

Employee Handbook –July 2011

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1. Employee Handbook - Overview

Scotland's Commissioner for Children and Young People (the Commissioner) is appointed by the HM The Queen on the nomination of the Scottish Parliament to promote and safeguard the rights of children and young people in Scotland. The legal powers and duties of the Commissioner are set out in the Commissioner for Children and Young People (Scotland) Act 2003, which can be found on the [legislation.gov.uk](http://www.legislation.gov.uk) website - <http://www.legislation.gov.uk/asp/2003/17/contents>

This Employee Handbook describes the conditions of service of employees of the Commissioner and should be read in conjunction with the Statement of Main Terms and Conditions of Employment that are issued to employees. The Employee Handbook sets out the detail of what is expected of employees of the Commissioner and what, in turn, employees of the Commissioner can expect of the Commissioner as their employer.

Where any policy or procedure is referred to in this handbook, copies can be found in the office information management system (TRIM). Hard copies can also be made available by the Office Manager.

Employees of the Commissioner are based at the Commissioner's office, 85 Holyrood Road, Edinburgh, EH8 8AU.

Employees may be required to work from other locations from time to time as the Commissioner may reasonably require.

The Commissioner reserves the right to relocate employees on a permanent basis but undertakes that such a change to conditions of employment will only be made after full consultation with employees.

The copyright in the work employees carry out as part of their employment with the Commissioner will remain with the Commissioner.

3. Health and Safety Policy

3.1 Introduction

The Commissioner recognises that it is his responsibility to ensure the health, safety and welfare at work of his employees. This duty of care extends to other persons while they are in the Commissioner's office premises or affected by the Commissioner's activities.

It is the Commissioner's policy to provide and maintain safe and healthy working conditions, equipment and systems of works for all employees and third parties. The Commissioner will do all that is reasonably practicable to prevent personal injury and damage to property. This policy includes the general public, when they come into contact with the Commissioner's office or any of its services. Further, the Commissioner will provide such information, training and supervision as is needed to support this policy.

3.2 Specific Duties and Statutory Requirements

The Commissioner recognises that he has specific duties and statutory requirements. These include:

- to provide and maintain safe and healthy working conditions;
- to provide information, instruction, training and supervision as necessary to enable employees to perform their work safely and efficiently;
- to communicate and as necessary consult with employees on health and safety issues;
- to provide and maintain, so far as reasonably practicable, a safe place of work and safe means of access to and egress from that place of work;
- to provide and maintain a working environment that is, as far as reasonably practicable, safe, without risks to health and adequate as regards facilities and arrangements for welfare at work.

To enable the Commissioner to fulfil his duties and responsibilities as an employer, all employees have a duty to exercise personal responsibility and to do everything within their power in the course of their employment to prevent injury or ill health to themselves or others.

The Commissioner will ensure that this policy is reviewed and amended to reflect any internal changes or legislative and regulatory requirements.

3.3 Health and Safety Responsibilities

3.3.1 The Commissioner

The Commissioner is responsible for the proper implementation of the Health and Safety Policy and for its future development, review and revision where or when appropriate.

The Commissioner will ensure that all employees are informed and made aware of their responsibilities and duties under the Health and Safety Policy. The Commissioner will also ensure that any training programmes required for compliance of this policy are provided.

With the assistance of competent persons he will ensure that all hazards in the work place are identified by means of risk assessments and that these hazards are removed or minimised as far as is reasonably practicable.

He will ensure that the effectiveness of the Health and Safety Policy and of the procedures in place is reviewed on a yearly basis or when there are any significant changes to the working environment. This shall be done by means of audits and risk assessments.

3.3.2 Office Manager

The Office Manager is committed to taking action as is reasonably practicable once issues have been raised and ensuring adequate resources are available for such things as training and maintenance of surroundings etc.

The Office Manager is responsible for managing Health and Safety on a day to day basis.

The Office Manager:

- recognises his responsibilities in supporting the Commissioner with regard to the health and safety of all members of staff
- ensures adequate resources are allocated to the implementation of the health and safety strategy
- ensures good communication between management and staff, particularly where there are organisational or procedural changes
- monitors the effectiveness of the health and safety policy
- gives adequate consideration to matters of health and safety in making plans for the office
- ensures the effectiveness of health and safety management systems by overseeing the monitoring of and updating of the systems in place.
- co-operates at all times with employees to provide and maintain a safe and healthy working environment.

- will ensure that disciplinary action is taken on those employees who persistently breach the company's health and safety policies and procedures.
- will ensure that at least two fire evacuation drills are carried out every year.
- will ensure that all accidents are recorded in the accident book, and that information on all accidents is passed on to the Commissioner
- will act as the responsible person as laid out in The First Aid at Work Regulations.

3.3.3 Head of Policy, Head of Participation and Education and Office Manager

The Head of Policy, Head of Participation and Education and Office Manager recognise their responsibilities in supporting the Commissioner with regard to the health and safety of the employees they line manage.

The Head of Policy, Head of Participation and Education and Office Manager

- will ensure good communication between management and staff, particularly where there are organisational or procedural changes.
- will ensure employees are fully trained to discharge their duties.
- will monitor workloads, working hours and overtime to ensure that employees are not overloaded or overworking (see Hours of Work, Flexitime and TOIL Policy)
- will ensure bullying or harassment is not tolerated
- will offer additional support to employees experiencing stress outwith the work environment e.g. bereavement.

3.3.4 All Employees

Employee's duties under section 7 of the Health and Safety at Work Act include co-operating with their employer to enable the employer to comply with the statutory duties for health and safety.

Employees will therefore

- inform their line manager of any situation or condition at work, which he or she considers to be unsafe or unhealthy or could become unsafe or unhealthy
- have a regard for their own safety and welfare and that of others that may be affected by their actions or omissions at work
- not indulge in any activities that could create a hazardous or unsafe condition, which could compromise either themselves, other employees or equipment supplied for use in the workplace

- adhere to the procedures and safe working practices as described in the Health and Safety Policy
- ensure that any third party workers, for whom they are responsible, who are engaged in activities in their employer's workplace are made aware of and work within the health and safety policies and procedures that are in force
- immediately report any accident, incident or dangerous occurrence, regardless of severity, to their Office Manager so that it can be investigated and all reasonable and practicable measures can be taken to remove or minimise the cause(s)
- not drink any form of alcoholic beverage in the workplace or enter the workplace in an intoxicated condition or consume alcohol while going about company business or when in the charge of a vehicle on SCCYP business
- not ingest, inject or take in any manner whatsoever any form of drugs either prescribed or not, which could in any way affect their own ability to function in a safe manner. If this is the case the employee must inform the Office Manager immediately
- inform, at their discretion, their line manager and/ or the person responsible for First Aid arrangements if they are taking any form of medication whether prescribed or not if the medication is likely to cause an adverse effect to their working ability.

Further details can be found in the SCCYP Health and Safety Policy and Safety Management System document. Copies can be obtained from the Office Manager.

4. Code of Conduct

4.1 Introduction

The Commissioner is a fully independent public official, appointed by HM the Queen on the nomination of the Scottish Parliament. His role, defined in the Commissioner for Children and Young People (Scotland) Act 2003, is to promote and safeguard the rights of children and young people. The Commissioner actively promotes the Act and the United Nations Convention on the Rights of the Child. This involves extensive contact with a wide range of organisations and groups, including Scottish public bodies, individual members of the public including children and young people, community and voluntary organisations, and the private sector. It is essential that the Commissioner and his staff operate to a high standard of conduct which can be readily understood by the people they work with.

The costs of the Commissioner and his office are met from the public purse, through the Scottish Parliament. The Commissioner and his staff must be publicly accountable for financial matters. In addition, it is important that all suppliers of goods and services also appreciate the nature of the organisation with which they are working.

The Code of Conduct applies to all of the Commissioner's employees.

4.2 Principles of Public Life

The Commissioner has adopted the Seven Principles of Public Life published by the Committee on Standards in Public Life in 1995 and subsequently incorporated in Freedom of Information legislation as the guiding framework for the office's Code of Conduct. These are:

4.2.1 Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

4.2.2 Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

4.2.3 Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

4.2.4 Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

4.2.5 Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

4.2.6 Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

4.2.7 Leadership

Holders of public office should promote and support these principles by leadership and example.

4.3 Relationship with the Public

The Commissioner and his staff will be courteous and helpful. They will deal fairly, consistently, equitably and without discrimination with members of the public.

4.4 Contractors and Suppliers

The Commissioner and his staff will be fair and impartial in all their dealings with contractors and suppliers. The Commissioner's Procurement Procedures encourage openness and fairness in the appointment of contractors and other suppliers of goods and services.

4.5 Conflicts Of Interest

The Commissioner and his staff will not allow any private interest to influence their decisions. They will not seek to use their position to seek any preferential treatment for themselves, friends, relatives or any firm or body with which they are associated. Employees must obtain the Commissioner's permission before accepting any outside employment which might affect their work, either directly or indirectly.

The Office Manager will maintain a Register of Interests. This will be used to declare interests (whether commercial or leisure activity) that might be construed by any person as a conflict of interest in relation to any aspect of the work of the Commissioner.

Where a possible conflict of interests arises, the line manager will discuss this with the member of staff and identify appropriate action.

4.6 Disclosure of Information

The Commissioner and staff are committed to making their own organisation open, accountable and transparent. The Commissioner's Publication Scheme will provide a list of the types of information available about the Commissioner and the office and how to get it. Wherever possible, information will be provided on the website.

Further to this, the Commissioner's employees have a contractual duty not to misuse information that they acquire in the course of their work or disclose information that is received in confidence from others. This applies even after they leave the Commissioner's employment.

4.7 Political Neutrality

The post of the Commissioner is politically sensitive and, as a result, the Commissioner is barred from taking part in either national or local political activities. Furthermore, the Commissioner may not take part in any activity which would in any way conflict with his responsibilities to the Parliament or be inconsistent with his role as Commissioner.

