumstances and evidence provided at the disciplinary meeting and the process followed.



An appeal panel will consist of two managers who have not been involved in your case. The chair will be a more senior manager. You will be invited to attend an appeal meeting, which will be your opportunity to explain the reasons for your appeal. You will be asked to provide documents related to your appeal at least five working days before the meeting.

The appeal will be supported by a more senior HR representative, and you may bring a trade union representative or a workplace colleague as your companion. Witnesses may only attend where considered essential to your appeal. Where possible, statements or accounts will be used. If witnesses are to attend, it must be agreed ahead of the meeting. A letter confirming the appeal outcome will be sent to you within 10 working days of the meeting.

### 5.2 Availability for formal and appeal meetings

If you cannot attend a meeting because of reasonable circumstances beyond your control, a further date will be arranged. We'll talk to you about why you're unable to attend and will consider options that could include holding a meeting via phone or video, or allowing a submitted written response for the disciplinary manager to consider. A representative may agree to attend on your behalf in your absence. In rare circumstances, we may decide to hold the meeting in your absence.

You may decide not to attend an appeal meeting, in which case, we will hold the meeting based on your submission, as long as we receive this at least five calendar days before the meeting date.

### 5.3 Confidentiality

Information obtained under the disciplinary procedure will be managed and kept confidential for as long as

this is needed by the ICB and we will also place any correspondence on your personnel file.

## 6 Appendix 1: Disciplinary rules

This indicates the standards of behavior expected from us all in relation to our roles at the ICB. It is not possible to specify all the rules and regulations that apply and the list of disciplinary rules below are a general guide in respect of very serious misconduct. Other less serious acts may result in disciplinary action short of dismissal. In any event, the ICB will consider each case on its own merits before disciplinary action is taken.

### 6.1 Gross misconduct

Certain offences are regarded as so serious that the ICB would not tolerate the continued presence at work of someone who commits them. Normally, such offences are considered acts of gross misconduct, which would, in the absence of substantial mitigation, result in summary dismissal. Summary dismissal involves dismissal without the need for previous disciplinary warnings.

### 6.2 Behaviour outside of work

The examples of gross misconduct listed below relate to offences committed during normal working time while on duty. Behaviour outside work may also be dealt with under the disciplinary procedure, if it affects your continued suitability for employment and/or brings the ICB into disrepute.

The following are examples of offences considered to represent gross misconduct. It is not a comprehensive list and other offences not listed may also be considered gross misconduct.

- physical or psychological ill treatment or abuse of patients or colleagues
- acts of violence (including physical assault of a colleague, patient, member of the public) and fighting at work
- being unfit for duty for other than medical reasons including being intoxicated while on duty through drink or drugs and the misuse of drugs that impairs your ability to work (refer also to the ICB Alcohol and Drugs Policy)
- intentionally viewing or downloading pornographic or other derogatory, defamatory, obscene or inappropriate material from internet or email systems

- inappropriate use of ICB data or computing equipment, including social media
- serious insubordination
- acts considered to bring the ICB into serious disrepute
- bullying, harassment or discrimination contrary to the ICB's policies
- corruption during the course of employment or where this has a detrimental impact on the ICB
- deliberate disclosure of confidential patient, staff or ICB information to an unauthorised person
- deliberate and/or continued failure to follow reasonable instructions
- failure to disclose criminal convictions
- fraud – any deliberate attempt to obtain money or goods through falsification of records or documents (eg time sheets, travel and expenses claim forms)
- indecency or sexual offences
- malicious damage to ICB property or equipment
- theft or attempted theft during the course of employment
- willful negligence in any action/failure to act which threatens the health and safety of any member of staff, patient or member of the public
- being absent without leave (AWOL).

If you are summarily dismissed, your pay will cease from the date of your being informed of your dismissal. If you are reinstated on appeal, you will be paid as if at work and continuity of service will be restored.

## 7 Criminal offences

If you are charged or convicted of an offence, whether committed on duty or outside of work, we will consider whether the offence renders you unsuitable for continued employment and may take action up to and including dismissal. The ICB reserves the right to take action independently of any legal proceedings.

**“If you believe this policy has not been applied properly, you can use the ICB grievance procedure to outline and raise your concerns. If the concern relates to an ongoing disciplinary process, this will be addressed as part of the disciplinary procedure”**

Where the offence or police investigation relate to mistreatment of a child or an “at risk” or vulnerable adult, the manager must inform the ICB Safeguarding lead/team, who will consider whether to contact the Local Authority Designated Officer (LADO). If you are subject to a police investigation, you're obliged to inform your manager.

## 8 Misapplication of this policy

If you believe this policy has not been applied properly, you can use the ICB grievance procedure to outline and raise your concerns. If the concern relates to an ongoing disciplinary process, this will be addressed as part of the disciplinary procedure.

## 9 Referrals to professional bodies and other agencies

Depending on the nature of the concern, if you are registered with a professional body, the regulatory body may be notified. This decision will be taken by the most senior professional lead from the Directorate, in conjunction with the relevant professional lead for ICB, such as the Director of Nursing or Head/Chief of Service.

Where appropriate, investigations carried out by the counter fraud team and other agencies (eg the police, social services) may be carried out separately from this procedure. ICB will give full cooperation to external investigations and will only delay the internal disciplinary procedure where absolutely necessary.

Where cases include serious personal data breaches likely to result in risk to the freedoms of data subjects, the ICB has a legal duty to report such cases to the Information Commissioners Office (ICO) within 72 hours. Where there is a potential data breach, ICB's Data Protection Officer (DPO) must be notified as soon as possible.



# Disclosure and Barring Service checks

## 1 What this policy covers

This policy provides guidance on which posts require a Disclosure and Barring Service (DBS) check. It explains roles and responsibilities when obtaining and interpreting checks to make employment decisions, with the key stages of the process outlined.

## 2 Principles

The ICB is committed to providing a transparent, professional, credible and equal process for handling all DBS checks by:

- complying with the ICB's Equality and Inclusion principles
- ensuring those with a criminal record are treated fairly and able to establish their suitability for the vacancy they have applied for
- ensuring appropriate use of information the DBS provides
- processing disclosures only after a conditional offer of employment is made
- ensuring that NHS employment standards are met
- ensuring that these principles also apply to volunteers.

## 3 Responsibilities

- The ICB will ensure that a basic, standard or enhanced DBS check is conducted for all eligible positions (including volunteers), in line with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and the Police Act 1997 (Criminal Record) Regulations 2002 (as amended).
- The recruitment team will ensure that the check is obtained in a professional, timely and responsive way.
- The recruitment team will also support managers by

providing fair and consistent advice regarding the process and DBS check outcomes.

- With support from the recruitment team, managers will ensure that recruitment decisions are made fairly and in compliance with legislation.
- Managers must complete a risk assessment if a conviction is declared and take a reasonable and pragmatic approach.
- If an individual has a criminal conviction, police caution, legal reprimand or warning, they must inform their manager.

## 4 Policy in practice

Following a conditional offer of employment, all candidates will complete a declaration – either Declaration Form A (for posts exempt from the Rehabilitation of Offenders Act 1974) or Declaration Form B (all other posts). The recruitment team will check this and, if any criminal conviction, police caution, legal reprimands, warnings (or other information) is declared, speak to the recruiting manager about it (see 4.3).

Where applicable to the role applied for, the recruitment team will instruct the online system to send details of the online DBS application to the candidate for them to complete.

To submit the online DBS application, the recruitment team must enter confirmation of the identity documents provided by the candidate, to the standards set by the DBS. Broadly, this is either:

- one form of photographic ID and two documents as proof of address or
- two forms of photographic ID and one document as proof of address.

If a candidate can't supply the above documents, the recruitment team will support them by explaining which

documents they can supply to proceed with the DBS check. For more visit: [www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide-](http://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide-)

The online application system will notify the recruitment team when the DBS check is complete and state whether the certificate reveals any information (but not the content of that information). If the check is clear and doesn't show any information, the online confirmation will be sufficient proof that the check is complete. The candidate will be sent the certificate directly by the DBS. If the DBS check reveals information regarding criminal convictions, the candidate will have the option to share the DBS certificate with the recruitment team so that the details can be recorded and a decision be made regarding their appointment (see section 4.3).

The ICB will cover initial DBS check cost. All candidates requiring a DBS check will be encouraged to sign up to the DBS Update Service. For an annual fee, candidates using it can have their DBS certificate kept up to date and take it with them to other organisations and from role to role, where the same type and level of check is required. Further advice and guidance is available on the ICB HR intranet site and from the recruitment team.

#### 4.1 Eligibility for a DBS check

The level will depend on the post applied for, as set out by the DBS. Bank and volunteer roles will be checked at the same level as the equivalent substantive role.

New employees in one of the following categories, or existing employees moving into one of these categories, will be checked at the disclosure level as below.

##### Enhanced DBS

An enhanced check will detail spent and unspent convictions, cautions, reprimands and final warnings. It may also include any non-conviction information, held by local police, where the police force considers it relevant to the role.

An enhanced DBS check can take place when the post requires the person to do one of the following activities regularly:

- care or supervision
- treatment or therapy
- teaching, training instruction, assistance, advice or guidance on emotional, physical or educational

wellbeing – wholly or mainly for children or adults receiving health care service

- management of people engaging in any of the above activities on a daily basis.

##### Barring lists

In addition to the information on the enhanced DBS, this check will contain information on whether someone is listed on the DBS barred lists.

Kept by the Disclosure and Barring Service, the barring list is a national record of people who are unsuitable for working with children or adults because of their actions or behaviour. People on the barred lists can't do certain types of work and as such may not be suitable for a role working with vulnerable people in a hospital setting.

The enhanced DBS check with barring information is only available for posts that include regulated activity such as:

- healthcare
- personal care
- assistance with cash, bills or shopping
- assistance with the conduct of their own affairs
- all unsupervised activity with children including teaching, training, caring for, supervising or providing advice/guidance on wellbeing.

##### Standard DBS check

A standard check will show information on spent and unspent convictions, cautions, reprimands and final warnings. The DBS states that a standard check can be processed for the following roles:

"Any employment or other work concerned with the provision of health services and which is of such a kind as to enable the holder of that employment or the person engaged in that work to have access to persons receiving such services in the course of [their] normal duties." Therefore, the ICB will conduct a standard check for all staff not eligible for an enhanced check working in clinical areas that will interact with patients as part of their role (not incidentally, such as in hospital corridors.)

##### Posts not eligible for a DBS

Posts where the person does not come into contact with patients as part of their role aren't eligible for a standard or enhanced-level DBS check. The ICB can't

DBS check someone who is in one of these roles.

Examples of posts not eligible for a DBS check include:

- medical records clerk not working in a clinical area
- medical secretary not working in a clinical area
- librarian
- accountant
- HR advisor
- grounds person.

#### 4.2 Candidates who have lived overseas

Candidates who have lived outside the UK for more than six months in the past five years will be asked to provide an overseas police check from each of the relevant countries. In addition, the ICB will carry out a DBS check. If the person is coming to the UK from overseas, this can only be undertaken once they arrive in the UK and should not delay the process of filling the vacancy.

#### 4.3 Portability

To satisfy the requirements for a DBS, the ICB can accept DBS certificates undertaken by other NHS organisations in the past 12 months. It must be for the same level of DBS check and workforce as required for the post at the ICB. The DBS certificate should be seen and verified as genuine by the recruitment department and the details recorded on ESR. Where a positive disclosure is presented to the ICB, a new DBS check will be applied for to ensure that all information held is current and up to date.

#### 4.4 Positive disclosure

Candidates must inform ICB of any convictions, unspent or spent or relevant, as soon as practical. Where cautions, investigations, convictions or any other information are declared by a candidate or revealed by a DBS check, the recruitment team will notify the recruiting manager and instigate completing a risk assessment form (accessible on the HR intranet).

The candidate will share the DBS certificate with the recruitment team, with the details informing an open and honest discussion about their suitability for the post. The Risk Assessment form B (available from the HR intranet) should also be completed before any decision about the appointment is made.

Failure to reveal cautions, convictions or investigations on the job application form, declaration form or at interview may be cause for concern and impact the

outcome of the risk assessment, leading to withdrawal of an offer of employment, dismissal from employment at the ICB, referral to the NHS Counter Fraud Service and any relevant professional body.

#### 4.5 Existing staff

Members of staff have a contractual responsibility to inform their manager should they receive a conviction, caution, reprimand or warning during their employment with the ICB. Failure to disclose information may result in disciplinary action and possibly a referral to the NHS Counter Fraud Service.

Where an existing member of staff moves to a new post within the ICB, they will not automatically need to be re-checked if their role, responsibilities and level of contact with vulnerable groups has not significantly changed. However, existing staff will be asked to undertake a new check in the following circumstances:

- the DBS disclosure on file is more than 12 months old
- there is no DBS disclosure on file and they are moving to a position that now requires them to be checked
- they are moving into a role which now requires them to have a higher level of disclosure
- the new position means they will be working with a different vulnerable group and they must have a check against one or both barred list(s)
- they have had a break in service for more than three months between leaving the old position and taking up the new position.

#### 4.6 External agency workers

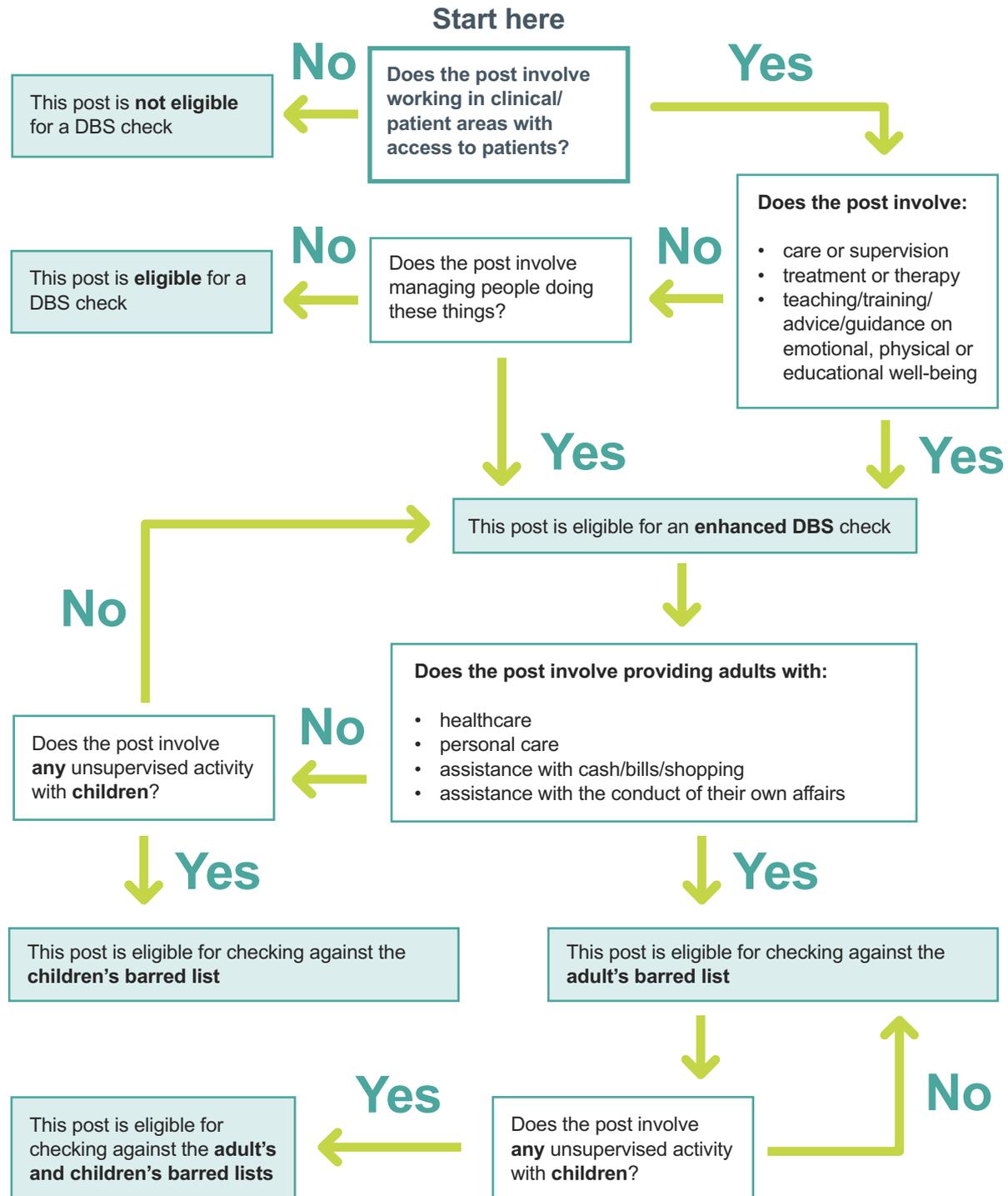
Temporary staff supplied by an agency must have DBS checks at the appropriate level for the work they are doing at the ICB. The ICB will request written confirmation that the agency has undertaken appropriate check within the past 12 months. The ICB will audit agencies annually to check DBS checks have been completed.

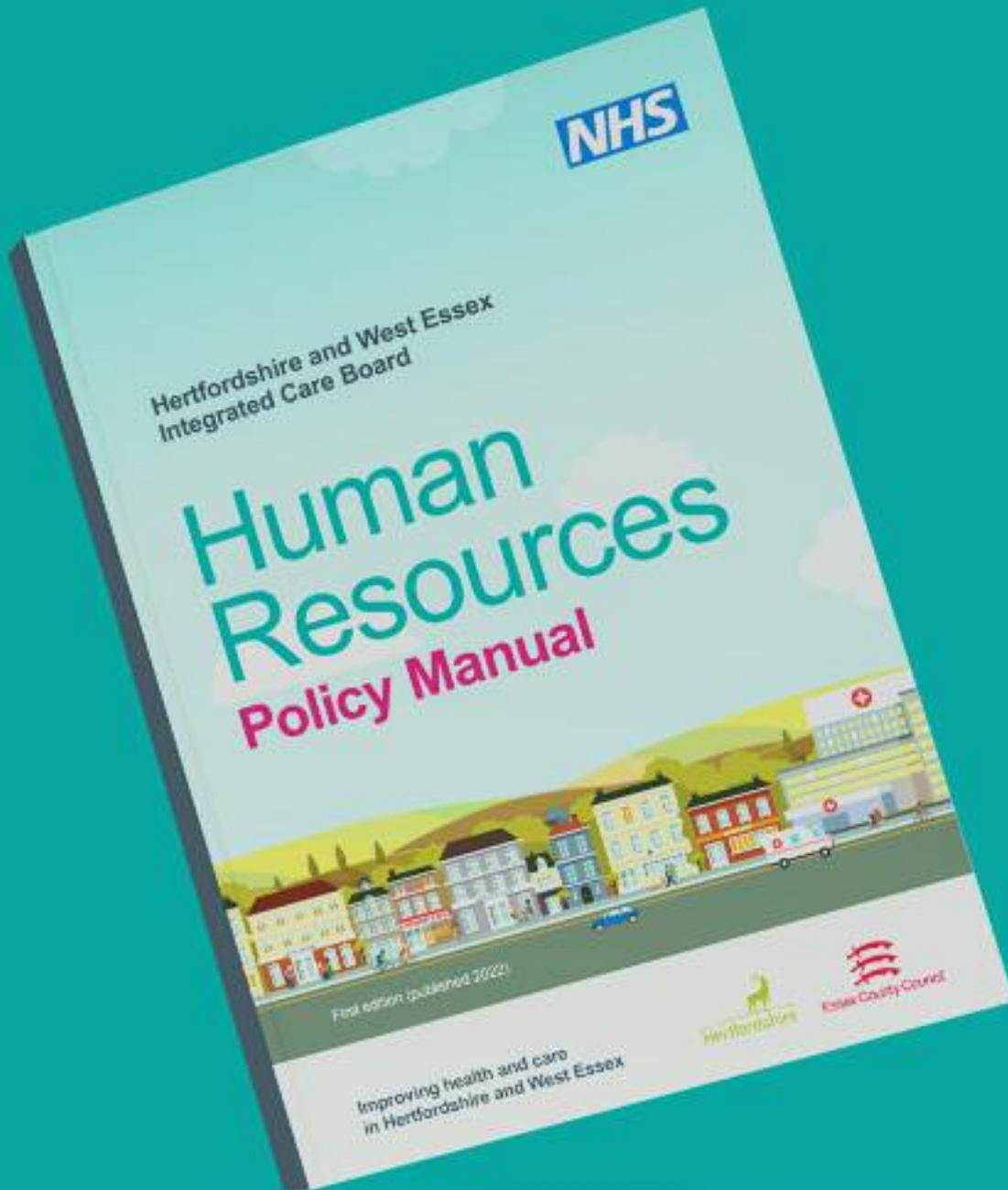
Agency workers will not be booked to work where this confirmation has not been provided. More frequent checks will be carried out where any such assurances cannot be provided or where there is a concern about someone's record.

If the DBS check reveals a positive disclosure, the agency will share the content of the disclosure with the staffing team subject to the individual granting permission.

## Appendix 1: DBS eligibility decision tree

Please note this is not exhaustive and you should refer to 4.1 of the DBS Policy for further clarification.





The HR forms mentioned in this publication are available to download from the **ICB HR intranet**



# Employment break

## 1 What the policy covers

**The ICB recognises that during your working life there may be times that you wish to take a substantial unpaid break. Our Employment Break Policy has been designed to facilitate unpaid absence from work for up to 12 months.**

This policy aims to allow employees to balance the demands and responsibilities of their personal life with work commitments and service needs, to maintain consistent management practice throughout the ICB.

This policy will tell you if you're eligible and how to apply, while explaining the effect on your employment terms and conditions.

## 2 Principles

- The policy supports the ICB's commitment to improving work-life balance for all staff.
- The application of this policy will not discriminate, directly or indirectly, on grounds of race, ethnic origin, colour, gender, sexual orientation, age, marital status, religion, disability or trade union membership.
- You don't need to apply for a career break when you are entitled to be absent from work (eg when you are sick or on maternity leave).

## 3 Responsibilities

- The ICB Board of Directors has overall responsibility for ensuring that this policy is applied fairly and consistently.
- ICB managers will ensure that all requests for career breaks are given serious consideration and comply with the principles outlined below left.

- During your career break you are expected to keep in contact with your manager as agreed and inform the ICB of any changes to your personal circumstances (eg change of address).
- You are expected to maintain professional links, such as membership of professional organisations and continuous professional development requirements, as well as to keep up to date with knowledge in your field.

## 4 Conditions

### 4.1 Eligibility

To qualify to apply for a career break you must:

- have been employed by the ICB, continuously on a substantive basis, for at least 12 months and
- have demonstrated a commitment to continuing your career with the ICB.

### 4.2 Length of career break

An employment break is normally expected to last for a period of up to 12 months, but there is some flexibility in special circumstances. You can apply for more than one career break during your employment. Once the career-break period has been agreed, returning to work earlier than the date specified can only take place in line with operational requirements and contractual notice periods.

### 4.3 Effect on your current terms and conditions

For statutory purposes, the period of your break will count towards continuous employment, but all other terms and conditions with the ICB will be frozen. For example, your career-break period will not count as reckonable service when calculating entitlement to annual leave, sick pay, contractual redundancy pay and any other benefits dependant upon length of service. Nor will there be any entitlement to any benefits such as sick pay during your break.

#### 4.4 Pensions

NHS Pension rules allow members taking an employment break where their contract of employment is retained, to choose to remain pensionable for a period of up to six months. If the employment break is to be pensionable, the employer must treat the member as they would any other active member of the Scheme and ensure that employee and employer pension contributions are paid continuously throughout the six-month period.

In addition, the Pension rules allow a member who has already paid contributions continuously during the first six months to continue to pension the leave for a further period of up to 18 months. Should the member wish to continue contributing to the Scheme during the additional 18-month period, they will be responsible for both the employee and employer pension contributions.

Employers are responsible for ensuring that employee and employer pension contributions are collected continuously throughout the leave and paid promptly to NHS Pensions. Arrears cannot be allowed to accumulate and payment made on returning to the Scheme.

Further information for Scheme members can be obtained from the NHS Pensions website at: [www.nhsbsa.nhs.uk/Pensions](http://www.nhsbsa.nhs.uk/Pensions)

#### 4.5 Returning from a career break

If an employee returns to work within a year, they will return to the same post they held when the employment break started, as far as is reasonably practicable. If this is not possible, because of restructuring or substantial organisational change, or if the break has been for longer than a year, every effort will be made to find the employee a post with similar duties and responsibilities of the previous post held.

Should it not be possible to find a suitable similar position, managers may consider redundancy in consultation with their HR Business Partner. If the break is longer than one year, the applicant may return to as similar a job as possible. Please refer to the ICB Change Management Policy.

You may be expected to undertake training when you return to work. The content and duration will depend on the length of the break, the post and any changes in working practices, legislation or policy. On return to work, depending on the post you hold, you may need to complete a DBS check.

#### 4.6 Not returning from a career break

If you want to resign from your employment with the ICB during your career break, you must submit your resignation to your line manager in writing, giving the amount of notice specified in your employment contract.

## 5 Applications

Applications may be made for numerous reasons. In considering each application, managers will need to take into account the impact on service delivery and effect on colleagues.

Applications will normally be approved for:

- long-term caring responsibilities
- extended periods of travel or voluntary services
- personal reasons, for example, following ill health
- undertaking further education.

Any other reason will be considered on its merit. You should submit your application in writing to your manager at least three months before you want to start your career break, using the Career Break Application form, which is available to download from the HR Forms section of the HR intranet.

Your manager will arrange to meet with you to discuss your application and they will confirm their decision in writing to you.

If agreed, the letter will confirm your start and return dates and any conditions that apply. Your manager will also complete a Changes form to ensure your personal record is updated. If your application is refused, the letter will explain why.

## 6 Appeal

If your application for a career break is turned down, you may appeal against this decision under the ICB's Grievance Policy, which includes both informal and formal processes.



# Equality and inclusion

## 1 What this policy covers

**The ICB recognises the benefits of having a diverse workforce where everyone, whatever their background, experiences or needs, are accepted and welcomed. The ICB is committed to providing a working environment that is free from discrimination.**

The ICB will ensure that no employee, worker or applicant is treated less favourably because of a protected characteristic, as defined by the Equality Act 2010:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy/maternity
- race
- religion or belief
- sex
- sexual orientation

This policy sets out the ICB's responsibilities in maintaining and promoting equality, diversity and inclusion. It will also tell you how you can complain or raise a concern if you feel you or another person is being discriminated against.

## 2 Types of discrimination

**Direct discrimination:** where someone is treated less favourably than someone else is or is, or would be on the grounds of any of the protected characteristics (as identified above in section one of this policy).

**Indirect discrimination:** where someone is treated less favourably than someone else, where there is a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

**Harassment:** this is behaviour deemed offensive by the person on the receiving end, is uninvited, unwanted and fails to respect individuals.

**Third party harassment:** where an employee is harassed by third parties such as patients or visitors.

**Victimisation:** when someone is treated badly because they have made or supported a complaint or grievance about discrimination.

## 3 Principles

- The ICB Board is committed to ensuring that no employee or job applicant is subject to unlawful discrimination, either directly or indirectly, on the grounds of any protected characteristics (see left).
- This applies to all aspects of employment, including recruitment and selection, training, promotion opportunities, terms and conditions of employment, grievance handling, application of disciplinary procedures and selection for redundancy.
- The ICB will embed equality standards in everything it does and seek to promote the principles of equality and inclusion in all its dealings with employees, job applicants, patients, visitors, contractors, recruitment agencies and the public.
- All employees and those working bank or agency shifts will be protected from discrimination of any sort on grounds of any protected characteristic.

## 4 Responsibilities

- All employees and those who act on the ICB's behalf are required to adhere to this policy when undertaking their duties or when representing the ICB.
- Every staff member has a responsibility to bring any

potentially discriminating practice to their line manager's attention.

- The ICB Board of Directors is fully committed to adopting and promoting the key principles of equality and inclusion within this policy and will ensure that all our policies and procedures do not discriminate.
- ICB managers and heads of department are responsible for ensuring practical application of this policy at a local level and they are expected to actively promote high standards.
- The ICB Equality, Diversity and Inclusion Advisory Group will lead on the equality and inclusion agenda for staff, and will develop, monitor and add value to the ICB's equality and inclusion strategic framework.
- The HR Department has a specific responsibility to ensure the promotion of equality and inclusion through its employment practices, policies and procedures.

## 5 Respect us

The ICB is committed to developing and maintaining a safe and secure environment for its patients, staff and visitors and has a duty to take all reasonable steps to protect you.

Violent or abusive behavior – including physical or verbal bullying or harassment by staff, patients and visitors – will not be tolerated and will be investigated and actions taken to support and protect those involved.



**“The ICB is committed to developing and maintaining a safe and secure environment for its patients, staff and visitors and has a duty to take all reasonable steps to protect you”**

## 6 Networks

Staff-led networks are essential for promoting equality and inclusion. They offer a collective voice, peer support and guidance, training and development opportunities, while proactively holding the board accountable.

The ICB is committed to supporting any staff network or working group deemed as a supportive and productive group for both staff and patients. If you're interested in starting or joining an established group, please email your HR business partner.

## 7 Policy in practice

### Bringing a complaint or raising a concern

The ICB will treat all complaints made under this policy seriously. If you believe that you've been discriminated against, you are encouraged to raise the matter as soon as possible with your manager, other senior manager or a member of the HR Department. The ICB will treat all complaints made under this policy seriously.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly. If you make an allegation of discrimination, the ICB is committed to ensuring that you are protected from victimisation, harassment or less favourable treatment because you have complained.

## 8 Equality Impact Assessment (EqIA)

An EqIA is essential when reviewing or developing new policies, procedures or services, to ensure that no staff, patients or visitors are discriminated against or are negatively affected. Please visit the ICB HR intranet for more information.



