

# Enfield College

## HR Policies and Procedures Toolkit



EUROPEAN UNION  
European Social Fund



Leading learning and skills

This Toolkit is one of a series produced for Third Sector organisations by the pan-London European Social Fund project 'The Capacity Building Toolbox' co-financed by the London LSCs. The series covers six topics.

- Consultation and Representation
- Events Management
- HR Policies and Procedures
- Developing and Running a Training Course
- Sustainability
- Work-Life Balance

Each Toolkit takes a practical, hands-on approach to the topic providing the user not only with information and guidance but also with a series of interactive activities key to the topic covered. The user will learn by doing.

Led by Enfield College, the Capacity Building Toolbox Project also produced management standards and training materials specific to the Third Sector. Further details of these can be found on Enfield College's website under the 'for employers'/'Capacity Building Toolbox' link or by email to [toolbox@enfield.ac.uk](mailto:toolbox@enfield.ac.uk).

Training materials for the three-day training courses - which cover topics different to the Toolkits - are available for use by Third Sector organisations. The slideshows in PDF format are freely available for download from the College website (see link above). Contact [toolbox@enfield.ac.uk](mailto:toolbox@enfield.ac.uk) regarding use of the full material, including trainers' guides and handouts, in its original form or consultancy support developed by the Project.

Note that both the Toolkits and the training materials are covered by copyright. Permission to use or adapt any of the materials for commercial purposes must be given by Enfield College.

© Learning and Skills Council 2006

Enfield College

## CONTENTS

Overview	1
How to use the toolkit	1
Recruitment and selection	2
Overview	2
Bite size employment law	2
Policy checklist	2
Contracts of employment	6
Overview	6
Bite size employment law	6
Policy checklist	7
Induction & probation	10
Overview	10
Induction checklist	11
Equal opportunity & diversity	14
Overview	14
Bite size employment law	14
Policy Checklist	16
Performance management	18
Overview	18
Mentoring and coaching	18
Appraisals	18
Supervision	18
Policy checklist	20
Email & internet	21
Overview	21
Bite size employment law	21
Policy checklist	22

Sickness	24
Overview	24
Bite size employment law	24
Policy checklist	25
Disciplinary and grievance procedures	27
Disciplinary overview	27
Bite size employment	27
Policy checklist	28
Grievance overview	32
Redundancy	33
Overview	33
Bite Size Employment Law	33
Policy checklist	34
Useful contacts	37

## OVERVIEW

Welcome to the Capacity Building Toolbox 'Policies & Procedures' Toolkit.

This practical tool has been developed to help voluntary and community organisations (VCOs) meet the growing demands on them to ensure that they are efficient, effective organisations that meet the requirements of legislation and best practice.

VCOs today are constantly being challenged to meet new demands on their business. Organisations that prepare their staff to meet these challenges can achieve a competitive advantage. They will be the VCOs that grow and prosper to the benefit of their service users and communities.

One way of enhancing organisational performance is to introduce Human Resource Management [HRM] into the workplace. In its entirety, HRM is a process of integrating people management with the business strategy to enhance organisational performance. In this respect, VCOs are no different to any other organisation operating in a market economy.

Many small- to medium- sized VCOs do not have Human Resource departments, however there are steps which can be taken towards creating a more strategic approach to people management.

Introducing written policies and procedures is one way to enable an organisation to effectively manage its employees. Policies and procedures are written sets of rules and standards which allow for a fair and consistent approach to people management whilst ensuring that the business is protected against any legal claims.

This tool kit is designed to assist both employer and employee by outlining the rights and expectations of employment. The field of human resources and employment law is vast, so the content of the toolkit can be for guidance only. While every care has been taken in putting it together, it is not exhaustive and we cannot take responsibility for errors or omissions it may contain; nor can we guarantee that it is completely up to date. If in doubt, or faced with an employment law related dispute, you must always seek professional advice.

## HOW TO USE THE TOOLKIT

The number and type of policies your organisation will have will depend on its size and activities. To get you started, this toolkit will guide you through the following.

- Recruitment and selection
- Contracts of employment
- Induction & probation
- Equal opportunities
- Performance management
- Internet & email
- Sickesses
- Disciplinary & grievance
- Redundancy.

## RECRUITMENT AND SELECTION

### OVERVIEW

An organisation's most valuable asset is its employees, so it is worth spending time and effort when selecting them. Employing people can, if handled poorly, cost the employer time, money and result in financial and other loss.

Good practice in recruitment and selection is a must because it can result in a more effective, better motivated workforce. It can also lower levels of absence and turnover and reduce the likelihood of the organisation being subject to claims of discrimination.

Individuals who consider they have been discriminated against in recruitment and selection on the grounds of race, sex, disability, sexual orientation or religious belief can make a claim to an employment tribunal. If the tribunal finds for the applicant, it may award compensation or recommend a course of action to reduce or stop the effects of discrimination.

### BITE SIZE EMPLOYMENT LAW

There are several Acts of Parliament which combat discrimination even before an individual has been engaged in employment. These are discussed under 'Equal Opportunities'.

You must consider the following.

**The Asylum and Immigration Act 1996** makes it a criminal offence for an employer to employ a person who does not have immigration authorisation to work in the UK.

**The Police Act 1997** allows for certain criminal record checks to be carried out. You will need to undertake a criminal records check when employing staff who will be required to support vulnerable or young people.

#### Top Tip

- Advertising for recruitment can be very costly; consequently it is important to have an appropriate strategy to get it right first time. To attract the best candidates, you must consider the methods of recruitment in relation to the post being filled. Consider using a combination of methods, eg internal recruitment, schools and colleges, jobcentres, job fairs, commercial employment agencies, local/national newspapers, free online recruitment sites.
- Restricting yourself to one source can mean you're missing out on a number of suitable candidates. You should also consider whether the organisation insists on advertising in at least one BAME publication, this may be useful for meeting your commitment to equal opportunities.

### POLICY CHECKLIST

To achieve best practice in recruitment and selection, guidelines must be established. Developing a policy is a good way of structuring these guidelines and ensuring information is passed on in a professional and timely manner. A good policy has the added value of attracting high calibre candidates to your organisation.

An effective recruitment and selection policy must include:

- A policy statement
- A job description
- A person specification.

## Policy statement

This must clearly define the stance the organisation takes with regards to equal opportunity, eg that no job applicant will be treated less favourably on the grounds of race, sex, colour, nationality, sexuality, disability, sexual orientation or religious belief.