Employees too must be aware of the political sensitivity of the Office and must not engage in activities that might compromise their professional impartiality and bring the independence of the office into disrepute. As individual citizens, employees have the right to hold their own political views and to be active members of political parties. As employees of the Commissioner, they may not take part in any activity that would in any way conflict with the interests of the Office or be inconsistent with their duties and responsibilities or give rise to the perception that their professional impartiality has been so compromised. If employees are concerned that a possible conflict of interest may arise, they should raise it with their line manager as soon as possible.

4.8 Gifts and Hospitality

The Commissioner and his staff will not accept personal gifts. Any fees or expenses accruing from activities such as speaking engagements will be paid to the Commissioner's office and will be declared in the Register of Fees, Gifts, etc as having been received by the Commissioner's office.

Offers of hospitality will always be considered carefully against the following criteria:

- Could the offer be construed by any person as a bribe or inducement?
- Could it easily be justified to members of the public, public authorities and the media?
- Is the extent of the hospitality reasonable and appropriate?

5. Disciplinary Policy

5.1 Introduction

This policy sets out the approach that will be taken by the Commissioner to ensure the required standard of conduct from employees. The Commissioner's aim is to maintain high standards of conduct and to make sure that all employees are aware of the standards of conduct expected of them.

This policy also sets out the processes that will be followed when dealing with misconduct. Its aim is to ensure that all employees are dealt with consistently. Examples of misconduct and gross misconduct are given in paragraphs 5.7 and 5.8 below. The examples given are indicative and do not constitute an exhaustive list.

5.2 Investigation

Prior to taking any disciplinary action, a full investigation of any alleged misconduct will be undertaken. Notes will be taken of all interviews and meetings in connection with the investigation and these notes will be made available to the employee at least 7 days prior to any disciplinary hearing. Investigations will normally be conducted by the immediate line manager of the employee who is alleged to have been responsible for misconduct. If the outcome of the investigation is that there will not be a disciplinary hearing no notes of the investigation will be retained.

5.3 Suspension

In cases of alleged serious misconduct, the employee may be suspended on full pay to allow an investigation to take place. The period of the suspension will be kept to a minimum, and will not be viewed or treated as a punishment against the employee.

Where an employee is absent from work due to sickness during any period of suspension, the suspension will automatically come to an end, and the employee will be treated as on sickness absence, and will receive his/her sick pay entitlement.

5.4 Informal Stage

Minor misconduct will be dealt with informally and may result in advice, counselling or training. The aim of the informal stage is to set out what standard is expected to avoid further disciplinary action. Where appropriate, any notes taken during the informal stage will be made available to the employee.

5.5 Formal Stage

Following an investigation, a disciplinary hearing may be held. Disciplinary hearings will normally be conducted by the Commissioner and will normally be attended by the line manager who conducted the investigation. Employees will be entitled to be accompanied to a disciplinary hearing by a fellow employee or by an appropriate

trade union official or by another suitable person. The outcomes of a disciplinary hearing will include the following.

5.5.1 No Action

If a disciplinary hearing finds that alleged misconduct cannot be substantiated, no action will be taken and no notes of the hearing will be retained.

5.5.2 Oral Warning

If a disciplinary hearing finds that the employee has been responsible for misconduct an oral warning may be issued. A note that an oral warning has been issued will be given to the employee and a copy of the note will be retained on his or her personnel file. An oral warning will be disregarded after a period of six months from the date of issue and the note held on the employee's personnel file will be removed.

5.5.3 First Written Warning

If a disciplinary hearing finds that there have been repeated examples of misconduct following an oral warning or the informal procedure, or in the case of more serious misconduct, a first written warning may be issued. A first written warning will be held on the employee's personnel file. A first written warning will be disregarded after a period of 12 months from the date of issue and the written warning held on the employee's personnel file will be removed.

5.5.4 Final Written Warning

If a disciplinary hearing finds that there have been further examples of misconduct following a written warning, or where the misconduct is viewed as sufficiently serious, a final written warning may be issued. The final written warning will specify that any further breaches of discipline may result in the employee's dismissal. A final written warning will be held on the employee's personnel file and will be disregarded after a period of 18 months from the date of issue and the final written warning held on the employee's personnel file will be removed.

5.5.5 Dismissal

If a disciplinary hearing finds that there have been further examples of misconduct after a final written warning, or that the employee has been responsible for gross misconduct, the employee may be dismissed with or without notice. The decision to dismiss an employee can only be taken by the Commissioner.

5.5.6 Appeal

Employees will have the right to appeal against the outcomes of a disciplinary hearing. As the Commissioner does not have a Board of Directors or other governing body, an arrangement has been entered into with The Scottish Public Services Ombudsman in respect of any such appeals. Appeals should be made in writing to The Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh EH4 7NS. Appeals should be made within five days of receipt of the letter

confirming the outcomes of the disciplinary hearing The Scottish Public Services Ombudsman or a senior member of his or her staff or another independent person nominated by the Scottish Public Services Ombudsman will convene an appeal hearing as soon as practical thereafter.

5.6 Application

This policy applies to employees who have completed their probationary period satisfactorily. The Commissioner reserves the right not to follow all or any part of this disciplinary policy and procedure in the case of an employee who has not satisfactorily completed his or her probationary period.

5.7 Examples of Misconduct (The examples given are indicative and do not constitute an exhaustive list.)

- Not maintaining acceptable time-keeping.
- Not observing the absence reporting procedures.
- Not maintaining appropriate standards of dress and personal appearance.
- Not observing health and safety policies and procedures
- Not reporting any accidents that result in injury to any employee or visitor to the office
- Not taking care of equipment.
- Not obeying reasonable management instructions.
- Not observing equal opportunities and harassment policies.
- Not observing policies and procedures on data protection and use of email, internet and telephone facilities.
- Disclosure of confidential information gained in the course of employment relating to the work of the Commissioner.

5.8 Examples of Gross Misconduct (The examples given are indicative and do not constitute an exhaustive list.)

- Theft
- Fraud
- Falsification of time-sheets or expenses claims or other documentation relating to employment.
- Violent conduct towards fellow employees or others
- Threatening conduct to fellow employees or others
- Bullying or harassment
- Serious insubordination (refusal to carry out a reasonable instruction)
- Repeated refusal to obey a reasonable management instruction
- Serious negligence which causes unacceptable loss, damage or injury
- Smoking in any part of the office
- Activities that damage the reputation of the Commissioner

- Serious breach of the equal opportunities policy including discriminatory acts based on a person's sex, racial or ethnic origin, sexual orientation, religion or belief, age, marital status, transgender status or disability
- Serious breach of the Health and Safety policy
- Serious breach of the email or internet policy, including the downloading or sending of pornographic or sexually explicit material and the sending of racially offensive jokes
- The deliberate introduction of viruses into the office's computer systems
- Attending work whilst unfit as a result of alcohol or illegal drugs, including any instances where alcohol is consumed or illegal drugs used during working hours.

6 Grievance Policy

6.1 Introduction

This policy is designed to ensure that The Commissioner deals with employee grievances in a timely and fair manner. The policy sets out how an employee can raise a grievance and explains how a grievance will be dealt with.

It is not appropriate for an employee to raise a grievance in relation to a disciplinary action taken against him or her. The Disciplinary Policy includes an appeals process.

6.2 Grievances against an Employee other than the Commissioner

6.2.1 Raising the Grievance

Employees who feel that they have been unfairly treated or who feel they have been bullied, harassed or discriminated against should use this policy to raise their concerns. Grievances should be raised as soon as possible following the occurrence of the action or actions that have given rise to the grievance. The Commissioner will endeavour to deal with all grievances quickly, fairly and sensitively.

6.2.2 Informal Stage

Employees should firstly raise any grievance either orally or in writing with their immediate line manager explaining to him or her the reasons for the grievance. It may be helpful for both the employee and the immediate line manager to keep a brief note of any informal discussions. If the matter cannot be resolved by discussion at this stage, or if the matter relates to the employee's immediate line manager then the matter may be raised through the formal process set out in paragraph 6.2.3 below.

6.2.3 Formal Stage

If an employee is dissatisfied with the response received following the informal stage, or if the employee feels unable to raise the matter with his or her immediate line manager, he or she should raise the grievance in writing with the Commissioner. Where possible the employee should set out in detail the issues relating to his or her grievance to allow a full investigation to take place.

The Commissioner will arrange a grievance hearing. The purpose of the hearing will be to provide an opportunity for the employee to explain his or her grievance in more detail. Employees have the right to be accompanied to the grievance hearing by a fellow employee or by an appropriate trade union official or by another suitable person.

Following the hearing, the Commissioner will carry out any further investigations that are deemed necessary. The Commissioner will respond in writing within five working days of the hearing or of the completion of the further investigation as appropriate. The letter will set out the findings of the Commissioner and will indicate whether the grievance has been upheld or not.

6.2.4 Appeal

If the employee remains dissatisfied with the response following the formal stage, he or she may appeal in writing to The Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh EH3 7NS. The Scottish Public Services Ombudsman will nominate a senior member of his or her staff or another appropriate independent person to consider the appeal.

The person nominated by the Scottish Public Services Ombudsman will carry out any further investigations that he or she deems necessary and will respond in writing as quickly as is possible.

6.3 Grievances against the Commissioner

6.3.1 Raising the Grievance

As the Commissioner does not have a Board of Directors or other governing body, an arrangement has been entered into with The Scottish Public Services Ombudsman in respect of any such grievances. An employee who wishes to raise a grievance against the Commissioner must do so in writing to The Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh EH3 7NS.

The Scottish Public Services Ombudsman will nominate a senior member of his or her staff or another appropriate independent person to consider the grievance. The nominated independent person will arrange a grievance hearing. The purpose of the hearing will be to provide an opportunity for the employee to explain his or her grievance in more detail. Employees have the right to be accompanied to the grievance hearing by a fellow employee or by a trade union official or by another suitable person.

