

Committee: **FINANCE AND RESOURCES**

Date: **6 August 2007**

Report **PERSONNEL POLICIES**

Purpose of Report

1. To seek Members approval for the revisions to the following Personnel policies:

- Improving Performance - Capability Policy and Procedure. Approved policy to take effect on 1 October 2007
- Internal Appointments Policy. Approved policy to take effect on 1 October 2007.
- Pay Policy: Starting Salary, Salary Progression, Procedure and Principles of Grading and Re-grading. Approved policy to take effect on 1 January 2008.

Strategic Planning Framework

2. The information contained in this report is consistent with the Authority's statutory purposes and it's approved strategic planning framework:

- ***Best Value Performance Plan***

"Plan and manage all aspects of the Authority's business so as to make the most effective use of our resources"

Background

3. At the meeting of this Committee in February 2007, Members confirmed that they preferred to be presented with revised Personnel Policies in one document. Accordingly, draft revisions of the personnel policies listed in paragraph 1 are attached as **Appendix 2.**
4. The policies have been reviewed as part of the People Strategy policy review schedule approved by this Committee on 13 February 2006. Please note that until the review process has been completed, Members can expect to receive several more revised personnel policies at their Committee meetings.
5. All policies have also been written taking full account of Equality Legislation.

6. The revised policies provide greater guidance for line managers and reflect best practice and/or changes in legislation. *Standard letters and other pro formas associated with the policies are maintained by the Personnel section and are not included within this report (in order to reduce the volume of paper); although reference is made within the policies to these 'standard letter appendices'.*
7. Changes to each policy are summarised below in **Appendix 1**.
8. Once approved by Members, and once the consultation process with UNISON has been completed, the policies will be published on the Authority's intranet and staff will be notified of this via e-mail. The Personnel & Training Officer is available to attend Departmental meetings on request, to ensure that all policies and policy changes are fully understood.

RECOMMENDATION

9. That members approve the attached policies

Sally Jowett
Personnel and Training Officer

16 July 2007

Background Documents: None

APPENDIX 1

Details of Personnel Policies

Policy	Policy Name	Areas of Amendment	Rationale	Details of Unison Consultation.
1.	Improving Performance - Capability Policy and Procedure.	<p>This is a new policy and contributes to the suite of essential 'Employee Relations' policies and procedures. Previously capability issues were managed under the Disciplinary Procedure; therefore a more 'fit for purpose' policy is presented.</p> <p>In line with the decisions of F&R Committee in February for dealing with disciplinary and grievance matters, Members have been replaced on the Appeal Stage of the process.</p>	It provides a process to support employees of the Authority to improve their work performance if no longer satisfactory. Ultimately however, it allows for the dismissal of an employee for the reason of lack of capability.	<p>At the Joint Consultative Forum on 25 June, Unison wanted to assert that they still disagree with the removal of Members from the appeal stage of personnel policies but did not oppose the policy in general.</p> <p>They retain the right to request changes within the 90 days consultation period from 25 June 2007.</p>
2.	Internal Appointments Policy	<p>The stipulation that <u>all</u> employment vacancies within the Authority should be advertised externally <u>is removed</u>.</p> <p>Guidance on Acting Up and Secondments is also an addition to this policy.</p>	The removal of the external advertising requirement acknowledges the flexibility that the Authority needs to retain to meet organisational requirements.	UNISON did not wish to oppose this policy at the JCF on 25 June but reserve the right to request changes within the 90 days consultation period.
3.	Pay: Starting Salaries, Salary Progression, Procedure and Principles for Grading and Re-grading	<p>A new policy presenting procedures on Grading and Re-gradings together with guidance on starting salaries.</p> <p>The starting salary guidance no longer provides for a side ways move (i.e. on the same band) within the Authority to be awarded with an increment.</p> <p>The appeal stage within the Job Evaluation process removes Members (consistent with other policies; see above)</p>	SMT deemed that an additional increment for sideways moves was not appropriate and that such a move should only be acknowledged as a development opportunity for the individual concerned.	The policy will be presented to Unison at the next JCF meeting in September 2007 and any approval of the policy by the F&R Committee, will be subject to this consultation process.



**IMPROVING PERFORMANCE
CAPABILITY POLICY AND PROCEDURE**

1. SCOPE

This procedure applies to all employees of the Authority who have successfully completed their probation period (if a probationary period was applicable) and establishes guidelines for managers and staff in relation to the management of underperformance of an employee. A flow chart outlining the capability process is detailed in Appendix 1.