The statement should detail the organisation's commitment to fair and transparent practices in all aspects of recruitment.

## Job description

This should inform the individual exactly what the job holder will be expected to do.

## Person specification

This is a brief description of the skills, knowledge, experience and abilities which are absolutely necessary to carry out the role effectively. This will reduce the risk of inadvertent discrimination. A decision should be made as to whether the role can operate as part time or as a job share, or if it can be performed effectively from home.

It is good practice to let the candidate have a copy of the job profile and person specification when they first apply. This way the candidate can decide if they are interested in the job before entering themselves for selection. This will save time and money.

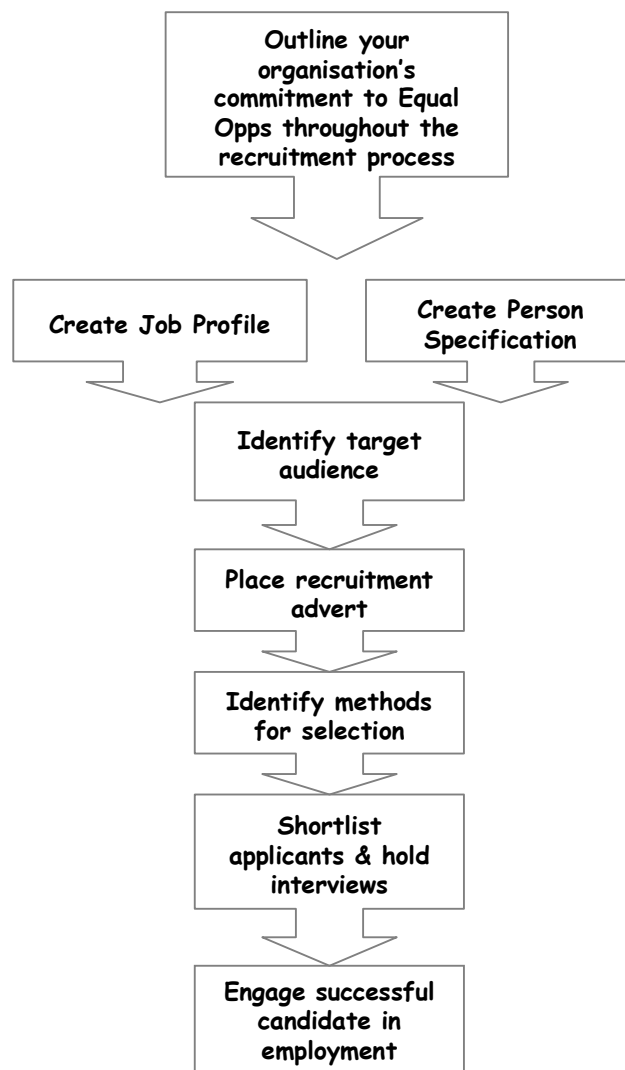
## Selection methods used for recruitment

Your policy should communicate the actual selection processes used during recruitment, ie does the organisation insist on panel interviews? Are any assessment tools used during this process?

Selection methods you may want to consider are:

- *The Application form* - this can help in short listing suitable candidates.
- *Interview* - for impartiality, panels of approximately three people should be used, ideally panels should be made up of mixed gender and ethnicity, and notes should be taken.
- *Selection tests* - where appropriate, tests should be used as part of the recruitment process. These can be administered in house at the time of the interview; alternatively assessment centres can be used.
- *References* - where possible, references should be taken up *prior* to agreeing a start date. Where this is not practical and it is necessary for an employee to commence employment immediately, offers of employment should be subject to the receipt of satisfactory references.

A good recruitment procedure is illustrated in the flow chart below.