Following the hearing, the person nominated by the Scottish Public Services Ombudsman will carry out any further investigations that are deemed necessary. He or she will respond in writing within five working days of the hearing or of the completion of the further investigation as appropriate. The letter will set out the findings of the person nominated by the Scottish Public Services Ombudsman and will indicate whether the grievance has been upheld or not.

6.3.2 Appeal

As the Commissioner does not have a Board of Directors or other governing body, an arrangement has been entered into with The Scottish Public Services Ombudsman in respect of any such appeals. If the employee remains dissatisfied with the response following the response of the person nominated by the Scottish Public Services Ombudsman, he or she may raise an appeal in writing with the Scottish Public Services Ombudsman. In such circumstances, The Scottish Public Services Ombudsman will carry out any further investigations that he or she deems necessary and will respond in writing as quickly as is possible.

7. Public Interest Disclosure (Whistle Blowing) Policy

7.1 Introduction

Employees may at some time have a concern about what is happening at work. Usually these concerns are easily resolved. However, when they are about malpractice, employees may be unsure of what to do.

The Commissioner believes that whistle blowers may be witnesses to potential wrong-doing and has developed this policy to support employees in raising any serious concerns they may have. It provides a reporting framework and gives reassurance to employees that they will not be victimised as the result of using it.

The Whistle Blowing Policy is for concerns where the interests of the Commissioner's office itself are at risk. That is, if an employee suspects that wrong-doing has occurred in the form of:

- a criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice
- the endangering of an individual's health and safety
- damage to the environment
- a deliberate concealment of information tending to show any of the above
- a serious act of misconduct

Employees should not use the Whistle Blowing Policy to raise concerns about their own personal position. The Grievance Policy should be used in such cases.

7.2 The Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 established employees' rights to speak out (more information is given in paragraph 7.6). Employees should be aware, however, that the Public Interest Disclosure Act 1998 states that employees would not qualify for protection if, by disclosing the information, they were committing an offence.

7.3 How to make a Whistle Blowing Report

Employees should report any matters of wrong-doing to their immediate line manager. If it is their understanding that their immediate line manager has instigated, or is aware of, or is complicit in, the wrong-doing, they should report the matter directly to the Commissioner. If it is their understanding that the Commissioner has instigated, or is aware of, or is complicit in, the wrong-doing, they should report the matter to the Chair of Audit Advisory Board. [The Audit Advisory Board is appointed by the Scottish Parliamentary Corporate Body and is independent of the Commissioner. Contact details for the Audit Advisory Board are available from the Office Manager and from The Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh EH99 1SP.]

It is important that whistle blowing reports are made as soon as possible to allow the person to whom the employee has made the report to take action before any potential evidence is destroyed.

Any whistle blowing report will be treated as confidential and no action will be taken against employees as long as they have invoked the procedure in good faith.

The Commissioner will not tolerate any detrimental treatment of anyone raising a genuine concern under this policy. Employees should be aware that if they have not acted in good faith i.e. invoked the procedure maliciously or dishonestly, disciplinary action could be taken against them. If the whistle blowing report relates to a criminal matter then it may not be possible to keep the name of the person who disclosed the information confidential.

Employees who make a whistle blowing report will receive an acknowledgement of the report and will be told how it will be dealt with.

Employees who have made a whistle blowing report and who believe that the response from their line manager or from the Commissioner or from the Chair of AAB is not a reasonable response may then report the matter to the appropriate prescribed person or body. A list of the prescribed people and bodies is available at the Directgov website.

[Prescribed People and Bodies](#)

7.4 Advice

If employees are in any doubt about any element of this policy, they should contact their line manager. If, however, they would like independent advice at any stage, they may contact the Public Concern at Work helpline on 020 7404 6609. To ensure that employees concerned about malpractice can get independent and confidential advice, disclosures to lawyers are protected.

7.5 Disciplinary Action

When, following investigation, a disclosure is substantiated, disciplinary action or other appropriate sanction may be taken against the person who is the subject of the disclosure.

Disciplinary action will be taken against any employee who victimises anyone for raising a genuine concern under this policy or deters them for doing so. Such conduct will be treated as gross misconduct and could lead to dismissal.

This policy provides protection for employees to make disclosures in confidence and an assurance that they will not be subject to detrimental treatment as a result. These apply, however, only to disclosures that are made in good faith. Disciplinary action may be taken against any person who:

- Deliberately makes false or malicious allegations
- Makes disclosures for personal gain
- Makes a non-protected disclosure without exhausting the internal procedure

Such actions would be treated as gross misconduct.

7.6 Additional Information – Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 provides protection in certain circumstances against unfair dismissal or victimisation for those who report wrongdoing either to their employer or to some appropriate external body. For example, if an employee feels that they have been victimised as a result of whistle blowing, they can refer the matter to an Employment Tribunal.

External routes include:

- To a legal adviser in the course of gaining legal advice.
- To a public regulator (for example, the Health and Safety Executive in respect of matters concerning health and safety at work). In this case the employee must make the disclosure in good faith, must reasonably believe the information and allegations are substantially true and must reasonably believe that the matter falls within the description of matters for which the person has been prescribed.
- Wider disclosures, for example to the police, the media and non prescribed regulators, are protected if the disclosure is not made for personal gain. The disclosure must also be made in good faith and the employee must reasonably believe the information or allegation is substantially true.

The preconditions for making a wider disclosure are:

- The employee reasonably believes they would be victimised if they raised the concern
- There is no prescribed regulator and the employee reasonably believes there would be a cover-up by the Commissioner if the disclosure was made to the Commissioner
- The employee has previously made a disclosure of substantially the same information
- The matter is exceptionally serious.

In addition to one of these preconditions, it must also be reasonable for the employee to make the disclosure. In deciding the reasonableness of the disclosure, an employment tribunal will consider all the circumstances. This will include the identity of the persons to whom the disclosure was made, the seriousness of the concern, whether the failure is continuing or likely to occur, whether the disclosure breached a duty of confidentiality which the office of the Commissioner owed a third party, what action has been taken or might reasonably be expected to have been taken if the disclosure was previously made to the office of the Commissioner or a prescribed person, and whether the worker complied with any approved internal procedures if the disclosure was previously made to the office of the Commissioner.

8. Expenses Policy

8.1 Introduction

This policy is designed to reimburse employees for the additional costs incurred as a result of being required to travel and /or to stay overnight on business.

It is not designed to pay for costs that would ordinarily be incurred by the individual, e.g. the purchase of personal items such as toiletries and expenditure on personal entertainment.

Wherever practical, travelling and potential expenses claims should be approved in advance by the employee's line manager.

8.2 Green office policy

The Commissioner has a green office policy. This means that, unless it is unreasonable to do so, an employee travelling alone should use public transport instead of travelling by car. It also means that where two or more employees are travelling by car to the same event, the employees should wherever possible arrange to travel in the same car.

8.3 Public transport

Wherever possible, employees should book travel by public transport in advance through the Receptionist/ Administration Officer. As well as ensuring that costs are kept to a minimum, advance booking means that employees do not have to pay for travel tickets, as these will be charged directly to the office credit card account. However, if it is not possible to book travel in advance, employees are entitled to claim the cost of their travel and must attach a copy of their travel ticket to their expenses claim. All travelling on public transport must be in second class or economy, unless otherwise specifically agreed in advance by the employee's line manager.

8.4 Taxis

Employees travelling by public transport may occasionally be required to travel by taxi as part of their journey. A receipt should be sought from the taxi driver and attached to the expenses claim form.

8.5 Car Hire

If an employee requires to hire a car for a journey, approval should be sought in advance by the employee's line manager. The Receptionist/ Administration Officer. can arrange car hire. The expenses claim form should be used to claim for fuel costs (receipts should be attached) and for the hire charge if not booked by the Receptionist/ Administration Officer. Mileage rate reimbursement does not apply to car hire. Car hire should be considered for longer journeys which cannot be made by public transport.

8.6 Mileage

Employees who use their own car, van, motor cycle or bicycle for business travel are entitled to claim mileage. Mileage will be checked for accuracy using the AA mileage checker at http://www.theaa.com/travelwatch/planner_main.jsp

Journeys that count as business travel are shown in the Inland Revenue 'Using your own vehicle for work' booklet (IR124) or the Employee travel guide (E490) which are available from the Office Manager.

Her Majesty's Revenue and Customs (HMRC) rules (applicable from 06 April 2002) state that there is a maximum amount you can receive free of tax. This is called an 'approved mileage allowance payment' (AMAP). It is calculated by using mileage rates, not actual expenses.

Mileage allowance is based on prevailing HMRC rates.

Mileage allowance is payable for the mileage travelled between the permanent workplace and the temporary workplace visited. The shortest practicable route should be taken. If other business is conducted en route to the temporary workplace or to where business is to be conducted the actual distance travelled can be claimed.

For journeys on official business which start or end at home, the number of miles which can be claimed is the lesser of a) the actual miles travelled or b) the notional distance between the permanent workplace and the place visited.

Note: Car insurance/ MOT

Employees must provide evidence to the Office Manager that their motor insurance is valid for business travel and that a current MOT certificate is in force.

Employees must not use mobile phones when driving.

8.7 Parking

Employees are also entitled to claim for parking costs. Employees should wherever possible attach evidence of outlays to their expense claim. Employees will not be reimbursed for any parking fines incurred.

8.8 Overnight Expenses

Overnight expense rates cover dinner, bed and breakfast. The current rates will be issued by the Office Manager annually.

Business telephone calls and business internet charges made from an employee's hotel room may be reimbursed with line manager approval.

Employees who prefer to stay with relatives or friends rather than in a hotel when they travel on business may claim the cost of a meal or a gift for them up to the value of £25. Note that this is a taxable benefit.

