

REPORT TO: CABINET MEMBER CHILDREN'S SERVICES
DATE: 8 FEBRUARY 2011
SUBJECT: NEW HUMAN RESOURCES POLICY AND PROCEDURE FOR SCHOOLS
WARDS AFFECTED: ALL
REPORT OF: PETER MORGAN
STRATEGIC DIRECTOR, CHILDREN, SCHOOLS AND FAMILIES
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**EXEMPT/
CONFIDENTIAL:** NO

PURPOSE/SUMMARY:

TO ASK THE CABINET MEMBER TO APPROVE NEW POLICY AND PROCEDURE FOR MAINTAINED SCHOOLS:

Adoption Leave (Teachers)
Retirement (Age Regulations)
Maternity Support (Paternity) Leave
Drugs Alcohol and Other Substance Misuse
Probationary Policy
Confidential Reporting (Whistle Blowing in the Public Interest

REASON WHY DECISION REQUIRED:

TO ENSURE THAT SCHOOLS ARE COMPLIANT WITH EMPLOYMENT LAW

RECOMMENDATION(S):

THE CABINET MEMBER IS RECOMMENDED TO APPROVE THE NEW POLICY AND PROCEDURE

KEY DECISION: NO
FORWARD PLAN: Not Appropriate
IMPLEMENTATION DATE: Following the expiry of the "call-in" period for the Minutes of the meeting.

ALTERNATIVE OPTIONS:**IMPLICATIONS:****Budget/Policy Framework:** None**Financial: N/A**

<u>CAPITAL EXPENDITURE</u>	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £	2010/ 2011 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: None**Risk Assessment:** N/A**Asset Management:** N/A

CONSULTATION UNDERTAKEN/VIEWS
FULL CONSULTATION WITH JTC AND NON-TEACHING UNIONS

CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities	√		
3	Jobs and Prosperity		√	
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities	√		
7	Improving the Quality of Council Services and Strengthening local Democracy	√		
8	Children and Young People	√		

LINKS TO ENSURING INTEGRATION:

IMPACT UPON CHILDREN'S SERVICES TARGETS AND PRIORITIES:

Key target of Human Resources Service Plan

Policy and Procedure that is compliant with current employment law will lead to less opportunity for claims to Employment Tribunal.

Claims that do come before an Employment Tribunal will have less chance of success.

Ensures that controlled schools have policy and procedure that mirrors the Council's policies.

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

BACKGROUND:

1.0 Human Resource Policy and Procedure for schools is developed to mirror that of the council and ensure that staff in schools

1.1 The policies that have been drafted are based on the Council's and are designed to help schools manage a variety of issues and /or confer the same rights to teachers and support staff that Council employees enjoy. Currently there is no Adoption leave policy for teaching staff and neither is there a Probationary Policy for non teaching staff in schools or a Maternity Support Policy for either category of staff although these policies are in place for centrally employed staff

1.2 The policies will be commended to all schools for adoption by Governing Bodies although voluntary aided schools may adopt the policies recommended by the Archdiocese or the Diocese.

1.3 It is envisaged that training sessions for Headteachers and Governors will be provided to ensure that the policies are properly implanted.

PROPOSAL

2.0 The Cabinet Member is recommended to approve the proposed policy and procedure and the commendation for adoption to schools.



SEFTON COUNCIL

Adoption Leave (Teachers)

Policy and Procedure for Schools

Produced by Children's Services, Human Resource Team (Schools).

January 2011

V1.1

School:	
Date Adopted by the Governing Body:	
Signed:	
Chair:	
Headteacher:	

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1. Introduction.

Adoption leave and pay are granted on the same basis as maternity provisions and are available to :

One member of an adoptive couple (the couple must choose which partner takes adoption leave).

Or

Individuals who adopt

2. Scope.

This policy applies to all staff employed within school.

3. Scheme

A: Employees with at least one year's continuous service at the 15th week before the week in which they are notified of being matched with a child for adoption.