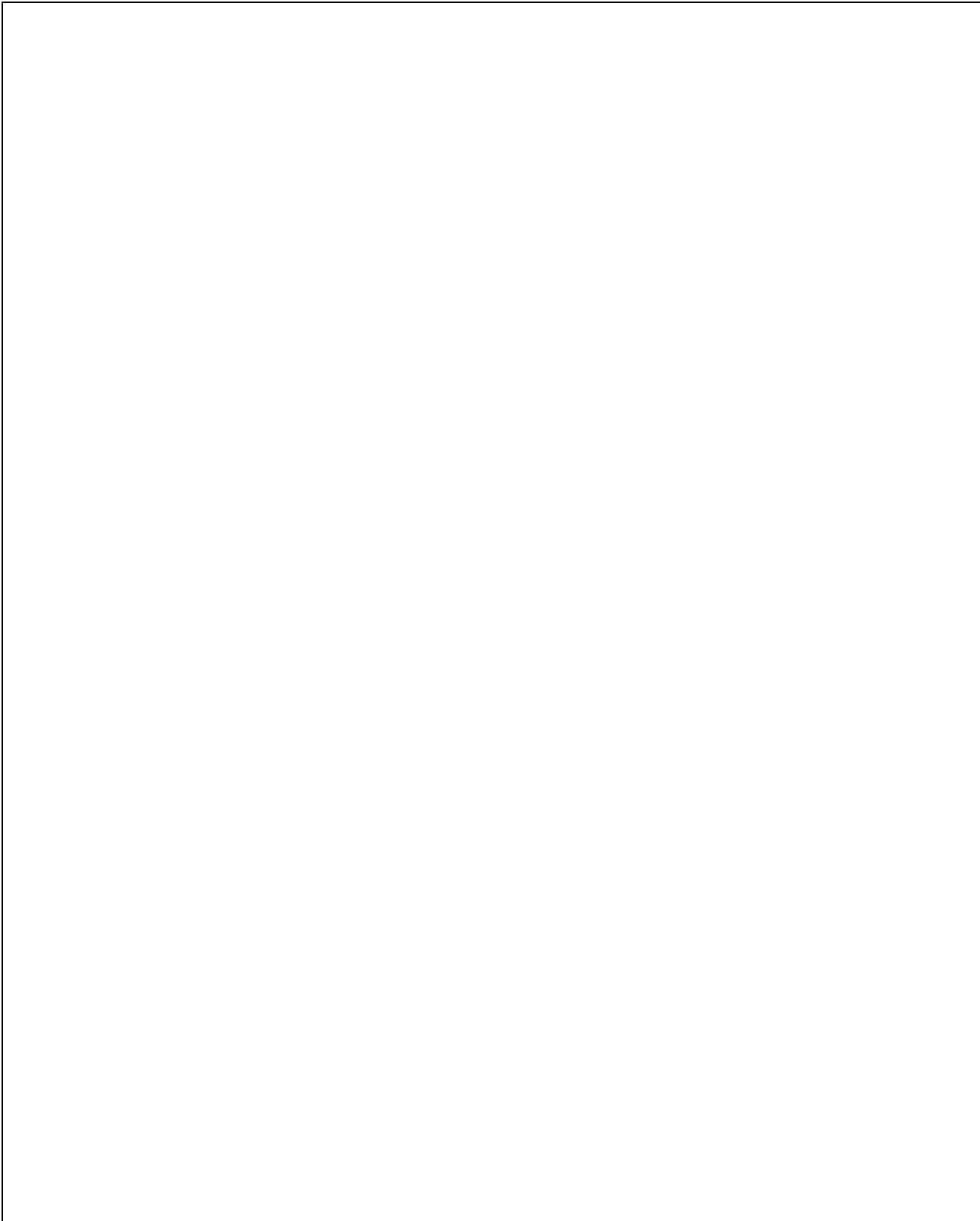


Mr Wong of Wong Enterprises has been having difficulties recruiting and retaining engineers for his new IT development programme. Although he has placed an advertisement on his own website for the vacancy, he has refused to spend any money and advertise anywhere else. Mr Wong has not yet prepared a job description or person specification for this post.

Using the information provided earlier in this section, answer the following questions:

- 1 What do you think Mr Wong is doing wrong?
- 2 Suggest three things he could do to rectify these mistakes.

Compare your answers to the top tips, policy checklist and recruitment procedure.



## CONTRACTS OF EMPLOYMENT

### OVERVIEW

When a person secures paid employment with your organisation you must issue them with a contract of employment. This serves as a legally binding agreement between your organisation and that person in which you both have mutual obligations.

The contract sets out the terms and conditions which form the basis of an individual's employment. Clearly defining and agreeing these upon engagement of your employee will ensure there are no 'surprises' for either party.

Before you draft the employment contract you need to consider the following legal requirements.

### BITE SIZE EMPLOYMENT LAW

#### The National Minimum Wage

The national minimum wage aims to give employees a decent minimum standard of pay. It applies to almost all workers and sets hourly rates below which pay must not fall. It helps business by ensuring companies will be able to compete on the basis of quality of the goods and services they provide and not on low prices based predominantly on low rates of pay. The rates set are based on the recommendations of the independent Low Pay Commission.

There are three rates which are periodically reviewed.

- Main (adult) rate for workers aged 22 and over
- Development rate for workers aged 18-21 inclusive
- Rate for 16 and 17 year olds.

You must keep up to date with changing minimum wage rates to ensure you do not fall foul of the law.

#### The Employment Rights Act 1996

Section 1 requires employers to issue a Statement of Particulars within two months of the employee joining your organisation. However, it is considered good practice to issue it as early on as possible. As a minimum the Statement of Particulars must include the:

- Date employment began
- Length of contract
- Job title
- Place of work
- Salary
- Deductions made
- Pension option
- Hours of work

- Holiday entitlement
- Notice periods.

## Top Tips

- Keep your contracts simple, do not over complicate them with unnecessary terminology, they need to be reader friendly!
- Where possible, try to include information on sickness, disciplinary and grievance procedures. Although not a legal requirement, this is considered good practice.

## POLICY CHECKLIST

The contract is a vital document made up of both oral and written agreements which may include:

- Express terms
- Implied terms
- Incorporated terms
- Imposed terms
- Written statement of particulars
- Probation
- Variation of contract
- Termination of contract.

### Express terms

Terms which are specifically agreed by both parties, eg 'You are required to work 35 hours a week'.

### Implied terms

These might include those that are too obvious to be expressly agreed, eg a term that 'the employee must accept reasonable instructions from the employer' - these are normally terms that are necessary to make the contract workable.

### Incorporated terms

Taken from an employee handbooks or collective agreement.

### Terms imposed by law

For example, 'the right not to be discriminated against', 'the right to maternity pay/leave'.

### Written statement of particulars

All employees must be issued with a written statement of particulars within two months of their start date.

## **Probation**

The length of an individual's probation should be indicated in the employment contract. The probation period allows both the employee and employer to agree between themselves that they have taken the right decision in joining the organisation. In most cases probation periods last six months; during this time there should be a minimum of two review meetings.

## **Variation of contract**

As a general rule, variations to contract can only be made with the agreement of the parties. It is always advisable to make the agreement in writing.

## **Termination of contract**

A contract of employment can be terminated by the employer or employee giving the required termination notice. This will either be a statutory notice or notice as agreed in the contract of employment.

Termination of any contract, should be done with due regard to both current employment legislation and organisation procedures. Failure to take account of either could result in a claim for breach of contract, constructive dismissal or unfair dismissal.



Using the template below, write a statement of particulars for your job. Consider tailoring it to your own organisation. Is there anything you might add?

**Statement of particulars given pursuant to section 1, Employment Rights Act 1996**

This agreement is made on

Name of employer

Name of employee

**1 Commencement of Employment and Continuous Employment**

Your employment with this Company began on

Your previous employment with [ ] does/does not count as part of your continuous period of employment.

**2 Job Title**

You are employed as a

**3 Job Description (include if you do not have a separate document)**

**4 Job Location**

**5 Pay**

Your rate of pay is

You are paid at the following intervals

Other pay information

**6 Hours of work**

Your hours of work are

**7 Holidays**

Your holiday entitlement is

Your holiday year begins on

You are entitled to the following public holidays

## INDUCTION & PROBATION

### OVERVIEW

#### Purpose of Induction

The purpose of induction is to help a new employee to settle into a new job as soon as possible, by becoming familiar with the people, surroundings, job role and organisation.

A planned, systematic and formal induction will also help the new employee to settle quickly, and respond effectively to the demands of their role. Induction is therefore a question of good management practice and good business sense as it benefits the new employee.

#### Why induct?

Proper induction is the single most important process for integrating new staff into an organisation. Failure to properly induct new recruits can result in:

- Unsatisfactory performance and low job satisfaction
- Absenteeism, high turnover, resignation and dismissals
- Accidents leading to injury and/or prosecution
- Costly mistakes to the company.