8.9 Foreign Travel

There is no overnight rate limit for trips abroad but employees are asked to keep in mind that they are spending public money.

Lunch, dinner, bed and breakfast costs are all reimbursed for foreign travel

Employees are also entitled to the equivalent of up to £10.00 per day for 'incidental expenses'. The £10.00 is designed to cover instances such as light snacks or taxi rides. Employee must give details of what they have spent the money on and cannot merely claim £10.00 as a matter of course.

Line managers may also authorise reimbursements for business telephone calls and newspapers for employees travelling abroad.

Medical expenses may also be reimbursed. If you are travelling overseas on business and require inoculations for the country you are visiting you can have the cost reimbursed.

The Commissioner's office has a business travel insurance policy in place for all employees travelling within UK and Europe. Any journeys outside of this geographical area should be notified in advance to the Office Manager.

For health care cover for travel within the EU employees should obtain a European Health Insurance Card (EHIC). This can be obtained by applying by post, phone or online via the Department of Health website at <https://www.ehic.org.uk/Internet/home.do>

The cost of entry/exit visas is also reimbursed. It is not always possible to obtain a receipt for these costs but in many countries they are a standard government charge and the Office Manager will reimburse costs without receipts.

8.10 Other Business Expenses

Employees may also claim reimbursement for the following:

8.10.1 Lunch/ Dinner while away from the Office on business

Lunch costs incurred when an employee is away from the office on business over the lunch break may be claimed. Dinner costs taken when away from the office and not claimed as part of an overnight stay may be reimbursed.. The current maximum rates will be issued by the Office Manager annually. Expenses will only be paid on production of a receipt.

8.10.2 Business telephone costs

This includes calls employees make on their personal mobile phones. A copy of the bill highlighting the call charges incurred should be submitted with the claim. Employee should be aware that calls made on pay-as-you-go tariffs are taxable because there will be no phone bill available as proof of expenditure.

8.10.3 Postage

For items mailed outwith the office mail service, a receipt should be obtained from the Post Office.

8.10.4 Stationery

For items which cannot be bought via the the Receptionist/ Administration Officer and only by prior agreement from the Office Manager.

8.11 Claim Forms

All claims for expenses must be made on the SCCYP Expenses claim form, with receipts attached, and passed to the Office Manager for authorisation. Refunds will normally be made by the Office Manager by BACS within 2 weeks of receipt.

Please Note

Where an original receipt is not available, but the claim has been approved by the employee's line manager (with the exception of mileage, metered parking, and underground rail) a written explanation is required. In accordance with HMRC rules all un-receipted reimbursements are taxable and will be paid through payroll on the next available pay day.

Once signed the form should be passed to the Office Manager who will arrange for payment to be made by BACS or through payroll as necessary.

If it is necessary to apply tax /NIs to expenses reimbursed, this will be deducted from monthly salary via payroll.

These forms should be presented to the Office Manager as soon as possible but all expenses must be claimed within 3 months of expenditure. Any claims for expenses over 3 months will be disregarded.

9. Hours of Work, Flexitime and TOIL Policy

9.1 Hours of Work

Full - time employees have a 37 hour working week. Employees may work more or less than 37 hours in any one week. However, employees should not be required to work more than 48 hours in any week (EU Working Time Regulations). Employees who are under 18 should not be required to work more than 40 hours in any week.

9.2 Flexitime

The current bandwidth for all staff is Monday to Friday from 8.00am to 7.00pm.

Core hours for all staff are Monday to Friday from 10.00am to 12.00 noon and from 2.00pm to 4.00pm. Employees are required to work during core hours except when time off has been granted for annual leave, flexi leave, TOIL, public holidays, sickness leave or special leave.

The flexitime system relies on self-recording with minimal scrutiny and good time management. Flexitime is a benefit to all staff, not an entitlement.

Employees may take a maximum of 2 full days or 4 half days of flexi leave in any 4-week recording period (see para 9.5 below).

In exceptional circumstances e.g. particular work pressures or a personal emergency, line managers can agree to make a variation to the procedure.

Work outside the bandwidth will attract time off in lieu (TOIL) and is discussed at para 9.9 below.

9.3 Lunch and other breaks

Employees must take a lunch break of at least 30 minutes and may take a lunch break of up to two hours. (Employees who work more than six hours per day are entitled to a break of at least 20 minutes. This is a requirement of European law.) The requirement for employees to take a 30 minute lunch break may exceptionally be waived if an employee needs to attend a working lunch or meet a deadline. If it becomes a regular occurrence, employees should discuss with their line manager who should inform the Commissioner.

9.4 Recording

Employees should use their time sheets to enter the time they start work and the time they stop work, morning and afternoon each day, including lunch breaks. They should record only the hours they have actually worked, not necessarily from when they entered or left the building.

The time sheet will total the hours worked for the day and for the week and a maximum of 14 hours and 48 minutes may be carried forward from one 4 week recording period to the next. A maximum debit of 7 hours 24 minutes may be carried forward at the end of each 4 week recording period.

If for any reason employees cannot access their electronic timesheet, they should keep a manual record and add details to the time sheet when possible. Line managers will regularly view timesheets to monitor hours worked.

9.5 Absence

Employees who are absent from work through sickness, annual leave or public holiday should add a credit of 7h 24m for each full day or 3h 42m for each half day to the “adjustments” column on their time sheets. The reason for the absence should be recorded in the “Comments” column. Wherever possible, employees should make any medical or dental appointments outside of core time. If this is not possible, employees should seek approval from their line manager to attend medical or dental appointments during core hours.

9.6 Business Absence and Travel Time

Employees who are participating in meetings and conferences away from the office should record the time they start working and the time they stop working. Employees may record additional time for travel to the meeting or conference providing the travel time is in excess of the time taken in the employee’s normal travel to work time. This is based on the principle used in recording distance travelled for travel claims. The Office Manager can provide worked examples of recording travel time.

9.7 Office In/Out Form

The office has an “In/Out” form at reception. This is in place to satisfy Health and Safety and Fire regulations and is entirely separate from the Flexitime procedure. Employees must complete this form on arrival and departure whether they are actually working or not. Employees should be marked “In” even when they are in the building but on their lunch break.

It is important that the person working at reception and other colleagues are aware of who is going to be in the office each day so that they can respond efficiently to phone calls and other enquiries. Employees who are not going to be in the office because of external meetings, holidays or other appointments must ensure that it is noted in their Outlook Calendar.

Employees who are unable to come into the office due to sickness or some other reason are required to attempt to contact their line manager directly no later than 10.00am on the first day of absence if able to do so. If they are unable to do so, they are required to contact their line manager as soon as is reasonably practical. If the line manager cannot be contacted they are required to leave a message for the line manager with another member of the Management Team or failing that another member of staff

9.8 Time Off in Lieu (TOIL)

The Commissioner or line manager may require employees to work additional hours outside their bandwidth depending on the needs of the organisation. Unless specified in their Main Terms and Conditions of Employment employees are not entitled to receive extra payment for such additional hours of work. However, on these occasions, employees are eligible for time off in lieu (TOIL) on an equal time basis. Work on Sundays and Bank Holidays attracts TOIL at the rate of time and a half. TOIL is not intended to be an extension of the flexible working hours, but is a specific arrangement to take account of exceptional hours. Employees must seek approval by email from their line manager before working exceptional hours.

Requests for TOIL are treated in the same way as holiday requests (i.e. employees should complete a leave application form for approval by their line manager). TOIL must be taken as full days or half days. TOIL should normally be used within one month of the date that it was accrued. Under exceptional circumstances, the Commissioner or line manager may approve the use of TOIL up to three months from the date that it was accrued.

9.9 Travel Time

Employees who are required to travel on official business outside their normal bandwidth can claim TOIL (in accordance with para. 9.9 above) for the time spent travelling. Employees are not normally compensated for the time spent travelling between home and the office, but can include travel time as TOIL if they are travelling specifically to do work outside the bandwidth hours. For example, travel from home to work would not normally count as part of working hours; but if there was a requirement to work on a Sunday, then travel time from home to work could be claimed.

Part Time Working Arrangements

9.10 What is Part Time Working?

Part-time working is when you are contracted to work less than full-time hours (which are the equivalent to 37 hours per week). Attendance is not necessarily required on every working day and working patterns can vary to accommodate your needs and the needs of the organisation.

Part-time working also occurs when you are occupying a full-time post and when you have agreed with your Line Manager a temporary reduction in your hours for a specified period of time. Such an arrangement allows you to return to full-time working without having to apply for a full-time post or to extend the reduced hours arrangement if this has been operating. The “reduced hours” arrangement may be taken in a variety of ways; for example, by reducing the working day or the working week or by taking a block of time off during the year (e.g. working only during school term-time).

If you wish to work particular hours and/or days, we will try our best to accommodate your request. However, if we are unable to do so while you are in your current role, you may have to consider whether you are prepared to change your job and/or work area in order to achieve your desired result. Again, whether or not such a change will be possible will depend on your needs and on the needs of the organisation.

If you wish to work on a part-time basis, therefore, you must either:

- apply for a part-time post that is advertised either internally or externally, or
- apply to reduce the number of hours you work and, if appropriate, apply to share the job with someone else who wishes to work on a job-share basis

9.11 Pay

If you work part-time hours you will be paid monthly in arrears for the number of hours you are contracted to work.

9.12 Annual Leave

Your annual leave will be calculated on a pro-rata basis based on the number of hours worked and will be expressed in hours to take account of the variety of working patterns available. A revised annual leave allowance will be calculated for you by the Office Manager who will be happy to explain the calculation to you.

9.13 Public and Privilege Holidays

We use the same formula to calculate the part-time allowance for public and privilege holidays. Again, this is expressed in hours and will be calculated for you by the Office Manager.