# Flexible working

## 1 What this policy covers

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

Flexible working covers a range of working patterns that allow you to adjust the hours you work to balance your job requirements with other responsibilities. For changes regarding working location please refer to the ICB Agile Working Policy. For information regarding employment/career break, please refer to the ICB Employment Break Policy.

## 2 Principles

- The ICB has a strong commitment to improving working lives. It will support you in positively exploring ways in which you can better balance your work and personal lives.
- The ICB will make every effort to accommodate your request for flexible working, in line with business needs.

The ICB recognises that the availability of a wide range of flexible working practices will help to:

- provide opportunities to balance careers and personal life
- encourage employees to continue or further develop their careers
- increase staff engagement
- reduce staff absences
- recruit and retain a talented and diverse workforce.

## 3 Responsibilities

- The ICB Board has overall responsibility for ensuring this policy is applied fairly and consistently.

- ICB managers will ensure that all staff making a request for flexible working are treated equally and fairly and will not unlawfully discriminate against any individual on the grounds of any “protected characteristics”.

## 4 Policy in practice

### 4.1 Eligibility

All staff have the right to make a request for flexible working from the first day of their contract.

### 4.2 Options for flexible working

There are numerous ways you can change your current working hours and pattern, including moving to:

- Annualised hours – working your contracted hours flexibly throughout the year without affecting your regular salary payment.
- Term time working – concentrating your work hours within school term times to provide time off to look after children during school holidays.
- Voluntary reduction in working time – working fewer hours for an agreed period.
- Part-time working – where working hours are less than your standard full-time hours.
- Compressed hours working – where your contracted working hours are compressed into fewer days.
- Job sharing – you and one or more people share responsibility for your current role.
- Flexitime – working flexible hours during the day within defined limits.
- Secondments/redeployment – a temporary or permanent move to another post that has the working pattern you have requested.
- Phased retirement – reducing hours leading up to voluntary retirement.

### 4.3: Short-term flexible working (informal)

These arrangements are usually agreed between the individual and their line manager (or equivalent) as and when needed (ie no more than 28 days). They don't normally require a formal contractual change. Examples of informal arrangements can include:

- swapping shifts/sessions
- mixing shifts/sessions (eg working some long and some short shifts/sessions)
- staggered hours (for a short period) where start, finish and lunch/break times can be variable (usually set around a period of 'core hours').

### 4.4 Remuneration and benefits

For all of the flexible working arrangements listed previously, the ICB can arrange for payments to be made regularly, regardless of when hours are worked over the course of the year.

Payments would be made as though you were working a standard working week. This would involve recalculating your annual remuneration based on your new working arrangements and making regular payments in instalments on your current weekly or monthly payment basis.

It is important to note that moving to any flexible arrangement may result in changes to your annual leave and sick pay entitlements and you should seek advice about likely impact before making a final decision.

### 4.5 Stages

#### Applying to change

If you wish to make an application to change your current way of working, make a request covering:

- your current working pattern
- whether the change is permanent, temporary, trial or informal
- future work pattern
- the date of the requested change
- impact of the new working pattern on the business
- accommodating the new working pattern.

After receiving your applications, your manager will arrange to meet with you to discuss your request. The meeting will provide an opportunity to discuss your desired work pattern in depth and how best it might be accommodated. It will also provide an opportunity to

consider other working patterns, should accommodating the desired work pattern in your application prove difficult.

#### Decision

After your meeting, your manager will accept your request if possible. When deciding they will consider:

- the impact your requested change would have on service delivery
- how the change would affect your colleagues
- what the financial impact on the ICB would be.

You will receive notification of the decision within 14 calendar days. If agreed, the new working arrangements and start date will be confirmed. Payroll and HR will need to be notified if the new arrangements affect pay, annual leave and or other benefits. Appropriate forms must be completed and sent to HR.

If your line manager cannot accommodate your request, they will notify you and explain why.

## 5 Appeal

Should your application for flexible working be denied, you have a right to appeal. This must be submitted in writing within 14 days of the date of the decision being made known, to the appropriate next level manager.

An appeal hearing will be arranged as soon as practical (normally within 14 calendar days). The appeal hearing panel will consist of the next level manager and an HR representative, neither of whom will have previously been involved in the case. The panel will consider the grounds put forward by the employee and assess whether the line manager's decision was appropriate. Following the Appeal Hearing, the employee will be informed of the outcome in writing within 14 calendar days. The decision of the appeal panel is final. An appeal cannot be referred beyond the appeal hearing decision.

## 6 Review

Line managers should hold an initial three-month review meeting with the employee following the new arrangement and regularly discuss it during one-to-ones and health and wellbeing conversations.



# Freedom To Speak Up (Whistleblowing)

## 1 What this policy covers

**This policy has been written to support a culture of openness and honesty at work. It builds upon recommendations from the Francis Report (2015) into NHS whistleblowing.**

### Scope

The policy applies to all ICB staff, whether directly or indirectly employed.

## 1 Introduction and purpose

1.1 We know that Speaking Up about any concerns at work is key to patient safety and it improves the environment for staff, patients and service users.

### 1.2 What is Freedom to Speak Up?

Speaking up protects patient safety and improves the lives of workers. When things go wrong, we need to make sure that lessons are learned and things are improved. If we think something might go wrong, it's important that we all feel able to speak up so that potential harm is prevented.

Even when things are good but could be better, we should feel able to say something and expect that our suggestion is listened to and used as an opportunity for improvement.

Freedom to Speak Up is about encouraging a positive culture where people feel they can speak up, their voices will be heard, and their suggestions acted upon.

1.3 The ICB understands that an employee may have already spoken to someone without success or have raised an issue in another way, but feel that this has not been resolved or they may be unsure over what to do next. This policy enables staff to understand how to raise concerns at an early stage, in the right way, using the right policy.

## 2 What concerns can be raised under this policy?

2.1 If any member of staff has a concern about risk, malpractice or wrongdoing that they believe is harming a service the ICB delivers or team wellbeing and effectiveness, they can raise a concern.

All concerns can be raised confidentially and your anonymity preserved as far as possible. A concern may include (but is not restricted to):

- unsafe patient care
- unsafe patient practice
- unsafe working conditions
- fraud or wrongdoing – concerns should be raised directly with your Local Counter Fraud Specialist, whose contact details are given in section 5.
- lack of or poor response to a reported patient safety or service user incident
- malpractice and professional misconduct
- inadequate induction or training, especially linked to safe practice
- bullying and harassment that affects working relations across a team or service rather than individual instances.

If in any doubt, please speak to a Freedom to Speak up Champion or Guardian (FTSUG).

### 2.2 Do not wait for more "proof" before you raise a concern.

Any matter raised will be reviewed and actions taken according to the findings.

### 2.3 What concerns are not covered by this policy?

- Individual instances regarding a specific working relationship – please refer to an HR advisor.
- Individual employment concerns – please refer to the ICB Grievance Policy and gain support from HR.

### 3 Feeling safe to raise a concern

**3.1** We want all staff and board members to feel safe to 'Speak Up'. We expect all managers to 'Listen Up' and we require all Senior Managers, Executive Directors, Non-Executive Directors and Board Members to 'Follow Up'.

**3.2** The ICB is committed to preventing harassment or victimisation of anyone raising a concern and does not tolerate bullying by others when a staff member raises a concern. Any such behaviour is a breach of our values as an organisation and if upheld following investigation it could result in disciplinary action. The FTSUG and Champions can meet you at work or externally.

**3.2** Provided that you're acting honestly, it does not matter if you're mistaken or if there is an innocent explanation for your concerns.

### 4 Who can raise a concern?

Anyone who works or has worked for the ICB or anyone who is working independently providing a service to the organisation can raise a concern. This includes students, temporary workers, agency workers, volunteers and governors.

### 5 To whom should you raise a concern?

Most concerns can be raised informally to your line manager or another ICB manager, but if you don't think it is appropriate you can speak to:

- the ICB's Quality or Safety Teams
- an Executive or Non-Executive director of the ICB
- FTSUG or Speak Up & Inclusion Champion
- HR Manager or HR Equality & Diversity Lead.

Alternatively, you can raise your concern outside the organisation with:

- NHS Improvement for concerns about:
  - how NHS trusts and foundation trusts are run
  - other providers with an NHS provider licence
  - NHS procurement, choice and competition other national tariff
- Care Quality Commission for quality/safety concerns.

**“The ICB is committed to preventing harassment or victimisation of anyone raising a concern and does not tolerate bullying by others when a staff member raises a concern”**

- NHS England for concerns about:
  - primary medical services (general practice)
  - primary dental services
  - primary ophthalmic services
  - local pharmaceutical services
- Health Education England for education and training in the NHS
- The Local Counter Fraud Specialist  
eleni.gill@wmas.nhs.uk or the National Fraud and Corruption Line 0800 028 4060 for any concerns about fraud, bribery and corruption. For more information, please see our Counter Fraud, Bribery and Corruption Policy.

It is up to you who you raise your concern with and whether you remain anonymous and who is best placed to support you. The important thing is that you feel able to be open and share your concerns.

### 6 What will happen if you raise a concern?

**6.1** You will be thanked by the manager or Guardian for speaking up and your wishes concerning confidentiality/anonymity will be respected. You'll be given appropriate support. Once a concern has been raised, a confidential record will be made by FTSUG and an acknowledgement will be issued.

The FTSUG Guardian will keep you informed about progress or any changes and improvements made.

**6.2** Where a concern has not been resolved quickly because of the complexity, type or multi-faceted nature of the concern, a fact-finding process will be actioned by an independent and properly trained individual.

**6.3** Where a concern is considered to be a non-FTSUG matter, the staff member will be directed and supported to raise the matter with the appropriate team (eg HR for a personal work-related concern).

## 7 Roles and Responsibilities

### 7.1 Employees

Employees are responsible for:

- Accepting professional accountability and maintaining the standards of professional practice as set by the ICB's code of conduct and the appropriate regulatory body.
- Taking reasonable care of health and safety at work for themselves, their team, patients and others.
- Acting in accordance with the express and implied terms of their contract.
- Not discriminating against patients or staff and to adhere to equal opportunities and equality and human rights legislation.
- Protecting the confidentiality of personal information.
- Being honest and truthful.
- Reporting all incidents and concerns.
- Cooperating with any fact-finding conducted under the policy.

**7.2** Please remember that all health care professionals have a duty to report any concerns they have about patient care or safety.

**7.3** Managers are responsible for:

- Encouraging employees to raise concerns at the earliest opportunity.
- Modelling openness and honesty.
- Being approachable.
- Listening to complaints/concerns made by staff.
- Responding to any complaints/concerns positively within the prescribed timescales.
- Maintaining confidentiality.
- Ensuring that there is a fair process for fact-finding.
- Maintaining good communication with employees who raised concerns and supporting them.

### 7.4 Freedom to Speak Up Guardian

Freedom to Speak Up Guardians are responsible for:

- Being expert in all aspects of raising and handling concerns.
- Offering support and advice to staff who wish to raise a concern or are handling concerns.
- Ensuring that feedback is given to the staff member raising a concern.
- Watching over any concerns that have been raised.



- Safeguarding the interests of the staff member raising a concern.
- Identifying common themes.
- Taking an objective view.
- Ensuring that concerns are escalated as appropriate.
- Reporting to the ICB Board.
- Completing such reports as required.

### 7.5 The ICB Executive and Board

The Executive and Board are responsible for:

- Receiving the annual report on Speaking Up complaints.
- Ensuring that recommended actions following fact-finding are prioritised and actioned.

## 8 Training

### 8.1 ICB recognises the importance of training

All staff will be expected to complete the basic training module about Speaking Up provided by the National Guardian's Office (NGO).

All managers and senior managers will also be expected to complete the Listening Up training module for managers provided by the NGO. Senior Managers and Board Members will also receive related training from the NGO.

The appointed Freedom to Speak Up Guardian(s) will receive dedicated training and support from the NGO and the Regional FTSU Group.



# Grievance

## 1 What this policy covers

**The ICB is fully committed to ensuring that you are managed in a supportive, consistent, fair and effective way.**

This policy is designed to support you should you wish to raise a grievance, including issues relating to equality and inclusion. A grievance is any concern, problem or complaint relating to your job. This policy should be read in conjunction with the Freedom to Speak up Policy.

### Which problems does this policy cover?

Any employment-related concerns. Examples would be (but are not limited to):

- terms and conditions of employment
- health and safety issues
- new working practices
- organisational change
- equal opportunities
- dissatisfaction with an action your manager has taken or proposes to take.

If a breakdown in working relationships occurs, please refer to the ICB's Supporting Relationships at Work Policy.

### Which issues are not covered by this policy?

- any outcome of a disciplinary meeting that has its own appeals process
- issues relating to banding outcome, redeployment, termination of contract or redundancy (all of these have their own appeal process)
- any issue outside the ICB's responsibility.

If you feel you're being harassed, victimised or the subject of discrimination, please use the Supporting Relationships at Work Policy.

**“In the first instance, as soon as they are identified, you should raise any problems with your manager (or their manager if the issue involves your manager)”**

## 2 Collective grievance

If more than one person raises a grievance and you're seeking resolution as a group, you may raise a collective grievance under this policy. If this is a formal grievance, normally any planned changes that caused the grievance will be suspended until it has been considered, with the status quo maintained.

However, in some circumstances this may not be possible or advisable, because it may risk breaching statutory, mandatory or regulatory obligations, or delays might compromise service delivery. In such exceptional cases, management reserves the right to implement the change and the situation will be explained to you and your representative.

### Stage 1 – Informal stage

In the first instance, as soon as they are identified, you should raise any problems with your manager (or their manager if the issue involves your manager). You may also raise issues with your line manager and HR or speak to your trade union. Outline your concerns in writing and provide as much information as possible, explaining:

- the nature of the problem
- dates and times
- names of any witnesses
- any action already taken
- any resolutions you can think of or would like to see.

When your manager has received this information, they will seek advice from HR and arrange a meeting with you

within seven working days to fully understand the issue(s) and discuss next steps, so that the problem can be resolved informally. Where necessary, they may speak to other parties or carry out a fact-finding exercise to establish the most suitable resolution.

Once completed, your manager will write to you within 14 calendar days to outline potential resolutions and a way forward. Your letter will also confirm what you can do if you're not satisfied with the outcome and wish to proceed to the formal stage.

### Alternative Dispute Resolution (ADR)

At any stage of the procedure, either the ICB or the employee can propose an ADR with regards to the resolution of a grievance, for example, mediation or conciliation. ADR will only be progressed with the agreement of both parties.

If both parties agree to ADR, the formal grievance process may be halted, while mediation/conciliation takes place. If after one month following mediation/conciliation, the intervention is deemed to be unsuccessful by the person who originally raised the grievance, the grievance procedure will recommence at the point at which it was halted.

### Stage 2 – Formal stage

If the informal process did not give the outcome you wanted and you feel that you have reasonable grounds for moving to the formal stage, complete the Grievance Notification form (available from the HR intranet).

Send it to the manager who dealt with your informal grievance within 10 working days of receiving the letter confirming the outcome of the informal stage. If you are uncomfortable about putting the concerns in writing, talk to your manager or HR.

Your manager will inform HR, which will acknowledge receipt of the Grievance Notification form and forward it to an appropriate independent manager, to arrange a formal meeting with you. This will be done within five to 10 days.

You have a right to representation and can bring a trade union representative or work colleague to formal meetings to support you and help to resolve the grievance. At the formal meeting the manager will consider the Grievance Notification form, allowing you



to expand on the concerns you have outlined and review any further documentation provided.

They will also decide whether further fact-finding is needed or whether witnesses should be interviewed, so a decision as to the most suitable outcome or resolution can be reached. You should have in mind what resolution you are seeking, so that it can be considered.

Depending on the nature and seriousness of the concerns raised, interim measures may need to be considered while fact-finding takes place, such as a temporary change to duties or a move for those involved.

After fact-finding is completed (which should be within 10 working days of the first formal meeting, where practical, unless an extension is agreed), the manager will contact you to resume the formal meeting to inform you of their findings/outcome, including next steps. Where the outcome involves others, after speaking to you, they'll also be met and outcomes/next steps discussed. The outcome will be confirmed in writing to all parties, usually within 10 working days of the meeting and include:

- a summary of findings, responding to all points
- any recommended actions (due to data-protection restrictions we will not be able to advise you of the precise action taken against other individuals as a result of the grievance)
- the outcome
  - find in favour of all grounds – grievance upheld
  - find in favour of some, but not all grounds – grievance partially upheld
  - do not find in favour of any grounds – grievance not upheld.

**Withdrawing a grievance**

You may decide to withdraw your grievance. Before any decision to withdraw is taken, your manager or the HR team will seek to understand your reasons for withdrawal. Depending on nature and substance of your grievance, we may feel it is appropriate to follow up on the issues raised, even if you do not wish to pursue it.

**Leaving employment**

If you are planning to leave the ICB's employment and have raised a grievance, you may leave before we have had time to complete the grievance process. If so, we may still consider the grievance or provide a response, where possible. In such cases, we'll respond in writing.

**Grievances raised during disciplinary, sickness absence or managing work performance proceedings**

If a grievance is raised in respect of an ongoing disciplinary, sickness absence or work performance capability process, the grievance will usually be heard only when the disciplinary or capability process has been completed.

Where it is considered that the grievance has a significant bearing on the disciplinary or capability proceeding, it can be raised as a relevant issue in the course of those proceedings.

In exceptional circumstances, where the grievance is clearly impeding the progress of the disciplinary or capability procedure, consideration may be given to suspending the disciplinary or capability procedure for a period of not more than 10 working days while the grievance is dealt with.

Throughout each of the following stages of the procedure, the guidelines apply to both individual and collective grievances.

### 3 Appeal

You can appeal if you have strong grounds to believe:

- the procedure has not been followed correctly
- you do not believe the decision reached was objective or fair
- the decision was not appropriate in light of the evidence presented.

This must be in writing within five working days of receiving the outcome letter and sent to HR. You'll receive acknowledgement and then an appeal hearing will be arranged within 28 days.



# Health and wellbeing

## 1 What is health and wellbeing?

**Health and wellbeing is a vital factor in ensuring happiness and job satisfaction. In line with the NHS People Plan, health is defined by the World Health Organization (WHO) as: “A state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”.**

Wellbeing is described as: “A state of being with others, where human needs are met, where one can act meaningfully to pursue one’s goals, and where one enjoys a satisfactory quality of life,” (Economic and Social Research Council).

The WHO and International Labour Organization have jointly defined occupational health as: “The promotion and maintenance of the highest degree of physical, mental and social wellbeing of workers in all occupations by preventing departures from health, controlling risks and the adaptation of work to people, and people to their jobs”.

## 2 How will the ICB support your health and wellbeing?

The ICB is committed to providing an environment and culture that promotes health and wellbeing and aims to achieve this by:

- Promoting health and wellbeing throughout the ICB including our values, policies, support services, networks and health promotion campaigns.
- Encouraging a culture where everyone feels able to discuss their health or wellbeing with their manager and access support. A health and wellbeing conversation is expected to take place during the yearly appraisal. However, regular health and wellbeing conversations between employee and line manager are encouraged.

- Creating and maintaining an environment where those who experience ill health receive suitable support to stay at work, and where needed, reasonable steps are taken to make adjustments to their work circumstances to enable them to return to work after illness and achieve their full potential.
- Providing access to specialist support when needed, including provisions for emotional health and wellbeing.
- Ensuring that our leaders and managers maintain a health and wellbeing focus and have the skills to support their teams.

Our health and wellbeing work focuses on activities related to these key themes:



### 3 Promoting health and wellbeing

The ICB promotes positive health and wellbeing by:

- Providing information and raising awareness via induction, staff briefings, webinars, HR intranet and Employee Assistance Programme (EAP) newsletters.
- Promoting wellbeing dates and events.
- Promoting policies, guidance and practices that endorse wellbeing.
- Holding health and wellbeing events to raise awareness including training, webinars, coffee mornings and meetings.

### 4 Management and leadership

Our managers and supervisors are the best people to provide initial health and wellbeing support to their teams. Therefore, it is essential that we develop their knowledge and skills to ensure they can:

- be aware of the key issues related to health and wellbeing
- recognise signs of ill health in those around them, including mental ill-health and
- signpost individuals to get the support they need.

We will ensure that all managers have access to health and wellbeing training and resources including how to hold a Health and Wellbeing Conversation (see below).

### 5 Key health and wellbeing initiatives

The following initiatives are available for everyone and are key to supporting health and wellbeing across the ICB:

#### 5.1 Health and Wellbeing Conversations

These are informal meetings dedicated to talking about physical and emotional wellbeing and how this affects employees at work. At anytime you can ask your manager for a Health and Wellbeing Conversation, but they will hold these regularly, including at least once a year at your appraisal.

#### 5.2 Mental Health First Aiders (MHFA)

Mental Health First Aiders provide initial mental health support, including signposting. They are trained to identify and recognise warning signs of mental ill health and help someone who may be experiencing it. They do this by listening, reassuring and empowering the person to access the support they need for recovery or successful management of symptoms. They can provide this help even in a crisis.

#### 5.3 Freedom to Speak up Champions

Freedom to Speak Up Champions are available to talk compassionately and impartially to staff who have concerns about bullying, harassment, discrimination or other aspects of their treatment by colleagues, managers, and/or others. The Champions will help staff to identify options to address concerns and signpost to relevant support and information.

For concerns about risk, malpractice or wrongdoing that you believe is harming a service that the ICB delivers, refer to the ICB Freedom to speak up (Whistleblowing) Policy.

#### 5.4 Occupational health support

The Occupational Health department provides a full range of occupational health support, from pre-employment and vaccinations to advising managers how to support individuals who are unwell. The team provides specialist advice and guidance to managers about making reasonable adjustments to support their teams to remain at work and provides guidance to ensure effective return to work after sickness absence.

#### 5.5 Employee Assistance Programme (EAP)

Our EAP provides a 24/7 assistance helpline for staff and their families. Part of this is a triage service that can lead to a referral to psychological support, including counselling and CBT (cognitive behavioral therapy). The EAP also has a dedicated website that has a variety of support available, including practical advice on relationships, finance and legal matters.

“Our EAP provides a 24/7 assistance helpline for staff and their families. Part of this is a triage service that can lead to a referral to psychological support, including counselling and CBT”

## 6 Managing and supporting stress

### 6.1 Telling us

Stress can affect anyone and it can affect people differently. If you think you're experiencing stress, we want you to tell us as soon as possible so we can help. Talk to your manager, so they can give you support. Mention it at one-to-one meetings or ask to have a Health and Wellbeing Conversation to discuss it. If your manager is unavailable or you don't feel you can talk to them, speak to the HR team or access the support outlined previously.

You have an active role to play in maintaining your health and wellbeing and communicating with others is a helpful step towards resolving any stress that may be affecting you. We know that stress isn't always work related and we'll try to support you with things outside of work as well.

### 6.2 Support for those feeling stressed

We will help you to identify what you think is causing your stress with the aim of making reasonable changes to your work or working environment if necessary. The best way to do this is through completing a stress risk assessment to understand what's causing the problems and what could help. As part of the risk assessment process, your manager may ask Occupational Health for advice and guidance.



### 6.3 Health and Safety Executive standards

The HSE describe six key standards that support a healthy and performing workplace and make up the key headings in the risk assessment:

<b>Demands</b>	Staff can cope with the demands of the job.
<b>Control</b>	Staff can have a say about the way work is done.
<b>Support</b>	Staff receive adequate information and support from colleagues and managers.
<b>Relationships</b>	Staff are not subject to unacceptable behaviour.
<b>Roles</b>	Staff understand their role and responsibilities.
<b>Change</b>	Staff are involved in and consulted about any organisational change.

### 6.4 Support for those who are in crisis

We are committed to supporting anyone who is experiencing symptoms of a crisis and will aim to do all we can to get you the necessary help. This will include signposting to specialist services – speak to your manager, the HR team, Mental Health First Aider or the Freedom to Speak Up Champion if you're worried about yourself or a colleague.

The HR intranet outlines the key support available to everyone. It includes more information about the MHFAs, FTSC, EAP service, Occupational Health details, etc.

“We will help you to identify what you think is causing your stress with the aim of making reasonable changes to your work or working environment if necessary”



# Job share

## 1 What this policy covers

**Job share is defined as where two people are employed to share the duties and responsibilities of one full-time post. Pay, benefits and leave entitlement for job sharing are allocated proportionally.**

The advantages of job sharing include:

- widening the recruitment pool
- retaining the valuable skills of existing staff who no longer wish to work full time
- enabling staff to access career development opportunities while working fewer hours
- providing for continuity (eg if one person leaves there is still some input from the other who can help with training a replacement) and
- providing a wider range of skills.

This policy provides guidance on the responsibilities associated with the effective management of job share arrangements and details the processes involved with recruitment for job-share roles.

The policy should be read in conjunction with the ICB's Flexible Working and Recruitment Policies.

## 2 Principles

- As an equal opportunities employer, the ICB positively promotes good employment practices, including the promotion and effective management of job-share schemes.
- The ICB will make every reasonable effort to accommodate your request for job-share working.
- All full-time posts are deemed to be potentially open to job-sharing and will be advertised as such.

**“As an equal opportunities employer, the ICB positively promotes good employment practices, including the promotion and effective management of job-share schemes”**

## 3 Responsibilities

- The ICB Board of Directors has overall responsibility for ensuring that this policy is applied fairly and consistently.
- ICB managers will also ensure that all requests for job-share working are treated fairly and consistently.
- Managers are responsible for agreeing with the job-share partners how the hours will be divided, how duties will be split and how effective communication will be achieved, including any handover periods.
- Where a manager believes that posts are not suitable for advertising as job share, they will explain why on the vacancy authorisation form.
- Staff currently working in or wishing to work in a job-share arrangement agree to adhere to the processes and practices within this policy.

## 4 Policy in Practice

Detailed advice on job-share arrangements can be sought from HR or the recruitment team when a post becomes vacant or a request to job share is received from an existing full-time staff member.

The key stages and processes when recruiting to and maintaining job-share arrangements are as follows.

### 4.1 Recruiting to a vacant post

Recruitment to a job-share post will accord with the ICB Recruitment and Selection Policy, with specific



conditions detailed below applied:

- Job-sharing applicants should complete separate application forms, CVs and covering letters as required. However, they should make it clear that they are applying as a job share and give the name of their job-share partner.
- Should an application be received from someone who wants to job share but does not have a job share partner, the ICB recruitment team should, where possible, try to match two people who have applied individually but who both wish to job share.
- When a joint application is received from job-share partners, it must be assessed in the same manner as applications from other candidates. The expected practice will be to interview and test the job-share partners separately to assess each one against the person specification criteria. It may also be appropriate to interview the job-share candidates together to discuss such criteria as leadership and communication.
- Following interview, the selection panel should consider if both parties are appointable and, if so, whether together they would best fulfil the post's responsibilities and duties.
- If one partner performs well at interview and is considered the best candidate, but the other partner is identified as not appointable, the job cannot be offered to them as an existing job-sharing partnership.
- The successful partner should then be offered the job on a full-time basis, with a discussion around flexible working options. The remaining hours can be advertised again to recruit a job share partner.

“Selection panels should be aware that an offer made to job-share partners is dependent upon both partners accepting the offer of employment”

#### 4.2 Existing full-time employees

- There may be occasions when an existing full-time employee wishes to reduce their hours of work by sharing their post. Such applications to convert to a job-share post should be carefully considered by the manager in accordance with the ICB Flexible Working Policy.
- If the post is considered suitable as a job share, and the staff member has identified a partner from within the department wishing to job share with them, both parties will be interviewed to assess suitability.
- If no potential partner from within the department is identified, the ICB will advertise the remaining hours internally and the usual recruitment processes apply.
- If no suitable job-share partner is found, the post-holder will retain their job on a full-time basis.

#### 4.3 Arrangements if one partner leaves

If one job-share partner leaves, the following process should be followed:

- The remaining job-share worker should be offered the post full time, with a discussion around flexible working options

If they decline:

- The vacant half of the post should be advertised.

## 5 Appeal

Should you wish to appeal a decision made in respect of the ICB Job Share Policy, use the ICB Grievance Policy.



# Maternity leave

## 1 What this policy covers

**This policy is a guide for managers and employees that outlines statutory maternity rights and responsibilities. It provides information regarding health and safety, pay and leave entitlements and how to apply for maternity leave. Definitions of terms and abbreviations used in the policy are provided on page 79.**

## 2 Principles

The ICB is committed to positively supporting staff during their pregnancy, maternity leave and their return to work, taking account of individual circumstances, while continuing to deliver a high-quality service.

## 3 Responsibilities

- The ICB Board of Directors is responsible for ensuring that applications for maternity leave are treated in accordance with this policy and in a way that does not discriminate.
- Managers are responsible for actioning requests for maternity leave in accordance with this policy.
- Line managers are responsible for conducting a risk assessment for new and expectant staff at work using the workplace risk-assessment form.
- Line managers should inform HR of the pregnancy ASAP for payroll processing purposes.
- Employees wishing to take maternity leave should comply with the application process and timescales specified in this policy.
- Employees are responsible for reporting any changes in their pregnancy or complications that may occur that will affect their work or ability to perform their daily tasks. They should also inform their line manager of any changes to agreed leave dates in line with the notice periods outlined in this policy.

## 4 Policy in practice

### 4.1 Entitlements

All employees, including bank employees, have the right to take 52 weeks' maternity leave regardless of their length of service. The earliest date that maternity leave can start is the eleventh week before the Expected Week of Confinement (EWC) – 29 weeks pregnant – except in cases of premature birth.

Employees on fixed-term contracts are entitled to 52 weeks' maternity leave providing their fixed-term contract does not expire before the ICB Qualifying Week (ie eleventh week before EWC).

**“The ICB is committed to positively supporting staff during their pregnancy, maternity leave and their return to work”**

Employees whose fixed-term contract expires after the ICB Qualifying Week and who have more than 26 weeks' continuous service will have their contract extended to enable them to receive 52 weeks' maternity leave. These employees will not have any entitlement to a role within the ICB at the end of their maternity leave, unless they have been selected for another role through competitive interview.