#### Top Tips

- The volume of information a new employee has to digest on their first day can be overwhelming. If the induction is to be a success, then it is very important not to overload inductees with too much at once. One way to avoid this could be to start the process before they join.
- Issuing 'information' or 'welcome' packs at the recruitment stage can allow individuals to prepare themselves in advance. Information could include the organisation's history, services, structure and staff handbook. If this is not appropriate, consider breaking down the process over a number of days. This will ensure inductees have time to register information without it becoming stale.

#### Purpose of Probation

The probation period allows both the employee and employer to test out a candidate's suitability for the job. Even when a candidate has been particularly good at the interview stage, they can still fall below the expected standards of performance when it comes to doing the job.

If performance issues are noticed, they should be dealt with immediately and the staff member must be given adequate support. Records of one-to-ones, and training the individual has received, must be noted as this can help the decision making process at the probation review meeting.

**INDUCTION CHECKLIST**

The 'tick box' style checklist below is a good example of a comprehensive induction programme.

Item	Activities	Tick box
Pre-employment	Information pack Proof of the right to work in the UK Conditions of employment	
Welcome to our organisation	Background Mission statement Organisation chart - global Organisation chart - departmental Organisation's services Future Plans	
Orientation	Site map Facilities Computer system Telephone system Car parking Security	
Terms & Conditions	Statement of Particulars issued Staff handbook issued Working time, including hours, flexi-time, time off in lieu Reporting procedures absence/sickness procedure arrangements for breaks holidays/special leave probation period performance management system discipline procedure grievance procedure Internet and email policy	

<p>Financial</p>	<p>Methods of payment</p> <ul style="list-style-type: none"> <li>tax and NI</li> <li>benefits</li> <li>pension/stakeholder pensions</li> <li>expenses and expense claims</li> </ul>	
<p>Staff Development</p>	<p>Training plan</p> <p>Training opportunities and in-house courses</p> <p>CPD and Personal Development Plan</p> <p>Career management</p>	
<p>Health and safety</p>	<p>Emergency exits</p> <p>Evacuation procedures</p> <p>First aid facilities</p> <p>Health and safety policy</p> <p>Accident reporting</p> <p>Protective clothing</p> <p>Specific hazards</p> <p>Policy on smoking</p>	

Before creating your own induction process and checklist, it is useful to identify what you want it to achieve. Setting measurable objectives can help you to identify what information must be covered and what can be left out.

Below are examples of what some organisations deem important to achieve through the induction:

- I believe our induction programme should enable employees to gain an understanding of the business and departmental objectives
- I believe our induction should show how an individual's role fits into a team and department
- I believe our induction should be to familiarise new employees with policies and procedures relating to equal opportunities, health and safety and other relevant policies.



Using the above as guides, identify what it is you want your organisation's induction process to achieve.

Now that you are clear on what it is your induction process must achieve, look back at the induction checklist and adapt it to meet your organisation's needs?

## EQUAL OPPORTUNITY & DIVERSITY

### OVERVIEW

No matter what industry you work in, employees will expect to be treated fairly and respectfully. The law generally supports this and makes it illegal to discriminate against people at work on the grounds of:

- Gender
- Race
- Disability
- Sexual orientation
- Religion or belief
- Age
- Being or not being a member of a trade union.

Now more than ever employers are advised to make Equal Opportunity & Diversity an integral part of all policies and procedures. In doing so, employers can potentially eliminate direct and indirect discrimination.

### What is direct discrimination?

Direct Discrimination occurs when a person is treated less favourably on the grounds of sex, marital status, sexual orientation, religion or belief, disability, race, colour, nationality, ethnic or national origin, or age.

### What is indirect discrimination?

Indirect Discrimination consists of applying a condition or requirement which, although applied equally to all individuals, is such that a considerably smaller proportion of persons can comply with it and which is not a condition or requirement that can be justified on the grounds other than sex, marital status or racial factors, eg a requirement for a higher language ability than is needed for the safe and effective performance of the job.

### BITE SIZE EMPLOYMENT LAW

The main pieces of legislation that combat discrimination and promote equal opportunities and diversity are the:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Race Relations (Amendment) Act 2000

- Employment Act 2002
- Race Relations Act 1976 (Amendment) Regulations 2003
- Religion or Belief Regulations 2003
- Sexual Orientation Regulations 2003
- Age Discrimination Regulations 2006.

Guidance on these Acts can be obtained from the relevant Commission, details of which are given at the end of this Toolkit. Further, general guidance on good practice in the workplace can be obtained from the Advisory, Conciliation and Arbitration Service (ACAS) [www.acas.org.uk](http://www.acas.org.uk)



## Top Tips

Employment Law by its very nature is subject to continuous update and change. Someone within your organisation must take responsibility for monitoring these changes and formally communicating them as and when they occur.

By preparing for change in this way, you will be able to regularly review and update your policies, avoid 'nasty surprises' and ensure you are complying with the law.



Mr Smith of Smith & Sons has recently set up a small business providing catering services for corporate functions. He recognises that an organisation's strength often comes from the diversity of its employees. He is therefore keen to promote himself as an Equal Opportunities employer.

Using the information provided in this section, answer the following questions.

Identify a recruitment activity that Mr Smith could undertake to ensure he is attracting candidates from all parts of the community?

On what grounds must Mr Smith ensure he does not discriminate on?

Compare your answers to the top tips suggested in the recruitment section.

## POLICY CHECKLIST

- Policy statement
- Illustrate what the policy covers
- Identify employee responsibilities
- Detail how the objectives of the policy are met.

### Policy statement

Your statement should communicate the measurable aims and objectives of your organisation's equal opportunities policy. This includes how it intends to encourage, manage and support diversity in the work place.

### Illustrate what the policy covers

The Acts highlighted earlier must be the essential backbone to your policy.

To avoid ambiguity, list exactly what the policy covers. This will typically be gender (including sex, marriage, gender re-assignment); race (including ethnic origin, colour, nationality and national origin); disability; sexual orientation; religion or belief and age. There may be other categories that are relevant to your organisation or local circumstances, if so also include them.

### Identify employee responsibilities

Staff should know what is expected of them in relation to practicing equal opportunities.

Providing behavioural examples is one way of achieving this, for example:

- 'You must cooperate with measures introduced by management to ensure equal opportunity'
- 'You must not victimise individuals who have given information to management on these matters or who have made complaints'
- 'You should inform management if there are reasonable grounds for believing discrimination is taking place.'