Will be entitled to leave/pay in accordance with Teachers' Contractual Maternity Provisions, i.e.:

(i) 26 weeks ordinary adoption leave (OAL)

(ii) Followed by a further 26 weeks additional adoption leave (AAL)

Paid as follows:

Weeks 1-4	Full pay (offset against payments made by way of Statutory Adoption P payments)*.
Weeks 5-6	90% of a week's pay (offset against payments made by way of Statutory Adoption Payments) Half pay plus Statutory Adoption Pay* (where applicable) without deduction except to the extent where the half pay plus Statutory Adoption Pay exceeds full pay.
Weeks 7-18	The half pay element is paid on the understanding that the employee will return to employment for at least 13 weeks.
Weeks 19-39	For the remaining 21 weeks qualifying employees will receive Statutory Adoption Pay.

Any remaining absence will be on nil pay.

** The Statutory Adoption pay rate at 5th April 2009 is the lower of £123.06 p.w. or 90% of average weekly earnings. Average weekly earnings will be calculated by reference to the 8 week period prior to the matching week.*

B: Employees with continuous service of 26 weeks by the 15th week before the expected date of placement.

▪ Will be entitled to leave/pay in accordance with Statutory Maternity provisions, i.e.:

(i) 26 weeks ordinary adoption leave (OAL).

(ii) Followed by a further 26 weeks additional adoption leave (AAL).

Weeks 1-6	90% of average weekly earnings (offset against payments made by way of Statutory Adoption Payments)
Weeks 7-39	39 weeks ordinary adoption leave (OAL) paid at the rate of Statutory Adoption Pay*.

C: Employees with continuous service of 26 weeks leading into the week in which they are notified of being matched with a child for adoption

- Will be entitled to leave/pay in accordance with the Statutory Adoption leave/pay.
 - (i) 26 weeks ordinary adoption leave (OAL)
 - (ii) Followed by a further 26 weeks additional adoption leave (AAL).

Paid at the following rates:

- Weeks 1 - 39 are paid at the Statutory rate of Adoption Pay

PENSION CONTRIBUTIONS :

Please contact Pensions Department for information

4. Conditions

1. An employee may satisfy the qualifying criteria in the various categories detailed above. In such cases leave/pay will only be paid relative to either:

- Teachers' contractual maternity provisions (A)
- **OR** Statutory contractual maternity provisions (B)
- **OR** Statutory Adoption provisions (C)

Employees will be paid on the basis of the Scheme which provides the most beneficial conditions.

2. Adoption leave/pay is available to full-time and part-time employees. Part-time employees will receive leave and pay on a pro rata basis.

3. An employee must be newly matched with a child for adoption by an approved agency.

4. The scheme is available to employees adopting children from overseas but is not available in circumstances where a child is not newly matched for adoption, e.g. when a Step-parent is adopting a partner's child.

5. Employees will be required to give their Headteacher 28 days notice of the date they wish adoption leave to start (unless this is not reasonably practicable). They need to provide information relative to:

- When the child is expected to be placed with them; and
- When they want their adoption leave to start.

6. Employees also have a duty to notify their Headteacher when they are matched with a child. The matching certificate must be copied to the Headteacher within one week of issue. However, in line with best practice, the adoptive parent should inform their Headteacher when they have been approved for adoption.

7. Employees can choose to start their leave from the date of the child's placement or from a fixed date which can be up to 14 days before the expected date of placement. Leave can start at any day of the week.

Placement is defined as when the child arrives to live permanently with the adopter. The exact timing of the adoption leave must be agreed with the Headteacher and the employee concerned.

8. If the child's placement ends during the adoption leave period, the employee will be able to continue adoption leave for up to 8 weeks after the end of the placement.

9. Employees will be required to complete the appropriate adoption forms (attached) and produce a "matching certificate" as documentary evidence which will serve as evidence for adoption leave and pay.