2. PURPOSE

This procedure is designed to ensure that cases of under-performance that are a result of lack of capability are dealt with promptly, consistently and fairly, with the prime objective of improving an individual's performance to the required level.

3. PRINCIPLES

- 3.1 It is the duty of each employee to undertake their work to the required standard of performance.
- 3.2 The Authority's Line Managers are responsible for ensuring that staff are aware of the standards of performance required and for ensuring that their employees have adequate training, guidance and instruction. This involves the undertaking of regular performance appraisals and supervisory meetings.
- 3.3 'Capability' refers to the employee's skills, ability, aptitude and knowledge in relation to the job that a staff member is employed to do. Lack of capability will in most cases lead to unsatisfactory job performance.
- 3.4 Nothing in this policy precludes a line manager from entering the formal capability procedure, described herein at paragraph 5 onwards, at any stage, dependent upon the degree on incapability. Consultation with the Personnel Section is advised.
- 3.5 When dealing with capability, managers need to draw a clear distinction between a situation that may not be of the employee's own making, such as long term sickness (see separate policy on **sickness management**) or a genuine lack of ability to undertake the requirements of a post (**capability; this policy**). Alternatively an employee's performance may indicate a wilful lack of effort and as

such would constitute misconduct and should be dealt with through the **disciplinary process**.

- 3.6 It is important to recognise and be sensitive to the concerns and feelings of all those involved in the capability process. Consideration must be given to the implementation of support arrangements including the Staff Care Network.
- 3.7 Appropriate action should be taken promptly as soon as it is noticed that the employee is not performing certain aspects of their job satisfactorily. Delaying or doing nothing may cause the problem to escalate. The consequence of this could be that the line manager subsequently has to face a crisis caused by underperformance rather than dealing with the problem while it is still in its infancy.
- 3.8 During the capability process an employee may wish to raise a grievance about an officer. Where this happens, and depending on the circumstances it may be appropriate for the employee's Head of Department, in consultation with the Personnel Officer to suspend the capability process for a short time until the grievance procedure is completed. Alternatively consideration should also be given to appointing another officer to manage the capability process.

Representation

- 3.9 Employees have the legal right to be accompanied at all meetings at all stages of the formal capability process by a fellow worker or trade union representative of their choice. If the employee concerned is a Trade Union Official (whilst the same procedure applies), no action will be taken until the circumstances of the case have been discussed with an appropriate Senior or Full-Time Trade Union Official.

Keeping Records

- 3.10 Management will ensure that records of all meetings/hearings are kept and that copies of such records are given to the employee.

4. INFORMAL PROCESS

- 4.1 Any concerns about the performance of an employee should be drawn initially to the employee's attention informally through the normal line management process, with an opportunity for the employee to explain their view of the performance. The Line Manager should make a note of this discussion and provide the employee with a copy of the notes outlining any proposed outcomes and the timescales for their achievement.
- 4.2 Any necessary and reasonable training and development should be provided (if this has not already been done) which may enable the staff member to meet the required standard of performance. Consideration may be given to on-the-job training, coaching/mentoring and/or a formal training course.

CAPABILITY PROCEDURE

5. STAGE ONE – FORMAL MEETING

- 5.1 Where an individual's work does not reach the required standard of the post, the Line Manager will discuss the matter with the employee. The employee will be given prior notice of the nature of the proposed discussion and will be allowed every opportunity during the discussion to state their views. A letter will be sent to the employee confirming the details of the meeting, see Appendix 2. At this meeting the employee has the right to be accompanied by a representative (see 3.9). Management will state clearly the details (including examples) of inadequate performance.
- 5.2 There may be reasons why an employee's performance falls below the required standard, including changes in job, workload, manager, team members, the tools or technology to do the job, promotion beyond the employee's capability, personal circumstances, health or disability. It should also be considered whether cultural or other equal opportunity issues might be a factor in managing a capability issue. Every effort should be made to resolve these issues as part of the process.
- 5.3 If, at this discussion, the inadequate performance is identified as arising from a health issue the manager should consult the Authority's sickness management policy and the Personnel Section. The employee will be referred to the Occupational Health Service to ascertain if the health condition has contributed to the employee's poor performance. The Line Manager must consider the Occupational Health report in conjunction with the Disability Discrimination Act and the Authority's sickness management policy. The Personnel Section should be contacted for advice.
- 5.4 Where the inadequate performance is identified in the discussion as arising from a lack of 'capability', management should agree a specific action plan with the employee, with a time scale not exceeding three months. The Line Manager should make reference to the notes and records of any previous informal discussions that have taken place regarding inadequate performance.
- 5.5 The purpose of the action plan will be to:
- Reaffirm the standard of performance to be achieved.
 - Set a timescale within which the required standard of performance is to be achieved.
 - Identify any necessary and reasonable training, and supervision to be provided to assist in effecting the improvement;
 - Ensure that all parties are fully briefed on and implement their part of the action plan;
 - Plan in advance review meetings with the employee concerned.
 - Identify the method(s) of monitoring.
- 5.6 Whilst every attempt should be made to explore positive means of improving performance, the employee must be informed of the possible consequences of failing