### Detail how the objectives of the policy are met

In this section you need to indicate how your organisation intends to meet the objectives set in the policy.

Methods might include: workforce monitoring; providing staff with training/guidance; reviewing all personnel procedures including recruitment, selection, promotion, training, discipline and grievance.



The statements given below are examples of what you might expect to find in an equal opportunities policy.

- It is the policy of X to ensure its staff are free from harassment and bullying.
- All decisions are based on the principle that all individuals and groups of people should have equal access to opportunities, regardless of their gender, ethnicity, age, disability, learning difficulty, language, religion, sexual orientation, marital status, caring responsibilities or HIV status.

Consider the organisation for which you work. What is it currently doing to encourage equality of opportunity?

Using this information, draft a paragraph below which can be incorporated in your own policy.

## PERFORMANCE MANAGEMENT

### OVERVIEW

Performance management can be described as a vehicle for continuous improvement. Through co-ordinating planned interventions an organisation can ensure that individual, team and organisational performance is enhanced.

To get the best out of employees, an organisation should have a performance management system. This should have the ability to motivate staff to achieve organisational goals. It should also include a system for addressing poor performance.

There are a number of ways to manage performance. Naturally, some will be more appropriate than others depending on your organisation. To get a good balance use a mix of techniques described below.

### MENTORING AND COACHING

Managers should be ready to mentor and coach staff, passing on their experience and professionalism. Although this may occur informally on a day to day basis, you should adopt a more formal approach.

Identify managers who can inspire individuals and support their professional development and engage them in a mentoring programme. If time and effort is invested into the programme, you should increase staff job satisfaction, retention and motivation.

### APPRAISALS

The performance appraisal meeting allows for a planned and constructive discussion or review of an individual's performance. This will usually be between a manager and their member of staff. Appraisals should be held a minimum of once a year but preferably twice a year.

As well as reviewing ones past performance, the appraisal needs to look to the future and how improved performance can be achieved. This will involve agreeing objectives for the next three, six, nine or 12 months. It might seem obvious but any objectives you agree on must be smart!

In fact they need to be **Specific, Measurable, Agreed, Realistic and Time bound**, in other words **SMART**.

### SUPERVISION

In general supervision should be held every four to six weeks. It should be a two-way process where both staff and manager have an opportunity to discuss working issues and review work plans. By having regular supervision meetings you can identify early problems or difficulties with your staff. Although it is not as formal as an appraisal, the same priority must be given to it.



Think about the role you play with in your organisation. What activities will you need to perform over the next 12 months to meet the organisations or department's objectives?

Using this information, create two objectives in the space below; ensure you apply the SMART principles.

### Top Tips

- Make sure your managers are appropriately trained for giving feedback on performance; badly handled appraisals can do more harm than good.
- Consult staff, managers and any recognised trade unions about the design of appraisals. Accept constructive criticism and be flexible about remodelling it if necessary.
- Before launching a performance management process, test it out. Recognise the potential problems and solve them first before rolling it out across the organisation.
- Rather than imposing objectives upon your staff, attempt to agree them. This can be useful for achieving greater 'buy in' from both your staff and managers. Make sure you use the SMART rule.
- Keep paperwork and records simple, making the procedure overly bureaucratic is likely to put people off.
- Be consistent in your approach to performance management and avoid treating anyone less favourably.

## POLICY CHECKLIST

Your Performance Management policy should contain:

- Policy statement
- Acceptable standards and expectations
- Format of meeting
- The number of appraisals per annum
- Methods of addressing poor performance
- Training needs.

### Policy statement

This should detail the company's commitment to performance management and how it intends to support and develop its staff. Make it clear that the system is a two-way process.

### Acceptable standards and expectations

This should communicate the levels of performance expected among staff. In this section you must be as explicit as possible as to what constitutes an acceptable performance and what does not. Providing behavioural or situational examples can be useful.

### Format of meeting

This ensures that staff understand the difference between an appraisal, a coaching session and a one-to-one supervision.

Indicate who conducts the meeting, how long it will take and what the aims of the meeting are.

### The Number of appraisals per annum

How often you schedule your appraisals is up to you. However, you will need to give people reasonable notice. It is therefore useful to indicate in your policy how many appraisals you intend to hold a year, eg one every six months.

### Methods of addressing poor performance

Identify what happens when poor performance is recognised.

### Training needs

How individual training needs are measured and met through planned training interventions.

## EMAIL & INTERNET

### OVERVIEW

It is now usual for organisations to have guidelines on the use of email and the internet. As most organisations use some form of electronic communication; a policy should ensure users are aware of what an organisation deems as acceptable and unacceptable use of its systems.

Email is an important means of communication. Your staff therefore need to recognise the importance of proper email content and speedy replies in achieving a professional image and delivering good customer service. Users must take the same care in drafting an email as they would for any other communication.

### BITE SIZE EMPLOYMENT LAW

Although by its nature email seems to be less formal than other written communication, a number of laws apply.

**The Protection from Harassment Act 1997, Defamation Act 1996, Discrimination law** (sex, race, disability, sexual orientation and religion or belief) protects employees from suffering abuse, harassment, defamation or discrimination at the hands of others. Email communications and the downloading of inappropriate images from the Internet may contain language or graphics that are insulting, demeaning or unlawful.

**The Human Rights Act 1998** stipulates that individuals have a 'right to respect for private and family life, home and correspondence'. You should provide your employees with a means of making personal communications which are not subject to monitoring.

**The Regulation of Investigatory Powers Act 2000** relates to the degree which organisations can monitor and intercept communications. The onus is on the employer to ensure that its employees are aware their communications may be intercepted and to ensure that any monitoring of this kind is in compliance with the Data Protection Act 1998.

**The Data Protection Act 1998** governs the processing of individual data, and the basis for monitoring and retention of email communications. The Act stipulates the conditions under which an employer may monitor staff communications. Further information on these can be found at [www.ico.gov.uk](http://www.ico.gov.uk)

Email is a business communication tool and users should be obliged to use this tool in a responsible, effective and lawful manner. Staff should be made aware that failure to adhere to strict rules could render the employee and/or employer liable for prosecution. The employee could also be subject to the organisation's internal procedures.