9.14 Pension

Your pension also accrues on a pro-rata basis according to the number of hours worked.

9.15 Attendance on non-work days

If you are asked to work, or if you attend a training course, at a time when you would not normally work, you will be paid for the extra hours involved or you may take time off in lieu of those hours on an equal time basis.

If your attendance is required on a Sunday or a public or privilege holiday, you may take time off in lieu of those hours at the rate of time and a half.

If attendance on non-work days requires you to arrange extra child-care cover, you should let your Line Manager know immediately what the extra cost will be. If your Line Manager confirms that you are required to attend these extra hours, you will be reimbursed for the extra child-care costs.

All other terms and conditions remain unchanged.

9.16 Application

If you wish to apply to work part-time hours in your current job, you should do so via your Line Manager.

Alternatively, you may apply for any part-time post that is advertised either internally or externally. Posts which are advertised externally are subject to the normal recruitment procedures.

You are welcome to discuss your application or prospective application, in confidence, with a representative from SCCYP.

10 Right to Flexible Working Policy

10.1 Introduction

This policy outlines employees' entitlement to request a different working pattern if they meet specific criteria and comply with statutory requirements. Further information on flexible working can be sought from the Office Manager.

10.2 Eligibility

In order to make a request for the statutory right to request flexible working an individual must:

- be an employee;
- have worked for the Commissioner's Office continuously for a minimum of 26 weeks at the date the application is made; and
- not have made another application to work flexibly under the right during the past 12 months in relation to the same grounds of request

and either:

- have a child of 16 years or younger, or a child under 18 years in the case of a disabled child; and
- make the application no later than the day before the child concerned reaches the age of 17 years (or reaches the age of 18 years, in the case of a disabled child); and
- have or expect to have responsibility for the child's upbringing; and
- be making the application to enable them to care for the child

or:

- be, or expect to be, caring for a person in need of care who:
 - is married to, or is the partner or civil partner of, the employee, or
 - is a relative of the employee, or
 - is living at the same address as the employee.

[A "relative" is defined as a mother, father, adopter, guardian, special guardian parent in law, step parent, son, step son, daughter, step daughter, brother, step brother, brother in law, sister, step sister, sister in law, uncle, aunt or grandparent and includes adoptive relationships and relationships of the full blood or half blood or in the case of an adopted person, such of those relationships as would exist but for the adoption.]

10.3 Scope of a Request

Eligible employees are entitled to request:

- a change to the hours they work
- a change to the times when they are required to work
- to work from home.

It is important for employees to recognise that their right to request a change in their contractual working patterns refers to a permanent change to their contracted terms. Whilst every effort will be made to accommodate requests to revert to the original working pattern, this cannot be guaranteed in the first year of the change to the contract of employment. A fresh application to revert to the original terms cannot be considered under the statutory scheme until 12 months have elapsed from the initial application.

The fresh application will be considered in accordance with the Commissioner's obligations in statute and in the light of the employment situation within the Commissioner's Office at the time.

10.4 The Procedure

Any requests for flexible working must be made by the employee in writing. The written request should set out the working patterns that the employee is requesting, outline the impact the requested change will have on the employee's workplace and suggest how the change may be accommodated by the Commissioner's Office.

Within **28 days** of receipt of the written request, the Commissioner will nominate a manager who will arrange to meet with the Employee in order to explore the desired work pattern in depth, and to discuss how best it might be accommodated. The nominated manager will also consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's application. The employee is entitled to bring a fellow employee as a companion to the meeting.

Within **14 days** after the date of the meeting the nominated manager will write to the employee to either agree to a new work pattern and a start date; or to provide business ground(s) as to why the application cannot be accepted and the reasons why the ground(s) applies in the circumstances. In certain circumstances, this written notification by the nominated manager may be delayed to allow further investigation to take place.

10.5 Appeals

An employee can appeal against the nominated manager's decision to refuse an application by giving written notice of the grounds of appeal within 14 days after the date on which notice of the decision is given.

The Commissioner will hold a meeting with the employee to discuss the appeal within 14 days after the employee has given notice. The Commissioner will notify the employee in writing of his decision on the appeal within 14 days after the date of the hearing. The employee may be accompanied by a fellow employee or by an appropriate trade union official or by another suitable person.

11. Statutory Rights to Time Off Policy

11.1 Time off for Care of Dependants

Employees are permitted **time** off work to:

- provide assistance when a dependant gives birth, falls ill, is injured or assaulted
- make arrangements for the care of a sick or injured dependant
- make necessary arrangements as a consequence of the death of a dependant
- deal with any disruption in arrangements for the care of a dependant
- deal with an unexpected incident involving a dependent child at school

A dependant is defined as a spouse, partner, civil partner, child, parent, or a member of the employee's household (but not an employee, tenant or lodger), and may also include another individual who reasonably relies on the employee for assistance.

The right to time off for dependants does not include a statutory right to pay. The Commissioner will, however, normally grant time off with pay for these purposes, up to maximum of 5 days in any leave year.

Employees must notify their line manager at the earliest opportunity of any absence and its expected duration.

If the employee does not comply with the above provisions, his/her absence may be viewed as unauthorised and disciplinary action may be taken.

11.2 Antenatal Care

Employees are entitled to reasonable paid time off for antenatal care. Where possible, employees should schedule appointments as close to the end, or the start, of the working day as possible to minimise the time spent away from work. The maternity policy contains further information.

11.3 Redundancy

Employees with more than two years' continuous service are entitled to a reasonable amount of paid time-off to look for alternative work /re-training opportunities, where they are under notice of dismissal for redundancy.

11.4 Health and Safety Representatives

Appointed safety representatives are entitled to a reasonable amount of paid time off during their normal working hours to carry out relevant health and safety activities

11.5 Jury Service

Employees should notify their line manager as soon as they are aware that they have been called up for jury service.

11.6 Other Statutory Rights to Time off

Employees are also entitled to unpaid time off from work where they carry out the following public duties or are members of the relevant bodies:

- Justice of the peace
- Local authority
- Statutory tribunal
- Police authority
- Board of prison visitors or prison visiting committee
- Relevant health body
- Relevant education body
- Scottish Environment Protection Agency

12. Sickness Absence Policy

12.1 Introduction

The Commissioner is committed to promoting a safe and healthy working environment for employees and will be sympathetic if a staff member suffers poor health. However, frequent absences affect both quality of service and staff morale. The Commissioner's policy is to deal with absence in a fair, consistent and reasonable manner. All cases will be treated in confidence and in accordance with individual circumstances. In dealing with sickness absence, the Commissioner will act in accordance with the Disability Discrimination Act 1995. To facilitate this, staff members and line managers are required to follow the procedures set out below.

12.2 Notification of Absence

Employees are required to attempt to contact their line manager directly no later than 10.00am on the first day of absence if they are able to do so. If they are not able to do so, they are required to contact their line manager as soon as is reasonable practical. If the line manager cannot be contacted the employee is required to leave a message for the line manager with another member of the Management Team or failing that another member of staff. When the employee is able to contact the line manager they should advise the line manager of the reason for the absence and its likely duration. The line manager should also be informed of any critical work commitments, deadlines, or meetings that need to be cancelled or covered.

Where the absence extends beyond one day, the employee should keep his/her line manager updated on progress

12.3 Absence Certificates

For all absences of fewer than 7 days a sickness or injury self-certification form must be submitted on return to work, signed by the line manager and given to the office manager to be kept as part of the employee's record.

Where the absence extends beyond 7 days (including non-working days), the employee is required to submit a doctor's statement of fitness for work setting out the reason for the absence. This statement should be given to the line manager in the first instance, then to the office manager to be kept as part of the employee's record. If the absence is to continue, the doctor's statement should indicate the likely duration of the absence.

12.4 Returning to Work

In all instances, on return to work after any absence a return to work interview will be held with the line manager. The purpose of this meeting will be to discuss the reason for the absence and whether there are any underlying medical or other

problems that need to be addressed. A note of this meeting and any actions arising from it will be kept as part of the employee's record.

12.5 Short-term Absences

Where the Commissioner or line manager has a reasonable concern as to the employee's health, the Commissioner may seek the employee's permission to request information from the employee's GP certifying that the employee is fit to return to work and/or setting out any measures that would help facilitate the employee's return to work.

Where the Commissioner and line manager view the number or length of short term absences unacceptable, meetings may be held with the employee to discuss the absences. If relevant, a medical report from either the employee's own GP or a doctor nominated by the Commissioner, may be requested.

Proceedings under the Commissioner's disciplinary policy may be taken in respect of those employees whose attendance record is unacceptable.

12.6 Long-term Absences

Where the employee's absence extends beyond four weeks, this will be viewed as a long-term absence. Employees are expected to maintain regular, personal contact with their line manager during all absences. In the case of long-term absences, the line manager/Commissioner may request to meet with the employee in order to discuss his or her continued absence. These meetings are to discuss the absence and explore ways of facilitating the employee's return to work. They can be arranged at an employee's home or alternative premises. A written record of these discussions and any decisions or actions arising from the discussions, will be kept as a part of the employee's record.

The Commissioner may request permission from an employee to seek a report on the employee's condition from a medical person who is treating, or who has treated, the employee. The doctor may also be asked for a prognosis on the condition and what measures can be put in place to facilitate a return to work. Alternatively, the Commissioner may request permission from an employee to arrange for the employee to undergo a medical examination with a doctor nominated by the Commissioner. It is a requirement of the Access to Medical Reports Act 1988 that employees should be asked for their written consent to allow a medical report to be sought. At the time of any such request for consent being made, the employee will be advised of his or her rights under the Act.

12.16 Absence Management

12.16.1 Entitlement to Sick Pay

Employees of the Commissioner are entitled to paid sick leave. Previous service in an earlier appointment will not be aggregated with an employee's current appointment for the purpose of determining sick absence allowance, but can be for Statutory Sick Pay purposes.