to reach the required standards. It should be explained that failure to achieve the objectives in the action plan within the time scales set may result in further action being taken in line with Capability Procedure which could ultimately result in dismissal.

- 5.7 Following the meeting, notes of the meeting (see Appendix 3) and a copy of the action plan (see Appendix 4) should be sent to the employee who should sign to confirm that they agree with the notes of the meeting and the targets for improvement. The line manager should send the information to the employee within 5 working days of the meeting; the employee should then return the copies to the line manager within five working days of receipt. The line manager should make two photocopies of the signed notes of the meeting and the signed action plan; one should be forwarded to the staff member and the other to the Personnel Section. Where agreement is not possible, the employee's comments will be recorded, but management will implement the action plan.
- 5.8 Reviews should be conducted on a regular basis and will depend upon the action required but should typically not be less than monthly. A date for the formal review meeting should also be scheduled as a conclusion to the time scales in the action plan (usually after 3 months).

6. STAGE TWO - REVIEW MEETING

- 6.1 At the conclusion of the time scales, a review interview will be held with the employee concerned who may be accompanied by a representative. The employee must receive adequate notice of the proposed interview and its purpose.
- 6.2 Where performance has improved to a satisfactory level within the terms of the action plan then no further formal action is necessary, subject to there being no underperformance in the next 12 months. Written confirmation should be sent (see Appendix 5) to the employee recognising their efforts and explaining that improvements need to be maintained. Subsequent poor performance after 12 months should be carefully considered in accordance with the circumstances of the case. It may be deemed that it is a disciplinary issue rather than capability.
- 6.3 Should the standard required in the action plan not be achieved by the employee, then the areas where the required standard has not been achieved will be identified and the employee will be allowed to make their representations. Considerations should be given to the review and extension of the original action plan, or the implementation of a new action plan for a further period not exceeding 3 months. Alternatively the case may advance to stage three of the procedure.
- 6.4 The employee should also be given final notification, in writing, that failure to meet the required standard of work within the timescale may result in dismissal.

7. STAGE THREE – CAPABILITY HEARING

- 7.1 If there is a continued underperformance and it is clear that the employee is capable of working at the required level, the **disciplinary procedure** should be invoked.

- 7.2 If the required standard of performance has not been achieved, it will be necessary to progress to a Capability Hearing.
- 7.3 The hearing will mirror the procedure as laid down for disciplinary hearings. A hearing will be conducted by a Capability Panel comprising the Head of Department and a Personnel Representative. If the line manager managing the capability process is the Head of Department then the Capability Panel will be led by a Departmental Head not previously involved in the capability review of the employee concerned.
- 7.4 A minimum of **seven working days** notice of the hearing should be given to the employee, informing them in writing of the date; time and venue of the Capability Hearing and the right to be accompanied by a representative (see Appendix 6). The letter instructing the employee to attend the hearing will also explain that the purpose of the hearing is to consider the employee's capability to carry out the job for which they are employed and may result in their dismissal. Witnesses may be called and/or relevant information presented. A full written statement of any witness evidence and other relevant information/documentary evidence should be prepared and made available for the information of the other party and the Capability Panel and vice versa. This should be provided by both parties not less than **five working days** in advance of the hearing.
- 7.5 The procedure to be used in the Capability Hearing is outlined in Appendix 7.
- 7.6 The decision of the hearing will be one of the following outcomes:
- A) Extending the period for improvement and possible modification of the targets with an appropriate review process. The employee should be further warned that failure to meet the standards required in the future may lead to their dismissal;
 - B) Dismissal on the grounds of lack of capability with an appropriate contractual period of notice;
 - C) As an alternative to dismissal, redeployment to another suitable alternative post. If a position is not available within the Authority then dismissal on the grounds of lack of capability with an appropriate contractual period of notice will be given;
 - D) As an alternative to dismissal, demotion to another post that is within the employee's skills and capabilities. If a position is not available within the Authority then dismissal on the grounds of lack of capability with an appropriate contractual period of notice will be given.
- 7.7 If the result of the hearing is dismissal, a decision should be made by the Capability Hearing Panel as to whether it is appropriate for the employee to work the period of contractual notice. The Authority reserves the right not to permit employees to return to the workplace during the notice period.
- 7.8 The reason for redeployment or demotion is to retain the services of an employee, but in a more suitable job. As the intention is to avoid dismissal where practicable, the