### Compulsory Maternity Leave

After giving birth, employees must take two weeks' compulsory maternity leave (CML). However, there are restrictions on whether this will be paid and the amount of maternity pay entitlement. See section 4.7 for details.



#### Joining the ICB when pregnant

If an employee starts working for the ICB during the course of their pregnancy, the ICB will take on obligations with regard to maternity entitlements from the previous NHS employer.

The same requirements for continuous NHS service and length of service will apply and pay and service from the previous NHS employer will be counted towards an employee's entitlement to maternity benefits in the same way as if they had been accrued while working for the ICB. However, the previous employer may be responsible for payment of Statutory Maternity Pay (SMP), this will not affect the employee's maternity pay.

**"Once advised of the pregnancy, the line manager and employee should meet as soon as possible to complete a risk assessment for new and expectant mothers at work"**

#### Surrogate mothers

Provided they meet the normal eligibility criteria, pregnant surrogates are entitled to 52 weeks' maternity leave and SMP (in the same way as others). The surrogate mother's plans for her baby after it is born have no impact on her right to maternity leave or SMP.

#### 4.2 Risk assessments

Once advised of the pregnancy, the line manager and employee should meet as soon as possible to complete a risk assessment for new and expectant mothers at work. By assessing potential physical risks and hazards in the workplace, it determines whether there are any potential risks to the employee's health and safety that may affect their pregnancy.

Once the assessment has taken place, the line manager will decide on measures that should be taken to avoid, eliminate or reduce potential risks. Advice and guidance may also be sought from the HR and Occupational Health departments.

This may on occasion mean a temporary adjustment to working conditions. In extreme cases, where the risk cannot be eliminated or reduced to an acceptable level, a temporary change in the type of work may be necessary.

Risk assessments should then be reviewed bi-monthly during the pregnancy to account for any changes over time or as needed if a change occurs.

#### 4.3 Time away from work

All pregnant employees are entitled to reasonable time off, with pay, to attend antenatal care appointments.

Employees should try to book appointments on their days off where possible. If appointments are to be taken during working hours, they should be booked at times that minimise impact on service where possible. Employees may be asked to show appointment cards to their manager and should always give as much notice as possible before appointments.

#### Fertility treatment

Although there is no legal right to paid time off for fertility treatment, employees may wish to take time away from work for this. The ICB will endeavour to be supportive by providing time off using annual leave or time owed in lieu, or by planning shift patterns to accommodate appointments, where this is practicable and does not adversely affect service.

All time off for fertility treatment must be pre-organised with adequate notice given for planning purposes and authorised by the employee's line manager.

An employee undergoing fertility treatment is considered to be pregnant only after a fertilised embryo has been implanted. They will then have the same rights and responsibilities as other pregnant employees for two weeks from this date or until a pregnancy test is carried out. If positive, this policy will continue to apply.

#### 4.4 Sickness during pregnancy

For the purpose of managing sickness, all absence will be defined as either pregnancy-related or non-pregnancy-related.

##### Non pregnancy-related sickness

Any sickness not related to the pregnancy will be treated in accordance with the ICB's Attendance Management Policy.

##### Pregnancy-related sickness

Any pregnancy-related sickness must be recorded on ESR in the usual way. Absence will not be managed using the ICB's Attendance Management Policy. However, to support and manage this, all absences will be discussed with the employee through return-to-work interviews and informal meetings. The line manager should seek guidance and support from the HR and Occupational Health Departments.

If necessary, another risk assessment will be completed to ensure that any changes to health during the pregnancy can be identified and action taken to support the employee to be at work.

##### Pregnancy-related sickness after 29 weeks

If a pregnant employee is absent from work after week 29 of pregnancy because of pregnancy-related sickness, they can choose whether to start maternity leave or take sick leave.

##### Pregnancy-related sickness after 36 weeks

If a pregnant employee is absent because of pregnancy-related sickness and this continues into or starts within the four-week period starting on the Sunday of the fourth week before the EWC, maternity leave will start on the day after the first complete day of absence. The line manager will write to the employee to confirm this.

**“For the purpose of managing sickness, all absence will be defined as either pregnancy-related or non-pregnancy-related”**

#### 4.5 Pregnancy complications

As soon as practicable, employees should inform their line manager of any pregnancy complications that may affect their daily work or ability to perform their role. Such complications will be discussed and risk assessments amended where appropriate. Line managers should seek advice from HR and make a referral to Occupational Health to obtain guidance on reasonable adjustments.

##### Miscarriage

Sadly, if a miscarriage occurs on or before week 24 of pregnancy, time away from work will be classed as sickness absence and therefore the sickness reporting and pay procedures will apply (see the ICB Attendance Management Policy).

##### Stillbirth

In cases of stillbirth after week 24 of pregnancy, which very sadly can happen, the maternity leave and pay will commence from this date.

##### Premature birth

If a baby is born prematurely, maternity leave and pay will automatically start on the day after the date of birth. Employees should inform their manager who will advise HR accordingly to ensure that the correct procedures are in place in their absence. Evidence of the date of birth will need to be supplied, as well as birth certificate and MATB1 (if not already supplied).

If a baby is born before the qualifying period, special rules apply and maternity pay will need to be recalculated. In such circumstances, line managers should contact the HR and Payroll Departments for advice. It may also be appropriate and helpful for line managers to make a referral to the Occupational Health Department to access specialist support for the employee.

“If an employee wishes to change their maternity leave dates before they have started maternity leave, they should contact their line manager to discuss the reasons and to agree a new date”

#### 4.6 Procedure for requesting leave

Employees must notify their line manager in writing of their intentions and plans for maternity leave by the 15th week before the EWC or as soon as practicable in cases of premature birth. The following documents should be sent to HR in order to process the application:

- an Application for Maternity Leave and Pay form (available on the HR intranet).
- the original Maternity Certificate (MATB1), which will be provided (usually available from the 20th week of pregnancy) by the midwife or doctor
- a changes form specifying maternity leave dates
- in cases of premature birth, a certified copy of the baby's birth certificate.

**Please note:** all three documents should be sent together.

Before completing the application for maternity leave and pay form, employees must consider whether they will be returning to work following maternity leave. This information must be shown on the form, because it affects entitlement to Occupational Maternity Pay. Forms lacking this information will not be processed and will be returned to the line manager.

If an employee wishes to change their maternity leave dates before they have started maternity leave, they should contact their line manager to discuss the reasons and to agree a new date. Reasonable notice of a change of dates should be given where possible. Normally, no fewer than 28 days would be accepted unless in cases of ill health or emergency.

A step-by-step guide for employees to organising maternity leave is given on page 83.

#### 4.7 Maternity Pay

There are three types of maternity pay:

- 1 Statutory Maternity Pay (SMP) – paid by the government
- 2 Occupational Maternity Pay (OMP) – paid by the ICB
- 3 Maternity Allowance (MA) – paid by the government.

The type of maternity pay paid is based on six deciding factors:

- 1 How long the employee has worked at the ICB or how much continuous NHS service they have.
- 2 Whether the employee is still pregnant at the eleventh week before her due date.
- 3 Whether they have earned enough in the relevant period.
- 4 Whether they intend to return to work.
- 5 Whether they have provided the correct evidence and paperwork.
- 6 Whether this evidence been provided as notification within the correct timescales.

The flowcharts on pages 80, 81 and 82 show which maternity pay will be paid. Employees will receive notification from the Payroll Department to confirm their maternity pay entitlements.

#### Statutory Maternity Pay

SMP is paid to all employees (including bank employees) provided they have been continuously employed by the same employer for the 26 weeks prior to the Qualifying Week (15 weeks before the EWC), who are pregnant at the eleventh week before the EWC, and have earnings above the lower earnings limit for National Insurance contributions. Calculations will include all pay within the earnings period.

Provided the employee has also given the correct notification and medical proof to show that they are pregnant (MATB1), SMP is paid for 39 weeks and consists of two rates:

#### Occupational Maternity Pay

OMP is paid in addition to SMP for employees who qualify. It is assessed as an average of the normal pay for eight weeks or two months up to the last normal pay day before the Saturday of the Qualifying Week (15 weeks prior to the EWC).

### Statutory Maternity Pay

Weeks	Pay	Duration
1-6	Higher rate SMP – a weekly equivalent of 90% of full pay	6 weeks
7-39	Lower rate SMP – a set weekly rate or 90% of full pay, whichever is lower. This rate changes annually – the HR Department can provide details of the current rate of lower SMP	33 weeks
40-52	Unpaid	13 weeks

### Occupational Maternity Pay

Weeks	Pay	Duration
1-8	Full normal pay	8 weeks
9-26	Half normal pay plus lower rate SMP (this will not exceed full pay)	18 weeks
27-39	Lower rate SMP	13 weeks
40-52	Unpaid	13 weeks

For OMP purposes, normal pay will include all items for the qualifying period on which National Insurance is calculated, including any arrears that would normally have been accrued during that period. It does not include expenses.

OMP will be paid to both part-time and full-time employees who:

- **have more than one year's continuous service** – at the beginning of the ICB Qualifying Week (11 weeks before the EWC). Service from another NHS organisation will be included if there is a break of less than three months. However, the months that the employee was not employed (up to three months) will not be used when calculating service

and

- **intend to return to work for at least three months** – employees must return to work on contracted hours, for a minimum of three months following their maternity leave. Employees returning to bank contracts will not be regarded as 'returned to work' for OMP purposes. If an employee doesn't return to work on contracted hours within this time frame, they must repay the occupational element of their maternity pay. Employees who change their

mind about returning to work should inform the ICB as soon as possible to avoid overpayment.

OMP will be paid for a total of 39 weeks at the rates above. Surrogate mothers will not be entitled to OMP.

#### Maternity Allowance

MA is available for employees who do not qualify for SMP (see flowcharts on pages 74 and 75). MA is a weekly payment paid by the Department for Work and Pensions for a maximum period of 39 weeks. The Payroll Department will inform employees that they are not entitled to OMP or SMP and will also provide an SMP1 form to explain why. This form will be given to employees within seven days of calculating the entitlements and should be completed and returned to

“Pension contributions made by the ICB continue during the whole period of maternity leave and are based on the employee's normal salary before the start of the leave”



the Department for Work and Pensions (via Jobcentre Plus) to claim Maternity Allowance.

#### **Pension contributions during maternity leave**

Pension contributions made by the ICB continue during the whole period of maternity leave and are based on the employee's normal salary before the start of the leave. For information on employee pension contributions during maternity leave employees should contact the ICB Pensions Department.

#### **Fixed-term contracts**

Employees who are contracted for a fixed term and do not qualify for OMP may qualify for SMP if their contract expires after the fifteenth week before the EWC, but before the fourteenth week after the EWC.

**“At the end of maternity leave, all employees have an automatic right to return to work in a comparable job to that in which they were originally employed”**

In this case, an employee's contract will be extended to allow them to receive SMP, but not unpaid maternity leave. This extension is solely to allow for payment to be made and will not count as service or mean the employee will accrue employment rights during this period. Employees on a fixed-term contract should apply for maternity leave in the normal way and the Payroll Department will advise them of their entitlements.

#### **Bank employees**

Bank employees will not be eligible for OMP, but may be eligible for SMP. Their average weekly earnings must not be less than the lower earnings limit for National Insurance contributions for the eight-week period prior to the fifteenth week before the baby is due.

Bank employees should apply for maternity leave and pay in the normal way and Payroll will advise them of their entitlements accordingly. Employees returning to work on a bank contract will not be entitled to OMP.

#### **Rotational contracts**

Maternity pay will be calculated in the same way for those on a rotational contract as for other employees.

#### **Incremental increases before and during leave**

In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay will be calculated as though the pay award or annual increment had effect throughout the entire SMP calculation period. If such a pay award was agreed retrospectively, the maternity pay will be re-calculated on the same basis.

If a pay award or annual increment is implemented during paid maternity leave, the maternity pay due from the date of the pay award or annual increment will be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay will be re-calculated on the same basis. SMP will be uplifted from the beginning of maternity leave.

#### **Sickness during the eight-week calculation period**

If an employee is on half-pay or unpaid sickness absence during the whole or part of the qualifying period (ie period used to calculate average weekly earnings to pay OMP), the average weekly earnings for the period of sickness absence will be calculated using full sick pay as a basis.

## **5 Return to work**

### **The right to return to work**

At the end of maternity leave, all employees have an automatic right to return to work in a comparable job to that in which they were originally employed:

- on terms and conditions no less favourable than

those which would have applied had they not been on maternity leave

- with the same seniority, pension rights and similar rights as they would have been had they not been on maternity leave.

The ICB may move an individual to work in another department as long as the new role is the same type of work, at the same location and at the same level within the organisation with the same pay (subject to any organisational change process, see overleaf).

#### **Notification of return to work**

The earliest any employee can return to work is after CMP of two weeks, taken immediately after the birth. The maximum amount of maternity leave is 52 weeks.

Employees are requested to confirm their expected return to work date before they start maternity leave.

The line manager will write to the employee prior to the expected return to work date to confirm the intention to return to work is still correct.

If an employee has not confirmed their return to work date within their application for maternity leave, the HR Department will write to them at about 12 weeks after the birth to request information about their intention to return to work. Employees should return the form as soon as possible to allow for any changes to be made to the arrangements to cover the work.

All employees are expected to return to work on the date they have specified, which should be no later than 52 weeks after starting their maternity leave (this may not necessarily include any annual leave taken). If an



**“If an employee decides to change their return-to-work date once they are on maternity leave, they must give at least their normal notice period in writing to their line manager”**

employee does not return to work, they will be contacted by their manager to find out the reasons why, and they will be managed in line with the relevant ICB policy.

All employees who return to work and are paid through the OMP scheme must complete three months' service to retain this entitlement. Employees who are paid OMP but do not work for three months will be asked to repay the OMP in accordance with the normal ICB processes for reclaiming overpayments.

If an employee notifies the ICB of their intention to return to work but does not, they will be liable to repay the whole of the OMP received, but they will not be required to repay SMP to which they are entitled.

For employees deciding not to return to work, the usual contractual notice must be given.

#### **Returning to another NHS employer**

If an employee decides to return to work at another NHS organisation, they must notify the ICB of their intention. To retain full OMP, the employee must return within 15 months of their maternity leave start date.

To ensure that OMP is maintained, the employee must provide a copy of their offer letter and contract of employment with another NHS employing body within 15 months of the beginning of their maternity leave or within three months of the final day of their maternity leave. Failure to do so will mean that the employee must refund the whole of the OMP received, they will not be required to repay SMP to which they are entitled.

Employees who have not been paid OMP because they expected not to return to NHS employment, but return within 15 months, should contact the ICB and will be expected to provide the above documentation. Once provided, calculations for OMP will be made and paid retrospectively.

### Returning to work when breastfeeding

If an employee chooses to continue breastfeeding after returning to work, they will need to let their line manager know that they are breastfeeding. If possible, this should be before they return to work, so that necessary arrangements can be made.

Upon receipt of this information, the line manager will carry out a risk assessment to ensure that the employee is not exposed to risks that could damage their health and safety or that of the child for as long as they continue to breastfeed.

If an employee chooses to continue breastfeeding after their return to work the ICB will:

- allow rest periods and access to a private room
- provide access to a refrigerator if possible
- ensure that the Returning to Work Risk Assessment form (available on the HR intranet) is completed.

### Sickness preventing a return to work

If an employee cannot return to work after their maternity leave because of sickness, they should inform their line manager as soon as practicable. This information will be communicated to the HR, Occupational Health and Payroll Departments straight away.

In some circumstances, sickness preceding maternity leave will mean Statutory Sick Pay (SSP) is overridden by Statutory Maternity Pay (within the SMP period), which can lead to a change in pay. The Payroll Department will advise the employee and manager accordingly. In such situations, medical certification will be required in line with the ICB Attendance Management Policy.



### Rotational contracts

Maternity pay will be calculated in the same way for those on a rotational contract as for other employees.

### Pay step increases before and during leave

If a pay award or pay step is implemented during paid maternity leave, the maternity pay due from the date of the pay award or pay step will be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay will be re-calculated on the same basis. SMP will be uplifted from the beginning of maternity leave.

### Contractual rights

During maternity leave, all contractual rights including accrual of annual leave and continuous service are retained (with the exception of remuneration).

### Organisational change

In the event of organisational change, employees on maternity leave will be managed in the same way as all other employees when it comes to consultation and communication. They will receive written documents, letters and notifications and will be required to attend formal meetings where appropriate.

If you are made redundant when pregnant, you may still qualify for SMP if you: have been employed for at least 26 weeks leading up to the fifteenth week before your baby is due (the "qualifying week"); remain employed during all or part of the qualifying week; and earn at least the lower earnings limit on average in the eight weeks before the end of the qualifying week.

Employees made redundant while on maternity leave will be entitled to receive SMP for the full 39 weeks. OMP will be paid to redundant employees until the date that their contract of employment ends.

All organisational change will be managed in line with the ICB Organisational Change Policy and ACAS guidance and advice.

### Training and KIT days

Employees on maternity leave are not expected to attend mandatory training, however, they must complete it within one month of returning to work.

Managers should arrange for employees to receive training and re-orientation where needed. This must include any changes that have occurred while the employee was on leave.

Employees on maternity leave can access information on training opportunities via the HR intranet, which can be accessed via most electronic devices. Employees will be treated any differently in selection for such opportunities.

Employees are allowed to work up to 10 Keeping in Touch (KIT) days during their maternity leave without affecting or bringing their leave or pay to an end. KIT days can only be taken by agreement between the employee and the ICB and can be used for any purpose including training events, attending meetings, conferences, aiding entry back to work, etc.

KIT days are paid at the employee's usual basic pay rate. Where only part of a day is worked this will still be counted as a whole day. KIT days should be recorded by the line manager both locally and via an ESR change form sent to the HR department.

KIT days can only be taken in the maternity leave period and cannot be taken during any period of annual leave that may be added to the end of maternity leave.

**“Employees are allowed to work up to 10 Keeping in Touch days during their maternity leave without affecting or bringing their leave or pay to an end”**

#### **Vacancies**

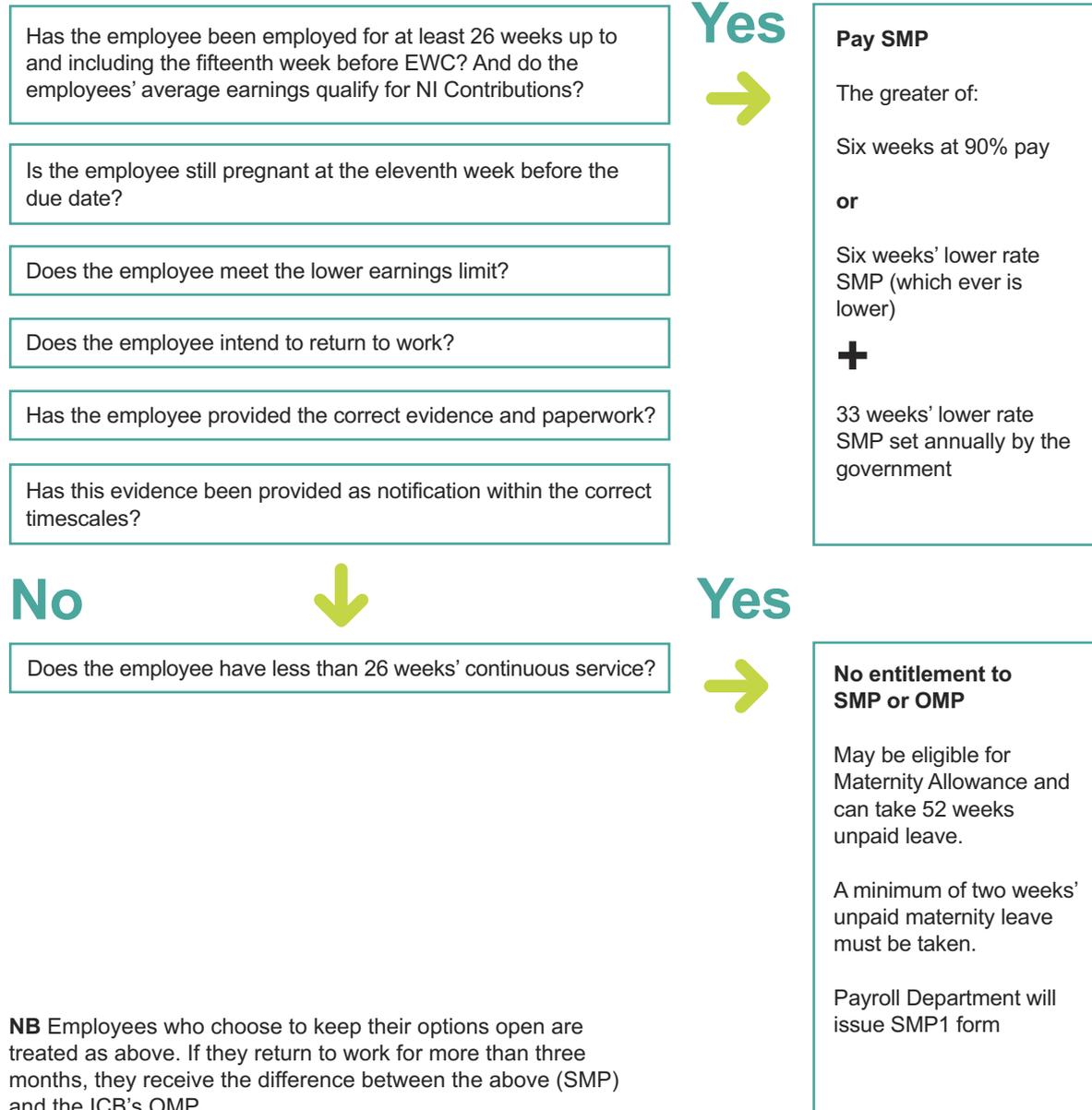
Employees on maternity leave can access information on ICB vacancies and opportunities for promotion via the HR Intranet. Applications should be done via the normal recruitment procedure.

Time taken to attend an interview for a vacancy will not be counted as a KIT day (unless it is part of a KIT day already arranged to complete other activities) and will not affect maternity pay or leave. Employees on maternity leave are welcome to apply for any vacancy within the ICB that is advertised.

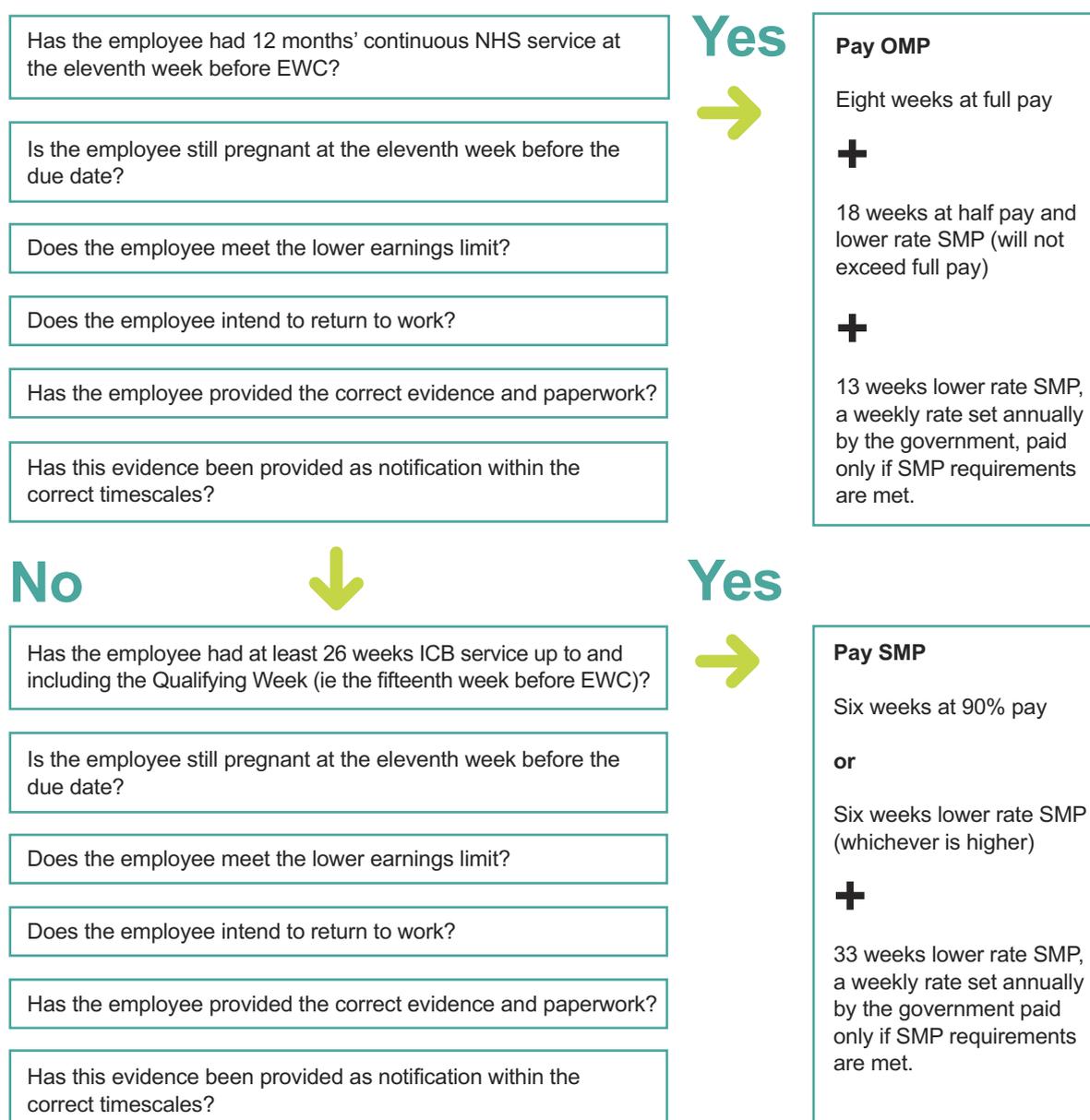
### **Maternity abbreviations and terms**

<b>AML</b>	Additional Maternity Leave – the second 26 weeks' maternity leave is classified as AML
<b>Childbirth</b>	Resulting in a child after 24 weeks of pregnancy, either alive or stillborn
<b>CML</b>	Compulsory Maternity Leave – the first two weeks after the baby is born when maternity leave must be taken
<b>EDD</b>	Expected Date of Delivery – the date the child is expected to be born
<b>EWC</b>	Expected Week of Confinement – the week the child is expected to be born
<b>KIT Days</b>	Keeping in Touch Days – the option of up to 10 days to attend work for training and keeping up to date with work without losing the right to maternity benefits
<b>MAT B1</b>	The maternity certificate issued by the GP or midwife to confirm the pregnancy and EDD
<b>OML</b>	Ordinary Maternity Leave – the first 26 weeks' maternity leave is classified as OML
<b>OMP</b>	The NHS Occupational Maternity Pay scheme paid to eligible employees
<b>QW</b>	Qualifying Week – the fifteenth week before the EWC
<b>SMP</b>	Statutory Maternity Pay – paid by the government to eligible employees
<b>TQW</b>	Trust Qualifying Week – the eleventh week before the EWC
<b>Week</b>	Period of seven days running from midnight Saturday

## Maternity pay for employees NOT planning to return to work after maternity leave



## Maternity pay for employees returning to work for at least three months following maternity leave



No



Yes

Does the employee have less than 26 weeks' continuous service?



**No entitlement to SMP or OMP**

May be eligible for Maternity Allowance and can take 52 weeks unpaid leave.

A minimum of two weeks' unpaid maternity leave must be taken.

No



Yes

Has the employee had 12 months' continuous NHS service at the eleventh week before EWC?



**Pay OMP**

Eight weeks at full pay



18 weeks at half pay and lower rate SMP (will not exceed full pay)



13 weeks at lower rate SMP, a weekly rate set annually by the government, paid only if SMP requirements are met.

Payroll department to issue SMP1 form

Is the employee still pregnant at the eleventh week before the due date?

Does the employee meet the lower earnings limit?

Does the employee intend to return to work?

Has the employee provided the correct evidence and paperwork?

Has this evidence been provided as notification within the correct timescales?