12.16.2 Pay During Absences on Sick Leave

Provided that there is a reasonable prospect of eventual recovery and return to duty, sick absence on full pay may be granted for a maximum of 6 months in total during any period of 12 months. Thereafter, employees may be granted sick absence on half pay, subject to a maximum of 12 months' sick absence in any period of 4 years or less.

Each normal workday on which an employee is sick counts as one day of sick leave. Weekends, public and privilege holidays also count if the absence begins before them and continues after them. For example in the case of a weekend, if an employee is absent on Friday and Monday he or she will be recorded as being absent for 4 days and not for 2 days. On the other hand if an employee is absent on Friday but returns to work the following Monday he or she will be recorded as being absent only on one day.

12.16.3 Absence Due to Injury, Disease or Assault at Work

Employees who are absent due to an injury sustained or a disease contracted at work, should report the matter immediately to the Office Manager since special arrangements may apply in certain cases.

13. Annual Leave and Public Holidays Policy

13.1 Annual Leave

The annual leave year runs from 1 April to 31 March each year. Full time employees are entitled to 30 working days annual holiday in each full holiday year. Part-time employees will accrue annual holiday entitlement on a pro-rata basis.

All new employees will be entitled to annual leave and public holidays in their first year of employment on a pro-rata basis. Entitlement in the first year is dependent on the number of complete calendar months worked after the date of joining and before the end of the annual leave year. Employees who commence work up to the 7th calendar day in the month receive the full annual leave entitlement in respect of that calendar month. Employees who join after the 7th calendar day in the month will not receive leave entitlement for that month.

Annual leave entitlement for part years is calculated based on 1/12th for each complete calendar month (subject to the terms of the paragraph above). The public holidays entitlement will be based on the number of public holidays remaining in the current year from the date of joining.

Employees will be paid at their normal rate of pay for each period of annual leave and for public holidays.

Employees will accrue annual leave during the Ordinary and Additional Maternity Leave periods.

Where employment terminates during a holiday year, employees' entitlement to holiday pay will be calculated on a pro-rata basis based on each completed month of service prior to termination. Where on termination an employee has taken annual holidays in excess of their entitlement, the employee will be required to repay the excess sum due to the Commissioner's office, and the Commissioner's office reserves the right to deduct any such sums from salary due to the employee. The Commissioner reserves the right to require employees to take any unused holidays prior to termination.

Employees may carry forward up to 5 days of their annual leave entitlement from one annual leave year to the next annual leave year. Exceptionally, and with the approval of their line manager, employees may carry forward a further 5 days of their annual leave entitlement from one annual leave year to the next annual leave year. No payments in lieu of holiday entitlement will be made, other than on termination of employment.

Employees should normally give a minimum of 4 weeks' notice of any holiday request. Such requests should be made by completing their leave card and submitting it to their line manager for approval.

Annual leave requests will be granted when possible but there may be operational reasons why such requests cannot be granted. Employees should not make any definite holiday plans until their holiday request has been approved.

13.2 Public Holidays

A Public Holiday shall be defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight. Employees will be entitled to all paid Public Holidays in the leave year. All part time staff are entitled to the Bank Holidays pro rata to the full time allowance.

The Commissioner will, until further notice, observe the following Public Holidays:

- New Year's Day
- The day after New Year's Day
- Good Friday
- Easter Monday
- Early May Holiday
- Friday preceding the Spring Bank Holiday
- Spring Holiday
- St Andrew's Day (on the Friday closest)
- The afternoon of Christmas Eve
- Christmas Day
- Boxing Day

Employees will be notified of the dates on which each of these holidays actually falls at the beginning of each holiday year. Note that if a Public Holiday falls on a Saturday or Sunday, the following Monday or Tuesday will generally be designated as a Public Holiday for leave purposes.

Employees of faiths observing different Religious Holidays than those noted above may apply to their line manager to arrange alternative days off where reasonably practicable.

All employees are entitled to the above paid Public Holidays in the leave year. Where operationally possible and subject to the agreement of the Commissioner, an employee may arrange to work on a Public Holiday and take a day's leave at a later date.

15. Parental Leave

15.1 The Policy

This policy describes the entitlement of employees to parental leave. Unpaid parental leave of 13 weeks (or 18 weeks where the child is entitled to receive disability living allowance) is granted to employees for the purpose of caring for a child. These parental leave provisions comply with relevant legislation. Further information on parental leave can be sought from the Office Manager.

15.2 The Policy in Operation

An employee is entitled to parental leave if;

- he or she has at least one year's continuous service with the Commissioner's office and
 - he or she is the parent of a child under the age of five or has acquired formal parenting responsibilities for a child under five, or
 - he or she is the parent of a child under the age of 18 or has or has acquired formal parenting responsibilities for a child under 18, who is entitled to receive disability living allowance, or
 - he or she has adopted a child under 18 years within the past five years
- and he or she has - or expects to have - parental responsibility for the child

Employees who qualify for parental leave are entitled to have a maximum of 13 weeks' leave per child. The leave must be taken prior to the child's 5th birthday (18 for a disabled child), or within 5 years from the date of the adoption up to the age of 18.

Leave may be taken in blocks of one week (or one day in the case of a disabled child), and a maximum of 4 weeks' leave is permitted in any one year. Leave taken with previous employers will count towards calculating the maximum entitlement.

Part-time Employees are permitted parental leave on a pro-rata basis.

15.3 Making a Request

Employees should put any requests in writing and should normally give the Commissioner at least 21 days' notice of the dates on which he or she wishes leave to be taken.

The Commissioner reserves the right to postpone the granting of any requests for leave for a period of up to 6 months where there are business reasons for doing so. This right to postpone will not apply where the leave requested occurs at the time of the child's birth or adoption.

15.4 Other Matters

Note that the Commissioner may require an employee to provide a birth or adoption certificate or other evidence of legal parental responsibilities or a child's entitlement to disability living allowance prior to leave being granted. Any employee who is identified as misusing this policy may be subject to disciplinary action.

16 Leaving Employment Policy

16.1 Period of Notice

16.1.1 Minimum Period of Notice

Subject to the exceptions below (and to each employee's contract of employment, which will prevail if there is any inconsistency), employees will give or be given the following minimum periods of notice if you wish to terminate your employment or if your appointment is terminated by the Commissioner:

	Minimum notice by staff member	Minimum notice by the Commissioner
Members of the Management Team	12 Weeks	12 Weeks
Other Staff	4 weeks	4 weeks plus one additional week for every completed year of service up to a maximum of 12 weeks

Employment may however be terminated without notice or payment in lieu of notice should an employee be dismissed for gross misconduct.

16.1.2 Notice of Compulsory Termination of Appointment

Employees will be given 6 months' notice if their appointment is terminated by reason of compulsory redundancy. This does not apply if:

- they accept flexible or approved early retirement or voluntary redundancy, where the date of termination is agreed; or
- they are summarily dismissed on grounds of gross misconduct .

16.1.3 Compensation in Lieu of Notice

Where employees are not required to work for all or part of the minimum period of notice to which they are entitled (except where they leave voluntarily before the end of the period of notice), the Commissioner reserves the right to pay compensation in lieu of the unworked period of notice.

16.2 Retirement on Age Grounds

16.2.1 Normal Retirement Age

The normal retirement age for all SCCYP staff is 66 years. This means that, although employees can choose to retire from age 60 onwards with pension entitlement subject to agreement with Pension provider, employees will not be compulsorily retired before the age of 66.

Employees should be aware, however, that there are limits to the number of years that can count towards pension entitlement. These limits are 40 years' service in the Premium and Classic Plus Schemes, and 45 years' service in the Classic Scheme.

The Commissioner will give at least 6 months' advance written notice of retirement to an employee whether this is at their 66th birthday or at any subsequent date.

16.2.2 Request to Continue to Work Beyond Normal Retirement Age

Upon receiving notice of retirement, employees have the right to request to continue working beyond the proposed retirement date. Employees will be required to put such a request in writing as soon as practicable and no later than 3 months before the notified retirement date. In a request to continue working beyond retirement, the employee is required to specify whether he/she wishes to continue working indefinitely, for a stated period or until a stated date. The employee should also outline if there are any changes he/she wishes to make to their working arrangements.

The Commissioner will appoint a manager to give consideration to such a request. The manager will arrange a meeting with the employee within a reasonable period. At the meeting, the manager and the employee will discuss the request to continue working and all of the relevant circumstances (including the needs of the business and the personal circumstances of the employee) will be taken into consideration before a decision is made. The employee will have the right to be accompanied by a colleague or trade union official at this meeting.

The meeting may provide an opportunity to discuss any changes to working arrangements or terms and conditions of employment and these can be proposed by either party. In the course of these discussions, there is no duty on either the manager or the employee to accept changes in working arrangements proposed by the other party. However, if agreement can be reached on amended arrangements or terms and conditions, this can form the basis of an extended working relationship.

The decision of the manager will be confirmed in writing. The employee will also have the right to appeal to the Commissioner if they are unhappy with the decision.

17. Dignity at Work Policy

17.1 Introduction

The Commissioner is committed to promoting equality of opportunity and eliminating discrimination in all employment practices. All employees should be treated fairly, with respect and without bias at all times. Any allegations of discrimination, harassment, victimisation or bullying will be treated seriously and prompt action will be taken to investigate any complaints.

The Commissioner's commitment to equality at work and to the elimination of discrimination includes the belief that employees should be able to work in a supportive environment which is free from unfair discrimination and oppressive behaviour. The Commissioner recognises that harassment, victimisation or bullying at work can cause not only personal distress, but also a loss of confidence, low morale and illness and can interfere with job performance.

The Commissioner will not tolerate acts of harassment, victimisation or bullying by any employee against another employee or against any other individual with whom they may interact in the course of their duties. All employees should contribute proactively to a working environment in which everyone is treated with dignity and respect.