redeployment or demotion or an employee under these procedures would take precedence over the requirement to advertise a vacancy.

- 7.9 A redeployment or demotion may also be accompanied by a final written warning which will remain 'live' for a 12 month period. After this period the warning will automatically lapse.
- 7.10 Upon completion of the Capability Hearing, the Chair of the Panel will convey the decision to the employee. The decision will be confirmed in writing within **seven working days** of the date of the hearing; the employee will be informed of their right of appeal.

8. STAGE FOUR – APPEAL HEARING

- 8.1 Arrangements for the appeal hearing are detailed in Appendix 8.
- 8.2 An employee has the right of appeal against the decision reached by the Capability Panel.
- 8.3 The appeal hearing mirrors the procedure laid down in the disciplinary policy. If the employee wishes to exercise their right of appeal, this must be done within **ten working days** of receipt of the written notification of the decision reached by the Capability Hearing.
- 8.4 The employee must inform their Head of Department in writing. All letters of appeal should clearly set out the grounds upon which the appeal is being made i.e. whether:
- On the facts of the case and/or;
 - On the action imposed and/or;
 - Due to procedural faults (s) and/or;
 - New evidence has emerged.
- 8.5 The appeal meeting will be held within **ten working days** of receipt of the staff member's notification of their appeal. The Head of Department will write to the employee with arrangements for the appeal hearing and inform them of their right to representation.
- 8.6 Appeals will ordinarily be heard by the Chief Executive. However, if the Chief Executive issued the decision at the Capability Hearing as Head of Department then the appeal will be to the Deputy Chief Executive and another member of SMT.
- 8.7 The Head of Department who sat on the initial Capability Panel will present the management case.
- 8.8 A full written statement of any witness evidence and other relevant information/documentary evidence (including any new evidence) will be prepared and made available for the information of the other party and the Capability Panel and vice versa. This should be provided not less than **five working days** in advance of the hearing. Records and notes of the original hearing should also be made available to

the employee and to the panel hearing the appeal. The appeal panel is obliged to consider any representations made by the employee or their representative and those of the manager who conducted the capability process and of the capability panel who conducted the hearing.

- 8.9 The members of the Appeal Panel must decide on the basis of both sets of representations, together with any subsequent facts that may have come to light, whether to uphold the decision of the Capability Panel.
- 8.10 Upon completion of the appeal, the Chair of the Appeal Panel will convey the decision to the employee. The Authority's decision at the appeal is final and this should be made clear to the employee. The decision will be confirmed in writing within **seven working days** of the date of the appeal hearing.

9. CONTINUITY OF THE PROCESS

- 9.1 Where an employee who is being dealt with under this procedure improves their performance to an acceptable level and the manager decides not to take further action, subsequent deterioration in the employee's performance within 12 months does not require that the manager must start the process from the beginning.
- 9.2 If any deterioration does occur within this period, a review meeting will be held to identify the reasons for the deterioration and for the manager to decide the appropriate stage at which the capability procedure will recommence. If there is evidence to suggest that the employee has been able to improve their performance and the deterioration is merely due to lack of effort, then the disciplinary procedure should be applied.



INTERNAL APPOINTMENTS POLICY

- 1.1 The Authority operates on the general principle that all vacancies should be advertised externally. However there may be circumstances where for reasons of flexibility relating to organisation requirements the Chief Executive makes the decision that a vacancy should be advertised internally in the first instance.
- 1.2 In addition there are also circumstances where the Authority will attempt to redeploy an employee into a suitable alternative vacancy. The circumstances when this would occur are listed below and the procedures to be followed are detailed in Part A.