## Step-by-step guide for new parents for organising their maternity leave

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### Employee checklist

Action required	Please tick (✓)
<p>1 Advise your manager of your pregnancy in writing and discuss the amount of leave you think you may wish to take. In conjunction with your manager, complete the Pregnancy Risk Assessment form.</p>	<input type="checkbox"/>
<p>2 Consider how long you would like to take for maternity leave and decide a proposed return-to-work date. If applicable, discuss the possibility of returning part time. You will need to consider annual leave entitlements and when you will take this (ie before/after your maternity leave), because you will continue to accrue this while you are on maternity leave.</p>	<input type="checkbox"/>
<p>3 Contact HR to make an appointment to discuss your entitlements to maternity leave and maternity pay.</p>	<input type="checkbox"/>
<p>4 Receive your MATB1 form from your midwife at approximately 26 weeks. Give the MATB1 to HR.</p>	<input type="checkbox"/>
<p>5 You can take maternity leave any time after 29 weeks into your pregnancy.</p>	<input type="checkbox"/>
<p>6 Speak to your line manager to agree your maternity leave dates. You will also need to agree when you will take your annual leave and arrange KIT days. Complete an Application for Maternity Leave and Pay form and send it to HR at least 28 days before starting your maternity leave, but as early as possible please. You must also send the MATB1 and a changes form with your application.</p>	<input type="checkbox"/>
<p>7 Following receipt of this the Payroll Department will notify you of your pay entitlements. If you do not qualify for Statutory Maternity Pay (SMP), you will be sent forms SMP1 and your MATB1 to enable you to claim Maternity Allowance.</p>	<input type="checkbox"/>
<p>8 Start Maternity Leave – you must take at least two weeks' Compulsory Maternity Leave.</p>	<input type="checkbox"/>
<p>9 If you wish to change the end date of your maternity leave period or not to return, you must give at least eight weeks' notice to change the proposed date of return.</p>	<input type="checkbox"/>

- 10 Upon your return to work you will complete a changes form. If you are taking annual leave, this should be indicated clearly after the return to work date and also on the time sheets. A risk assessment for mothers who are breastfeeding must be completed if applicable.
- 
- 11 Return to work with ICB or another NHS organisation for a minimum of three months. If you agree to return and then decide not to, you will have to refund the whole of the OMP paid, less any SMP. If you decide to return to another NHS organisation you will be required to provide confirmation of appointment at the new employer within three months of the end of your maternity leave.
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## Manager's checklist

Action required	Please tick (✓)
<p>1 When an employee has informed you that they are pregnant, ask for confirmation in writing. The letter should include their due date and should be given to you 15 weeks before the Expected Week of Confinement (EWC).</p>	<input type="checkbox"/>
<p>2 Meet with the employee to complete the Pregnancy Risk Assessment forms. Ask your employee if there is any specific advice from their doctor or midwife relating to work. If there are any issues raised from the risk assessment that you cannot temporarily manage with adjustments to the work/tasks/role, contact your HR lead to discuss. OH should also be informed of any complications as appropriate. You should also agree dates to review the risk assessment at regular intervals throughout the pregnancy.</p>	<input type="checkbox"/>
<p>3 Inform the employee that they need to consider how long they would like to take for maternity leave, including a proposed return to work date, and if applicable discuss the possibility of returning part time. You need to consider annual leave entitlements and when they will take this (ie before/after maternity leave), remember they will continue to accrue this while on maternity leave. It is therefore encouraged that employees take the proportion of the total accrued AL before they start maternity leave.</p>	<input type="checkbox"/>
<p>4 Advise the employee that they should contact HR to make an appointment to discuss their entitlements to maternity leave and maternity pay.</p>	<input type="checkbox"/>
<p>5 Meet with the employee to agree their maternity leave dates – you will also need to agree when they will take their annual leave and arrange KIT days. The KIT Days form can be found on the HR intranet.</p>	<input type="checkbox"/>
<p>6 Complete an Application for Maternity Leave and Pay form and send to HR at least 28 days before the commencement of the maternity leave, but as early as possible.</p>	<input type="checkbox"/>
<p>7 You must also send the MATB1 and a changes form to detail the change information. Following receipt of this the Payroll Department will notify the employee of their pay entitlements.</p>	<input type="checkbox"/>
<p>8 The employee starts maternity leave – they must take at least two weeks' Compulsory Maternity Leave.</p>	<input type="checkbox"/>
<p>9 Employees wishing to change their maternity leave period end date or not to return must give eight weeks' notice.</p>	<input type="checkbox"/>

10 Upon their return to work, a changes form should be completed (even if the original changes form stated the return date). If they are taking annual leave, this should be indicated clearly after the return-to-work date and also on the time sheets.

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11 A breastfeeding risk assessment must be completed if applicable.

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12 Employees must return to work at the ICB or another NHS organisation for a minimum of three months. If they agree to return and then decide not to, they will have to refund the whole of the OMP paid, less any SMP.

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13 If they decide to return to another NHS organisation, they must provide confirmation of my appointment at the new employer within three months of the end of maternity leave.

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# On call and overtime

## 1 What this policy covers

**The aim of this policy is to set out an affordable, clear, consistent and fair framework for on-call arrangements and payments.**

On-call systems are part of arrangements to provide appropriate out-of-hours service cover across the NHS and staff on call are entitled to receive an on-call payment.

The on-call arrangements and payments detailed in this policy have been determined in local partnership with union colleagues and are in line with the Agenda for Change principles for harmonised on-call payments and other extended service cover (as detailed in Section 2 of the Agenda for Change Terms and Conditions of Service Handbook).

## 2 Definitions

**On call:** For this policy, “on call” is defined as a member of staff being designated as a specific point of contact, outside their normal working hours, and when they are not required to be at work and onsite already, so they are available to deal with queries and service-related issues as they arise during the on-call period and/or undertake essential work.

**Normal working hours:** Those regularly worked and/or fixed by a contract of employment. Time worked as overtime is not normal work unless an employee’s contract specifies a minimum number of overtime hours to be worked.

On-call does not apply to staff required to work additional hours immediately after their normal working day as this would be considered overtime.



If you are required to be on-call and are subsequently needed to remain at work as part of your on-call duties, this would attract the appropriate on-call payment.

## 3 Principles

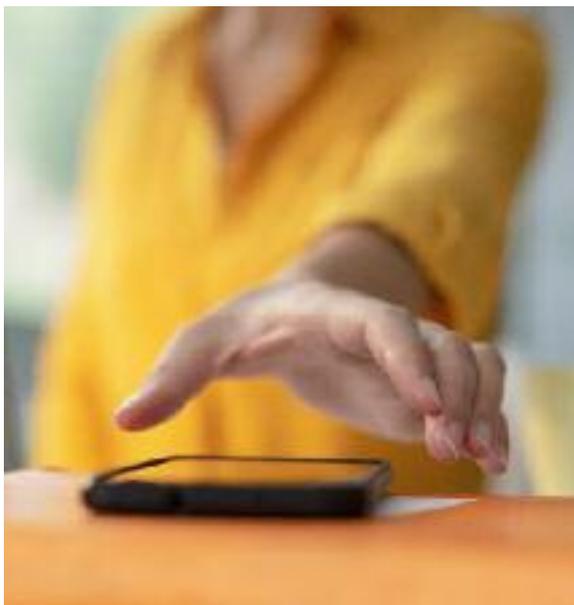
In line with the principles of equal pay for work of equal value, this policy has been drawn up to ensure that staff required to be available for work out of normal hours receive fair and equal payment, both in terms of them having to be available and for actual work undertaken when called.

## 4 Responsibilities

The ICB Directors are responsible for determining which services require an on-call provision and have overall responsibility for ensuring this policy is applied correctly.

Operational and line managers in each area operating an on-call system are responsible for ensuring that:

- job descriptions detail the contractual requirement to provide on call cover
- the extent of on-call commitment is explained at interview
- they agree an on-call rota that complies with the Working Time Directive and that all staff are aware of their obligations. The Working Time Regulations 1998 (as amended) came into force in the UK on 1 October 1998 and incorporates provisions of the European Working Time Directive (93/104/EC) and the Young Workers Directive (94/33/EC). The regulations were introduced as a health and safety measure for employees by setting minimum requirements for rest periods, weekly working hours, length of night work and annual leave.
- systems are in place for the authorisation and checking of on-call payments
- they specify who is expected to contribute to the on-call rota and that they realise their commitment to frequency of duty and extent of responsibilities
- they ensure that affected employees have been notified in advance and are aware of their commitment
- they ensure employees working on call receive appropriate compensatory rest
- local arrangements are in place for on-call back-up in case of short notice requirements.



Reasons for not being available for on call, such as parental or caring responsibilities or ill health, are discussed and exclusion agreed where appropriate. The manager will seek advice from Human Resources before reaching agreement and guidance may be sought from Occupational Health if required.

Staff participating in on-call arrangements should ensure:

- that they have provided up-to-date contact details
- they are contactable and available for their period of on-call duty and they attend/respond within any specified time frames
- they inform their manager (or nominated deputy) if they are unavailable to be on call through sickness or emergency as soon as practically possible
- they provide an appropriate handover.

The Payroll Department will ensure:

- that on-call payments are made in line with this policy
- it responds to queries relating to on-call payments, after the employee has discussed any concerns with their line manager in the first instance.

## 5 Policy in practice

### 5.1 Payments for on call

On-call payments will be made to staff required to provide on-call cover outside of their normal working hours.

Employees who must be on call on a public holiday will receive their availability payment and any payment for work undertaken, plus TOIL equivalent to the day they would have worked on the public holiday (eg this would be a 7.5 hour day not a whole on-call period of 12 or 24 hours).

Ideally, employees should not be rostered on to an on-call shift that would go into a day off. However, if an employee is asked to cover due to unforeseen circumstances (eg sickness), they should receive TOIL to the nearest half day. If an employee volunteers to be on call on a day off, they are agreeing to work overtime and should be paid for this instead of having the day off.



Where an employee has worked on call, each hour worked may count towards 1.5 hours of their contracted hours, should they not wish to work additional hours over their contract. Where this option is chosen, they will not receive the payment for work undertaken during the on-call period.

During their period of on call, some employees may wish to stay in accommodation onsite or nearby (eg if they do not live within the required distance to meet the call in time). Such employees will receive the standard availability payment for being on call and will be paid for any work undertaken when staying onsite, as described in section 5. The employee must discuss the rationale for staying onsite or in local accommodation, because the department will pay reasonable costs.

#### Travel

- **Mileage:** When an employee is required to return to or to attend work outside their normal hours of duty as part of an on-call arrangement, they will be entitled to claim travel expenses for the return journey between home and work.

Travel expenses will be reimbursed at business mileage rates or lease car rate as appropriate.

#### 5.2 Compensatory rest

This is an equivalent period of unpaid rest given following the interruption of the daily rest requirements under the Working Time Directive. Employees should normally have a rest period of not less than 11 hours in

each 24-hour period. This rest should be continuous, but can be broken in “special cases” where continuity of service provision is required by the same person. If it is not practicable to take 11 hours because of the contingencies of the service, daily rest may be less, providing the compensatory rest is taken later.

Where a period of rest is interrupted by an emergency, unpaid compensatory rest should be provided. However, it is recognised that in some emergency situations, compensatory rest may not always be possible.

In exceptional circumstances, where on-call employees are scheduled to work the day following a period of on call activity and their rest has been disturbed so there is a risk to their safety and that of others, the employee must receive compensatory rest. This may be achieved by delaying the start of the next day’s shift or allowing the employee to leave early, with agreement from the manager.

Ultimately, it is the manager’s responsibility, in consultation with the employee, to determine whether compensatory rest is needed, how much and when this should be, to ensure that it is taken and that the employee makes up for any time lost.

#### 5.3 Part-time employees

Where possible and if the service allows, part-time employees can participate in the on-call rota on a pro-rata basis. Payments will be the same for both full- and part-time employees to ensure that part-time employees receive the same payment for the same length of availability on call as full-time employees.

## 6 Review

Any nationally agreed pay awards applicable to all Agenda for Change pay bands will be applied to the availability payments. However, where the national agreement applies only to specific bands, any pay award will be negotiated locally. Where the pay uplift is limited to a fixed sum, no increase to availability payments will be awarded.



# Organisational change

## 1 What this policy covers

**The ICB is continually striving to improve patient care and this, coupled with responding to budget and system changes and other pressures, requires a challenging programme of change. The statutory and best practice framework in managing change is complex and this policy is designed to help the ICB to achieve transition and make the change as smoothly as possible.**

This policy outlines the processes, responsibilities and timescales involved to give clarity and reassurance that where change is needed, it is being dealt with effectively and fairly. Information about pay protection as a result of organisational change can be found in the ICB's Pay Protection Policy.

## 2 Principles

- The ICB will strive to manage organisational change in accordance with best practice principles and processes.
- The processes involved in managing change are designed to be fair and transparent, while ensuring security of employment where possible.
- Where practicable, compulsory redundancy will be avoided and alternative solutions found.

## 3 Responsibilities

- The ICB aims to ensure that this policy is followed where organisational change is required and that managers are aware of their responsibilities.
- The Assistant Director of HR will oversee implementation of the policy within the ICB and monitor compliance and effectiveness.
- Managers who are leading a change process within their area of responsibility should follow the

principles and processes within this policy, and should seek advice from Human Resources in developing a robust plan to undertake the change.

- Human Resources will provide advice and support to managers and staff on the implementation of this policy where change has staffing implications.
- Trade unions and managers will work together to ensure any change process is managed in a fair and consistent manner and in accordance with the principles and processes contained within this policy. They will also offer representation and support to staff as required.
- Staff should engage positively in the organisational change process and where appropriate making suggestions for suitable alternative ways to meet the ICB's business requirements. They should:
  - Actively seek and take up suitable alternative employment opportunities within the ICB and beyond.
  - Be open to retraining opportunities to maximise options for suitable alternative employment.

## 4 Policy in practice

### 4.1 Rights of representation

Staff in organisational change situations have the right to be accompanied/represented by a trade union representative or work colleague at any stage.

### 4.2 Planning for organisational change

Before undertaking any change process, managers must ensure that there is a clear rationale for change. Where appropriate, this should be underpinned by data collection and analysis of information relevant to the business need triggering proposed change. Before commencing any major change process, a business case should be written by the manager and submitted to the relevant committee/meeting for approval. HR advice should be sought in advance, to ensure that the business case proposals have been shaped in line with best practice, legal and other national requirements, considering all workforce implications.

### 4.3 Process overview

#### Step 1: Workforce planning

The need for a change to staffing may be identified through either the regular ICB workforce planning process or in response to a specific situation. In either case, managers should:

- identify the staff changes required for the service change. This will require clarification of any new roles, job descriptions and person specifications, departmental structures and reporting lines
- analyse current staffing levels and complete an audit of the existing workforce should identify and shortfall or surplus in respect of staffing.

#### Step 2: Consultation

In the event of proposed changes to services or ways of working that could lead to workforce reorganisation, the ICB will consult with the appropriate recognised trade unions or professional bodies and with the individuals and/or staff groups concerned.

The responsible manager should:

- undertake consultation and discussions with staff and staff representatives before the consultation starts and the formal consultation paper is agreed, and throughout the process, the extent of which will depend upon the timing and availability of information. The ICB will consult for at least 30 days. In exceptional circumstances, this timescale may be reduced by agreement with the affected staff and their union representatives
- contact Human Resources for advice regarding the process, timescales, consultation requirements and any other related issues.

In undertaking the consultation managers should ensure:

- meaningful consultation with those affected is held as early as possible, while proposals are still formative
- information is given regarding the rationale for the proposed change, indicative timescales and possible options
- staff affected by the proposed change can contribute to the thinking around any options and suggest alternatives
- staff are assured that, following due process,

appointments to any new structures will be completed as speedily as practicable, which will have due regard to issues of fairness and equality.

Managers involved in the organisational change process should be mindful of the stress and anxiety staff may experience at times of change. They should seek to ensure a supportive climate that promotes positive outcomes and minimises unnecessary anxiety.

While group meetings may be appropriate to discuss change plans, all individuals directly affected by change are entitled to a one-to-one meeting to discuss their personal circumstances, any preferences for roles they may have and possible alternative options, either internally or externally. The discussion will also include the opportunity to express an interest in early retirement/redundancy. Expressions of interest at this stage will not commit either party to that action. Further information about consultation where there is a potential for redundancies is given in Section 5.

#### Step 3: Processes

Where changes to the current workforce are required, the following processes will be used:

##### Slotting-in

“Slotting-in” is where staff at risk are appointed to a post within the new structure that is the same or broadly the same as their current substantive post. If the number of people in the current structure matches the number of posts in the new structure, there will be a direct slot in. Slotting in will normally only occur where a post is the same band as the individual’s substantive post.

Where the responsibilities are on broadly similar terms and within the same range of skills as the staff member’s existing duties, they have the right to be automatically slotted into that post if the number of staff who qualify under this criteria is not greater than the number of posts available.

##### Competitive slot-in

If the number of posts in the new structure is less than the number of staff who meet the slotting-in criteria, a competitive selection process will apply. In a competitive slot-in process the posts must be appointed from the pool of at risk employees. The process will consist of a formal interview plus selection exercises if appropriate.

Please note that staff on maternity leave who meet the slotting-in criteria will be given priority and offered posts where there are more than one potential candidates.

#### **Redeployment: “at risk” of redundancy**

If staff can't be slotted in, they will be placed at risk and on the redeployment register.

Staff identified as being “at risk” will be supported by the HR Department, which will guide them through the redeployment process and assist them in identifying support mechanisms and options available to them. Staff will be given maximum opportunity to obtain suitable alternative employment within the ICB.

#### **Suitable alternative employment**

Suitable alternative employment will be sought for members of staff who are on the “at risk” register. A “suitable alternative” role is where there is no material change to an employee's income, status, working pattern of hours or level of responsibility within the organisation.

To help with the search and match for suitable alternative employment, those employees identified as being at risk of redundancy will be asked to complete a redeployment questionnaire identifying their skills and post preferences.

Where there is doubt about whether an alternative post is considered suitable, a fair assessment procedure using objective criteria (eg experience, skill and aptitude using current job description/person specification, completed redeployment questionnaire and current pay banding) will be undertaken by Human Resources.

Other factors will be considered when identifying suitable alternative employment including (but not limited to):

- banding
- pay and protection of earnings
- personal circumstances
- terms and conditions of service.

While HR will support the staff member to look for roles within and beyond the ICB, the staff member is also responsible for proactively looking for suitable alternative employment. Failure to search for or unreasonably rejecting a suitable alternative job may result in loss of redundancy payment.

#### **Ring-fencing**

All vacant posts within the ICB will be ring-fenced for staff “at risk” of redundancy, meaning that for that period only staff at risk of redundancy can apply. The posts will be ring-fenced for one week before being advertised internally or externally.

The HR Department, having undertaken a preliminary matching process, will notify individual employees at risk of potential suitable alternative posts. Either option one or option two (see below) will then be followed to determine the successful candidate for the post, depending on the circumstances.

#### **Option one**

If a member of staff expresses an interest in a post, assuming that there is only one candidate, they will discuss with the potential new manager how they can fulfil the majority of the role's requirements, immediately or with training and support, within a reasonable time frame (no more than six months is recommended).

Retraining will be considered to allow people to develop necessary additional skills to fulfil a new role.

#### **Option two**

If there is more than one member of staff “at risk” expressing a written interest in the same post, and they can demonstrate that they can fulfil the majority of the role, a competitive interview process will take place to determine the successful candidate. Trial periods will also apply under both options.

If a vacancy for a fixed-term appointment arises and is a suitable alternative, it can be used to extend the employment of anyone “at risk” with no loss of redundancy payment.

#### **Redeployment Pool**

Staff who have not secured a substantive alternative role within the ICB and are “at risk” of redundancy, will automatically be placed in the Redeployment Pool until they have either secured a role or are made redundant.

Staff in the Redeployment Pool as a result of organisational change must attend a redeployment meeting, with HR, which will explain the process to be followed. This meeting should take place within one week of redeployment being required and the details will be recorded and held by HR.

At the redeployment counselling meeting, the types of roles available to the employee will be discussed. Details will be obtained of their skills, experience, knowledge and qualifications (their manager will also be asked to provide a summary of their skills).

In addition, they will be given information regarding the restricted vacancies on NHS Jobs, which they may be required to use to access vacancies. For employees who are unable to use the NHS Jobs system, alternative systems will be available, the detail of which will be discussed with the employee at the leave counselling meeting. At this meeting, the employee will be formally placed on the “at risk” register for their notice period.

Employees in the Redeployment Pool are entitled to reasonable time off to attend interviews within the ICB and at other organisations, the process for which will be discussed at the redeployment counselling meeting.

The HR team will regularly undertake a matching process to identify any suitable vacancies and any posts identified will be emailed to the employee (or posted if agreed at redeployment counselling meeting). However, the employee is also expected to participate in identifying vacancies. Regular communication should take place, with respect to the suitability of roles identified by the employee or the HR team. Staff are expected to cooperate at all stages of the process.

Staff will be considered for all suitable vacancies within the ICB, providing they meet all the essential criteria in the person specification. When considering whether posts are suitable for employees with a disability, consideration will be given to whether the role would be suitable with reasonable adjustments made.

Other than in exceptional circumstances, where redeployment is due to organisational change, posts generally considered as suitable employment will be no more than one pay band higher or lower than their current post, and pay protection may be applicable.

In cases of redeployment on health grounds, Occupational Health will perform a detailed assessment of the vacancy to determine suitability.

Once a post is identified as potentially suitable, the employee will be invited to attend an informal meeting with the line manager to discuss their suitability for the post. If more than one staff member is considered

potentially suitable for the same position, all eligible employees will be interviewed formally.

Where the line manager cannot agree suitability, formal feedback will be given to the candidate following the interview (or meeting), giving reasons for their decision.

Staff in the Redeployment Pool who are not assigned to a position will, wherever possible, be redeployed during their notice period into a temporary role at the ICB where they meet all the essential criteria in the person spec. Should the employee be redeployed into a temporary post, they will remain in the redeployment pool.

Employees should indicate in writing their intention to accept or decline an offer of employment. If they have declined a position, they must clearly state their reasons.

If the employee is thought to have unreasonably declined an offer of employment, their employment status will be reviewed. In cases of organisational change, where their role has become redundant, their employment may be terminated and they may forfeit their entitlement to any redundancy payments due.

If it is not possible to redeploy an employee into a suitable post, they will meet with HR at the end of their notice period to complete required leaving procedures.

#### **Trial period**

If an employee is offered a new a position, this will be made in writing, and they will need to write a letter confirming their acceptance.

If an employee is redeployed because of organisational change, they have a statutory right to a four-week trial period. Following this they may be eligible to a redundancy payment if either party does not consider the post suitable.

During the employee’s trial period, their line manager will be set performance objectives. They will have regular review meetings to discuss their performance against these objectives.

Should the employee fail to achieve the performance objectives set for them during the trial period, a further review of their employment status will follow. A meeting will be convened to discuss the issues, which may result in termination of employment on grounds of redundancy, depending on the circumstances leading to redeployment.

### Absent employees

With the exception of staff on employment breaks for more than 12 months, all staff absent from work for any reason should be included in the consultation process and any subsequent selection process in the same way as other staff who are affected.

Staff on employment breaks of more than 12 months will not be included and alternative employment will be sought on their return from the employment break in line with the ICB Employment Break Policy.

Where a redundancy situation arises while an employee is on maternity, adoption or shared parental leave, the employee must be treated in the same way as they would have been had they not been on such leave.

## 5 Redundancies

### 5.1 Avoiding compulsory redundancies

The ICB is committed to avoiding compulsory redundancies where possible. Following consultation, the following actions may be considered in addition to redeployment, to mitigate the effect of any necessary changes that may result in redundancies:

- vacancy control procedure
- natural turnover rates
- reducing overtime as far as possible
- limiting usage of temporary staff
- viewing the existing and proposed use of service level agreements and of external consultants
- voluntary reductions in hours worked
- use of flexible working options, to include job share, job transfer and career breaks
- temporary use of supernumerary posts
- any other creative approaches to reduce the risk of compulsory redundancy.

Staff considered potentially “at risk” of redundancy should be identified as soon as possible and steps taken to secure an alternative role within ICB through “preferential consideration” for any suitable vacancy. Human Resources will maintain an “at risk” register and ensure those on it get preferential consideration for any suitable vacancy that arises, through use of our internal Redeployment Pool.

No employee will be issued with a notice of redundancy until the end of the agreed consultation period, during which time every attempt will be made to find them alternative employment.

### 5.2 Voluntary redundancy

In the first instance, requests for expressions of interest in voluntary redundancy may be sought from staff affected by the organisational change or a wider staff group, with view to minimising compulsory redundancies by creating vacancies to facilitate staff transfers and identification of suitable alternative employment.

All staff indicating an interest will be provided with financial quotations about their entitlement.

Applications will be considered against objective criteria with a view to maintaining the skills, knowledge and experience essential for the future efficient and effective provision of service delivery.

Applicants will be advised in writing as soon as a decision has been made about their application. There is no right of appeal where an application for voluntary redundancy has been declined.

### 5.3 Compulsory redundancy

Compulsory redundancies will be a last resort. The method of selection will be consulted upon with trade unions with the aim of achieving agreement. The criteria will be fairly and consistently applied.

### Procedure in respect of redundancies

Where there is a potential risk of redundancies, the ICB will ensure that as part of the consultation process the appropriate information is provided in writing to employees and their representatives. This will include:

- reasons for any proposed redundancies

- numbers of employees and descriptions of posts affected
- proposed method of selecting the employees who may be dismissed on grounds of redundancy
- proposed method of carrying out the dismissals, taking account of any agreed procedure, including the period over which the dismissals will take effect
- how redundancy payments will be calculated.

Consultation should take place with a view to reaching agreement with the appropriate staff/trade union representatives in respect of:

- measures to minimise or avoid redundancies
- measures for reducing the numbers to be dismissed
- mitigating the consequences of any redundancies.

The ICB will fulfil its legal obligations in managing redundancies, namely:

- any employer proposing to dismiss as redundant at least 20 employees within 90 days or fewer must consult with appropriate representatives of affected employees. Consultation must begin at least 30 days before the first dismissal takes effect
- where it is proposed to dismiss more than 100 employees, consultation must begin at least 45 days before the first of the dismissals takes effect.

The timescales above reflect current statutory requirements and will automatically be updated to reflect any statutory changes.

Staff will be granted paid time off to attend interviews by arrangement with their line manager. The ICB will facilitate the early release of staff successfully securing alternative employment without loss of pay. All staff affected by redundancy will have access to Human Resources during this process.

Human Resources will provide signposting services or advice and support for staff placed “at risk” including:

- interview techniques
- completing application forms and writing CVs
- career coaching and advice
- job opportunities
- counselling services
- retraining and personal development.

- access to the Employee Assistance Programme.

### **Selection for redundancy**

An employer must demonstrate fair treatment in selection for redundancy. In determining the selection criteria, the following should be considered:

- the need to ensure selection of the right people into the right posts and to minimise redundancy by encouraging flexible approaches to retaining staff
- whether applicants for voluntary redundancy can be drawn from the identified redundant posts/functions or from other posts within the ICB that would afford relevant redeployment opportunities for those staff identified as being at risk of redundancy
- whether there are staff who meet the qualifying criteria and want to take advantage of flexible retirement arrangements within the NHS Pension Scheme.

Additional criteria will include consideration of:

- attendance record (this should be complete and accurate and the reasons for and extent of absence should be known)
- disciplinary record
- skills or experience
- standard of work performance
- aptitude for work
- formal qualifications and advanced skills should be considered, but not in isolation.

Any additional criteria appropriate to a particular post or situation should be agreed by the relevant director and HR representative in consultation with trade unions.

It is essential that all selection criteria are fair, objective and applied consistently.

### **Redundancy payment**

To qualify for redundancy payment staff must have at least two years' continuous ICB employment. Redundancy payments will be calculated in accordance with the NHS National Terms and Conditions of Service in operation at the time (section 16.8 of Agenda for Change – see NHS Employer's website for its terms and conditions).

## 6 TUPE

Where a service transfers to a new organisation or into the organisation, staff employed in that service will transfer to the new organisation under a transfer order or the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended).

These regulations protect the existing terms and conditions of employment for staff and ensure that continuity of service is protected.

Some examples of a transfer are:

- Where all or part of a service is commissioned from an alternative provider.
- Where the organisation, or part of it, is bought or acquired by another organisation.
- Where the organisation ceases to exist and/ or combines with another organisation.

Under the TUPE regulations there are obligations to inform and consult staff about the transfer. Under TUPE regulations the existing employer is responsible for:

- Working in partnership with the new employer to ensure that staff are consulted with during the change and informed about the facts of the transfer, the reason for the transfer, when it is due to take place, the implications for employees and the measures that the ICB and the new employer expects to take in relation to employees.
- Providing the new employer with relevant staff information (known as “due diligence”).

Under TUPE regulations the new employer is responsible for:

- Working with the existing employer to ensure that staff are consulted during the change and informed about the transfer, the reason for the transfer, when it is due to take place, the implications for employees and the measures that the new employer expects to take in relation to employees.
- Informing the existing employer of any legal, economic and social implications of the transfer for the affected employees and whether any measures, such as reorganisation, will be taken and how staff are likely to be affected. This information will be shared with affected staff as part of consultation.

- Terms and conditions of the employees transferring.
- All rights and obligations arising from staff in terms of their contract of employment, except criminal liabilities and some benefits under an occupational pension scheme or bonus schemes.
- All collective agreements made on the employee's behalf and in force immediately before the transfer.
- Providing a pension scheme, which must be certified by the Government Actuary as being overall materially at least as good as the NHS pension scheme. Any transferred staff should be given the option to transfer the accrued rights from their past service in the NHS pension scheme to the new employer's pension scheme without suffering the normal disadvantages which apply to early leavers of defined benefit pension schemes.

The new employer will not be able to:

- Fairly dismiss an employee because of the transfer or a reason connected with it, unless the reason is an economic, technical or organisational reason entailing changes in the workforce.
- Change the terms and conditions of the transferring employee because of the transfer or a reason connected with it, unless the reason for the change is an economic, technical or organisational reason entailing changes in the workforce. Should this apply, affected employees should be fully consulted.

## 7 Right of appeal

Employees have the right of appeal against their selection for redundancy, utilising the appeal procedure outlined in the ICB's Disciplinary Policy. Any redundancy notice will not be suspended while an appeal procedure is being followed, but would be revoked or amended if the appeal was successful.



# Parental leave

## 1 What this policy covers

**The ICB recognises that working parents may need to take additional unpaid leave from work to care for their children. This policy explains who qualifies and how to request parental leave.**

It also sets out how and when the leave can be taken, provides information on your contractual rights and your right to return to work following parental leave. In cases of adoption, please also refer to the ICB's Adoption Leave Policy.

## 2 Principles

- While the ICB supports the principle of parental leave, decisions in respect of when the leave can be taken must take account of service demands.
- Leave granted via this policy must be used primarily for spending time with or caring for your child. The use of the leave for any other purposes could result in disciplinary action being taken against you.



## 3 Responsibilities

- The ICB aims to ensure that applications for parental leave are treated in accordance with this policy and in a way that does not discriminate.
- Managers are responsible for actioning requests for parental leave in accordance with this policy.
- Employees wishing to take parental leave should inform their managers within the timescales specified in this policy.

**“The ICB aims to ensure that applications for parental leave are treated in accordance with this policy and in a way that does not discriminate”**

## 4 Policy in practice

### 4.1 Qualifying conditions

To qualify for parental leave you must have been employed by the ICB continuously for one year or more. You must also have responsibility for the child and be one of the following:

- the biological mother or father of the child
- the child's adoptive parent
- Have legal responsibility for the child (eg be the child's legal guardian).