Therefore, you must communicate to all employees that it is prohibited to:

- Send or forward emails containing libellous, defamatory, offensive, racist or obscene remarks
- Forward a message without acquiring permission from the sender first
- Send unsolicited email messages
- Forge or attempt to forge email messages

- Disguise or attempt to disguise your identity when sending email
- Send email messages using another person's email account
- Copy a message or attachment belonging to another user without permission of the originator
- Forward confidential information
- Forward or copy messages without permission
- Knowingly send an attachment that contains a virus.

## POLICY CHECKLIST

Creating an email policy which covers the points below will help create a sensible and workable framework within which email and internet use can be managed.

- Policy statement
- Allowable personal use
- Language and use
- Monitoring
- The penalties for misuse and breach of policy.

### Policy Statement

This should highlight how the employer intends to protect both the company's and employee's interests when communicating via email internally and externally.

### Allowable personal use

Most organisations allow a reasonable amount of personal use on their email and internet systems. If you do decide to permit personal use, always indicate when it is appropriate for employees to do so, this would normally be outside working hours.

### Language and use

Indicate the expected standards of communication when using emails. Remind staff that emails are considered to be legal documents which can be used as evidence against the organisation.

Indicate what is deemed inappropriate use on the internet; for instance accessing pornographic sites.

### Monitoring

It is important to communicate your intentions to monitor staff use of email and internet. Failing to do so may result in you breaching the Data Protection Act.

### The Penalties for misuse and breach of policy

Indicate what will happen if the policy is infringed. For instance, a dismissal might be sanctioned if an employee is found to be accessing inappropriate sites.



Ms Hill is the *General Manager* of a small furniture distributor. She has a team of 10 sales staff. Each member of the team has email and internet access at their work station. While she can't be sure, Mrs Hill suspects that some staff are spending a high volume of time 'surfing the net' or conversing through personal emails.

At present there are no rules governing the use of internet and email within the office. Ms Hill wants to address this situation.

What course of action would you advise Ms Hill to take?

What Acts must she consider and what effects might these have on how Ms Hill introduces rules on email and internet use?

Compare your answers with the top tips, bite size employment law and policy checklist.

## SICKNESS

### OVERVIEW

Every organisation at some point will have had to deal with staff absences due to sickness. Failing to manage sick leave in a controlled manner can lead to a number of problems including:

- Loss of productivity
- Disruption to work flow
- Increase in sickness payouts
- Low staff morale.

The above may not present themselves as huge problems now but, left unmanaged, they can become particularly troublesome for the small to medium sized organisation.

Having a well communicated, easily understood and effective policy on sickness can provide you with a framework within which absence can be handled.

### BITE SIZE EMPLOYMENT LAW

**The Employment Rights Act 1996** requires employers to provide staff with information on 'any terms and conditions relating to incapacity for work due to sickness or injury, including any provision for sick pay'.

**The Disability Discrimination Act 1995** dictates that employers may have to make 'reasonable adjustments' for employees who become disabled as a result of sickness before they can return to their job.

**The Data Protection Act 1998** categorises details of an employee's health, either physical or mental as 'sensitive personal data'. Employers need to be cautious about the use and storage of employee's absence information. The Office of the Information Commissioner has issued guidance on how to comply with this Act and this can be found on its web site.



#### Top Tips

- Before you can begin to manage your staff sick leave, you will need to monitor it. Formal monitoring will help you to identify the number of absences taken every week, month and year through illness. This can be very useful for identifying patterns of absence amongst individuals, eg Monday mornings/Friday afternoons.
- When monitoring, it is very important you are consistent in your approach. This will ensure you do not treat anyone less favourably. Consider setting up a database where all staff sick leave can be recorded as soon as it has been reported. This could be an in a diary or spreadsheet format.

## POLICY CHECKLIST

- Statement of intent
- The process for taking time off as sick
- Company's sick pay terms and conditions, including Statutory Sick Pay
- Details of when evidence of incapacity to work is required
- Handling the return to work.

### Statement of intent

Your statement should define what the organisation wants to achieve by having a policy and procedure in place.

An aim can be 'to ensure the fair and reasonable treatment of all staff who are absent from work as a result of injury or ill health'.

You may find other more specific reasons for the policy depending on your own organisation's culture. It might be useful to sound these out with colleagues or managers before finalising your statement.

### The process for taking time off as sick

This should inform staff what they must do when reporting their incapacity to work. This process will vary from one organisation to another. You must choose one that suits your needs.

You must ensure you give clear directions as to what employees are expected to do when absent though illness, for instance:

- You must notify your line manger personally (or by a relative or friend) by 10.00 am on your first day of incapacity to work.

You may want staff to report on a daily basis for the first week off sick, then on a weekly basis thereafter, again this is an individual choice but you must make this clear.

### Company sick pay terms and conditions, including Statutory Sick Pay

Arrangements for sick pay within organisations can vary greatly. Some companies offer enhanced payments to encourage attendance; but this is a luxury that many voluntary organisations cannot afford.

By law employers have to pay staff a minimum of statutory sick pay when off work due to illness.

You must inform staff what they are entitled to and how it is calculated.

### Details of when evidence of incapacity to work is required

Should you operate the Statutory Sick Pay system, then it is likely you will require certification of sickness from your employee for your own records. Exactly what certification is required and by when will need to be clarified in this part.

## Handling the return to work

This section should provide the employee with information as to what happens when they return to work after a period of sickness. Some organisations chose to conduct 'return to work' interviews. If this applies to your organisation then you must state this; it is also useful to highlight who will be responsible for carrying out the interview.



Mrs Ahmed is the Managing Director of 'Tiny Tots' crèche. She currently employs 20 staff at three of her crèche sites. Although she does not formally record staff absence, she believes a number of days are being lost through sickness.

Her staff have not been told how or when then must report their illness and as a consequence absence has often gone unnoticed if she is not present at a particular site. She also has a suspicion that one employee is frequently taking the same days off each month, but cannot be sure as she does not have any records.

Mrs Ahmed is concerned that the problem of staff sickness might be getting worse and wants to begin formally managing it.

Using the case study above and the information provided earlier in this section, answer the following questions.

- 1 What process could Mrs Ahmed introduce to ensure her staff are reporting their illness in a consistent, timely and formal manner?
- 2 What must Mrs Ahmed do to begin managing staff sickness? How can this be achieved?
- 3 How can you ensure staff at every site are treated the same?

Compare your answers with the top tips and policy checklist.