Potential Redeployment Situations

- Redundancy
 - Reorganisation
 - Fixed Term Contract Expiration
 - Health Redeployment
 - Disciplinary Transfer/Demotion
 - Capability Transfer
- 1.3 This policy also details the procedure to be followed where an employee is required to 'Act Up' into a higher position for a temporary period (Part B).
- 1.4 The procedure for Secondments is detailed in Part C of this Policy.

2. PART A - REDEPLOYMENT

REDUNDANCY

Please read in conjunction with the Authority's Reorganisation and Redundancy Policy.

- 2.1 Where an individual has been selected for redundancy, any suitable alternative vacancies will be offered to this employee. This means that the vacancy will not be advertised and the employee will not be asked to apply for the vacancy.
- 2.2 On occasions where there is more than one employee who would be suitable for a vacancy then recruitment will be ring fenced to those individuals and an informal recruitment process will take place. The staff members involved will be asked to apply for the position.

2.3 The Authority's policy on salary protection is as follows:

"That, where staff are displaced and are offered alternative employment at a lower grade, they be granted salary protection including, as appropriate, incremental progression and annual pay awards, but excluding all other elements of pay such as non-contractual overtime etc., for a period of two years. Thereafter, such staff will be paid at the appropriate point of the substantive salary grade".

2.4 An 'appropriate point of the substantive salary grade' means the spinal column point the employee would currently be paid on (taking account of yearly incremental rises) if it were not for pay protection.

3. REORGANISATION

Please read the Authority's Reorganisation and Redundancy Policy and Guidance Notes for further details.

3.1 Where staff are displaced by a reorganisation, the employees should be advised that if there are any vacant posts within the Authority for which the employees are considered to be a suitable candidate, then the employees will be given preferential consideration before an internal/external recruitment exercise is undertaken. Employees will be invited to apply for positions.

3.2 Where an employee who is displaced due to Reorganisation is redeployed to a position with a lower basic salary then salary protection will apply as follows:

Salary protection will be granted including, as appropriate, incremental progression and annual pay awards, but excluding all other elements of pay such as non-contractual over time etc, for a period of two years. Thereafter, such staff will be paid at the appropriate point on the substantive salary grade.

3.3 An 'appropriate point of the substantive salary grade' means the spinal column point the employee would currently be paid on (taking account of yearly incremental rises) if it were not for pay protection.

4. FIXED TERM CONTRACTS

Please read in conjunction with the Authority's policy on fixed term contracts

4.1 The expiry of a fixed-term contract without renewal under the same contract is a dismissal in law. Dismissal takes place when the fixed-term contract expires on the nominated termination date.

4.2 Where a staff member is employed on a fixed term contract to cover maternity leave (or another staff absence), the dismissal of the replacement employee will be potentially fair provided that it is stated in writing at the time of recruitment that their employment will terminate when the absent employee returns to work and provided

that the replacement employee is dismissed to enable the employee who has been absent due to maternity or other absence to return to work.

- 4.3 Non-renewal of a fixed term can also be considered to be dismissal for the reason of redundancy (which is another potentially fair reason for dismissal). The reason for dismissal will not always be redundancy and will depend on the circumstances of the case. Further information can be found in the Authority's *Reorganisation and Redundancy Policy and Guidance Note*. Advice should also be sought from the Personnel and Training Officer.
- 4.4 Where the dismissal is considered to fall under the heading of redundancy, the Authority will seek to identify whether there is any alternative work available within the Authority which the employee could reasonably be offered. If suitable work of a similar nature and grade is available, and if work is not offered to the employee prior to the expiry of the fixed-term contract, then this could render the employee's dismissal unfair even if the statutory dismissal procedure has been followed.
- 4.5 An employee who has at least two years continuous service employed on a fixed term contract is eligible to claim statutory redundancy pay.
- 4.6 Expiration of fixed term contracts is not straightforward and therefore advice should be sought from the Personnel and Training Officer.
- 4.7 Managers should consider the implications of recruiting onto a fixed term contract at the appointment stage. Again, advice should be sought from Personnel at the recruitment stages regarding the suitability of different forms of employment contracts. *Please see the Authority's policy of fixed term contracts for further guidance.*