10. All teachers regardless of hours of work or length of service have the right to return to work. In some instances, e.g. because of redundancies or re-organisation, it may not be practical for a teacher to return to their original job. However, in such cases a suitable alternative post will be offered if available. Suitable alternative employment is employment on terms and conditions which are not substantially less favourable than those previously held. Should this situation arise, considerable discussion will take place with the teacher concerned, Headteachers and Human Resources Officers, to enable the return to work to progress as smoothly as possible.

11. Employees who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification to their Headteacher. However, employees who wish to return to work before the end of their adoption leave period must give at least 21 days notice of the date they intend to return.

12. Failure to comply with the above advance notification period relative to an early return will entitle the employer to postpone the return until sufficient notice has been given or until the maternity leave period has expired, whichever is earlier.

13. Should you fail to return to work having given an undertaking to do so, you will be regarded as having terminated your employment with effect from your due date of return, unless, prior to this date, you submit a medical certificate or details of other exceptional reasons acceptable to your School.

14. You must return to work for a period of at least three calendar months, in order to retain your entitlement to 12 weeks' half pay (OAP).

If you are unsure as to whether you will be returning to work you should suspend any entitlement to 12 weeks' half pay (OAP) until you return. This will then be payable in a lump sum.

If for any reason you fail to meet the requirement to return to work for three months but have, for example, returned for two months the refund to the Authority can be calculated on the basis of four weeks' half pay (rather than refunding the full 12 weeks' half pay allowance received).

15. A Headteacher is entitled to make reasonable contact with an employee during their adoption leave (and vice versa). Reasonable contact includes discussing plans for a return to work, workplace developments, etc. Information would also be provided for any relevant promotion opportunities, job vacancies and training opportunities that arise during the adoption leave.

16. An employee may work for up to 10 days without bringing adoption leave to an end or losing SAP. These are referred to as 'keeping in touch' (KIT) days. Working for part of a day will count as one KIT day. Keeping in touch does not extend the period of adoption leave. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. The employee and Headteacher must agree on keeping in touch days being worked.

17. For any KIT days worked, an employee will be paid their normal rate of pay for the hours worked on those days. The hourly rate is calculated by dividing your salary by 1265 (the number of hours directed time a full time teacher is required to be available to work). If an employee is in receipt of any OAP and/or SAP the KIT days will be offset against these if the total pay exceeds their normal rate of pay for the hours/days worked. An employee will pay pension contributions equivalent to a full calendar day based on their contract hours and allowances regardless of whether they have worked a full day. Sefton will also pay contributions based on a full calendar day.

18. Adoption leave will not be extended if you have carried out some work during this period. To claim for any KIT days worked, a claim form must be completed and certified forms sent to the Payroll Department.

19. Where an employee satisfies the conditions of entitlement to Statutory Adoption Pay but leaves their employment for whatever reason (including dismissal) before the adoption pay period has begun, they will nevertheless be entitled to receive Statutory Adoption Pay.

20. Where an employee adopts a child that is born on or after 5 October 2008 he/she will be entitled to continue to receive non-cash contractual benefits during Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL). This includes childcare vouchers. Further information can be found at www.hmrc.gov.co.uk/childcare.

Note: The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to Paternity/[Maternity Support Leave](#).

Application for Adoption Leave

Please complete this form, at least 28 days prior to the date you wish the adoption leave to commence, attach written evidence of your adoption and forward to your Headteacher.

Name: _____

Employee No. _____

Date continuous service began: _____

Department: _____

School: _____

Designation: _____ Grade: _____

Hours per week: _____

Date you were told by adoption agency that you have been matched with a child _____

Expected date of placement: _____

1. I wish to apply for adoption leave commencing on _____
(This date must not be earlier than 14 days before the expected date of placement.)
2. I enclose/will forward a copy of the "matching certificate" giving details of the adoption. I will advise Finance Department of the **actual** date of placement/or advise if the child has not been placed.
3. Please delete whichever of the following statements is inappropriate:

EITHER

I do not intend to return to work and hereby resign my post.

OR

I intend to return to work after my period of adoption leave. I realise that I must return to work for a period of at least three months otherwise any half pay allowances will be forfeit.