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

#### 4.2 Entitlements

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

- a maximum of 18 weeks' unpaid parental leave for each child up to their eighteenth birthday
- you can only take a maximum of four weeks a year for each child (unless the ICB agrees otherwise)
- you must take parental leave as whole weeks (rather than individual days)
- if your child is registered disabled, you are entitled to a total of 18 weeks' parental leave, which can be taken at any point up to your child's eighteenth birthday and unlike other parental leave you are not required to take the leave in whole weeks, but can take one day at a time if you wish

#### 4.3 Contractual benefits during parental leave

You are entitled to your normal terms and conditions of employment, with the exception of pay, while on parental leave. Periods of parental leave will not affect your continuity of service.

#### 4.4 Procedure

If you meet the qualifying conditions detailed above, you are required to give your manager a minimum of 21 calendar days' notice, in writing, of your request to take parental leave. This notice should be given through completion of the Application to Take Parental Leave form, which is available from the ICB HR Intranet site.

You will also be required to provide evidence of your responsibility for the child. This may be either a copy of the child's date of birth or adoption placement and, if applicable, the child's entitlement to Disability Living Allowance.

If you intend to take parental leave immediately after paternity leave, you must give the ICB a minimum of 21 days' notice from the beginning of the expected week of childbirth or placement.

#### 4.5 The right to postpone parental leave

The ICB has the right in exceptional circumstances to postpone your parental leave for up to six months if the timing of your absence will unduly disrupt service delivery.

The ICB will not postpone leave when an employee (in the capacity as the father or partner) gives notice to take parental leave immediately on the birth of a child or

placement with the family for adoption. In addition, the ICB will not postpone leave if it means an employee would no longer qualify for parental leave (eg postponing it until after the child's 18th birthday).

#### 4.6 Returning to work after parental leave

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

If your parental leave has been combined with a period of maternity, adoption or paternity leave of more than four consecutive weeks, and it is not reasonably practicable for you to return to the same position you held before commencing leave, the ICB will offer you suitable alternative employment.

#### 4.6 Vacancies

Employees taking parental leave can access information on ICB vacancies and opportunities for promotion via the ICB HR Intranet site, which can be accessed via most electronic devices. Any application should be done through the normal recruitment procedure. Employees will not be treated any differently in the selection for such opportunities.

#### 4.7 Organisational change

In the event of organisational change, employees on parental leave will be managed in the same way as all other employees when it comes to consultation and communication. They will receive written documents, letters and notifications and will be required to attend formal meetings where appropriate. Please refer to the ICB Organisation Change Policy for further information.



# Paternity leave

## 1 What this policy covers

This policy is a guide for managers and employees that outlines statutory paternity rights and responsibilities. It provides information regarding health and safety, pay and leave entitlements and how to apply for paternity leave.

## 2 Principles

The ICB recognises that employees need to take time away from work to bring up their family and is committed to supporting all employees in a consistent, fair and effective way with regards to applying for time away from work in such circumstances.

## 3 Responsibilities

- The ICB aims to ensure application of this policy is fair, equal and in no way discriminatory.
- Managers are responsible for actioning requests for paternity leave in accordance with this policy.
- Human Resources and Payroll will provide advice on applying this policy.
- Employees wishing to apply for paternity leave should do so using the procedure outlined in the policy.

“The ICB recognises that employees need to take time away from work to bring up their family and is committed to supporting all employees in a consistent, fair and effective way with regards to applying for time away from work in such circumstances”



## 4 Policy in practice

### 4.1 Eligibility

To qualify for up to two weeks' paternity leave (not including pay) employees must:

- be the biological/adopted father and/or the mother's/other parent's husband or partner (including same-sex partner or civil partner, regardless of gender). A partner is someone who lives with the baby's parent/mother in an enduring family relationship, but is not an immediate relative
- have or expect to have responsibility for the baby.

In addition employees should:

- have at least 26 weeks' continuous employment ending with the fifteenth week before the Expected Week of Childbirth (EWC) or the week they are notified of the match in the case of adoption
- be working from the Qualifying Week (QW – the fifteenth week before the EWC) up to the date of birth or date of placement in the case of adoption.
- intend to take the time off to support the mother and/or care for the baby.

If the baby is born earlier than the fourteenth week before the EWC, and if the baby had not been born early the employee would have been employed continuously for 26 weeks, the employee will be deemed to have met the length of service requirement.

**“To qualify for paternity leave, an employee should notify their manager that they are to be the parent of a new baby, no later than the end of the fifteenth week before the EWC – or as soon as is reasonably possible”**

#### **Bank employees**

Bank employees are entitled to take Ordinary Paternity Leave (OPL), however, they will not be entitled to Occupational Paternity Pay (OPP), but may be eligible for Statutory Paternity Pay (SPP). Their average weekly earnings must not be less than the Lower Earnings Limit for National Insurance contributions in the eight week period prior to the fifteenth week before the baby is due (or the eight-week period prior to the week they are notified of the match in the case of adoption). Bank employees will not be entitled to take Additional Paternity Leave (APL).

#### **Fixed-term contracts**

If an employee's contract ends before the birth, the employee does not qualify for paternity leave unless they go on to work for another NHS employer. If their contract ends after the birth, they retain their right to paternity leave. In such cases the Payroll Department will advise.

#### **Rotational contracts**

If an employee works on a planned rotational contract with one or more NHS employers as part of an agreed training programme, they will retain the right to return to work in the same post or next planned post, and their contract will be extended to enable them to complete the remainder of the agreed programme. This agreement is irrespective of whether the contract would have otherwise ended. In respect of medical staff, the ICB will take advice from the Deanery regarding training requirements and plans.

#### **4.2 Procedure for requesting paternity leave**

To qualify for paternity leave, an employee should notify their manager that they are to be the parent of a new baby, no later than the end of the fifteenth week before the EWC – or as soon as is reasonably possible.

They should inform their manager of:

- the expected date of the baby's birth
- whether they wish to take one week or two weeks' leave
- when they want their paternity leave to start.

An employee adopting a child should notify their manager as soon as reasonably possible but for:

- leave – no later than seven days of their co-adopter or partner being matched with a child and
- pay – 28 days before they want their pay to start.

For overseas adoptions, the form and notice period is different and advice will be provided by HR.

Employees should then meet with their manager to complete an Application for Paternity Leave form, which can be found on the HR Policies Forms section on the ICB HR intranet site. This should be sent to HR as soon as possible to ensure correct payment.

The manager or employee must complete an electronic changes form (accessible via the ICB HR intranet site) and send a copy of the MATB1 with their application form to HR.

It is recognised that the dates agreed may need to be changed nearer the time to coincide with the exact date of birth and discharge home. Employees who do not qualify for paternity leave are entitled to ask for unpaid leave or to take annual leave.

#### **4.3 Duration and timing of paternity leave**

An employee cannot start their paternity leave until the birth of the baby or date of adoption. Employees can choose to take one or two whole weeks only. Odd days or non-consecutive days or weeks cannot be taken.

Paternity leave must be completed before the fifty-sixth day after the baby is born or child is adopted and can start on any day of the week.

An employee can choose to start their leave:

- on the actual date of the baby's birth (whether earlier or later than expected)
- on a date (which the employee has notified in advance) falling a specified number of days after the actual birth date (whether earlier or later than expected).

#### 4.4 Still Birth

In the sad event that an employee's partner gives birth to a stillborn baby after 24 weeks of pregnancy, they will be entitled to full paternity leave and pay.

#### 4.5 Attending antenatal appointments

An expectant father or partner will be entitled to take unpaid time off from work to attend up to two antenatal appointments.

“Partner” includes the spouse or civil partner of the mother and a person (of either sex) in a long-term relationship with the mother. The partner does not have to be the biological father of the child to request time off. It also extends to those who will become parents through a surrogacy arrangement, if they expect to satisfy the conditions for and intend to apply for a parental order for the child born via that arrangement.

A maximum of six and a half hours for each antenatal appointment will be allowed. There is no qualifying period to exercise this right for employees.

In some cases, employees may choose instead to take annual leave or to arrange their working pattern to enable attendance at antenatal appointments outside of their scheduled work time.

## 5 Pay during paternity leave

Employees who have been employed for 52 weeks at the EWC are entitled to OPP. In such cases, OPP will be paid at the employee's basic wage (not including supplements or enhancements) for the weeks taken.

Employees who have not been employed for 52 weeks at the week the baby is due (EWC) but have been employed for 26 weeks at the fifteenth week before the EWC will be paid SPP, at current statutory paternity pay rates (details can be found at the HMRC website). Tax,

National Insurance contributions and pension contributions will be payable as normal in all cases.

## 6 Your terms and conditions

### Contractual rights

During the period of paternity leave, all contractual rights are retained.

#### 6.1 The right to return to work

At the end of the paternity leave period all substantive employees have an automatic right to return to work in a comparable job to the one they were doing.

#### 6.2 Organisational change

In the event of organisational change, employees on paternity leave will be managed in the same way as all other employees for the purposes of consultation and communication. They will receive written documents, letters and notifications and will be invited to attend the ICB to attend formal meetings where appropriate. All organisational change will be managed in line with the ICB Organisational Change Policy.

#### 6.3 Vacancies

Employees taking paternity leave can access information on ICB vacancies and opportunities for promotion via the ICB HR Intranet site, which can be accessed via most electronic devices. Any application should be made through the normal recruitment procedure. Employees will not be treated any differently in the selection for such opportunities.



# Pay protection

## 1 What this policy covers

**This policy outlines the ICB's pay protection provisions which support staff who, following organisational change, are required to move to a new post that would involve a reduction of earnings and certain terms and conditions of employment.**

This policy doesn't apply where pay is affected as a result of changes:

- requested by the individual(s) or their representative(s)
- made by mutual agreement between an individual and their manager
- as a result of either employee competence concerns or disciplinary action
- as a result of redeployment because of ill health, where the reason has been recognised as work-related under the provisions of Agenda for Change
- that are part of a negotiated settlement (eg the introduction of a new job-evaluation system).

Staff currently receiving time-limited protection under previous protection arrangements will be unaffected by this agreement and will continue to receive protection under arrangements in force at that time. This policy is not applicable to all staff on temporary or fixed-term contracts with less than 12 months' continuous service.

## 2 Definitions

### Basic pay protection

Protection of basic salary is on a "marked-time basis", which means that the rate of earnings is preserved without the benefit of any subsequent increments or pay awards, until the new earnings reach the level of the previous earnings or until such time as otherwise agreed. Following the period of protection the employee will be paid on the scale applicable to the new post.

### Other pay protection

Short-term pay protection of additional earning applies to: overtime; payments for working outside normal hours; payments for providing emergency cover outside normal hours; and on-call payments, provided that they are a regular requirement of the job over at least a continuous six-month period.

Earnings must be either a contractual term of an individual's employment or regularly and formally rostered to be included in short-term protected earnings. There will be no protection of ad hoc payments. Protected earnings are calculated as an average of the previous four months' earnings. Short-term protection of earnings is conditional on the employee undertaking any overtime, shift work or other additional duties which may be required up to the level at which earning in the new post equal to protected earnings.

**Basic salary** is the monthly sum due for basic hours worked by someone in their standard week, reckoned on the day immediately before the first day of their employment in the new post. Acting up and on-call allowances do not form part of the basic salary.

**Contracted pay** means earnings payable per annum to the employee in respect of their contracted hours, according to their terms and conditions of employment. If appropriate, this may include special duty payments and shift enhancements, but excluding non-contractual overtime, "acting up" and all other earnings.

**Period of protection** means the length of service during which pay will be protected.

**Redeployment date** means the date on which the employee starts employment in the new post under these arrangements. This might include a project post for a minimum of 12 months.

**Length of service** means the period of continuous

employment with the NHS up to the date on which contractual notice is effective.

### 3 Principles

The protection arrangements in this policy aim to support the management of change by helping to obtain a balance between the need to:

- achieve the business plans and contractual obligations of ICB within available resources
- retain the skills, commitment and expertise of staff
- take account of the aspirations of staff, their wellbeing and domestic commitments
- treat staff fairly and reasonably.

In operating this policy, the ICB requires staff to be adaptable, which may mean: taking on a new role; a variation in role or responsibilities; changing working team or location; changing hours of work; and, in some cases, having to re-train.

The ICB will try to redeploy and re-train staff for new roles that match the level of skills and responsibilities used in their current post, although this may not always be possible. Throughout the process, staff will be supported with training and guidance to ensure they can contribute to service needs in the most effective way and to their full capacity.

Staff affected by organisational change who do not secure a post at their substantive band within the new structure are expected to actively consider posts at a lower band.

### 4 Responsibilities

- The ICB is responsible for ensuring that managers are aware of their responsibilities under this policy.
- The Assistant Director of HR will oversee implementation of the policy within the ICB and monitor compliance and effectiveness.
- Managers are responsible for following the principles and processes in this policy, while ensuring the appropriate paperwork is completed and that Payroll is notified of the employee's pay protection arrangements.

## 5 Policy in practice

### 5.1 Long-term basic pay protection

Basic pay protection applies to any employee who, as a consequence of organisational change, is required by management to move to a new post or to reduce their contracted working hours and who, as a result, is faced with reduced basic salary. Under the terms of this policy, eligible staff will continue to receive a protected basic salary for a period based on their length of service. The protected salary will be the employee's basic salary as at the start date of their redeployment into a new post.

Pay protection will normally only be offered for redeployment to a post limited to one band below the existing substantive post. All other terms and conditions of employment will be those applicable to the new post.

#### Periods of protection

The period of pay protection is based on the length of continuous service as detailed below:

Length of service	Period of protection
Less than one year	None
More than one but less than two years	Six months
More than two but less than four years	12 months
More than four years	Two years

During the period of protection, the protected basic salary will "mark time" (ie it will not be increased either by increments or pay awards). If the maximum basic salary applicable to the new post increases by pay awards to more than the protected amount, the employee's basic salary will be increased to the new maximum and the period of protection will end. Future increases will then apply as normal.

During the period of protection, all overtime and other salary-related enhancements will be based on the normal maximum for the new post, unless short-term pay protection also applies (see below).

If at any time during the protection period basic pay and earnings in the new post exceed protectable earnings, protection will be ceased and basic pay and earnings for the new post will be paid in full.

Protection should continue until:

- The protection period expires.
- Basic pay and earnings in the new post permanently exceed that of the old post.
- The employee moves of their own accord to a new post.

Where a part-time employee is moved to a new post and downgraded, with their hours the same or fewer than before, basic pay protection entitlement is assessed using actual hours worked in the new post, paid at the previous post's hourly rate. If the hours in the new post exceed hours worked previously, protection entitlement is based on:

- hours worked previously at the previous rate
- additional hours in the new post are paid at the new post's rate of pay.

Protected pay will continue during any period of paid maternity leave.

On moving to the lower band, the employee will be appointed to the top step of the band, so that at the end of pay protection, they will be paid at the maximum step of the new band. Please see the ICB Organisational Change Policy

### 5.2 Short-term additional earning protection

Under this policy, eligible staff will receive protected pay, as shown in the table above right, from the date of redeployment or date of change in shift pattern or required reduction in their contracted working hours. All other terms and conditions of employment will be those applicable to the post in the new working pattern.

The amount of protected pay will be the difference, on the date of redeployment or transfer date, between the contracted pay in the new post and that which would have been paid in the previous working pattern.

The calculated amount will:

- not be increased during the period of protection
- be non-pensionable and will not count towards overtime or any other salary-related payments in the new post.

#### Length of service on working pattern\*      Period of protection

Less than one year	None
One to two years	Four months
Two to three years	Six months
Three to four years	Eight months
Four to five years	10 months
More than five years	12 months

\*Includes all continuous service within the ICB on contracted working patterns with unsocial hours payments or length of service since shift pay protection was last paid, whichever is shorter.

The periods of protection that will apply are:

- Where contractual hours are reduced, short-term protection applies for periods set out in the table top right (ie staff will be paid for contractual hours of work that applied to the substantive contract held before reorganisation during this period of protection).
- Where appropriate, staff will be required to work the hours paid.

### 5.3 General conditions

Staff must not unreasonably refuse a suitable alternative job that subsequently becomes available. Staff who are on fixed-term contracts and have more than 12 months' continuous service are only entitled to protection for the period of their fixed-term contract.

### NHS Pension Scheme

Under the provisions of the NHS Pension Scheme, staff may apply to preserve their pension benefits based on the previous level of pay where, through no fault of their own, they are downgraded. Employees who wish to consider this option must liaise with the Pension Scheme Manager at the earliest opportunity to discuss the process and timescales involved.

## 6 Right of appeal

If the matter is not resolved, the employee can appeal under the provisions set out in the ICB Grievance Policy.



# Performance appraisal and talent management

## 1 What this policy covers

**This policy outlines the ICB's approach to the annual performance appraisal process.**

Performance appraisals provide an opportunity to:

- clarify job requirements and manager expectations
- reinforce positive behaviour and discuss any concerns
- identify any training and development needs or talent within the workforce for future development.

While this should be an ongoing process, having a scheduled annual appraisal meeting and six-month review ensures protected time for the discussion to take place and enables you to prepare.

This policy applies to all permanent ICB employees, including apprentices, clinicians, directors and those on secondment. This policy also applies to those on long-term fixed-term contracts. All employees that have been employed for less than six months are to refer to the probation policy. Agency staff (refer to the Agency and Interim Use Policy), volunteers or contractors are not expected to have a performance appraisal.

## 2 Principles

- The ICB aims to ensure that performance appraisal meetings reflect the criteria as defined in the organisation's values and behaviours.
- Policy compliance will provide consistency across the ICB.
- All staff are encouraged and supported in delivering high-quality performance and to develop to their full potential.
- This policy has been designed to ensure that employees are well supported in the realisation of

the business objectives, values and behaviours, by helping them to conceptualise these in line with their day-to-day roles. This in turn will allow employees to feel motivated, committed and satisfied in helping the ICB and NHS to achieve their business goals and live their values.

## 3 Responsibilities

The Chief Executive Officer and Directors are responsible for ensuring that:

- a culture of fairness and openness exists in applying this policy
- managers in their areas of responsibility undertake appraisals for all their staff in a timely and appropriate manner.

Managers should ensure that:

- appraisers and appraisees have the time, resources and support to undertake all the responsibilities set out in this policy
- everyone has an appraisal every year during the appraisal cycle from 1 April to 31 March or as determined by the organisation. Pay progression is dependent on the successful completion of the performance appraisal.

Appraisers are responsible for:

- holding individual annual appraisal meetings and six-month reviews with their designated staff
- ensuring the appraisal is a fair and honest discussion of the employee's performance and that the employee's views are considered
- ensuring that they prepare thoroughly for the meeting and that employees have enough time to prepare
- facilitating completion of employees' mandatory training

- documenting the appraisal and recording pay progression on ESR on the anniversary of their start date into that role
- ensuring that the appraisal conversations includes a discussion about health and wellbeing.

Employees are required to:

- participate and actively engage in the appraisal process
- prepare thoroughly for the meeting, maintaining evidence of performance relating to objectives and learning and development they have undertaken during the year.

## 4 Policy in practice

### 4.1 Preparation for the meeting

You should be given reasonable notice of your appraisal meeting. Your appraiser should make sure you understand the appraisal process, know what will be discussed and how you should prepare.

To ensure success, you and your appraiser must prepare.

As the appraisee you should consider:

- your main responsibilities
- what you have achieved since your last appraisal
- what you think you do best, your key skills and abilities
- which parts of your job you find challenging and why and what additional support you might need
- things you would like to do now that you don't do already
- your plans for your professional development/ career/job role and career aspirations
- additional training or development you have undertaken in the past 12 months
- your team building and collaboration skills across the organisation
- how you have demonstrated the values and behaviours of the ICB
- talent management and your career aspirations.

Your appraiser should consider:

- how well you have performed since your last appraisal

- to what extent you have completed your personal development plan and training requirements
- what feedback should be given at the meeting
- factors that have affected your performance
- what actions could be taken to improve your performance
- what objectives might be set for the next review period
- personal development goals to set for the next review period
- your team building and collaboration skills across the organisation
- talent management and your career aspirations.

### 4.2 Appraisal discussion

Our appraisal system is based on the principle of “no surprises”. If there are concerns with your development or any capability issues, they should have been addressed when identified and managers should seek advice from HR as to whether the issues raised should be addressed through the ICB Capability Policy.

Performance appraisal meetings should be held in a private, confidential and comfortable environment with minimal risk of interruption. Sufficient time must be set aside to undertake the appraisal and your appraiser should make sure the appraisal is cancelled or postponed only if absolutely necessary. In such cases, the meeting should be rescheduled at the earliest opportunity.

During the meeting you should take a lead in discussions, with your appraiser listening carefully to what is said, summarising the discussion and keeping the meeting on track. Focus should be on your performance and competence in your role, as well as ICB Values and Behaviours. Both parties should take into account the whole period since the previous appraisal, rather than isolated events.

### 4.3 Objective setting

As part of the performance appraisal meeting, your objectives should be set and agreed for the next 12 months. They should follow the SMART principles:

- S** – Specific
- M** – Measurable
- A** – Achievable
- R** – Realistic
- T** – Timebound

Guidance in the writing of SMART objectives can be found on the HR intranet.

#### 4.4 Personal development plans

You and your appraiser will both agree your personal development plans.

#### Six-month progress reviews and monthly one-to-one meetings

Progress reviews take place six months into the performance review period, during October-December. They give the employee and line manager the chance to review progress against objectives, receive feedback on performance, identify key concerns for the next review period and revise training and development plans as required.

Monthly one-to-one meetings are paramount to the appraisal process and should be used as an ongoing cycle of development and support throughout the year prior to and after the six-month progress review meeting. All employees should have the opportunity to have monthly one-to-one meetings to discuss their health and wellbeing, performance and development and to monitor and review:

- delivery of objectives set at the performance appraisal or six-month review meeting
- learning and development progress and to ensure identified training has been booked for completion
- to provide feedback around ongoing performance within the job role and objectives.

#### Transfer of line management (inc. secondments)

When someone changes manager within the ICB during a review period, there will be a handover, during which the previous manager will hold an interim meeting.

This will enable the new manager to set expectations for the remainder of the review period. This will ensure continuity in the appraisee's personal development and that outstanding responsibilities in the original role are transferred to others so that business objectives continue to be achieved, where they remain relevant to the role.

#### Completing the performance appraisal

The performance appraisal process has a standard template and a set of guidance to be followed, both of which are available via the HR intranet.

#### Talent management

A talent management conversation is part of the performance appraisal process and must be completed with each appraisee as part of the conversation. Talent management enables managers to identify:

- Talent within the workforce for future development, while giving employees access to appropriate development activities.
- Staff performing at a very high level, who may or may not aspire to move to a more senior position. They remain part of the ICB talent pipeline.
- Employees who are underperforming who need to improve their performance/behaviour. A detailed development plan should be agreed for such staff, because there should be no surprises at the appraisal it is likely that this development plan would have already been agreed prior to the appraisal.

## 5 Other conditions

### 5.1 Maternity/adoption leave/shared parental leave

If you're due to go on any of the above two months before your scheduled appraisal meeting, the meeting will be bought forward. If your scheduled appraisal is due later than two months, it will be conducted retrospectively as part of your return-to-work process.

### 5.2 Career breaks

If you take a career break, an appraisal must take place within a few weeks of your return, to identify performance objectives and training and development needs.

### 5.3 Long-term sickness

If you return to work after long-term sickness, your performance appraisal will take place within a reasonable period, taking into consideration any adjustments or phased-return requirements that are necessary.

## 6 Appeals/disagreements

Every effort will be made to ensure that you and your appraisers can resolve differences of opinion during the appraisal without the need for formal procedures. Should you wish to appeal decisions arising from your appraisal, you can use the ICB Grievance Policy.

# **Probation**

## 1 What the policy covers

**This policy provides an overview of the ICB's process for reviewing and supporting new employees during their first six months in post.**

The purpose of the probation and induction period is to ensure that each new employee receives appropriate support and development opportunities to enable them to quickly settle into their new role, and to facilitate them in carrying out their duties and responsibilities to the required standards.

It is in all parties' interests for new staff to meet the required standards and realise the investment made in the recruitment, induction and training of new staff.

The probation period is a two-way process, which provides new employees with the opportunity to receive constructive feedback, while identifying any training and development needs and encouraging the proactive involvement of staff in the induction process.

If problems are identified, new employees should be given the opportunity to improve their performance/conduct/attendance and be provided with any additional support or training that can be identified to assist in this, where appropriate.

## 2 Principles

- The ICB is committed to ensuring that all new employees understand the expected standards of performance, conduct and attendance, and that they are provided with timely and effective support to settle into their new job.
- This policy applies to all ICB employees starting substantive or fixed-term employment.
- During the probation period, the Disciplinary, Capability and Absence Management policies will be followed.



However, following one of these policies does not take precedence over the probation policy.

## 3 Responsibilities

Managers have a responsibility to:

- ensure this policy is applied consistently and in a way that does not discriminate
- consider whether any reasonable adjustments are necessary for new starters and where appropriate, review Occupational Health recommendations
- ensure that new staff take the ICB corporate induction
- meet with the employee to discuss the job description and person specification and to identify key areas of the role to ensure the employee understands what is expected of them in terms of their objectives and what their performance will be measured against
- provide local induction training and support to achieve expected standards and document the role's key areas as a part of the induction process and ensure sign off when completed within the first three months
- outline what support and guidance will be provided to help the new employee meet the expected standards

- take necessary supportive action at the earliest opportunity if required standards are not being met.

New employees should ensure that they:

- fully understand the standards of performance, conduct and attendance expected of them during their probation period and beyond
- discuss with their manager any concerns they may have in relation to meeting these standards
- are fully prepared for their performance review meetings.

HR is responsible for:

- Overseeing the implementation of this policy, ensuring that legal and procedural updates are incorporated in a timely manner.
- Supporting employees and managers to understand this policy and receive training as required.
- Working with managers to advise on the fair and consistent implementation of this policy.
- Sending new starters an employment contract that states that their employment is subject to satisfactory completion of a probation period, as per this policy.
- Ensuring an appropriate corporate induction is available to all new ICB staff and monitoring and reporting on attendance.

## 4 Policy in practice

### 4.1 Probation period

New employees joining the ICB must complete a six-month probation period. The probation period for new staff on a fixed-term contract of less than six months will be the length of the contract.

### 4.2 Relationship to other HR policies

For all new staff, performance/capability, attendance and misconduct will be dealt with under this policy rather than the ICB Disciplinary Policy, Capability Policy or Attendance Management Policy. However, sickness absence must be reported and documented in accordance with the Attendance Management Policy.

**“New employees must complete a six-month probation period. The probation period for new staff on a fixed-term contract of less than six months will be the length of the contract”**

### 4.3 Objective setting

Within the first month of employment, the manager and new employee should agree a number of objectives to be met during the probation period. Objectives should be SMART:

- Specific
- Measurable
- Achievable
- Realistic and
- Time-bound.

### 4.4 Performance review meeting

Any concerns regarding performance should be raised with the member of staff at the earliest opportunity. There should be at least two probation review meetings. The probation review meetings will take place as follows:

**Step One** – First Review Meeting (about three months into the appointment).

**Step Two** – Final Review Meeting (about two weeks before the end of the probationary period).

Following the probation period, a performance review meeting will take place in accordance with the following principles:

- all probation performance review meetings will be scheduled in advance and their outcome will be confirmed in writing to the employee using the Probation Performance Review form.
- the timing of meetings may be bought forward and/or additional review meeting(s) during the probation period may be required as determined by the manager
- the meetings will be a two-way confidential discussion, to identify where there are areas of both positive performance and any areas of concern
- managers should provide all possible support to their new team members to give them a fair opportunity to become fully integrated and productive employee.

If the employee's performance is satisfactory, the manager will inform the employee that they will continue with their probationary period or continue with their employment for the period specified in their employment contract (at the six-month review meeting).

If the employee's performance has not met the standards required, the manager will seek advice from the HR Department prior to the meeting.

Where there are minor areas of concern, the manager will identify if additional support can be given to address the concerns, so that the employee can continue with their employment contract.

#### **Early termination of employment**

Should the performance fall significantly short of the standard expected, and where all reasonable support has been provided, the manager may consider ending employment at this stage. If so, there will be a further meeting to confirm this.

In such cases, the line manager should consult their HR representative and establish the facts of the situation and arrange a review meeting at which their contract may be terminated.

The employee will be informed in writing in advance of the meeting and an HR Department representative will also attend. The ICB reserves the right to hold this meeting without notice in exceptional circumstances. The employee will receive written confirmation of the decision of the performance review meeting within five calendar days.

The employee will receive payment in lieu of their contractual notice period, unless they're being dismissed for gross misconduct, for which there is no payment in lieu of notice.

If an employee passes their six-month probation period, they will receive confirmation in writing from their line manager, with a copy given to HR.

#### **4.5 Probation extension**

An extension to an employee's probation period should only be sought in exceptional circumstances and reasons for this must be recorded on the Probation Performance Review form.

The manager should consult with the HR Department prior to any decision to extend an employee's probation period.

Any extension of a probation period should normally be for no more than three months and only one extension will be granted. The extension will be confirmed in a letter to the employee and a copy placed on the employee's personal file.

#### **4.6 Employees recruited to a new role**

If an employee transfers to a different post at the ICB during their probation period, the length of the original probation period will continue and the responsibility to complete the assessment of the employee will transfer to the new manager.

#### **Appeal**

Employees who are dismissed under this procedure will have the right to appeal against the decision. The individual should set out in detail their grounds for appeal and submit this to the Assistant Director of HR within 14 calendar days of the written confirmation of the outcome of the probation review meeting. Failure to do this without good reason may mean that the appeal is not allowed to proceed.

Upon receipt of the individual's grounds of appeal, the HR Department will arrange an appeal meeting with the individual, the manager who made the decision to dismiss the individual, a neutral senior manager, the Assistant Director or Director, who will chair the meeting and an HR representative. The individual may be accompanied by an accredited trade union representative or workplace colleague.