5. HEALTH REDEPLOYMENT

- 5.1 Redeployment on health grounds only applies to permanent health redeployments, (where the employee is deemed to be permanently incapable of performing their substantive role). Please refer to the Authority's sickness policy.
- 5.2 Where it has been advised by the Occupation Health Service that an employee is permanently incapable of performing their substantive role they will be shown preference in regards to any suitable vacancies that may arise. Advice will be sought from Occupational Health regarding what positions will be suitable. A time frame of 3 months will be set to seek suitable alternative employment. If redeployment is not secured within this period, the employee will be referred back to the Authority's sickness policy which could lead to dismissal.
- 5.3 No salary protection will apply.

6. DISCIPLINARY TRANSFER/DEMOTION

Please refer to the Authority's Disciplinary Procedure

- 6.1 In accordance with the Authority's Disciplinary Procedure where a final written warning is given to an employee the Authority may also impose on the employee a Disciplinary Transfer/Demotion to a vacant post. In these circumstances, the vacancy will not be advertised and the individual will be moved into the post. Salary protection will not apply.

7. CAPABILITY TRANSFER

Please refer to the Authority's Performance Capability Procedure

- 7.1 In accordance with the Authority's Capability Procedure, the decision at the Capability Hearing may be to redeploy the individual to a suitable alternative post or to demote the individual to another post within the employee's skills and capabilities. If a position is not available within the Authority then dismissal on the grounds of lack of capability with an appropriate contractual period of notice will take place.
- 7.2 Salary protection will not apply.

8. PART B – ACTING UP

- 8.1 There will always be an expectation that staff will provide cover for others (whether they are senior or not) during periods of short-term annual leave, sickness leave or any other leave, up to a maximum of 4 weeks in any period of cover.
- 8.2 However, there may be occasions when staff are required to 'act-up' to cover a senior officer on a longer-term basis (i.e. for a period greater than 4 weeks), for example to cover long-term sickness, maternity leave or to cover until recruitment of a replacement is completed. In these cases, it is appropriate to pay the person who acts-up at an appropriate rate for the additional duties and responsibilities undertaken.
- 8.3 The NJC Conditions of Service allow for additional payments to be made to staff who act up to cover the absence of a more senior employee via "local arrangements for recognising temporary additional duties where employees act up in the absence of more senior employee".
- 8.4 The Head of Department must confirm to Personnel what level of additional duties and responsibilities the employee is required (and has agreed) to undertake, and the likely duration of the acting up period. When the employee is covering the full duties (100%) of the higher graded post then the salary paid will be the same as if the employee was promoted into that position i.e. bottom of band or one increment higher than their current spinal column point if their current salary is the same as the bottom of the band.

- 8.5 If the employee is covering only a proportion of the duties and responsibilities then an appropriate level of payment must be assessed. This should be calculated in relation to the employee's salary point and the grade of the post being covered.
- 8.6 For periods of cover that exceed 4 weeks, the acting up payment will commence from the first date the cover started and will be paid in arrears.
- 8.7 Staff required to cover additional duties should be notified in writing of:
- Duties required to be undertaken
 - Details of the acting up payment
 - Likely duration of the acting up period

9. PART C – SECONDMENTS

- 9.1 A secondment is the temporary transfer of an employee to another section within a department, another department within the Authority, or to another organisation. A secondment means that the employee will return to their existing substantive position at the end of the secondment period. The line manager of the substantive position must authorise the release of their staff member. If the line manager does not, and should the employee choose to take up the position on a fixed term basis, the employee should be aware that they will no longer have a permanent contract of employment.
- 9.2 Internal secondments can arise when the Authority has an organisational need to move an existing staff member to another part of the Authority. This could be created by: the need to carry out a defined piece of work; manage/participate in a project; test new ways of working; fill a prospective long-term role on a short term basis to confirm the value of the position and refine its scope; or provide a personal or career development opportunity (as long as it is consistent with business needs). Secondments can also arise when an existing position becomes vacant or cover is required for long term sickness or maternity leave. The Head of Department in conjunction with the Chief Executive should decide whether a vacancy should be offered as a secondment opportunity (it should also be advertised as a fixed term employment opportunity) instead of being advertised externally. All secondment opportunities will be advertised at least internally and a competitive selection process should take place unless they interact with a redundancy/reorganisation situation.
- 9.3 A secondment agreement must be sent to the employee detailing:
- The start date and end date of the secondment
 - Salary details of the secondment position
 - The substantive position and salary that the employee will return to
 - Name of new line manager
 - The contractual notice period required of changes to the secondment i.e. to bring the secondment to an end early