## DISCIPLINARY AND GRIEVANCE PROCEDURES

### DISCIPLINARY OVERVIEW

The success of any organisation depends largely on the relationship between the employer and employees. Disciplinary rules and procedures should be designed to set standards of conduct and highlight what is required of the workforce so that a good and fair working relationship can exist.

The contents of an organisation's disciplinary policy will vary greatly depending of the nature of its operations. However, it will typically cover the following.

- General conduct
- Capability
- Health and Safety
- Any other substantial matter.

In order to create effective disciplinary policies and procedures, they should not be viewed as a means of punishment, but rather as a way of encouraging improvement in the conduct of staff who are failing to meet the required standards.

### BITE SIZE EMPLOYMENT

**The Employment Rights Act 1996** provides that employees have the right not to be unfairly dismissed after one year's continuous service.

**The Employment Act 2002 (Dispute Resolution) Regulations 2004** provide that employers, regardless of their size, have to have in place minimum statutory procedures for dealing with disciplinary action in the workplace.

In light of the regulations, an Employment Tribunal will treat individuals as being unfairly dismissed if their employer is found not to have complied with the statutory procedures due to its own neglect or omission. This can have significant cost implications.

### The Procedure

To avoid falling foul of the law you must implement the following three step disciplinary procedure.

#### Step One

Prior to taking an employee through the disciplinary process, you must prepare a statement detailing the nature of the employee's conduct, capability or other circumstances that may warrant a dismissal or disciplinary action. A copy of this must be sent the employee explaining the grounds on which the complaint is made.


#### Step Two

The employer must then schedule a hearing where the issue can be discussed with the employee. This must be at a reasonable time/place and the option of having union representation or a colleague present must be given. When notified the employee must take all reasonable steps to be in attendance.

After the meeting, the employer must arrive at a decision as to what will happen next, eg issue a formal warning. This decision must be communicated to the employee, along with the opportunity to appeal.

### Step Three

If the employee wishes to appeal, he/she must inform the employer. The employer must invite the employee to attend a further hearing to appeal against the employer's decision, and the final decision must be communicated to the employee. Where possible, a more senior manager should attend the appeal hearing.



#### Top Tips

Handling a disciplinary issue badly can be both time consuming and costly so:

- Before you consider taking an employee down the disciplinary route, ensure you have investigated all the facts in advance and planned how you will approach the hearing.
- Always start a hearing by stating the nature of the complaint to the employee. You may need to present witness statements to support the allegations. You do have the option of calling witnesses in to present their evidence, but they must not be present for the entire hearing.
- Ensure you suspend your judgment on the outcome of a hearing before listening to the employee's perspective; a fair process relies on objectivity.
- Allow the employee to call supporting witnesses where appropriate.
- Make use of breaks or adjournments. It is best to take your time to consider the information which has been presented to you.
- Deliver your decision in a timely manner and always give your reasons. Where appropriate, agree a period for review; for instance you might want to someone who is continuously late to improve their punctuality within two weeks.
- Keep a record of any minutes taken, correspondence sent, witness statement used and the final decision you have arrived at. If an employee decides to appeal the decision in an employment tribunal, you may need to present all of the above.

### POLICY CHECKLIST

To create an effective disciplinary policy, ensure you include the following:

- Policy statement
- Disciplinary rules
- Disciplinary procedure
- Periods of warning
- Disciplinary appeals procedure.

## Policy statement

This should communicate the aims and objectives of your organisation's disciplinary policy and procedure. Every effort should be made to reassure your employees that the procedure is fair, just and objective.

## Disciplinary rules

Provide examples of what constitutes unsatisfactory conduct and misconduct. You will not be able to provide an extensive list; nevertheless some key examples will help set the tone.

## Disciplinary procedure

Outline the three-step procedure, indicating who has the authority to deal with each stage.

## Periods of warning

Indicate how long a warning will remain on an individual's file. Good practice suggests the following:

- Verbal warning: disregarded after 6 months
- Written warning: disregarded after 12 months
- Final written warning: disregarded after 12 months.

## Disciplinary appeals procedure

Explain how an individual can exercise his/her right to appeal. Staff should be asked to lodge their appeal in writing detailing why they think the penalty is too severe, inappropriate or unfair in the circumstances. Indicate how long after they submit their appeal they can expect another hearing.



Disciplinary rules are likely to vary depending on the nature and activities of your organisation. Below are some written disciplinary rules set by a retail shop.

- Consuming alcohol during working hours is strictly forbidden
- Rudeness towards our customers is unacceptable
- Failure to wear uniform during your shift is strictly forbidden.

Consider your own organisation, what disciplinary rules might you create which are specific to its nature. Make a list below which can be incorporated into your policy at a later date.



Mr Williams is the Manager at the Glass House Gardening Centre. Gary, a member of his staff, has been late twice in the past week. Mr Williams does not say anything at the time but at the end of the week he issues Gary his P45 and informs verbally that he has been sacked.

What has Mr Williams done wrong?

What are the minimum steps Mr Williams Should have followed to comply with the law?

What would you do differently?

Compare your answers with the procedure, top tips and policy checklist in this section.

## GRIEVANCE OVERVIEW

The grievance procedure is every bit as important as the disciplinary procedure and is central to the development of sound staff relations. It allows employees to raise any formal complaints they may have in relationship to their employment.

Employers should ensure that all possible steps are taken to redress grievances which occur from time to time in the course of employment.

### The procedure

The grievance procedure is made up of three stages.

#### Step one

The employee raises the matter in writing with their employer, fully detailing the nature of the grievance.

#### Step two

The employee should be invited to a meeting to fully investigate the matter. The employee has the right to be accompanied at the meeting.

At the end of the meeting the employer informs the employee of the decision and the employee's right of appeal.

#### Step three

The employee tells the employer if he or she wishes to appeal. If an appeal is requested, a further meeting is arranged, if possible with a more senior or different manager. The employee has the right to be accompanied. After the appeal meeting, the employee is told of the employer's decision.

### Top Tips

- Where appropriate, encourage employees to deal with any grievances they may have informally. Promoting an 'open door' policy will give staff the opportunity to raise any concerns they have at an early stage.
- Act promptly when a grievance is lodged and ensure you communicate to the employee time scales for each stage of the procedure.
- Ensure your managers are equipped with the necessary skills to deal with grievances.