The procedure to be followed at an appeal meeting is as set out in the ICB Disciplinary Policy. The outcome of the appeal meeting should be confirmed in writing to the employee within five working days of the meeting.



# Professional registration

## 1 What this policy covers

**This policy aims to ensure that professional registration of all staff in posts subject to registration with a professional body is kept up to date.**

## 2 Principles

**2.1** The policy applies to all ICB staff, whether employed on a permanent or temporary basis or contracted in, working in posts that require mandatory professional registration/licence. Providers of workers such as locums, agency and in-sourced staff must ensure compliance with this policy.

## 3 Responsibilities

**3.1** All staff employed in posts subject to registration with a professional body must ensure that their registration is kept up to date and that they comply fully with their professional codes of conduct and practice. Professional staff must inform their appropriate professional registration body of any personal circumstance change (eg change of name or address).

**3.2** The registered practitioner is responsible for informing their professional body and employer of any police or criminal investigations or offences relating to them.

**3.3** If a practitioner fails to conform to registration obligations set by their professional registration body and/or within their contract of employment, their authority to practice in the role may cease. Therefore, practitioners must ensure that their registration is maintained and the details they include are accurate.

“All staff employed in posts subject to registration with a professional body must ensure that their registration is kept up to date and that they comply fully with their professional codes of conduct and practice”

## 4 Policy in practice

**4.1** Staff members must provide evidence of their professional registration and qualifications prior to starting work at the ICB. Copies of such evidence will be kept on their personal file.

**4.2** Any staff not directly employed (and therefore not on the ICB payroll system), must have their professional registration checked by the line manager and a record must be kept for all professionals who will be working within the organisation and/or have access to patients. This includes professionals who are independent contractors, on placement, work experience or who have an honorary contract.

## 5 Monitoring of professional registration

**5.1** The ICB will hold professional registration details for staff on its Electronic Staff Record (ESR). The HR Department will identify lapses of registration and notify the individual and their manager by email.

**5.2** HR will send a reminder to staff who have not updated their registration by mid month prior to their registration lapsing. During the third week of the month, if their status hasn't changed, they will receive a second reminder, with their manager copied in to the email.



If the professional registration lapses, section 6 (see below) is implemented and the professional must immediately cease all work aligned to their professional registration.

**5.3** The NMC and GMC provide daily alerts to HR when a practitioner's registration is in the month leading up to lapses. This will only cover practitioners who are entered onto the ICB ESR system.

**5.4** For checks of other professionals' registration status, the HR team carries out monthly checks of the following registration bodies:

- NMC
- HCPC
- GMC
- GPhC

**5.5** Any conditions or undertakings notified to the ICB regarding a person's professional registration will result in investigation under the ICB's Disciplinary Policy.

## 6 Procedure on identification of a lapse of registration

**6.1** If a practitioner fails to register or a registration body removes their permission to practice, they will be in breach of their contract of employment and should cease practice immediately.

**6.2** HR will ensure that the following options are considered by the relevant manager:

- the employee may be able to undertake duties allowed for a non-registrant and receive the appropriate pay
- the employee may be allowed to work in another temporary role for which they have the required skills and do not require a valid registration. They will receive the pay rate associated with that temporary position
- the employee may be allowed to take outstanding annual leave until the registration is renewed
- the employee may be suspended without pay until the registration is renewed.

**6.3** Under no circumstances can an employee be allowed to practice without registration. It is for the relevant manager to determine which of the above options is appropriate, taking into account all of the circumstances and service needs. Managers should seek advice from HR.

**“Staff are expected to maintain professional registration where appropriate”**

**6.4** The manager will advise the employee that they must act immediately to have their professional registration reinstated. The manager will require evidence that the employee has made the relevant application and payment to the professional body within three working days of being made aware of the lapse. Normally a maximum of four weeks will be allowed for the employee to have their registration reinstated. In the case of the NMC, it's six weeks.

**6.5** Deliberate or unreasonable failure by the employee to comply with these time scales may result in action being taken under the ICB Disciplinary Policy.

**6.6** Staff are expected to maintain professional registration where appropriate. In all cases of lapsed registration, the issue may be investigated in accordance with the ICB Disciplinary Policy.



# Recruitment and selection

## 1 What this policy covers

This policy aims to provide clear guidance on the ICB's recruitment process and standards. It will explain the roles and responsibilities involved in the recruitment of employees and outline the key stages of the process.

## 2 Principles

The ICB is committed to providing a transparent, professional, credible and equitable service for handling all internal and external applications for job vacancies by:

- complying with the ICB's Equality and Inclusion principles
- providing an administrative service that improves the efficiency of filling vacant posts
- ensuring that appropriate qualification requirements and UK registration requirements are met for appointments to all professional posts
- ensuring that NHS employment standards are met
- ensuring essential appointment documentation such as contracts of employment are issued to employees in a timely manner.

## 3 Responsibilities

- The ICB will ensure that recruitment is open and fair.
- The recruitment team will support managers to recruit the best candidates and will ensure that the recruitment and selection of staff is conducted in a professional, timely and responsive manner, in compliance with current employment legislation.
- Managers will ensure they follow the recruitment process and will provide all the necessary information promptly to support an effective process. Guidance can be found on the ICB staff intranet website.



- Managers will ensure recruitment decisions are taken fairly based on applicants' values, skills, capabilities and knowledge.
- If a member of staff involved in the recruitment process has a close personal or family relationship with an applicant, they must declare this as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

## 4 Policy in practice

There are a number of key stages in recruitment for a post that are outlined below. Further advice and guidance is available on the ICB staff intranet site, as well as from the recruitment team.

### 4.1 Preparation

- The recruitment process should not begin until an assessment of the need for the post against the department's business plan and budget has been completed.
- A job description and person specification must be produced or updated for any vacant post that is to be filled and it should accurately reflect the requirements of the post.

- The person specification should state both the essential and desirable criteria in terms of skills, knowledge and experience for the post, all of which should be directly related to the post and applied equally to all applicants. Care should be taken when writing the person specification to ensure that criteria used do not indirectly discriminate against certain groups of applicants.
- The job descriptions for new or changed posts must be submitted for job matching before they are advertised, in line with the principles of equal pay for work of equal value.
- In exceptional circumstances jobs may be given an indicative banding before being advertised.
- Formal authorisation to recruit to a post should be sought using the Authority to Recruit via the Trac Recruitment system.
- If a manager believes that there may be potential difficulties in recruiting to a post they should contact the recruitment team to discuss options for appropriate action.
- Appointments may be made on a permanent, fixed-term or bank basis. Where fixed-term appointments are made, the recruiting manager should ensure that they are aware of any potential risks regarding the use of fixed-term contracts and seek advice from the recruitment team as necessary.
- Fixed-term roles that become permanent will be subject to the full recruitment process. This could include advertising as via an expression of interest.

#### 4.2 Advertising

- All adverts must be authorised by and placed through the recruitment team via the Trac Recruitment system.
- Posts will be advertised internally to help maximise equality of opportunity and provide employees with opportunities for career development.
- All advertised vacancies will be placed on the NHS Jobs website (internal and external vacancies) and and healthjobsUK (external only). Other media may be used.
- Employees subject to redeployment (see the ICB Organisational Change Policy) will be given access to vacancies before they are advertised.
- Applicants are asked to provide equal opportunities information when making their application to enable monitoring the success of recruitment in relation to our diversity aims. This information is separate to the job application and applicants are free to indicate that they do not want to provide this information.

- The ICB has a legal obligation to comply fully with the provisions of the Rehabilitation of Offenders Act.
- All advertising must be cost-effective and agreed in advance with the Hiring Manager.

#### 4.3 Shortlisting candidates

- Notes of shortlisting decisions for each candidate should be recorded by each shortlisting panel member.
- Shortlisted candidates should be provided with details of the selection process, including any tests, in writing, giving as much prior notice as possible. In accordance with the Equality Act 2010, they should also be asked to advise if there are any particular arrangements or reasonable adjustments that could be made so that they can participate fully in the selection process.

#### 4.4 Interview

- All candidates in the redeployment pool who meet the essential criteria for the post (as set out in the person specification) will be offered an interview, subject to organisational change.
- Interviews should be carried out by at least two people, one of whom should be the line manager.
- All recruitment panels Chairs are required to have attended recruitment and selection training, delivered by the ICB.
- All roles band 8a and above should include an additional selection method to support the recruitment decision, followed by a face-to-face interview.
- Interview questions and the structure of the interview should be consistently applied to all candidates and based on the person specification.
- Notes recording the key points of the interview should be taken by the interview panel so that they can refer back to them when assessing candidates against the person specification and when making decisions. Notes of the interview and any other notes made about the candidate during the recruitment and selection process may be accessed by the candidate.
- All roles band 8a and above will be supported by a dedicated Inclusion Ambassador to ensure interview panels are conducted in a fair and inclusive way.
- If a candidate requests feedback about their performance in the selection process this should be arranged by the Hiring Manager, although they may delegate this to another member of the panel where



appropriate. The feedback should be constructive.

- Unsuccessful candidates should be dealt with courteously and sensitively. This should be via a telephone call where possible. Constructive feedback should be offered.

#### 4.5 Making the appointment

- A verbal offer should be made shortly after the selection process to enhance the ICB's ability to recruit the selected candidate. The verbal offer will normally be made by the selection panel Chair.
- Appointments will usually be made at the minimum of the advertised pay scale unless the individual is transferring from another NHS employer onto the same band. In such cases they will normally be paid on the same pay point. If the individual is being promoted, they will normally be paid on the nearest point that would give them one incremental pay rise.
- Prior to any commitment being made to the selected candidate, advice should be sought from the recruitment team if the intention is to appoint at a pay point outside of these parameters.
- Once a selection decision has been made, the recruitment team will send a written offer of employment following receipt of documentation from the recruiting manager, in line with agreed service standards.

#### 4.6 Retire and return

When an employee retires, their employment contract is terminated. Employees, who have decided that they wish to retire and return to employment, should discuss their plans initially with their line manager.

Employees considering this option must make their request in writing to their line manager, as far in advance as possible. The request must include the proposed retirement date and when, and in what capacity, the individual would like to return to work afterwards.

When considering retirement options, employees should bear in mind the potential impact on their pension and consult the related pensions agency guidance ensuring they are followed to satisfy the requirements of the NHS Pension Scheme. If the request is agreed, there must be at least a (14) day break in service; in exceptional circumstances the CCG may consider a (seven) day break between employments.

Managers are not required to complete a business case to support re-employment but instead should complete the form at Appendix 3 to gain approval (also available on the ICB HR Intranet website).

#### 4.7 Pre-employment checks

Offers of employment are made subject to satisfactory references, medical clearance, checks of qualifications, right-to-work checks and other checks as appropriate, such as asylum and immigration checks, Disclosure and Barring Service checks (for posts that are exempted from the provisions of the Rehabilitation of Offenders Act). Fit and Proper Persons checks will also be conducted for Director-level appointments. The successful candidate will not be able to commence work until all checks have been completed.

**“Offers of employment are made subject to satisfactory references, medical clearance, checks of qualifications, right-to-work checks and other checks as appropriate”**



# Secondment

## 1 What this policy covers

**The ICB recognises that secondments are valuable for staff development, organisational learning and addressing a short-term need to cover a post.**

For the purpose of this policy, a secondment is a mutually agreed short-term development opportunity that allows staff to experience work in a different department or organisation and to return to their substantive post once the secondment has ended. A secondment should be for a specific period (normally up to a year) and could be a horizontal move or move to a higher or lower band.

By placing employees in different work situations, secondments offer the chance to improve communications, problem-solving skills and enable team members to gain experience in a different field or environment and use different skills. At the same time, particularly where a secondment is to another organisation, it is likely that the employee will bring back valuable information and insights that will help in future workings with other organisations and agencies. The purpose of this policy is to provide guidance and to promote best practice.

## 2 Principles

Secondments are a way of encouraging staff development and growth, allowing staff to gain skills and knowledge that may not necessarily be available within their usual department or the organisation.

Secondments are a valued method of constructively developing staff and retaining and optimising the use of experienced or expert staff to the ICB's overall benefit. Secondments can be identified at the annual appraisal and/or as part of regular meetings between staff and their line manager.

This secondment policy will be applied to all staff equally and fairly, and opportunities will not be refused unreasonably. However, there may be service or operational requirements that could lead to a request being declined. Where a request is refused for operational or other reasons, an application can be resubmitted if the secondment opportunity is available at another time.

## 3 Responsibilities

Managers are responsible for:

- Ensuring that they are familiar with this policy and applying it fairly and consistently.
- Completing appropriate paperwork and submitting to HR for payroll purposes.
- Taking advice from HR as necessary.
- Identifying opportunities for secondment and making these available as per this policy.
- Ensuring that secondments are in line with organisational objectives in addition to individual development goals.
- Keeping in touch with seconded staff.

Employees are responsible for:

- Discussing with their manager at an early stage if they're considering applying for a secondment.
- Assisting the ICB in a smooth transition where secondments are agreed to ensure that the business of the ICB is not disrupted.
- Contributing to organisational learning upon their return from secondment.
- Keeping in touch with their line manager during the secondment.

HR is responsible for:

- Overseeing this policy's implementation, ensuring that legal and procedural updates are incorporated in a timely manner.
- Helping employees and managers to understand this policy and making sure they receive training where required.
- Working with managers to advise on this policy's fair and consistent implementation.
- Coordinating the secondment agreement paperwork.

## 4 Policy in practice

### 4.1 Internal secondments within the ICB

Where a manager within the ICB identifies a secondment opportunity, consideration should be given to secondment length, any training required and the skill set or specialist knowledge required of staff undertaking the secondment.

The vacancy will be advertised in line with the ICB Recruitment Policy. The principles of equal opportunity and fairness should be followed.

Once the secondment has been agreed, departments/ organisations should liaise to reach agreement on the arrangements, with the details passed to HR, which will ensure that the contractual paperwork is completed.

### 4.2 Secondments of ICB staff to/from external organisations

If an employee wishes to pursue a secondment opportunity with an external organisation, they should approach their manager at the earliest opportunity.

Agreement must be reached on how the secondees' salary will be paid and which body will meet any additional expenses (eg travel and subsistence allowances). An agreement should be drawn up in conjunction with HR and signed by all parties before the secondment starts. Without this signed documentation, the secondment will not be considered agreed.

During the secondment, the employee's terms and conditions will remain the same and continue to be subject to their employer's policies and procedures. Exceptions will be agreed in advance between the



external organisation, the secondee and the ICB. While on any secondment, employees will continue to accrue annual leave entitlements and be able to take annual leave to their entitlement limit, with the agreement of the host organisation.

### 4.3 Considering a secondment request

It's important to note that there is no right to be released for a secondment. However, the employee's current manager must seriously consider every secondment request fairly and consistently, taking into account the:

- employee's development needs
- benefits to the ICB
- benefits to the individual
- current and future service needs
- current staffing levels.

The above list is not exhaustive. Managers should not unreasonably refuse the secondment application and must be able to justify how their decision was reached and be prepared to provide a written explanation.

### 4.4 Funding arrangements

Before the secondment begins, the appropriate managers must liaise with the respective finance departments to agree funding and invoicing arrangements for the secondment. In line with individual agreements, an ICB Change Form will be required. Finance must agree arrangements to raise invoices before the secondment starts.

#### 4.5 Working arrangements

Throughout the secondment, the employee must comply with the working/cover arrangements of the host department/employer. Any agreement to exceed or reduce their contractual working hours will be subject to agreement at the secondment's initiation.

#### 4.6 Communication

Three-way communication between the secondee, host organisation and the employer should be maintained throughout a secondment. Any secondee from the ICB should be kept informed of and consulted about any organisational change that takes place during their secondment. Please see the ICB Performance Appraisal and Talent Management Policy for information about how to manage appraisals during this period.

#### 4.7 Termination or extension of secondment

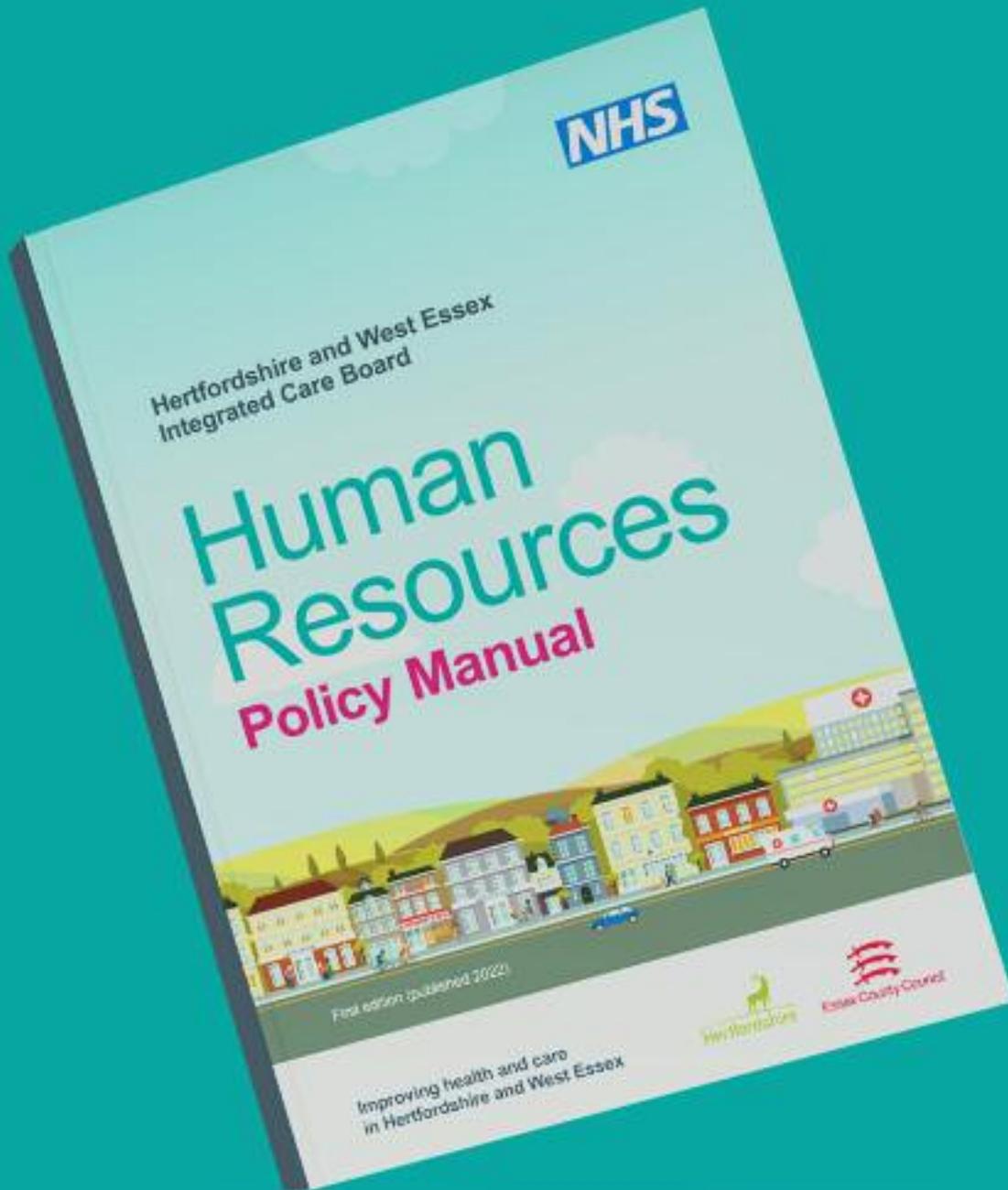
A request for an extension to an existing secondment should be considered in accordance with the needs of the employer and host organisation, and be mutually agreed by all parties and confirmed in writing. If an extension is refused, an explanation should be given to the employee. Any party can terminate the secondment in writing with the appropriate or previously agreed notice period.

## 5 Appeal

If a secondment is refused and the employee wishes to appeal, they should do so initially by email to the line manager of the manager who rejected their secondment request.

This should be done within five working days of receiving the letter refusing their request and they must clearly state the reasons why they believe this decision should be changed. The employee will receive a reply within five working days.

If the employee is still unhappy with this decision, they may progress to formal process under the ICB Grievance Policy.



The HR forms mentioned  
in this publication are available  
to download from the  
**ICB HR intranet**



# Shared parental leave

## 1 What this policy covers

**Shared parental leave enables eligible parents to choose how to share the care of their child during the first year of life or adoption.**

All eligible employees have a statutory right to take Shared Parental Leave (SPL). There may also be an entitlement to some Shared Parental Pay (ShPP).

This policy provides an overview of your statutory rights and explains the notification process and what your statutory ShPP entitlements are.

## 2 Principles

- While the ICB recognises its statutory responsibilities and supports the principle of SPL, decisions in respect of when the leave is taken will need to take account of service demands.
- Leave granted in respect of this policy must be used for caring for your child. Use for any other purpose and fraudulent claims could result in disciplinary and criminal action being taken against you.

## 3 Responsibilities

- The ICB aims to ensure that applications for SPL are treated appropriately in accordance with this policy and in a way that does not discriminate.
- Managers are responsible for actioning requests for SPL in accordance with this policy.
- Employees wishing to take SPL should comply with the procedures and timescales outlined in this policy.
- Human Resources can advise managers and employees about the various ICB policies and options available for childcare.

“The ICB aims to ensure that applications for SPL are treated appropriately in accordance with this policy and in a way that does not discriminate”

## 4 Policy in Practice

### 4.1 Eligibility for SPL

To qualify for SPL you must share responsibility for the child with one of the following:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- Your partner (if they live with you and the child).

In addition, each of the following criteria must be met:

- you or your partner must be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance
- you must have worked continuously for the same employer for at least 26 weeks by the end of the fifteenth week before the due date (or by the date you are matched with your adopted child)



You must still be working for the ICB at the start of each period of SPL. During the 66 weeks before the week the baby's due date (or the week you are matched with your adopted child) the person with whom you wish to take your SPL with must:

- have been working for at least 26 weeks (they do not need to be continuous) and do not necessarily need to be working at the date of birth/adoption or when you start SPL or ShPP
- have earned at least £390\* in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row).

\*Please note that this is the 2022 rate and this may change.

#### Notifying the ICB

If you are entitled and intend to take SPL, you must notify your line manager of your entitlement and intention to take to SPL at least eight weeks before your intended leave. Use the Shared Parental Leave Notification form, which can be found in the Human Resources Policy Forms section on the HR intranet site. This should be sent to your line manager with a completed entitlement questionnaire (available at [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents)).

#### Requesting further evidence of eligibility

Within 14 days of the SPL entitlement notification being given, the ICB may request:

- the name and business address of your partner's employer (if the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or where one has not been issued, a declaration of the time and place of birth)
- in cases of adoption, documentary evidence of the name and address of the adoption agency, the date

**“An employee taking maternity leave cannot return to work before the end of the compulsory two weeks of maternity leave following the birth. If you are adopting, the person claiming adoption pay must take at least two weeks of adoption leave”**

on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

To take SPL, the employee must produce this information within 14 days of the employer's request.

#### 4.2 Booking and taking SPL

You can only start SPL or receive ShPP once the child has been born or placed for adoption. The mother (or the person getting adoption leave or pay) must do one of the following:

- end any maternity or adoption leave by returning to work with her employer
- give the employer at least eight weeks “binding notice” (ie a decision that can't normally be changed) of the date when they plan to end any maternity or adoption leave
- end any maternity pay, Maternity Allowance or adoption pay.

The parent or adopter must give at least eight weeks' notice to the employer (for maternity or adoption pay) or to Jobcentre Plus (for Maternity Allowance) if they have not returned to work

You can start SPL or ShPP while your partner is still on maternity or adoption leave and pay as long as they have given binding notice to end it.

Two weeks compulsory maternity/adoption leave must be taken before SPL can start.

#### Example one

An employee and their partner are both eligible for SPL. The employee goes on maternity leave two weeks before their baby is born. They give notice to their employer that they will take 16 weeks of maternity leave.

Since they have given binding notice, their partner can start SPL as soon as the baby has been born (as long as their partner has given at least eight weeks' notice to their employer).

### Booking blocks of leave

You can book up to three separate blocks of SPL (“discontinuous leave”) instead of taking it all in one go (“continuous leave”), even if you are not sharing the leave with your partner.

If your partner is also eligible for SPL, you can take up to three blocks of leave each. You can take leave at different times or both at the same time.

You must tell your employer about your plans for leave when you apply for SPL. You can change these plans later, but you must give your employer at least eight weeks’ notice before you want to begin a block of leave.

### Splitting blocks of leave

If your employer agrees, you can split blocks into shorter periods of at least a week.

#### Example two

An employee finishes their maternity leave at the end of October and takes the rest of their leave as SPL. They share it with their partner, who is also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

They also return to work in December. They give their employer notice that they’ll go on leave again in February – this is their second block of SPL. Their employer agrees to a work pattern of two-weeks-on, two-weeks-off, during the block.



### Cancelling decisions to end maternity or adoption leave

Changes to end maternity or adoption leave can be made if:

- the planned end date has not passed and
- they have not already returned to work.

One of the following must also apply:

- you find out during the eight-week notice period that neither of you is eligible for SPL or ShPP, thereby necessitating an earlier return to work
- the mother/parent or adopter’s partner has died
- the mother/parent tells her employer less than six weeks after the birth (and she gave notice that she was going to return before the birth)

### Discussions regarding SPL

If you are considering or taking SPL, you should contact your line manager/Human Resources to arrange an informal discussion as early as possible regarding your potential entitlement and to discuss your plans.

Upon receiving a notification of entitlement to take SPL where the leave is to be continuous, the line manager/Human Resources may wish to meet with you to discuss the detailed arrangements. However, the leave will be agreed, because it is a statutory entitlement and the SPL dates will be confirmed to you in writing within 14 days of notification.

Where the request is for discontinuous leave, if this can be agreed without further discussion, a meeting may not be necessary and the SPL dates will be confirmed to you in writing within 14 days of notification. However, in some circumstances it may be necessary for a meeting to be held with Human Resources and your line manager to discuss how the leave proposal could be mutually agreed.

All requests for discontinuous leave will be carefully considered case by case, weighing up the potential benefits to you and the ICB against any adverse impact to service delivery. Agreeing to one request will not set a precedent.



If the original proposal for discontinuous leave or other options cannot be agreed, this will be confirmed in writing within 14 days after which you can request to take continuous leave.

#### Variations to arranged SPL

Each variation or cancellation notification made by you, including notice to return to work early, will usually count as a new notification and be counted against the three notifications to which you are entitled. However, a change as a result of a child being born early, or as a result of the ICB requesting it be changed and you agreeing, will not count as further notification and therefore will not affect your overall entitlement of three. The ICB will confirm any variation in writing.

#### 4.3 Statutory ShPP

You will receive ShPP if you are an employee and one of the following applies:

- you are eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP)
- you are eligible for Statutory Paternity Pay (SPP) and your partner is eligible for SMP, Maternity Allowance (MA) or SAP.

If you are eligible and you or your partner end maternity or adoption leave and pay (or MA) early, you can't take the rest of the 52 weeks of maternity or adoption leave as SPL.

You should take the rest of the 39 weeks of maternity or adoption pay (or MA) as Statutory ShPP.

#### How much pay you will get

ShPP is £151.97 a week or 90 per cent of your average weekly earnings, whichever is lower (please note that this is the 2022 rate and may change).

This is the same as SMP, except that during the first six weeks, SMP is paid at 90 per cent of whatever you earn (with no maximum).

### 5 Terms and conditions during SPL

During the period of SPL, your contract of employment continues without change and you are entitled to receive all your contractual benefits, except for salary.

Pension contributions will continue to be made during any period when you are receiving ShPP, but not during any period of unpaid SPL. Your employee contributions will be based on actual pay, while the ICB's contributions will be based on the salary that you would have received had you not been taking SPL.

#### 5.1 Annual leave

SPL is granted in addition to your normal annual holiday entitlement. You are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years, you should agree with your manager how best you can take all of your annual leave entitlement .

#### 5.2 Contact during SPL

Before your SPL begins, your manager will discuss arrangements for you to keep in touch during your leave. The ICB reserves the right to maintain reasonable contact with you from time to time during

#### Example three

An employee decides to start their maternity leave four weeks before the due date and gives notice that they'll start SPL 10 weeks after the birth (taking a total of 14 weeks' maternity leave). They normally earn £200 a week.

They are paid £180 (90 per cent of their average weekly earnings) as SMP for the first six weeks of maternity leave, then £151.97 a week for the next eight weeks. Once they go onto SPL, they're still paid £151.97 a week.



“Before your SPL begins, your manager will discuss arrangements for you to keep in touch during your leave. The ICB reserves the right to maintain reasonable contact with you from time to time during your SPL”

your SPL. This may be to discuss your plans to return to work, ensure you are aware of any possible promotion opportunities, talk about any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

### 5.3 SPL In Touch days

You can agree to work at the ICB (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP for that week. These are known as “SPL In Touch” or “SPLIT” days. Any work carried out on a day or part of a day shall constitute a day’s work for these purposes.

The ICB has no right to require you to carry out any work, and is under no obligation to offer you any work during your SPL. Any work undertaken is a matter for agreement between you and the ICB. If you undertake a SPLIT day, you will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively “topped up” so that you receive full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

You may, with the agreement of ICB, use SPLIT days to work part of a week during SPL. SPLIT days may also be used to effect a gradual return-to-work towards the end of a long period of SPL or to trial a possible flexible working pattern.

### 5.4 Returning to work after SPL

You will have been formally advised in writing by ICB of the end date of any period of SPL. You are expected to return on the next working day after this date, unless you notify ICB otherwise. If you are unable to attend work because of sickness or injury, normal arrangements for sickness absence will apply.