PAY: **STARTING SALARIES
SALARY PROGRESSION
PROCEDURE AND PRINCIPLES OF GRADING AND RE-GRADING**

1. SCOPE

1.1 This policy applies to all employees and prospective employees of the Authority.

2. STARTING SALARIES AND BAR CRITERIA

2.1 If a post is on a grade which contains no bar (S, A, B, C), appointment is normally made to the increment above that equivalent to the appointees leaving salary. The leaving salary is the salary that the appointee received from their employment immediately before starting with the Authority and excludes any benefits such as car and travel allowances. If a person is out of work before they take up a position with the Authority, their leaving salary is nil.

2.2 In cases when an individual's leaving salary is nil but they have worked for the Authority previously, then consideration will be given to their salary when they left the Authority; providing their break in service is less than a year. If they are being appointed to the same band to which they left, then they should be appointed to the spinal column point they left on. If they previously worked in a position on a higher band then the starting salary should be applied in accordance with paragraphs 2.4 and 2.5.

2.3 In cases when an individual's leaving salary is nil but they have a break in employment of less than a year, then consideration will be given to the salary of their last employment and the starting salary should be applied in accordance with paragraphs 2.4 and 2.5.

2.4 For appointments to posts affected by the bar (D, E and F), the starting salary is normally at the bottom of the band unless their leaving salary is greater (taking account of 2.2 and 2.3 also). In which case, the principle in 2.1 is applied. If this means that the employee is appointed above the bar on bands D, E and F and they meet the criteria there is no further impact. Note that the bar criteria will all be additional to the essential criteria of the person specification.

2.5 However, for posts graded on a band D it is impossible for an appointee to meet the bar as the bar criteria stipulates one year in post. When staff are appointed above the bar because of the principle outlined in 2.4 then the bar moves with them and applies to the scale point to which they are appointed; this may also happen on

bands E and F if the bar criteria stipulates this. They are effectively appointed at the bar and will remain at this salary level until they successfully pass the bar criteria.

- 2.6 There are a small number of staff who are above the bar for bands, D, E and F but who do not meet the bar criteria for their post. These are staff who transferred across to the new grade on a salary equivalence basis in 2001. If such staff were to move sideways, then they would almost certainly not meet the criteria for the 'new' post. As such their current spinal column point would become the bar in the new post.
- 2.7 Where staff are above the bar, having met the bar criteria for that post, and then move sideways to a post where they do not meet the bar, then the new increment becomes the bar.
- 2.8 Where staff are below the bar, and are pursuing the criteria for that post, they need to be aware that if they move 'sideways', then the criteria that will apply are those for the new post.
- 2.9 All posts advertised within bands D, E and F will state that the salary is within the range from the bottom of the band to the bar, with possible progression to the top of the band.
- 2.10 Where an individual has more than one post with the Authority and a bar criteria applies to both posts, then the bar criteria should be pursued independently for each post.
- 2.11 None of the above precludes the possibility of a post being re-graded.

3. PAY PROGRESSION

- 3.1 Unless an employee is already at the top of a pay band, on the 1 April each employee will receive a pay rise of one increment.

4. GRADING: THE JOB EVALUATION PROCEDURE

- 4.1 A job description and person specification will be developed for every job in the Authority by the relevant line manager. A job profile form will also be completed prior to the evaluation of a job. These details will be used as the basis for a job evaluation carried out by a nominated and trained management representative. The Department Head and possibly the line manager will be asked to be present at the evaluation session, as will the employee where the post is occupied. The results will then be 'quality' checked by two trained representatives. The outcomes will also be finally verified by the Personnel and Training Officer
- 4.2 The results of this evaluation will be advised to the Department Head, line manager and where the post is occupied the employee. In the event of dissatisfaction, and

only in the case where the post is occupied, the member of staff will have a right of appeal against the decision.

- 4.3 That 'appeal' will be determined by two members of Senior Management not associated with the post concerned. This 'panel' will hear the cases of both parties and have access to all information and documents used in the assessment of grade (including that derived from the job evaluation).
- 4.4 The decision of this 'panel' will be final.
- 4.5 The job evaluation appeals process is attached at appendix 1.