The Commissioner will ensure that employees are not subject to treatment which is discriminatory in nature. This policy applies to all aspects of employment including

- Recruitment and selection
- Pay
- Terms and Conditions of Service
- Promotion
- Training and Development
- Appraisal
- Grievance and Disciplinary Procedures
- Termination of Employment
- Working Environment.

17.2 Terms Used in this Policy

"Equalities Manager" refers to the employee who has been designated by the Commissioner to undertake that role

"Complainant" refers to an employee who makes a complaint under the terms of this policy

"Respondent" refers to an employee about whom a complaint is made under the terms of this policy

17.3 Discrimination

Discrimination on grounds of gender, marital or civil partnership status, sexual orientation, racial or ethnic origin (which includes colour, race, nationality and national or ethnic origin), gender identity, religion or belief, age (subject to the operation of a retirement practice age policy) or disability is prohibited by law.

Different forms of discrimination include:

Direct discrimination occurs when a person is treated less favourably on one of the relevant grounds.

Indirect discrimination occurs where a provision, criterion or practice is applied to all (or a group of) staff, without justification, which would be to the detriment of one group of employees or an individual within a group (such as women, people from a certain ethnic minority background, lesbian or gay individuals, etc).

Harassment occurs where a member of staff is subjected to unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment (having regard to all the circumstances, including the perception of the victim). Harassment is defined as any form of behaviour of a physical, verbal or non-verbal nature which is unwanted and personally offensive to the recipient. The intention of the perpetrator irrelevant, it is the impact on the individual that determines whether harassment has taken place. Bullying is defined as 'offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress and/or distress.'

Examples of unacceptable behaviour

Bullying or harassment includes unwelcome physical, verbal or non-verbal conduct. Examples are given below of unacceptable types of behaviour, this list is not exhaustive:

- undermining by constant criticism or overloading
- ridiculing, demeaning or victimising
- excluding or isolating a staff member
- withholding work related information
- negative or inaccurate attacks on a colleague's personal or professional performance
- criticising a colleague in front of others
- shouting, swearing, personal insults
- threatening behaviour, both verbal or physical
- spreading malicious rumours or allegations
- undervaluing a colleague's contribution or over-monitoring their performance
- offensive language, jokes or emails

- unwanted physical contact
- failure to safeguard confidential information

17.4 Complaints Procedure

All employees have the right to complain if they consider they are being discriminated against, harassed, victimised or bullied. It is not helpful for any individual to suffer in silence nor will it help the Commissioner in his duty to ensure that offensive and unacceptable behaviour does not occur.

This procedure is intended to be followed by individual members of staff who consider that they have been discriminated against, harassed, victimised or bullied. It would be the person directly affected who would bring a complaint under these procedures.

In many cases of bullying, harassment or victimisation, all that someone wants is for unwanted behaviour to stop. It is also often the case that the individual(s) responsible may not be aware of the effect of their behaviour and would be willing to change their behaviour immediately they were to be told about the problem. Rapid, informal action can help maintain a positive working relationship for the individuals involved and for this reason complainants are encouraged in the first instance to use the informal procedures set out in this policy. Where this is not acceptable to the complainant, or where informal action would not be appropriate (for example because the behaviour is particularly offensive or is repeated after an objection has been made), the formal complaints procedure should be followed. Employees who wish to raise a complaint about a matter that does not affect them directly should do so using this policy. Employees who wish to raise a complaint about a matter that does affect them directly may do using this policy or may use the Grievance Policy.

17.5 Confidentiality

A high degree of discretion and sensitivity must be exercised by all those involved at any stage of dealing with a complaint, although this must not be allowed to act as an impediment to thorough investigation of a complaint or used to undermine the right of all staff to be treated fairly. Complainants should bear in mind that it will generally be necessary for the person against whom the complaint is made to be told about the problem to allow them to account for and stop the offending behaviour.

17.6 False or malicious complaints

It will be presumed that complaints are made in good faith and that the complainant genuinely believes he/she has been discriminated against, harassed, victimised or bullied. Making false or malicious complaints will be viewed very seriously and if,

following investigation, it is considered that a complaint was malicious, the person making the complaint could become the subject of disciplinary action.

17.7 Methods of raising a complaint

There are three methods of raising a complaint:

- Personal action
- Informal complaint
- Formal complaint

Whichever course is being pursued, it is advisable for complainants to make a note of the incidents of behaviour they consider breach the policies, including the dates and times on which these incidents occurred, along with any witnesses or any other relevant information, including what actions have been taken to raise concerns and any outcomes of such actions.

Complainants should ensure any notes they make are factual as they may be required to provide these notes to support their complaint. In addition, complainants should also bear in mind that the individuals referred to in their notes may have the right, under The Data Protection Act 1998 to obtain access to this information. Any notes made in relation to the complaint should be stored in an appropriate secure place.

17.7.1 Personal Action

A complainant may feel able to take action on his/her own, without involving a manager—this can be an effective way to raise concerns. There are ways in which concerns can be raised without making reference either to the individual(s) concerned or to the specific nature of the complaint. Employees may

- Enlist the help of a colleague to find ways of bringing the topic of discrimination, harassment, bullying or victimisation into conversation in the presence of the person causing the offence
- Ask for equal opportunities issues or policies to be discussed at a team meeting as an awareness exercise
- Write or speak to the person who has caused offence asking them to stop and telling them you consider their behaviour breaches the relevant policy.

Employees who decide to take personal action, should make a note of the action taken and keep copies of relevant pieces of written correspondence.

17.7.2 Informal complaints procedure

Employees who do not wish to take personal action or have done so but the behaviour has continued, can make an informal complaint, either orally or in writing to:

- their Line Manager (or to respondent's Line Manager if the complaint is about the Line Manager), or
- the Equalities Manager (or to the Equalities Manager's Line Manager if the complaint is about him/her)

Any decision about how to progress the complaint should be decided in consultation with the complainant and should always be progressed in a sensitive and appropriate manner.

When following this procedure the following points must be taken into account:

The complainant is entitled to be accompanied by a trade union representative, colleague or other suitable person.

All complaints should be dealt with as quickly as possible.

Information about complaints that are resolved informally will not normally be placed on the personnel files of either the complainant or the respondent unless the relevant individual is specifically notified of this. However, if the complaint cannot be resolved then written information and correspondence relevant to the complaint may be kept on the files of both the complainant and respondent for a limited period of time which will not be excessive and will be determined on a case by case basis. If this is the case, the relevant parties will be informed that this information is to be stored, explain why and state how long the information will be stored.

Both parties are advised to retain copies of all written information and correspondence that is relevant to the complaint, specifically for their own record.

The Line Manager and/or Equalities Manager must always take full account of the wider implications of the complaint, for instance whether the issue might be part of a larger pattern of such behaviour within the office

If an informal complaint is against The Commissioner, it should be made to the Equalities Manager.

17.7.3 Formal Complaints Procedure

A formal complaint may be brought where the discrimination, harassment, bullying or victimisation is considered too serious to be dealt with informally, or attempts have been made to resolve a problem through personal or informal action but have not been successful.

Any informal complaint should be made in writing to the Equalities Manager (if the complaint is against the Equalities Manager, it should be made to the Equalities Manager's Line Manager). Any written complain should:

- name the respondent
- describe the behaviour about which the complaint is being made

- provide as much detail as possible about the dates and times of any incidents
- describe any action that has already been taken to stop the behaviour and the outcome of any such action
- be signed and dated by the complainant

When following this procedure the following points must be taken into account:

- the complainant and respondent are both entitled to be accompanied by a fellow employee or by an appropriate trade union official or by another suitable person at any of the meetings or interviews in connection with the complaint
- it should be considered whether employing an external mediator or facilitator would be helpful. Both the complainant and the respondent should agree to this approach and on the choice of person to take on this role
- all complaints should be dealt with as quickly as possible
- in some circumstances, after the formal complaints procedure is concluded, written information and correspondence relevant to the complaint may be kept in the personnel files of both the complainant and respondent for a limited period of time. This will not be excessive and will be determined on a case by case basis. If this is the case the Equalities Manager will inform the relevant party about the information that is to be stored, explain why this information is being stored in this way and state for how long the information will be stored.

17.8 Cases where the complainant does not wish to make a formal complaint

The complainant usually decides whether to proceed on a formal or informal basis in making a complaint. However, The Commissioner also has a duty of care towards his staff and must protect them from unacceptable behaviour as far as possible. In exceptional circumstances, it may be necessary for an investigation to be carried out even if the complainant decides not to proceed with their complaint. This may be necessary, for example, in order to ensure that The Commissioner is fulfilling his legal obligations. In such cases, information provided in the initial complaint may be taken into account during any subsequent investigation. In these circumstances, the complainant's line manager and/or Equalities Manager will notify the complainant of the situation.

17.9 Monitoring and review

The Commissioner will monitor and review this policy bi-annually and when there are relevant changes in legislation or circumstances

18 Alcohol and Substance Misuse Policy

18.1 Introduction

This policy deals with difficulties at work caused a result of an employee's misuse of or dependency upon alcohol or drugs.

The abuse of alcohol or drugs may lead to or contribute to a number of problems at work including:

- An increased risk of accidents
- Poor timekeeping
- Poor attendance
- Sub-standard quality/ quantity of work

18.2 Referral

The Commissioner believes that dependency on alcohol or drugs should be treated sympathetically and fairly. Accordingly, the Commissioner will encourage individuals with such problems to seek early voluntary help and assistance, where such problems have been drawn to the attention of the Commissioner.

In some circumstances, the Commissioner may put disciplinary proceedings on hold against employees who have a dependency on drugs or alcohol to allow them to seek medical help or counselling. Where medical help/ counselling is obtained as an alternative to disciplinary proceedings, failure to make satisfactory progress in addressing the problem may result in the re-instatement of disciplinary proceedings

18.3 Rules Relating to Alcohol

Notwithstanding the above, employees are expected to comply with the following rules. Breach of these rules will be considered as gross misconduct by the Commissioner and may result in dismissal.