Please pay my half pay allowances :

- during my leave
or
 on my return to duty

[I note that I must give at least 21 days notice of my intended date of return if I wish to return prior to the expiry of the adoption leave period.]

Signed: _____ Date: _____

For completion by Headteacher

The above details are correct and approval is given for adoption leave in accordance with the conditions of the scheme.

Signed: _____ Date: _____

Copy to: Employee's file and computerised records

Copy to: Finance Department for payment



SEFTON COUNCIL

Retirement

(Age Regulations)

Produced by Children's Services, Human Resource Team (Schools).

www.sefton.gov.uk

January 2011
V0.1

School:

Date Adopted by the Governing Body:

Policy sections adopted (A or B):

Signed:

Chair:

Headteacher:

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1. Introduction

On the 1st October 2006 the Employment Equality (Age) Regulations came into force making it unlawful to discriminate against workers, employees and job seekers and trainees because of their age.

Under this legislation a national default retirement age of 65 was introduced, making compulsory retirement below 65 unlawful unless it can be objectionably justified. It also gave employees the right to request to work beyond the age of 65 and any other retirement age set by the organisation with the employer having a duty to consider such requests.

The purpose of this policy is to set out how school will respond to the age regulations for employees wishing to continue working past the default retirement age of 65.

This policy document is set out in two parts:

Section A of the policy removes the default retirement age.

Section B of the policy is to set out the processes that need to be followed in order to comply with the Age Regulations.

When adopting this policy, governors should indicate the sections of the policy they are adopting which would be either **Section A** or **Section B**.

SECTION A

2. Working beyond Retirement Age.

2.1 Introduction.

The Employment Equality (Age) Regulations October 2006 (The Age Regulations) gave employees the statutory right to apply to extend their employment and required all employers to write to employees to notify them of this right at least 6 months before the date of their retirement.

School required employees to retire the day before their 65th Birthday or to apply to their Headteacher for permission to continue working. This Policy requirement has now been removed and replaced with no compulsory retirement age and the requirement for employees to give contractual notice of their retirement.

2.1 Approaching retirement.

Employees reaching 65, and employees reaching a new retirement date, if they had already extended their employment prior to this policy are no longer required to make a written request to their Headteacher to work beyond 65 and Headteachers are no longer required to notify their employees of their right 6 months prior to reaching age 65.

It is envisaged that all employees within school will work beyond the age of 65, unless they opt to retire.

Employees are therefore required to state in writing to the Headteacher their intentions to retire providing the appropriate contractual notice.

SECTION B

3. Working beyond Retirement Age.

3.1 Introduction.

The Employment Equality (Age) Regulations October 2006 (The Age Regulations) gave employees the statutory right to apply to extend their employment and required all employers to write to employees to notify them of this right at least 6 months before the date of their retirement.

For the purposes of this policy the default retirement age is 65.

3.2 Fair Retirement.

3.2.1 A fair retirement is one that takes place after the default retirement age and where an employer has given the employee written notice of the date of their intended retirement and provided them with their right to request to continue working.

3.3 Notification of intended retirement date.

3.3.1 The Headteacher (or designated member of Senior Leadership Team (SLT)) will write to the employee informing them of their intended retirement date and the right to request to work beyond retirement age, between twelve and six months prior to their intended date of retirement and not any earlier.

3.4 Employees requesting to continue working.

3.4.1 Employees wishing to continue working past the default retirement age or newly agreed retirement age should put in a written request to the headteacher, no later than three months before their intended retirement date.

3.4.2 Upon receipt of the written request the Headteacher (or designated member of SLT) will acknowledge receipt of request and arrange to meet with the employee to discuss their request within 20 working days of the receipt of the written request.

3.4.3 The employee has a right to be accompanied at the meeting by a Trade Union representative or a school employee of their choice.

3.4.3 Following the meeting the Headteacher (or designated member of SLT) will inform the employee of their decision in writing as soon as is reasonably practical but no later than 10 working days of the date of the meeting.