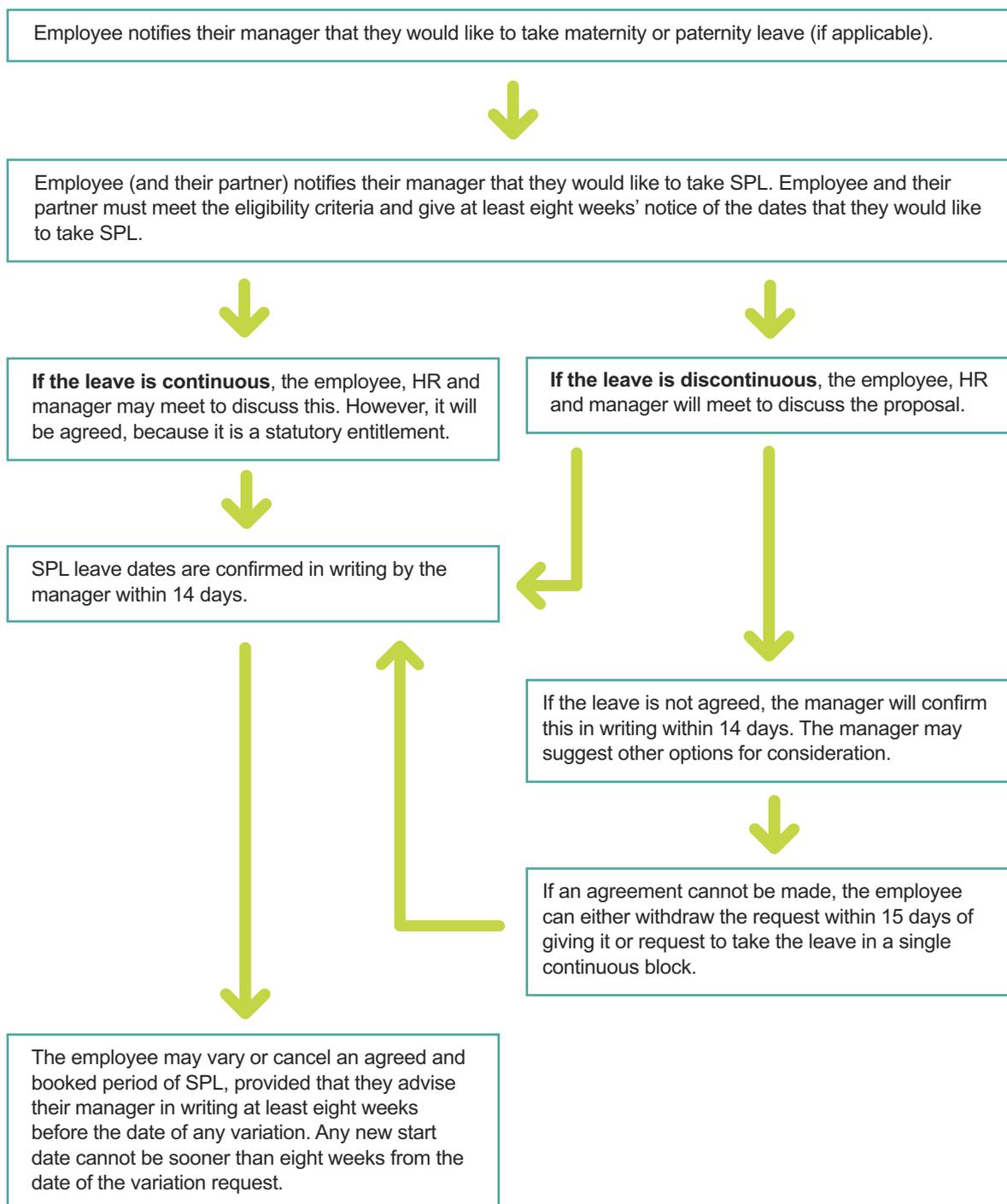
On returning to work after SPL, you are entitled to return to the same role and terms and conditions if your aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same role is the one you performed immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL.

On returning from SPL you are entitled to return to the same or similar role on no less favourable terms of employment.

In the event of organisational change, employees on shared parental leave will be managed in the same way as all other employees for the purposes of consultation and communication. They will receive written documents, letters and notifications and will be invited to attend the ICB formal meetings where appropriate. All organisational change will be managed in line with the ICB Organisational Change Policy.

Employees taking shared parental leave can access information on ICB vacancies and opportunities for promotion via the HR Intranet site, which can be accessed via most electronic devices. Any application should be made through the normal recruitment procedure. Employees will not be treated any differently in selection for such opportunities.

## Requesting SPL: the process





# Special leave

## 1 What this policy covers

**The purpose of this policy is to set out the differing types of leave that may apply in addition to annual leave to support staff with specific circumstances relating to the commitments outside of work. The policy describes the types of leave available, the process to be followed to apply for special leave, provides guidance and promotes best practice.**

Please see: the Education, Training and Development Policy for details on study leave; the Annual Leave Policy for details about annual leave; and the Maternity, Maternity Support (Paternity), Adoption and Fostering Leave policy for these types of leave.

### Definitions

For the purposes of this policy a dependant is a:

- spouse
- civil partner
- child
- parent
- any other person who may reasonably rely on you for care or arrangements for the provision of care.

## 2 Principles

- The ICB is sensitive to staff family commitments and responsibilities and will try to maintain flexible working and help staff to balance their work and personal lives to optimise their work attendance.
- This policy attempts to balance the requirements of delivering a first class service with staff members' needs, to find the most effective way to support those with carer responsibilities, as part of a wider NHS commitment to improve working life quality.
- Although this policy provides for a range of paid and unpaid leave, every situation cannot be anticipated and managers should use their discretion when

assisting staff in other unforeseen circumstances. In cases of doubt or concern regarding consistency or equity of approach, seek advice from HR.

## 3 Responsibilities

- The ICB will aim to ensure that those needing time off to deal with an emergency are treated fairly and consistently, while minimising service-delivery impact.
- Managers will act in a way that is sensitive, caring and compassionate towards staff.
- Managers will treat all requests made by staff under this policy fairly and equally, giving due consideration to the particular circumstances of each request.
- Staff wishing to apply for special leave should follow the procedures explained within this policy, giving the maximum possible notice. You must speak to your manager as soon as possible regarding your unavailability, the reason for it and how long you expect to be away from work.
- Staff should provide sufficient, full and accurate information to enable the relevant line manager to make an appropriate decision about special leave entitlement. This may include providing evidence/verification of their circumstance where appropriate.

## 4 Policy in practice

When considering requests for special leave, managers will judge each case on its own merits and consider: the urgency of problem/issue; the nature of domestic/family crisis along with the number of dependants within the family and; the impact on the staff member. The amount of annual leave remaining and the number of special leave days granted within the last 12 months will also be taken into account.

Listed below are common circumstances where special leave is requested. If your request does not fall into any

of these categories, please discuss the matter with your manager who will, if necessary, seek advice from HR. Applications for special leave should be made using the Special Leave Application form, which can be found in the HR Policy Forms section on the ICB HR intranet site. It is recognised that in some circumstances, the form may need to be completed retrospectively.

#### 4.1 Bereavement/compassionate leave

Paid leave following the death of a close relative or dependent of up to two weeks may be given taking into account the following:

- relationship with the deceased in real terms not simply by blood ties
- whether the employee has administrative responsibilities (eg making funeral arrangements)
- availability of other relatives and friends to assist in making such arrangements
- the distance needed to travel to make arrangements or attend the funeral.

If appropriate, further unpaid compassionate leave may be granted at the manager's discretion. It is expected that further requests for leave after two weeks will be unpaid or taken as annual leave. Staff should normally exhaust all paid leave before requesting unpaid leave.

#### 4.2 Child bereavement leave/pay

Two weeks child bereavement leave on full pay will be given if you are the biological, adoptive parents, those who are fostering to adopt or legal guardian of a child. This leave can be used in the event of the death of a child from 24 weeks of pregnancy onwards. There is no requirement for the child to be under the age of 18. This could also include circumstances whereby you have caring responsibilities or are a child's primary carer.

This leave can be taken immediately or at another time and does not have to be taken in one continuous period. Employees should notify their manager of their intentions as soon as they are able to. Full details can be found in the NHS terms and conditions handbook.

#### 4.3 Carer's leave

A carer is a family member, partner or friend who needs help because of their illness, frailty, disability, a mental health problem or an addiction and cannot cope without their support. The ICB recognises our working carers and understands the value they add to the NHS.

The aim of carer's leave is to provide a compassionate response to immediate and unforeseen needs where normal care arrangements for a dependent breakdown at short notice, for example:

- if a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically
- to make longer-term care arrangements for a dependant who is ill or injured
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant, for example, when a child-minder or nurse fails to turn up
- to deal with an unexpected incident occurring at school during school hours and requiring the parent/carer to attend or
- to accompany a dependent to hospital appointments.

A dependant is the partner, child or parent of the employee, or someone who lives with the employee as part of their family. It does not include tenants or boarders living in the family home. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the member of staff for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

There is no qualifying period for eligibility. The initial request for leave should be made to the immediate line manager or other manager acting on their behalf as appropriate. Carer leave is essentially a short-term response to a crisis and, therefore, from a few hours up to five days paid leave per leave year may be granted (pro rata for part-time staff) in any one leave year. It is expected that further requests for leave after five days will be unpaid or taken as annual leave. Staff should exhaust all paid leave before requesting unpaid leave.

Should you need a more flexible approach to work please review the ICB Flexible Working Policy and/or discuss the matter with your manager.

#### 4.4 Disability leave

We understand that people with a disability may have emergencies or appointments occasionally. To support them, they're entitled to five days' paid disability leave. Disability leave will be for disability-related emergencies or appointments where the disabled person would otherwise be well and able to attend work as usual.

#### 4.5 Civic/public duties

The ICB will allow staff to take reasonable paid leave for essential civic and public duties, such as:

- serving as a Justice of the Peace
- membership of a statutory tribunal
- membership of a Board of Prison Visitors
- membership of a school governing body
- Territorial Army/reserve forces.

Staff should consider the time they're spending on such duties if they're impacting ICB service needs. If so, managers should agree with staff how balance can best be achieved. In addition to the above, paid leave shall be made available in the following circumstances:

- Absence from duty following contact with a case of notifiable disease.
- Attendance at court as a witness.
- Training with reserve and cadet forces.
- Attendance as a witness at internal ICB hearings.

#### 4.6 Jury and witness service

If you're summoned to attend court for jury service or as a witness, give your manager the notification document you receive from the court. You're entitled to basic pay while absent and your manager should inform Payroll. You'll receive a form from the court for any loss of earnings, which you should send to the Payroll, to ensure that this form is completed correctly.

#### 4.7 Armed Forces: Reservists

The ICB will grant unpaid leave to staff who've entered whole-time service in the armed services of the Crown, following a notice of directions for the calling out of reserve or auxiliary services called a "Compulsory Call Out Order", or for the recall of service pensioners, or to fulfil obligations to serve as a commissioned officer.

This may include whole-time service in the armed forces by a member of the Territorial Army. The employee shall provide documentary proof of such instruction from the armed forces and arrange to meet their manager to discuss in detail. At the meeting they'll: confirm the details of their absence and duration; discuss any concerns or impact on the service/ICB; discuss their annual leave, pay and any pension implications.

The outcome of the meeting will be confirmed in writing. The ICB will only refuse to agree leave if serious harm is incurred, such as inability to provide services or conduct R&D that cannot be alleviated by the financial awards available. Reservists have the right to return to their jobs on no less favourable terms and conditions. They have the right to remain a member of the workplace pension scheme if they continue to pay contributions.

The employee must apply for re-instatement in writing to the ICB after their military service ends, no later than the third Monday after the end of that period or as soon after as possible. It's unlawful for employers to terminate a reservist's employment without their consent. Following a correct application for re-instatement, the employer must re-instate the employee in their former post, on terms no less favourable than would apply but for the military service or, if not possible, into the most favourable terms and conditions that are reasonable and practicable.

#### 4.8 Medical and dental appointments

Employees are expected to arrange doctor or dentist appointments in their own time or at a time that limits service impact. Managers should consider the flexible use of time off in lieu. Where there is no alternative but to attend during working hours, time off with pay will normally be granted for a reasonable period, although managers should consider using time off in lieu. Dental check-ups, non-emergency dental work/doctor appointments would come within this arrangement. Emergency medical/dental treatment would normally require sickness absence to be taken.

#### Other special leave

Managers may, at their discretion, subject to service needs, grant other special leave, which can be paid and unpaid. If you've exhausted all other paid leave and benefits, you may wish to apply for unpaid leave, which should only be taken if all other leave has been taken. Granting unpaid leave is at your manager's discretion; they'll consider your application reasonably and fairly. There's no right to unpaid leave under this policy.

#### 4.9 Volunteering leave

All employees can take up ten days (ideally in half day measures), paid time (or equivalent hours) per year to volunteer across health and social care. Volunteering leave provides employees with time to volunteer in health, social care and for organisations including charities who need volunteers, regularly engage

volunteers, have volunteering roles and have clear volunteering policies.

Employees can choose who they spend their volunteering time with, within the parameters outlined above, and to organise their own volunteering placements/roles and agree these with their line manager. The volunteering scheme is an opportunity to connect with patients and local communities and for that reason paid time to volunteer is limited to opportunities where the employee lives or works. Preferably, any voluntary organisation that employees volunteers should be one that operates in the area covered by the employing ICB to help build our relationships with local health, social care and voluntary sector organisations. Employees can volunteer where they live, but preferably with an organisation that operates in the area covered by the ICB.

Agreeing time to volunteer should be part of an employee's Personal Development Plan (PDP), discussed and agreed with their manager in their appraisal review. There should be joint agreement about how volunteering will benefit both the employee and the organisation in which the individual will volunteer, and how the employee will provide an account of how their time was spent while volunteering.

Time available for volunteering should be encouraged and actively supported within teams, but it should ultimately be considered within the context of business continuity, taking into account the individual's employment record. Time available to volunteer should have no detrimental impact on an individual performing their role to a high standard within the ICB.

Employees will need to provide details of the name of the sponsoring organisation, the volunteering opportunity (nature of activity), when time to volunteer is needed, and confirmation in writing from the host organisation that the volunteering opportunity is available. Confirmation of the volunteering opportunity via email is sufficient.

Employees should also ensure before taking up any volunteering activity that: the hosting/sponsoring organisation has a volunteering policy; the role and tasks are appropriate to their abilities; an appropriate risk assessment, including health and safety considerations, is in place; and they will be covered by the organisation's insurance policy. The hosting/sponsoring organisation should be responsible for

carrying out any required employment checks (such as the Disclosure and Barring Service checks where appropriate), taking up references, etc.

Volunteering activity should not bring the ICB into disrepute. Any conflicts of interest should be recorded in line with the ICB's Conflicts of Interest Policy. For example, if the employee commissions or can influence commissioning decisions and they're volunteering with an organisation that has either been awarded or is bidding for an ICB contract – this must be declared.

The pattern of time taken for volunteering should be discussed and agreed by the employee and their line manager, and communicated to the wider team. How volunteering is going, what the individual is learning, etc, should also be discussed regularly at one-to-one meetings. Travel and subsistence costs associated with volunteering should be agreed with the organisation for which the employee is volunteering. The ICB will not reimburse expenses from any volunteering activity.

#### **Study leave**

For information on study leave entitlements please refer to the ICB Training and Education Policy.

## **5 Appeal**

All ICB employees may use the ICB Grievance Procedure if they feel that they have been treated unfairly in relation to this policy's application. If an employee considers their treatment to amount to discrimination, victimisation, harassment or bullying, the matter should be considered under the ICB's Bullying and Harassment Policy.



# Supporting relationships at work

## 1 What this policy covers

**The ICB is fully committed to promoting a fair and harmonious working environment in which everyone is treated with respect and dignity. We all have a responsibility to create a culture of positive relationships at work that demonstrate our values.**

This policy is designed to support working relationships and should be used if you think you may need help to resolve problems that have arisen with a colleague while at work or where you feel a relationship at work is breaking down.



## 2 Principles

Where possible, and in the first instance, problems with relationships at work can and should be dealt with informally and quickly. Most people will simply want to improve the relationship as soon as possible.

We know it's not easy to speak up about things that upset you or cause concern. However, a person may not know that their behaviour is unwelcome, therefore, if you can discuss your concerns it may help them to understand how their behaviour is affecting you and give them a chance to change it. This could prevent a situation from escalating and becoming more difficult to resolve.

You should attempt one or a combination of the methods detailed below before starting a formal process. Only in exceptional circumstances will the formal process be actioned without first exhausting the informal process.

## 3 Raising a concern with your colleague

If you feel able to raise the matter directly with your colleague face to face, we encourage open and honest discussions about problems as soon as possible. It is important to choose an appropriate time and place, as well as a non-confrontational approach.

Make it clear, using specific examples, what you have found challenging or what is causing you concern, and give your colleague the opportunity to respond.

We would encourage you to keep a diary of events to show how the relationship has changed over a period of time, including steps you have taken to address problems.

### Stage 1 – Informal process

If discussion with your colleague has not resolved the problem, speak to your manager to get their support and advice.

To initiate this stage, outline your concerns in writing to your manager. If the concern regards your manager, raise the matter with their manager.

Give specific information about the incident(s), including where possible:

- the names(s) of the colleague(s) involved
- the nature of the problem(s)
- dates and times
- names of any witnesses
- any action already taken to improve the relationship.

After your manager has received this information, they may seek advice from an HR representative and arrange a meeting with you to better understand the issue(s) and discuss next steps, with a view to resolving the problem informally.

To fully engage with this process, you need to be honest and open about what has gone wrong and be focussed on how things can improve. As this stage is informal, HR representatives need not be present at the meeting unless specifically asked to attend.

You and your manager will agree which of the following options to take (you may choose both):

**a) Discuss the concern with your colleague**

If you do not feel able to raise the issue directly with your colleague, your manager will raise the matter on your behalf.

**b) A supported conversation**

Your manager will provide support for you to have a conversation with your colleague to start rebuilding the relationship. Your manager will provide support to you both and will take no active part in the discussion. It may be useful for either or both parties to approach HR for advice on how to conduct these discussions carefully and sensitively.

Following one or both of the Stage 1 informal options, if you feel things have not improved sufficiently, it is strongly recommended that you progress to Stage 2 – Mediation in agreement with your manager. Outcomes will be confirmed in writing to all parties.

**Stage 2 – Mediation**

Mediation should be used when relationships have not been improved through stage 1 of the informal process.

**“The outcome of mediation is usually a written agreement or set of agreements that will be provided to your manager, so they can support this going forward”**

Mediation is voluntary and offers a safe and constructive forum to solve problems and develop a realistic agreement or outcome that meets everyone’s needs. Mediators are impartial and do not offer solutions, but they promote and support good conversations. What is said in mediation is confidential and cannot be disclosed or used in any subsequent procedure.

The outcome of mediation is usually a written agreement or set of agreements that will be provided to your manager, so they can support this going forward. All parties are expected to be positively involved in mediation and committed to building working relationships and reaching an agreement at this stage.

**Mediation process**

The HR team will arrange an appropriate mediator based on the circumstances. The mediator will be independent and impartial and must be agreed by all parties.

Once appointed, the mediator will arrange to meet individually with all parties to understand the events. Following the individual meetings, the mediator will arrange a mediation session between all parties.

If agreement cannot be reached, your manager and HR team will be informed. They will meet with you and other parties to consider the next step. A further mediated session may be recommended before considering the formal process.

If any party does not agree to mediation, your manager will seek advice from HR to support a resolution.

**Stage 3 – Formal process**

If the informal process did not lead to the outcome you wanted and/or you have reasonable grounds to move to the formal stage, you should outline your reasons for moving to the formal stage in writing. Provide as much detail as possible and send this to your manager. If you are uncomfortable about putting the concerns in writing, talk to your manager or HR Business Partner.

Your manager will inform the HR Business Partner, who will acknowledge receipt of your concerns and assign an appropriate independent manager to hear your concerns.

The manager will arrange a formal meeting with you and the HR Business Partner. You can bring your trade union representative or work colleague to the formal meetings to support you and help to resolve the grievance. This meeting will be arranged as soon as possible.

The meeting will fully explore your concerns by reviewing documentation provided, including outcomes of informal meetings. The manager and HR Business Partner will decide whether further fact-finding is needed or if witnesses should be interviewed, so that a decision about the most suitable outcome or resolution can be reached.

Depending on the nature and seriousness of the concerns raised, interim measures may need to be considered while the fact-finding takes place, such as a temporary change to duties or a move for parties involved.

Once all fact-finding is completed, the manager will contact you to resume the meeting, to inform you of their findings and outcome, including recommendations. After the formal meeting, the other party will also be advised of outcomes and recommendations. The



### “Appeals must be outlined in writing within seven calendar days of receiving the outcome letter and sent to the Assistant Director of HR”

outcome will be confirmed in writing to all parties usually within seven calendar days of the meeting.

Outcomes may include (but are not limited to):

- further steps to improve working relationships (ie formal mediation)
- temporary or permanent redeployment of those involved
- case referred to a disciplinary hearing
- case to be considered under other relevant procedure.

We understand that these situations may be difficult and distressing, so health, wellbeing and emotional support will be provided where required.

#### Withdrawing your concerns

You may decide to withdraw from this process, but first your manager or HR Business Partner will seek to understand your reasons for withdrawal. Depending on their nature and substance, we may feel it appropriate to follow up on the issues raised, even if you do not wish to pursue the matter.

## 4 Appeal

You have the right to appeal if you have strong grounds to believe:

- the procedure has not been followed correctly
- you do not believe the decision was reached objectively/fairly
- the decision reached was not appropriate in light of the evidence presented.

Appeals must be outlined in writing within seven calendar days of receiving the outcome letter and sent to the Assistant Director of HR. Your appeal will be acknowledged on receipt of this, and an appeal hearing will be arranged.



# Trade union recognition

## 1 What this policy covers

**The policy, agreed between the ICB and formally recognised trade unions, establishes a framework for consultation, negotiation and the provision of information.**

This policy is supplemented by other documents aimed at regulating the conduct of industrial relations within the ICB including:

- Local Joint Partnership groups
- the Local Medical Council.

This policy applies in respect of all matters of common interest including:

- pay and conditions of service for all staff, excluding those whose pay and conditions are not covered by national agreements
- employment policies and procedures and issues arising from their application, except those that apply solely to the ICB Directors
- working conditions, including health, safety and welfare if unresolved by the ICB's Health and Safety Committee



- working practices
- mechanisms for negotiation or consultation with the recognised trade unions.

## 2 Principles

To ensure maximum effectiveness and positive working relationships, the ICB and trade unions agree that they:

- have a common objective in ensuring the effective delivery of health services to the benefit of patients and users of the ICB
- recognise the importance of good industrial relations and the efficient use of resources to achieve effective health care delivery
- recognise that they must work together to foster an environment that encourages trust, communication, cooperation, high standards and appropriate levels of support for staff and reflect the ICB's values and behaviors
- acknowledge the value of up-to-date, regular information about important changes that affect employees and the need to take early account of staffs' views
- are committed to developing policies and procedures that promote equality in line with relevant legislation and best practice
- are committed to resolving disputes informally in the first instance wherever possible.

**“The ICB and trade unions agree that it is in their mutual interest to adopt a negotiating process that promotes good employment relations through which issues may be resolved”**



“Recognised trade unions have the right to represent their members on all matters for which recognition has been given within this and other HR policies”

interest to adopt a negotiating process that promotes good employment relations through which issues may be considered and resolved.

Within this process, matters will be negotiated at local level until agreement is reached or a “failure to agree” is recorded.

### 3 Responsibilities

The ICB recognises:

- its responsibility in keeping trade unions fully informed in a timely fashion about the ICB business objectives, including strategic and operational plans and the means of implementing them
- the trade unions’ responsibility to represent their members’ interests, and accepts its legal obligation to disclose relevant information for collective bargaining and consultative processes.

The trade unions recognise:

- management’s responsibility to plan, organise and manage the activities of the ICB board to achieve the Business Plan and fulfil the objectives determined by the ICB board
- their role as staff representatives in their discussions with managers
- that the ICB has a responsibility to keep employees directly informed of its activities without removing the requirement under this Agreement to negotiate and consult through recognised processes on appropriate matters.

### 4 Policy in practice

#### 4.1 Negotiation process

While this policy establishes an overall framework for consultation and negotiation and for the provision of information, for those issues requiring negotiation, the ICB and trade unions agree that it is in their mutual

If an agreement is not reached through this process, the matter may be referred by mutual agreement to the Advisory, Conciliation and Arbitration Service (ACAS).

The “status quo” (ie the suspension of the action causing the concern) will not apply if:

- an administrative error in the application of employee terms and conditions has been detected
- it is considered that the maintenance of “status quo” might be detrimental to the health, safety and welfare of patients, staff and members of the public.

#### 4.2 Recognised trade unions

The ICB will consult and negotiate with UNISON and UNITE. The ICB may consider recognising additional trade unions in the future if appropriate.

The recognised trade unions have the right to represent their members on all matters for which recognition has been given within this and other HR policies.

The ICB recognises that, from time to time, staff representatives will have a duty to disclose confidential information to their full-time union officers.

#### 4.3 Trade union representative appointments

The procedures for electing trade unions representatives and officials will be determined by the trade unions, in line with any relevant legislation. The trade unions will provide representatives with written union credentials and, under this agreement, will inform the Assistant Director of HR of the names of each accredited representative. The ICB acknowledges the trade unions’ right to accredit any member as a representative of the

trade unions. Equally, the ICB reserves the right to request trade unions withdraw accreditation where the accredited representative's conduct is deemed by the ICB not to be conducive to good industrial relations.

Accredited representatives will abide by their current conditions of employment and will be afforded facilities as set out below.

In the event of disciplinary action against an accredited trade union representative, they will have the opportunity to be accompanied by full-time officers in connection with any disciplinary hearing.

#### **4.4 Time off and facilities for trade union representatives**

The ICB will provide trade union representatives with reasonable time off to undertake the duties of their role, including training.

Trade union representatives may be asked to undertake additional trade union duties, such as policy review meetings and job evaluation panels. The ICB will provide facilities for trade union representatives to conduct their affairs, including access to a room, computer, printer, phone and lockable cabinet. The facilities provided under this

#### **Trade unions recognised by the ICB**

For the purposes of negotiating and consulting, the ICB recognises the following representative trade unions:

- UNISON
- UNITE

agreement to any representative or official will be withdrawn if:

- the trade unions or individual representative notifies the ICB in writing that they have ceased to be a member, representative or official of the trade union
- the representative ceases to be an ICB employee.

#### **4.5 Interpretation, variation and termination**

The ICB and the trade unions party to this policy will give three months' written notice of their intention to withdraw from the agreement and the negotiation and consultation arrangements set up under its provisions. If either party seeks to vary or alter the terms of this policy, it must give the other party three months' notice and in the event of a "failure to agree", the procedure outlined in 4.1 will apply.



# Training, education and development

## 1 What this policy covers

**The ICB is committed to developing a workforce that continuously strives to improve service quality. We promote learning and development as part of our approach towards enhancing the knowledge and skills of all staff to achieve a world-class workforce. This would ensure that staff have the necessary competence to meet the current and future needs of the ICB.**

Education and training are key to developing and retaining a high-quality, well-motivated workforce, ensuring that staff:

- have the skills, knowledge and competence to perform their roles safely
- are as effective as possible in their roles, reflecting latest learning and best practice
- have the opportunity to realise their potential.

This policy applies to permanent, temporary, bank, graduate placements, apprentices and volunteer staff, and seeks to support the above aims by:

- setting the strategic framework and detailing the minimum content requirements for corporate and local induction
- providing the framework arrangements for the design, planning, delivery, recording and evaluation of induction/statutory training
- outlining arrangements for monitoring attendance and following up on cases of non-attendance on induction or non-compliance with local induction
- defining the responsibilities of relevant staff groups for ensuring compliance with this policy.

## 2 Principles

- Staff training needs will be identified and delivered in accordance with our equal opportunities and

inclusion principles.

- All staff will be supported to help them achieve their potential within current and future roles at the ICB.
- Staff will be given protected paid time for mandatory and statutory training. Where a staff member is withdrawn from training, their manager should prioritise their attendance at the next training session.

## 3 Responsibilities

The ICB has a legal responsibility to provide a safe and healthy environment for staff, patients and visitors, while ensuring that staff have the necessary competence to perform their roles.

Managers are responsible for ensuring that staff are aware of and are supported when participating in the ICB's corporate induction and mandatory training programmes. They're also responsible for implementing local induction arrangements for their areas of responsibility.

## 4 Policy in practice

### 4.1 Identifying training needs.

This policy is designed to help you become the best you can by identifying and supporting your learning needs. The HR department is constantly reviewing the courses provided and how they are delivered to meet the needs of our people.

Your training and development needs may be identified from sources including:

- statutory requirements (eg health and safety legislation)
- professional regulatory body requirements (eg revalidation)
- organisational requirements (eg induction)

- skills required to undertake current role
- skills required for service delivery changes
- individual development
- skills required to meet objectives
- skills required to attain career aspirations.

#### 4.2 Funding

Application for funding is made through the HR department and further information can be found on the ODL pages of the HR intranet. Here, you will also find the Training Request Form, funding guidance notes and the Training Approval Form.

Once the application has been completed and agreed (subject to funding availability), it must be returned or emailed to the HR team. Notifications will be sent when received and when a decision has been made.

Funding for courses, internal or external, is available to permanent employees only. Should the ICB agree to fund a course and the employee leaves the organisation, they will be required to refund a pro-rata portion of the funding, which will be deducted from their final salary. Line managers are accountable for ensuring that costs are retrieved and set against the training budget.

If a staff member cannot attend an externally funded course, they will be responsible for informing the provider and may incur any costs associated with late cancellation or non-attendance.

Books and other materials are not funded by the organisation. Travel and accommodation costs for essential external and continued professional development (CPD) courses will not be funded through the centralised budget. Staff may claim them via their line manager, as explained in the ICB Travel and Expenses Policy, if this has been agreed.

#### 4.3 Evaluation

All training is evaluated and the results will be fed back via the ODL team.