- Employees must not attend work whilst under the influence of alcohol.
- Employees must abstain from alcohol when working (including during lunch breaks) with the exception of occasions when alcohol is provided at an office based function.
- Alcohol must not be consumed on the office premises, with the exception of occasions when alcohol is provided at an office based function.
- Where alcohol is provided at a work-related function outside normal office hours, employees are expected to drink sensibly. The availability of alcohol will not be viewed as a mitigating factor in any misconduct
- Staff who are accompanying children or young people to work-related events or who have a specific responsibility for children and young people must not consume alcohol when doing so.

18.4 Drugs Misuse

The misuse of drugs includes the use of illegal drugs and the misuse of prescribed drugs and other substances such as glue or solvents.

It is a criminal offence to use, possess or deal in any controlled substances and anyone caught on premises or during working hours involved in these activities may be summarily dismissed for gross misconduct. Similarly, anyone attending work whilst under the influence of drugs may be dismissed for gross misconduct.

19. Data Protection Policy (in relation to employee data)

19.1 Introduction

This document sets out the Commissioner's policy on the protection of information relating to employees. It covers personal data relating to employees who can be identified from the data or from those data and other information which is in the possession of or likely to come into the possession of the Commissioner and which is either processed automatically, e.g. through a computer, or held on video, or else forms part of a relevant filing system e.g. personnel records.

19.2 General Policy

The Commissioner will ensure that, at all times, data is processed in accordance with the provisions of the Data Protection Act 1998.

In processing data the Commissioner will adhere to the following principles:

- Personal data will be processed fairly and lawfully. Normally, the Commissioner will seek to obtain the consent of the employee to the processing of personal data. In relation to the processing of sensitive personal data (which is data relating to race/ethnic origins, political opinions, religious beliefs or other beliefs of a similar nature, sexual life, physical or mental health or condition, commission or alleged commission of any offence or trade union membership), explicit consent to any processing will normally be obtained.
- Personal data will only be obtained for one or more specified and lawful purposes, and will not be further processed in any manner incompatible with that purpose or those purposes.
- Personal data will be adequate, relevant and not excessive.
- Personal data will be accurate and kept up to date.
- Personal data will not be kept for longer than is necessary.
- Personal data will be processed in accordance with the rights of data subjects under the 1998 Act.
- Appropriate measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of or damage to personal data.
- Personal data will not be transferred to countries outside the European Economic Area unless there is an adequate level of protection for the rights and freedoms of data subjects (employees) in relation to the processing of personal data.

19.3 General Procedures

19.3.1 Access to Data

Employees have the right to request that the Commissioner specify whether personal data of which they are the subject is being processed by the Commissioner and to be given a description of the data, the purposes for which it is being processed and to whom it may be disclosed.

In addition, employees have the right to obtain a copy of any personal data held. In this case, employees should put the request in writing to the Commissioner specifying the information sought. Note that information requested which also contains details relating to another individual may be released in redacted form.

19.3.2 Processing of Data

The Commissioner will carry out regular reviews of the information held by him to ensure the relevancy of the information held. It is the Commissioner's policy to hold data only for a limited period of time. Where an employee leaves the employment of the Commissioner, personal data will normally be kept only for such a period as may be necessary to protect the interests of the Commissioner and the employee in the event of future tribunal or court proceedings, HMRC investigations etc.

Employees are under a duty to inform the Commissioner of any changes to their current circumstances. Where they are concerned about the accuracy of any personal data held by the Commissioner, they should contact their line manager and request that the data be amended. If after a reasonable amount of time (the Information Commissioner recommends 28 days) the information has not been corrected, they can make a complaint under the Data Protection Act.

19.3.3 Security of Data

The Commissioner will take appropriate measures to prevent unauthorised access to personal data.

In particular, access to personal data by managers and other employees of the Commissioner will be restricted to those individuals who have legitimate business reasons for requiring the information.

In order for the Commissioner to meet his obligations under the Data Protection Act, it is necessary that certain strict procedures be adhered to. The Commissioner will provide appropriate training to relevant staff to ensure that unauthorised access to personal data is prevented. The Commissioner has adopted certain physical security measures in relation to this data. In particular:

- Security is in place regarding access to the premises outwith office hours.
- Locked filing cabinets are provided in respect of all restricted paper records.
- All information held on computer is password protected.

Recruitment and Selection Policy

20. Introduction

Recruitment is the process by which the Commissioner appoints new employees. All appointments to the Commissioner's staff must be fair and must have due regard to equal opportunities.

20.1. Establishing a Vacancy

When a vacancy arises the Management Team will first decide whether recruitment is the most appropriate solution to filling a vacancy. This decision will be made as soon as possible after a resignation has been received, a job move has been agreed or a fixed term contract comes towards an end. Alternatives to recruitment include reorganising work distribution, increasing the responsibilities of an existing staff member, redesigning job tasks, restructuring, redeployment, secondment or using agency temporary staff for short-term assignments. Where an existing staff member is given additional responsibilities, consideration will be given to possible re-grading.

The Recruitment Panel

20.2 Membership

A recruitment panel will be nominated by the Management Team for each recruitment exercise. There must be at least 2 people on the panel, including a member of the Management Team and, if appropriate, an invited representative of an external agency or other person who is not an employee of SCCYP. One panel member will be nominated as the "Chair". The recruitment panel will be responsible for developing a recruitment plan. Members of the recruitment panel must have received the appropriate training, including the equal opportunities aspects of recruitment and selection and the relevant legislation.

20.3 Conflict of Interest

Wherever possible, the same panel members should be involved throughout the recruitment process. However, panel members must withdraw from the process and be replaced if their connection with an applicant (such as a family member or close personal friend) is such that they cannot maintain objectivity. Panel members must also declare any personal knowledge or relationship with an applicant. If a substitute panel member is required at any stage, then he or she should become familiar with all of the applications and should receive a thorough briefing on the process.

20.4. The Recruitment Plan

20.4.1 Specification

The recruitment panel should agree

- the job description for the post;
- the person specification for the post (based on required competences);
- the essential criteria for the post;
- the desirable criteria for the post.

20.4.2 Timetable

The recruitment panel should agree the timetable for the recruitment process. The timetable will include the closing date for applications, the date for the short-listing meeting and the date for assessment/ interview. The closing date for applications should normally be two weeks after the job has been advertised. The short-listing meeting date should normally take place within 3 working days of the closing date. Candidates should normally be given at least 5 working days notice of being invited to attend for assessment/ interview. The proposed assessment/ interview dates should normally be included in the job advertising information.

20.4.3 Selection Strategy

The recruitment panel should agree the selection strategy setting out the methods that will be used to assess the candidates who have been short-listed against the person specification. Assessment should normally include a structured interview. Other methods of assessing competences may include presentations, work simulations (such as ‘in-tray’ exercises) and practical assessments to determine technical ability (e.g. IT skills).

The selection strategy for all posts must also include an opportunity for children and young people to participate in the process. A member of the Participation and Education Team should be involved in at an early stage to ensure that there is adequate time to identify a suitable group of young people and to prepare them for the process.

21 Advertising

The recruitment panel should agree how the post will be advertised. This may include placing the advertisement on the SCCYP website, advertising via SCVO, using the press or other media or using Job Centre Plus or other employment agencies. The vacancy ad should ask that candidates with a disability who meet the minimum criteria state in their application that they wish to be considered under this qualification. A note should also be included in the ad stating that “*only those applicants selected for interview will be contacted after the closing date.*”

As part of SCCYP’s commitment to Continuing Professional Development, all existing staff who meet the minimum criteria for the post will be guaranteed an interview.

22. Administration

The recruitment panel should agree the administrative resources needed including resources:

- for processing the advertisement;
- for handling the applications received (including preparing a detailed spreadsheet of applicants);
- for preparing for the short-listing process.

If necessary, the panel will seek Management Team approval to use an external recruitment agency to handle some or all of these processes.

23. Short-listing

Short-listing is the process of matching the information given by applicants with the requirements of the job. The first step is to identify the applicants who meet the agreed essential criteria. If the number of applicants who meet the agreed essential criteria is greater than the number that it is feasible to invite for assessment/ interview, a further analysis should be undertaken to identify the applicants who score most strongly against the essential criteria and the desirable criteria.

All applicants who declare that they have a disability and who meet the essential criteria for the post will be invited for assessment/ interview.

Records of the short-listing process should be retained to allow feedback to be given, on request, to any applicants who have not been invited for assessment/ interview.

24. Selection

The recruitment panel will meet in advance of the assessments/ interviews to agree the assessment process and interview questions. The panel will also agree the content of a candidate assessment form on which they will make detailed, objective and clear notes either throughout the assessment/ interview or immediately after.

The panel must ensure that any reasonable adjustments required by candidates with disabilities are taken account of in the selection process. Candidates should be given an indication of the likely timescale of the selection process and of when the outcomes will be likely to be made known.

As soon as possible after the assessment/ interview, the recruitment panel members should meet to review candidates' performances during the selection process and reach their decision based on the evidence gathered. Selection decisions recorded must be fair and objective and based on the competence requirements of the job.

25. Making an Offer

The chair of the recruitment panel will contact the successful candidate to make a provisional oral offer of appointment. The offer will be subject to satisfactory references being obtained and subject to disclosure clearance being obtained. The offer will normally be of appointment with a salary placement at the start of the advertised salary scale.

26. Monitoring and Record Keeping

When the recruitment and selection process has been completed candidate assessment forms should be retained to allow feedback to be given, on request, to any applicants who have not been invited for assessment/ interview.

Separately, a monitoring report for the recruitment exercise should be prepared. This will include an analysis of the Equal Opportunity Monitoring forms.