5. RE-GRADING PRINCIPLES

- 5.1 From time to time it will become necessary to review the content of the job description/person specification of a role and in turn it's grading. The review may be caused by changes to the external environment, such as the introduction of new legislative requirements, or changes within the Authority such as those brought about by new policy initiatives that may result in significant changes to the roles and jobs of employees.
- 5.2 In some cases these changes will be within the scope and band of the existing job and will therefore only require a minor amendment to the job description/person specification. In other cases a review to the banding will be sought and will be based on **significant** changes which result in increases or decreases to the requirements for:
 - Ability (skills, knowledge and experience) essential to carry out the post;
 - Problem solving requirements in terms of creativity and innovation.
 - Responsibilities for resources or budgets and or/service provision.
 - Changes in who the Service is delivered to and the impact of this to the Authority and the wider community
 - People management responsibilities.
 - Independent decision making in terms of discretion and interpretation.
 - Nature and frequency of interaction with people, public, outside bodies, employees and Members.
- 5.3 The appropriate line manager has the responsibility to regularly check the duties and responsibilities of their staff and to raise re-grading issues with the Head of Department. Where any changes so identified result in a decrease in the factors stated, consideration should be given to the amount of change and the interaction with the *Redundancy Policy*.
- 5.4 Where a review of the job banding is sought, the job evaluation procedure as outlined in section 4 will be followed.
- 5.5 A re-evaluation can be initiated by either the line manager or the employee.

- 5.6 Where the post is one of a generic group of jobs (i.e. jobs with the same job description) then it is unlikely that the post will be looked at in isolation. In any event it will be necessary to consider whether any job change is unique to one particular post or of wider application.

JOB EVALUATION - THE APPEALS PROCESS

Grounds for Appeal

An appeal may be lodged on one or more of the following criteria:

- (a) That the evaluation process has missed one or more important material factors and, as a matter of consequence, the job outline does not properly reflect the duties and responsibilities undertaken by the post-holder OR,
- (b) Yorkshire Dales National Park Authority Policy has been contravened OR,
- (c) The objectivity of the scheme has been compromised.

The Appeals Process

The Appeals Process is in three stages:

Stage One

If a post-holder believes that they have grounds for an appeal, notice must be submitted in writing, by the post-holder, to the Personnel and Training Officer within two weeks, stating:

- (a) Under which criteria the appeal is being brought and
- (b) Evidence to support the appeal

The appeal will be determined by the post-holder and a representative of the Authority.

If it is agreed that any of the appeal criteria have been met, a re-evaluation of the post will take place within **10 working days** of the written submission of the appeal. If no agreement can be reached, the appeal will move on to the second stage.

Stage Two

An appeal at this stage must be submitted, by the post-holder, in writing to the Personnel and Training Officer within **10 working days** of a failure to reach agreement at Stage One. The appeal, at this stage, will be determined by two members of SMT (the Panel) not previously involved in the job evaluation process. The appeal will be heard within **10 working days** of the appeal being referred to Stage Two.

If it is agreed by the Panel that any of the appeal criteria have been met, a re-evaluation of the post will take place. If it is agreed by the Panel that none of the

appeal criteria have been met, the appeal process ends. If no agreement can be reached, the appeal will move on to the third and final stage.

Stage Three

An appeal at this stage must be registered by the Panel with the Personnel and Training Officer within **10 working days** of a failure to reach agreement at Stage Two. The appeal, at this stage, will be determined by the Chief Executive. However if the Chief Executive was involved in the appeal process at an earlier stage as the line manager of the employee or Head of Department, then the appeal will be to Deputy Chief Executive and another member of SMT. The decision of this panel is final.

The Right to Information

The appeals process will be both open and fair. To this end, post-holders will be given the following information in relation to their own post:

- (a) The name of the post
- (b) The proposed grade
- (c) Salary details
- (d) The original evaluation score
- (e) Where relevant, the revised score as amended by the Quality Team
- (f) Where relevant, an explanation for any changes made to the original evaluation score
- (g) A revised job outline form

General Principles

The appeals process will be governed by a number of general principles:

- That, at all stages of the process, the post-holder is entitled to representation.
- That the timeframe, outlined above, will be flexible in order to take into consideration sickness, annual leave commitments or other such constraints.
- Any other principles agreed by the Authority and Unison to ensure fairness in the process.