#### 4.4 Study leave

Employees undertaking qualifications as agreed with the organisation and line-manager are entitled to up to five days study leave per year. This request is to be discussed and agreed with their line manager. Study leave covers exams, submissions and re-sits.

## 5 Induction

The ICB's induction programme consists of two elements – corporate induction and local induction – and all new staff must attend the corporate induction programme as soon as practical.

### 5.1 Corporate induction

The programme detailing the minimum requirements for corporate induction can be found on the HR intranet. It will be held over four half days every second month.

New starters will be booked onto the induction training programme by the HR team and they will receive notification of this. If you have not been notified, please contact the HR team or your line manager to ensure that arrangements are made.

If staff fail to attend their scheduled induction date, they will be automatically booked onto the next date and notified in writing by the HR team. The HR team will also inform the manager so that they can discuss the reasons for non-attendance with their team member.

### 5.2 Local induction

In addition to the ICB corporate induction programme, all staff that are new in post or change to a new department must undergo a planned local induction specific to their role, team, and area of work. We expect the local induction programme to be completed within six weeks of starting a post.

The heads of department and line managers should identify the local induction requirements and complete a checklist detailing the minimum requirements for permanent staff local induction.

### 5.3 Local induction for temporary staff

Agency/locum staff are selected for temporary work at the ICB through registered agencies, which should ensure that individuals are competent enough to work and that their mandatory training meets the terms of their ICB service contract. All local induction information and documentation can be found on the HR intranet.

### 5.4 Volunteers

Volunteers must attend a specifically planned induction and mandatory training course as arranged by their line manager and the HR team.

## 6 Mandatory and statutory training

Staff must do their mandatory and statutory training as identified in their ESR account (please contact HR if you need help). This is a legal requirement and it is the employee's responsibility to keep themselves up to date.

It is expected that Information Governance is completed within the first 24 hours of employment. All other mandatory and statutory requirements must be completed within the first three months of employment.

Staff may undertake face-to-face training or e-learning, depending on the training required. If staff are out of date with their mandatory and statutory training, they may not progress through their payband or be entitled to CPD and funded training.

The HR team will develop a regularly reviewed training prospectus, bringing together all relevant information for staff into one document. It will also publicise the dates and timing for induction and mandatory and statutory training. ESR will remind staff when their mandatory and statutory training is due.

Agency staff and contractors hired via the NHS framework must also be fully compliant with mandatory training requirements prior to starting at the ICB.

## 7 Essential training

Essential training is a term we use to describe training which is essential for a role and is defined by regulatory bodies. Information regarding essential training can be found on the HR intranet.

### 7.1 Recording of essential training

All essential training will be recorded through ESR. External mandatory and statutory training can be recorded on ESR, providing the supplier is accredited by the NHS and is aligned with the Core Skills Training Framework (CSTF). Evidence of successful completion will be required.

### 7.2 Additional essential training

Our essential training is not an exhaustive list and additional mandatory and statutory training may be required as agreed by your line manager or regulatory body. Additional training can be recorded, where evidence

is provided and aligned with the NHS CSTF or agreed supplier.

## 8 Mentorship and coaching

The ICB will support staff by offering an opportunity to access mentoring and coaching through the East of England Leadership Academy. Staff wishing to access this should contact the academy through [coaching.eoe.hee.nhs.uk](mailto:coaching.eoe.hee.nhs.uk).

## 9 Continuous professional development

The HR team provides a range of continuous professional development (CPD) opportunities for all staff, regardless of grade or job role. This includes leadership and management (internally and externally), vocational courses and other programmes.

## 10 Career Advice

The ICB is totally committed to supporting staff and helping them develop in their careers and become the very best they can be. This offer is open to everyone across the ICB.



# Travel and expenses

## 1 What this policy covers

**This policy sets out the travelling and subsistence rates payable to all ICB employees, plus non-executive directors, volunteers and governors.**

The ICB has adopted Agenda for Change Terms and Conditions of Service and Medical and Dental Terms and Conditions for this purpose.

This policy will help you to understand what you may and may not claim. It will also provide managers with guidance on authorising claims and minimising risk of fraudulent claims.

## 2 Definitions

### Expenses

The costs incurred by you while on official business for the ICB, as covered by this policy. This may include, but is not limited to, travel costs, accommodation and subsistence.

### Mileage

The amount you can claim for each mile travelled when using your vehicle on ICB business.

### Subsistence

Expenses such as food, drink and accommodation incurred while you are away from your permanent workplace on ICB business.

### Private car users

Employees are classified as a "private car user" if they are not eligible for a lease car. Under this classification you will be entitled to standard business mileage rate, which is dependent on the engine capacity and/or the total annual business miles.

## 3 Principles

- The ICB will reimburse reasonable costs incurred by all employees fulfilling their duties.
- Adherence to this policy will ensure you are appropriately reimbursed for expenses incurred while on ICB business.
- All claims must be authorised appropriately.
- Allegations of fraudulent claims will be reported to the Local Counter Fraud Specialist and dealt with under ICB Anti-Fraud, Bribery and Corruption Policy and the ICB Disciplinary Policy.

## 4 Responsibilities

Anyone who has a concern has a responsibility to inform the Counter Fraud Specialist.

### Chief Finance Officer

The Chief Finance Officer has executive responsibility for this policy.

### Directors

Directors are responsible for ensuring the consistent application of this policy and for ensuring appropriate managers are authorised signatories for authorising expense claim forms. They must seek guidance from the Counter Fraud Specialist where fraud is suspected.

### Managers

Managers are responsible for authorising travel expenditure and must confirm that claims represent a valid business expense. When verifying and authorising expense claim forms they must ensure that claims are accurate, with appropriate supporting paperwork submitted with each claim.

Where an employee's role requires them to travel on ICB business, and the employee uses their private car to do so, the manager will verify the employee's vehicle documentation. This should be undertaken annually.

### Employees

Employees should get their manager's approval for proposed travel on ICB business, including reason for travelling, date of travelling and approximate travelling expenditure. Employees should be aware of the relevant rules before incurring costs and submitting claims. Employees should ensure that any claim is made accurately and in a timely way in accordance with this policy.

Employees will alert their manager and payroll if they have received any overpayments in connection with their pay and expenses, and will make arrangements to repay. Employees who dishonestly retain overpayments may be guilty of theft.

## 5 Policy in practice

### 5.1 Claiming expenses

To claim vehicle mileage expenses under this policy you must have:

- insurance for business use for the vehicle used
- a valid MOT certificate for the vehicle used
- a valid driving licence for the type of vehicle used.

You must claim using the Selenity Expenses system (more information can be found on the HR intranet).

Receipts must be submitted with the claim within three months. The ICB reserves the right not to reimburse expenses if no receipt or proof of payment is submitted and attached to the claim. The Chief Finance Officer or a finance team member will arbitrate in cases of dispute.

You can normally only claim expenses that relate to you personally. However, in the case of meals or shared taxis, the most senior person should normally pay and obtain a receipt. The expense claim should state the names of others covered by such a claim.

Volunteers and governors wishing to claim expenses should also refer to the relevant sections overleaf.

### 5.2 Authorising Claims

All claims must be appropriately authorised for payment. Authorised signatories are responsible for verifying claims and should scrutinise claims prior to authorisation.

**“The ICB reserves the right not to reimburse expenses if no receipt or proof of payment is submitted and attached to the claim”**

### 5.3 Payment of claims

Approved claims should be submitted by the fifth day of the month if they are to be paid that month. Authorised claims should be submitted for payment within three calendar months following the end of the month in which they were incurred. Claims received after this time may be denied.

### 5.4 Excess travel

You are eligible for excess travel expenses if you are required to change your base as a result of a merger of NHS employers, organisational change or you accept another post as an alternative to redundancy.

If you travel by private car or motor cycle, this is payable for a period of up to four years at public transport/lease car mileage rates, and is subject to tax and National Insurance deductions.

Excess mileage is defined as the mileage from the employee's home to their new base and return, less the mileage from employee's home to their old base and return. Where an employee travels by public transport, the excess will be calculated using excess bus fares or standard rail fare payable.

### 5.5 Telephone expenses

#### ■ Mobile phones

If you are issued with an ICB mobile phone you may be required to reimburse the cost of private calls.

#### ■ Telephone calls on private phones

If you need to make a business call on your private phone and wish to claim, an itemised telephone bill should be submitted with the claim form.

### 5.6 Volunteer expenses

The cost of parking charges or public transport fares will be reimbursed to volunteers.

## Travel and transport expenses

### Business mileage rate

This is defined as mileage rate paid to users who use their own vehicles for official journeys (as defined by Agenda for Change Terms and Conditions and Medical and Dental Terms and Conditions). This does not apply to lease car users.

Except for Non-Executive Directors, claims for business mileage will only be reimbursed for miles travelled in the performance of the employee's duties that are in excess of the home-to-agreed-work-base return journey. Non-Executive Directors may claim mileage from home to work.

Where the journey starts at a location other than the work base (eg home), mileage will be reimbursed as set out below. In this example, the distance from the employee's home to their work base is 15 miles.

Journeys that count as business mileage for both tax and National Insurance contributions are:

- those made when undertaking the claimant's job, for example, if the claimant travels from their workplace to visit a patient or client and uses their own vehicle
- those made to or from a place the claimant has to attend to do their job, for example, if the claimant travels directly from home to attend a meeting. (However, this would not be claimed, if the journey is practically the same as their ordinary commuting journey. For example, if the meeting location is not far from their base.)



### Lease cars

If you need to lease a car, this must be approved by your head of department.

### Mileage for on-call duties

On-call mileage is defined as occasional travel from home to a permanent place of work unexpectedly or in an emergency. If you are eligible for on-call mileage, this is payable at standard or regular user rate and is subject to tax and National Insurance contributions. However, on-call mileage payable to emergency leads (the doctor with lead responsibility for the emergency situation) is exempt from tax and National Insurance contributions.

Outward journey	Distance	Eligible miles
Home to base	15 miles	None
Home to first call	Less than 15 miles	Eligible mileage starts after 15 miles have been travelled (therefore nil eligible miles)
Home to first call	More than 15 miles	Eligible mileage starts from home, less 15 miles
Return journey	Distance	Eligible miles
Last call to base		Eligible mileage ends at base
Last call to home	Less than 15 miles	Eligible mileage ends 15 miles from home
Last call to home	More than 15 miles	Eligible mileage ends 15 miles from home

### Public transport

You should try to minimise travel costs incurred and this means taking advantage of cheap fare deals (eg budget airlines, special offers, using rail cards, non-flexible tickets, day returns or season tickets, etc) where possible.

### Rail travel

You should normally use standard class travel and tickets should be booked in advance where possible to obtain maximum discount. You must supply rail travel tickets when making claims to confirm the destinations travelled to. Receipts need not be supplied if the full cost of the rail travel is shown on the tickets.

### Taxis

Appropriate use of taxis is permitted. As a general guide it will be approved where:

- a reasonable distance is undertaken (eg city centre rail station to place visited)
- two or more people share a taxi, making the journey cheaper than by public transport
- personal security is an important factor (eg if late evening travel is necessary)
- where use of public transport was not practicable.

### Conferences and exhibitions

This expense type is typically used for attending a training course which does not lead to an exam qualification. Before booking, ensure that you consult with HR and obtain authorisation from a director. If you are required to pay for approved conferences and exhibitions, this will be reimbursed.

### Subsistence allowances

#### Short overnight stay in a hotel

Hotels/guest houses may be booked when:

- an employee undertakes ICB business for more than five working hours away from their home or
- when the journey time including the business to be conducted exceeds 12 hours or
- where agreed by an Executive Director.

Employees should try to minimise the cost of overnight stays and take advantage of cheap deals.

The actual receipted cost of bed and breakfast is up to a normal maximum limit of £70 per night including VAT outside Central London and £100 per night including VAT in Central London (defined as within transport zones 1 and 2), plus a meal allowance of £20 per night including VAT to cover a main evening meal and one other daytime meal (where meals are not provided). The ICB will not reimburse for personal entertainment, for example, pay-to-view TV or mini-bar bills. Reimbursement will not normally be made for alcoholic drinks purchased.

Where the maximum limit is exceeded for genuine business reasons, such as the choice of hotel was not within the employee's control or cheaper hotels were fully booked, additional assistance may be granted at the discretion of a director, or where delegated authority is given by a manager reporting to a director.





# Volunteer management

## 1 What this policy covers

**This policy applies to all people who wish to volunteer within the ICB, except patient/public volunteers who are representatives on committees and other working groups. There are separate arrangements explained in other policies, particularly the volunteer and re-imburement policy for patient, public and carer engagement in patient and public involvement. This policy does not apply in those circumstances.**

The policy sets out how the ICB will place and support volunteers during their volunteer experience to ensure that it benefits both parties. This policy does not apply to ICB employees who wish to do voluntary work outside of the ICB. They should refer to the Special Leave Policy for paid volunteering leave provisions.

## 2 Principles

NHS England definitions:

**“Volunteers are individuals who choose to commit their time and energy to support the work of the NHS, without receiving any financial benefit beyond reimbursement of expenses. Volunteering is a choice freely made by each individual.”**

Volunteering for the ICB is undertaken for a wide variety of reasons involving holistic personal development, reflective learning, skills development and to influence the ICB's work. Various volunteering opportunities are available and although this is not an exhaustive list these include:

- focus groups on specific topics
- shadowing a team or individual to gain experience of their work
- active involvement in specific projects or groups.

This policy adopts four principles fundamental to volunteering as identified by the Government Code of Practice (1998), which are choice, diversity, reciprocity and recognition. The ICB recognises the important role that voluntary activity plays in complementing the organisation's work and therefore supports and encourages voluntary-sector efforts. The ICB recognises that volunteers add immense value to the services it provides and support the work of employees.

## 3 Responsibilities

### Manager

Managers have general responsibility for volunteer placements within their department. They're also responsible for ensuring that this policy is adhered to and:

- that a role outline is provided prior to volunteering
- required clearances (eg DBS, Occupational Health, etc) are sought and gained
- mandatory/statutory training has been completed as required
- Conflicts of Interest and Information Governance have been completed
- on-job training is provided
- local induction and Induction checklists have been completed
- health and safety policies and procedures are adhered to
- a risk assessment has been carried out
- a structured training plan has been provided
- this policy has been shared with the volunteer before they start their placement
- the volunteer receives a structured induction, including elements on health and safety, fire procedures and confidentiality awareness
- an appropriate mentor is allocated who will be available through the placement and that adequate supervision is provided at all times

- arrange and undertake regular reviews to ensure that the individual has benefited from the placement.

Managers should refer to the Volunteer Starter Pack (available on the HR intranet), which must be completed before the volunteer starts.

While there is no employment relationship with the volunteer, the manager must ensure that their health, safety and welfare at work are dealt with in the same way as for employees.

### Volunteers

Volunteers are responsible for:

- following the instructions or guidance given to them by the manager they report to
- following the policies and procedures of the ICB, as appropriate, for their role
- ensuring that they consider the health, safety and welfare of themselves and others as they undertake their role
- undertaking any clearances and training as required for their role.

### Human Resources

Human Resources is responsible for:

- maintaining and updating this policy to ensure they are in line with organisational and legislative changes.
- providing advice and support to line managers to help them apply this policy and guidance.

## 4 Policy in practice

Recruitment and selection of volunteers

- All volunteers will be asked to complete a Volunteer Application form, which is available in the Volunteers Starter Pack.
- All potential volunteers will be required to supply identity documents to confirm their identity.
- Reasonable adjustments will be considered for potential volunteers with a disability.
- Volunteers will be required to make an Occupational Health declaration.
- Under the Rehabilitation of Offenders Act (1974) Exemption Order, volunteers are required to declare

all previous convictions to the Recruitment Department. This information will be confidential and will not necessarily prejudice the volunteer being accepted for voluntary work.

- Once all necessary checks have been undertaken successfully, the volunteer will be asked to sign a Volunteer Agreement (available on the HR intranet), before undertaking any voluntary work.

### Problem-solving procedure

- Should a problem arise concerning a volunteer, it should be dealt with in line with NHS Employers Guidance on Volunteer Management. The final decision as to the suitability of a volunteer in any particular area will be that of the Assistant Director of the Department.
- If a volunteer has a complaint or grievance they wish to raise, they should initially refer the matter to their manager. If not resolved, the issue may progress through the ICB Grievance Policy.

### Liability and insurance

The ICB has insurance that covers volunteers.

### Reimbursement of expenses

The reimbursement of expenses will be in line with the ICB Travel Expenses Policy and as agreed with the line manager and the ICB Finance Department.

### Training of volunteers

The line manager will arrange all appropriate training for volunteers. The principles for volunteer training will be that any training available to employees will also be available to volunteers if it is appropriate to the tasks they are carrying out.

### Termination of service

Volunteers who wish to terminate their involvement with the ICB should give their line manager as much notice as possible, so that alternative arrangements can be made. The ICB reserves the right, in exceptional circumstances, to ask a volunteer to withdraw their help and will be open about the reasons for this decision.



# Work experience and internships

## 1 What this policy covers

The ICB is committed to providing work experience for people to undertake unpaid work to:

- gain practical experience
- develop workplace skills
- increase self-confidence
- increase understanding of the work within a field
- develop a greater understanding of work-life issues.

They also enable the ICB to:

- fill a skills gap or vacancy
- inject fresh ideas, knowledge and concepts
- develop the mentoring/supervisory skills of staff
- provide access to a talented and diverse workforce
- promote the organisation as an employer of choice
- demonstrate commitment to our CSR.

This policy explains how applications for work experience should be made and managed, and the responsibilities of the ICB and individuals during placements. Further guidance can be found in the Health & Safety at Work Act 1974, the Management of Health & Safety Regulations 1999, *HSE Managing Health & Safety on Work Experience: Guide for Organisers* HSG 199 and the Criminal Justice and Court Services Act (2000).

## 2 Principles

- Application of this policy will be made in line with the ICB's Equality and Inclusion and principles.
- The ICB aims to offer a practical and meaningful experience that meets the agreed expectations of both the individual and the organisation and to provide a supportive environment to those on placement.
- Individual employees of the ICB are not permitted to arrange personal programmes for individual students.

## 3 Responsibilities

The HR Department, recruitment and line managers are responsible for coordinating and advising on all work experience placements at the ICB and ensuring that:

- appropriate risk assessments are undertaken in respect of all placements
- all documentation/records are completed and kept
- where required, DBS checks are undertaken
- candidates complete the local and corporate induction programmes as required
- all placements are evaluated
- pre-employment checks are made.

These checks must be completed and deemed satisfactory by the ICB prior to a commencement date for the placement being arranged. Where the student's education institution has already conducted such checks, these may be deemed acceptable by the ICB and new checks may not need to be undertaken. In this instance, advice should be sought from Recruitment to determine whether the checks undertaken by the education institution are satisfactory.

Managers are responsible for ensuring that:

- all requests for work experience are referred to HR and recruitment
- the experience offered is meaningful and appropriate to the work experience candidate
- placements within the department do not cause undue interference with its efficient working
- an appropriate risk assessment is undertaken prior to the placement commencing and that work experience candidates are made aware of all relevant health and safety requirements.
- a structured training plan is provided
- the policy is shared with the applicant before their placement starts
- an appropriate mentor is allocated and they're

available throughout the placement to ensure that adequate supervision is provided at all times

- all mentors/supervisors of children and young people have had a recent Disclosure and Barring Service (DBS) check
- regular reviews take place to ensure that the individual has benefited from the placement.
- a supervisor's report is completed.

All staff are responsible for ensuring that:

- they're aware of the health and safety requirements relating to students on placement in their areas of work and the need for appropriate supervision
- the dignity and confidentiality of patients is preserved at all times
- any concerns are raised promptly with the manager.

Work experience candidates are responsible for ensuring that:

- they adhere to ICB policies and procedures
- they maintain the respect and confidentiality of patients at all times
- they only undertake agreed placement duties.

Those on work experience will be asked to sign an honorary contract and the volunteer will be asked to sign the volunteer agreement.

### Insurance

The principle placement risks are:

- injury to students on placements
- injury to others on the premises (eg employees, visitors, patients, etc)
- damage to, or loss of employers property, and damage to, or loss of other property (eg the student's, employee's or a patient's property).

The organisation has employer's liability insurance, which covers all work experience placements, providing that individuals work within the guidelines.

## 4 Policy in practice

### 4.1 Application/eligibility

- This policy applies to areas of the organisation that

accommodate students on work experience.

- Students below the age of 17 are only eligible to undertake a rotational work experience programme within non-clinical areas of the ICB.

### 4.2 Duration of placements

Requests for placement will be considered case by case, to be agreed by the department, recruitment and HR and work experience candidate. As a general rule placements will:

- not exceed two weeks
- be worked on weekdays, Monday to Friday
- not exceed eight hours a day.

### 4.3 Areas of placement

#### Non-clinical

**Secondary school students:** participating areas will agree their schedule as part of the programme with the line manager responsible for the student. Placement opportunities are available within such departments as finance, admin and clerical, HR, IT and logistics. Additional areas can be requested via HR.

#### Clinical

Work experience candidates wishing to undertake a placement within a clinical environment may apply to complete a Healthcare Experience Programme. For more information refer to the Step into the NHS website.

### Internships

Internships are defined as a placement during which a university or college student undertakes a role or piece of work over a set period of time for which they're remunerated. All internships will be advertised via NHS jobs, local universities and colleges. All individuals applying for an internship will be required to follow the normal recruitment and selection process and will be treated as an employee during their placement.

### Work shadowing

Work shadowing is a placement during which a student or individual shadows an employee or employees going about their normal activities, unless the complexity or for safety or security reasons the activities cannot be done by the individual with supervision from a manager and/or employee. Work shadowing would not normally last longer than one day. Any requests for work shadowing lasting longer should be treated in line with work experience.

# Working hours

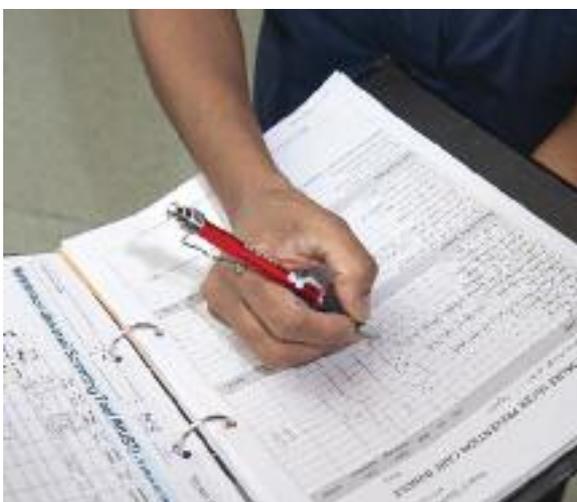
## 1 What this policy covers

**This policy, which applies to all staff (except medical and dental staff, who are covered by a separate national agreement), details the conditions that apply to working practices to ensure compliance with the Working Time Regulations (WTR).**

It is expected that in most areas of everyday working practice, the regulations and the nationally determined agreements and guidance provide information to enable management and staff to ensure that their working practices comply with the regulations. However, some matters require local interpretation and local collective agreement, and this policy will provide appropriate local guidance to ensure comprehensive compliance with the regulations.

Further information about the Working Time Directive, Regulations and guidance can be found by visiting the following websites:

-  [www.acas.org.uk](http://www.acas.org.uk)
-  [www.direct.gov.uk](http://www.direct.gov.uk)



Staff undertaking work in addition to their post at the ICB should also read the Secondary Employment Policy, and are reminded that under the terms of the policy they must inform their manager if they are undertaking work outside of the ICB.

## 2 Principles

- In accordance with the regulations and this policy, no ICB staff member will suffer through seeking to enforce their legal rights within the regulations.
- The intention of this policy is to ensure that the health and safety of employees is not compromised by the pattern or duration of hours they work.

## 3 Responsibilities

- The ICB is responsible for ensuring compliance with this policy and directions on interpretation of the Regulations contained within (GC) 3/98, and will also make reference to Health Service Circular 1998/204.
- The ICB will identify and seek agreement, from individuals or via collective agreement as appropriate, for the use of the available exceptions or exemptions to enable working patterns that meet the ICB's operational needs, while not compromising health and safety.
- ICB managers and heads of department are responsible for ensuring the practical application of this policy at a local level.

**“All staff are required to comply with ICB reporting and record-keeping procedures relating to this policy”**

- All staff are required to comply with ICB reporting and record-keeping procedures relating to this policy.

## 4 Policy in practice

### 4.1 Record-keeping

Where required by the regulations, the ICB designed methods of record keeping will monitor compliance in relation to:

- maximum weekly working time
- rest breaks
- daily rest
- weekly rest periods
- night work.

These records may be required for inspection by the Health and Safety Executive or union representatives. Information regarding the recording systems and forms used is available from Human Resources and on the HR intranet.

### 4.2 Max weekly working time: reference period

The maximum average working week for all staff covered by this agreement is 48 hours per week, inclusive of hours worked while on call.

The reference period over which average hours will be calculated will be 17 weeks. This agreement will be in accordance with 23(b) of the regulations.

The reference period will determine, for the purposes of the regulations, whether or not hours worked are more than those specified in the regulations. The ICB will work to ensure that staff do not work more than 48 hours on average over any period of four weeks or more.

You may choose to agree to work more than 48 hours averaged over a 17-week period. This guidance also contains an option for you to later change your decision of agreeing to work more than 48 hours.

The decision to exercise this option is an individual, voluntary one and no pressure should be placed on you to take this option. Each agreement may either relate to a specified time period or apply indefinitely and should be recorded in writing using the form, which can be found on the HR intranet.

To end any agreement you must give written notice to ICB. This can take the form of a previously specified notice period of up to three months written in any agreement or, if no notice period is specified, only seven days' notice would be required. Records of such agreements must be kept and be made available to locally recognised unions.

Working time will include time taken for training purposes, civic and public duties, health and safety and trade union duties.

### 4.3 Night work

The "night period" is defined as 11pm to 6am and staff who regularly work at least three hours during the "night period" are "night workers".

Night workers who deal with special hazards or whose work involves heavy mental or physical strain should not work longer than eight hours on average in any 24-hour period, calculated over a period of 17 weeks. Staff cannot opt out of this limit.

At the time of finalising this policy, no area has been identified within ICB where night workers face hazards of the type described above.

Should you or your accredited safety representative draw to the attention of the ICB working conditions within your area that may fall within the description of "special hazards or heavy physical or metal strain" during the night work period explained previously, the ICB will undertake an appropriate risk assessment.

Where the conditions found indicate action to be necessary, the ICB will consider whether arrangements can be made to reduce risk. Where this is not possible or reasonably practical, the length of each shift worked by night workers doing the work in question in that area will be limited in accordance with the regulations to no more than eight hours in any one 24-hour period

Should particular types of work be identified at national level as falling within these criteria, similar action will occur.

#### 4.4 Breaks

##### Minimum rest breaks between shifts

You should normally have a rest period of not less than 11 hours in each 24-hour period.

Where full daily rest cannot be taken because a worker is changing shifts, the ICB will make arrangements to allow equivalent compensatory rest. In exceptional circumstances, where this is not practicable because of the contingencies of the service, daily rest may be less than 11 hours. In these circumstances, records should be kept by the employer, which will be available to locally recognised unions.

Local arrangements should be agreed to ensure that a period of equivalent compensatory rest is provided. Any proposed regular amendment to the minimum daily rest period must be agreed with locally recognised unions. In some emergency situations, compensatory rest may not always be possible. A standard form for the recording of rest periods can be found on the Human Resources Policy Forms section of the HR intranet.

##### In-work breaks

Where the working day is longer than six hours, you are entitled to take a break of at least 20 minutes. Rest breaks must be taken during the period of work and should not be taken either at the start or the end of a period of working time.

You should be able to take your rest break away from your workstation. In exceptional circumstances, and with your agreement, where your rest break cannot be taken, the unused entitlement should be claimed as a period of equivalent compensatory rest. Line managers should ensure that provision is made to allow compensatory rest to be taken.

Existing local arrangements that already provide for breaks of more than 20 minutes (eg lunch breaks) will meet the requirements of this provision and no further action will be needed.

Where work is repetitive, continuous or requiring exceptional concentration, the ICB should ensure the provision of adequate rest breaks as an integral part of its duty to protect the health and safety of its employees. In such circumstances the advice of Human Resources should be sought.

##### Off-duty breaks

You should receive an uninterrupted weekly rest period of 35 hours (including the eleven hours of daily rest) in each seven-day period for which you work for the ICB. Where this is not possible, you should receive equivalent rest over a 14-day period, either as one 70-hour period or two 35-hour periods.

##### 4.5 Health assessment for night workers

Night workers are entitled to a regular and free confidential Occupational Health health assessment. The ICB has developed an appropriate system of health assessment, which can be found on the HR Policies Forms section of the HR intranet.

##### 4.6 Holiday pay

###### Bank staff

The statutory paid holiday entitlement was raised from 24 days to 28 days from 1 April 2009 under the Working Time (Amendment) Regulations 2007 (SI 2007/2079), which came into force on 1 October 2007.

Staff employed by the ICB as bank staff within all occupational groups covered by this agreement will be entitled to holiday pay. Holiday pay for bank staff is calculated and paid regularly with each time sheet that is submitted.

###### Substantive staff

Staff employed on substantive and fixed-term contracts will be paid average contracted earnings as required by the regulations. This payment will be made regardless of the actual number of days of leave taken by the individual during the period concerned.

##### 4.7 Employing young people

A young person is defined as someone who is above school-leaving age yet under 18. Any young person working for the ICB will therefore be 16 or 17 and special rules concerning them will apply.

A young person is entitled to take at least 30 minutes' break if their shift lasts more than 4.5 hours. Staff aged 16 and 17 will work no more than eight hours a day and 40 hours a week. A young person should have 12 hours rest between working days and two days off every week. A young person cannot opt-out of the Working Time Directive to work more than 48 hours a week.



**Improving health and care  
in Hertfordshire and West Essex**