3.4.3 The employee will have the right to appeal the decision within 10 working days of the date of the letter.

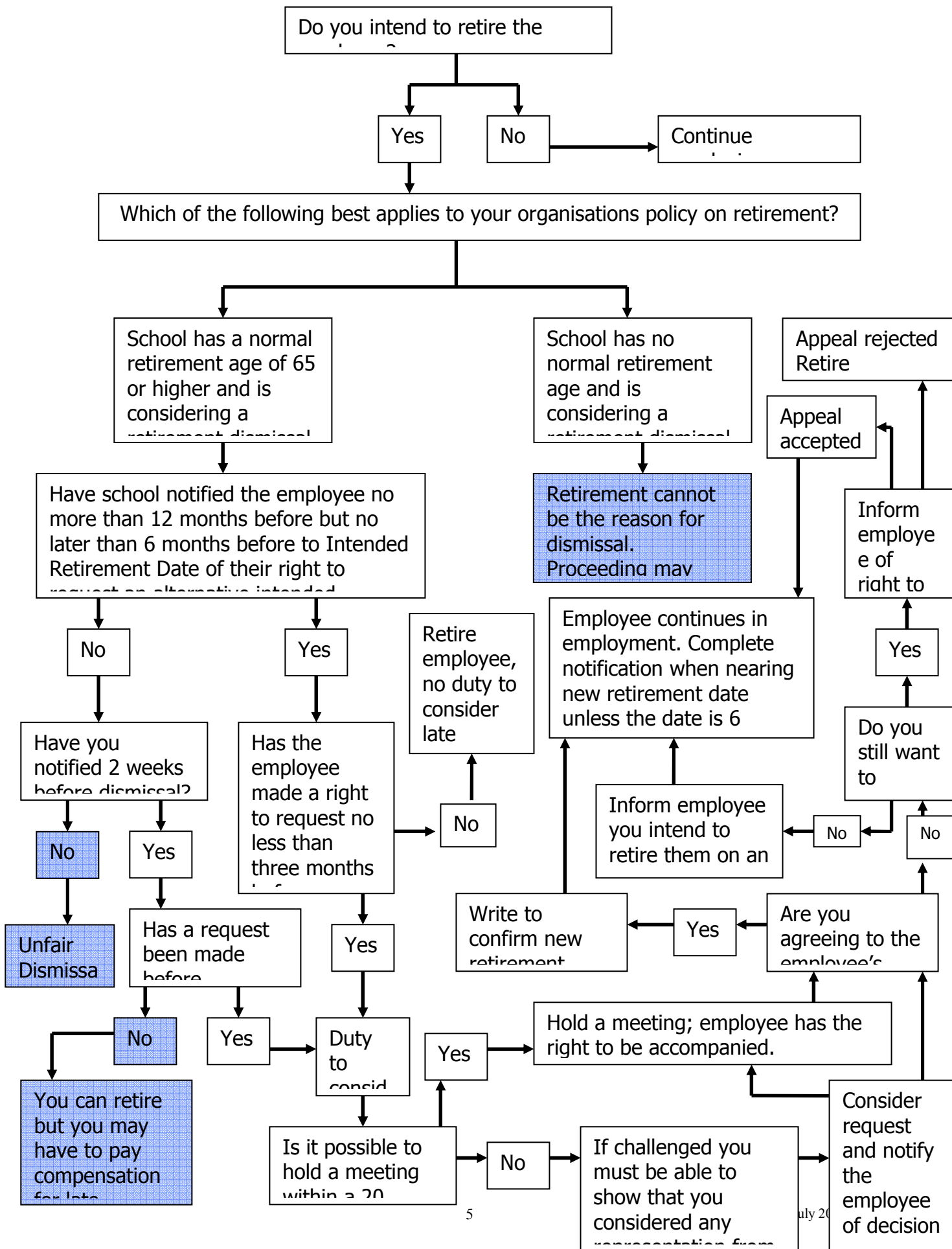
3.5 The Appeal

- 3.5.1 Employees wishing to appeal the decision must put it in writing clearly stating their grounds of appeal within 10 working days of the date of the letter.
- 3.5.2 Appeals against the Headteachers decision will be heard by the Governors Appeals Committee. Appeals against decisions taken by a nominated member of the SLT decision may be heard by the Headteacher or Governors Appeals Committee.
- 3.5.3 The appeal will be heard as soon as possible but not later than 20 working days of the receipt of appeal notification.
- 3.5.4 It may not be possible to hold an appeal and therefore the appeal can be considered without a meeting.
- 3.5.5 The outcome of the appeal will be provided in writing to the employee within 5 working days of the appeal hearing.