## REDUNDANCY

### OVERVIEW

Occasionally, employers find themselves with no choice but to consolidate their activities and reduce the numbers of its employees in order to survive. How an employer manages this process can make the difference between success and failure.

By having a redundancy policy and procedure in place, the organisation can communicate how it intends to manage this process fairly and responsibly. It can also reduce the fear of the unknown, the likelihood of conflict and the possibility of misunderstanding.

### BITE SIZE EMPLOYMENT LAW

**The Employment Rights Act 1996** regards employees as being redundant if their dismissals are attributed wholly or mainly to the fact that the:

- Employer has ceased or intends to cease, to carry on the business for the purposes for which the employees were employed
- Employer has ceased, or intends to cease, to carry on that business in the place where employees were employed
- Requirement of that business for employees to carry out a particular kind or for employees to carry out work of a particular kind in the place they were so employed has ceased or is expected to cease or diminish.

In this context 'cease' or 'diminish' mean either permanently or temporarily and for whatever cause.

It also requires organisations that are making redundancies to disclose in writing to the individual staff affected the:

- Reason for the proposals
- Numbers and description of employees it is proposed to dismiss as redundant
- Total number of employees of any such description employed by the organisation
- Proposed method of selecting the employees who may be dismissed on the grounds of redundancy
- Proposed method of selection for redundancy - including the period over which the redundancies are to take effect
- Formula for determining severance payments.

### The procedure

When an employer considers dismissing an employee on the grounds of redundancy a standard dismissal procedure must be adhered to, this can be broken down into the following steps.

#### Step 1

Write to the employee stating the reasons for the redundancy. Best practice suggests 30 days notice. Where this is not feasible you must give at least the contractual notice period.

## Step 2

Schedule a meeting with the individual to discuss the dismissal.

## Step 3

Confirm in writing the reasons for dismissal. Include timescales and, where appropriate, the payment the individual will be entitled to receive.

Where an employee disputes the redundancy an appeal hearing will need to be scheduled.

Note if you are planning to make a number of dismissals this procedure will not be adequate. For more information visit the Department of Trade and Industry website at [www.dti.gov.uk/er](http://www.dti.gov.uk/er)

### Top Tips

- Statutory guidelines for handling a redundancy must be followed; nevertheless always refer to an individual's contract of employment before finalising any arrangements. This will ensure that you comply with an individual's terms and conditions, eg notice period.
- Always consult with your staff as much as possible. This will ensure they know exactly where they stand.
- Identify a realistic time frame to carry out the redundancy process; dragging it out unnecessarily can be detrimental to the business and its employees.
- Motivation and morale can take a real dip during a period redundancy. Ensure you communicate well with all the 'survivors' and reassure them their jobs are secure.

## POLICY CHECKLIST

- Policy statement
- Consultation arrangements
- Measures for minimising or avoiding compulsory redundancies
- General guidance on the selection criteria
- Details of the severance terms
- Details of any relocation expenses.

### Policy statement

This should communicate the organisation's intention to maintain job security wherever practical.

### Consultation arrangements

Detail the arrangements for consultation with employee representatives or trade union officials.

### Measures for minimising or avoiding compulsory redundancies

Communicating the measures by which you intend to avoid redundancy situations can help instil a feeling of job security among your employees and demonstrate your concern for their well being.

You may not be able to produce an extensive list of the measures you will use, but consider:

- Natural turnover
- Restriction on recruitment
- Review of overtime working and other working arrangements
- Redeployment and retraining as appropriate
- Early retirement
- Voluntary redundancy
- Dismissal of casual employees

Naturally some of these may not be appropriate for your organisation, so be mindful about what will work in a particular situation.

## **General guidance on the selection criteria**

Where redundancy is unavoidable, you will need to communicate how you intend to select individuals for redundancy.

You must use criteria that are objective, fair and consistent, for example:

- Skills or experience
- Standards of work performance
- Attendance/disciplinary records.

## **Details of the severance terms**

How redundancy payments are calculated.

## **Details of any relocation expenses**

Details of any hardship or appeals procedures and the policy on helping redundant employees obtain training or search for alternative work.



Lee is employed by Bright Ideas to design novelty pens. However, due to poor sales figures, the company intends to cease carrying out this work indefinitely. The Manager at Bright Ideas has been instructed to make Lee redundant in three months time.

On what grounds would this situation qualify for Redundancy? (Refer to the Employment Rights Act 1996.)

What process should his Manager follow to comply with the law?

As a minimum, what items relating to the redundancy must be disclosed in written communication?

Compare your answers with the bite size employment law, the procedure, top tips and policy checklist in this section.

**USEFUL CONTACTS**

Organisation	Service	Website
ACAS	The Advisory, Conciliation and Arbitration Service provides up-to-date information, independent advice and high quality training on employee relations.	<a href="http://www.acas.org.uk">www.acas.org.uk</a>
Information Commissioner's Office	The ICO regulates and enforces the Data Protection Act, the Freedom of Information Act, the Privacy and Electronic Communications Regulations and the Environmental Information Regulations.	<a href="http://www.ico.gov.uk">www.ico.gov.uk</a>
Equal Opportunities Commission	The EOC deal with sex discrimination and inequality related to gender.	<a href="http://www.eoc.org.uk">www.eoc.org.uk</a>
Commission for Racial Equality	The CRE is responsible for monitoring and enforcing the Race Relations Act in England.	<a href="http://www.cre.gov.uk">www.cre.gov.uk</a>
Disability Rights Commission	The DRC is an independent body established to stop discrimination and promote equality of opportunity for disabled people.	<a href="http://www.drc-gb.org">www.drc-gb.org</a>
Age Positive	Age Positive offers businesses examples of good practice, advice and information about age legislation.	<a href="http://www.agepositive.gov.uk">www.agepositive.gov.uk</a>
Health and Safety Executive and Health and Safety Commission	Responsible for making sure that risks to people's health and safety from work are properly controlled.	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
Department for Work and Pensions	The DWP works to sustain a higher proportion of people in work than ever before, while providing security for those who cannot work and giving a modern and efficient service to pensioners.	<a href="http://www.dwp.gov.uk/">http://www.dwp.gov.uk/</a>
The department for Trade & Industry	The dti supports better regulation and works to promote best practice and effective employment relations. It covers discrimination in employment relating to Religion or Belief and Sexual orientation.	<a href="http://www.dti.gov.uk">www.dti.gov.uk</a>