3.6 Monitoring and updating of this policy.

The operation of these guidelines will be monitored and reviewed periodically. Feedback is welcomed from users of these guidelines in order that they can be refined and/or supplemented to enhance their understanding.

Fair Process Flow Chart.



Example of a letter informing employee of their retirement date

Dear

I am writing to inform you that your retirement date will be *[insert date]* and that you have a right to request not to be retired. I will give careful consideration to any request you may make to work beyond this date and will inform you if I cannot let you. I am not required by law to give a reason.

Your request not to be retired must be returned to *[insert name]* no later than three months before the date stated above. Failure to do so will mean that you lose your statutory right to have your request considered and you will be retired on the retirement date above.

Example of a letter informing employee of a meeting to discuss a request not to retire

I am writing to inform you that after receiving your request not to be retired that there will be a meeting to discuss your request. The meeting will be held on *[insert date]* at *[insert time]* at *[insert location]*.

You have a right to be accompanied at the meeting by a fellow worker or a trade union representative. Your companion may be someone that you have chosen, but they must work for *[insert name of school]*. Your companion can address the meeting but not answer questions on your behalf although you may confer with your companion during the meeting.

After the meeting if it is decided to continue your employment beyond the intended retirement date of *[insert date]* you will receive written notification reflecting these agreed changes to your contract. If no agreement is reached you will receive further notification confirming your intended retirement date and informing you of your right to appeal.

Guidance for the Meeting

The meeting is an opportunity for the employee to put their case before the headteacher (or nominated member of SLT). At the end of the meeting the employer may decide that whilst they cannot accept the employee's stated request, there may be a compromise solution. It is perfectly acceptable for the employer to propose alternative working patterns and retirement dates, other than those proposed by the employee, if the employer is persuaded by the employee's case not to be retired.

As preparation for the meeting it is good practice for you to reflect on the positive reasons why you should grant an extension, in particular:

- a) savings to the school in recruitment and training costs
- b) retaining the valuable experience and knowledge of the employee.

Try to avoid making stereotypical assumptions about the capabilities of the employee. At the meeting the employee has a right to be accompanied by a colleague. There is the same right in relation to any subsequent appeal meeting.

The individual accompanying the employee must be:

- chosen by the employee
- a trade union representative
- a work colleague (employed at school)
- permitted to address the meeting but not answer questions on behalf of the employee; and
- permitted to confer with the employee during the meeting.

Example of a letter confirming retirement on the intended date

Dear

I am writing to inform you that after our meeting held on *[insert date]* to discuss your request not to be retired, that *[insert school]* still intends to retire you on *[insert intended retirement date]*.

You have a right to appeal this decision. If you wish to appeal you must inform *[insert name]* within 10 working days from the date of this letter. Failure to do so may mean that you lose the right to an appeal meeting and *[insert school's name]* may consider your appeal without holding a meeting but they will consider any previous representations that you have made.

Format of appeal.

1. The Chairperson of the Appeals Committee or the Headteacher will make introductions and explain the purpose of the meeting and the format that it will take.
2. The employee or representative will put forward the grounds for appeal
3. The Headteacher or nominated member of SLT may ask questions of the employee, and/or representative.
4. The Appeals Committee or Headteacher may ask questions of the employee and/or, representative.
5. The Headteacher or nominated member of SLT will present the case to support the decision they have reached.
6. The employee or representative may ask questions of the Headteacher or nominated member of SLT.
7. The Appeals Committee or Headteacher may ask questions of the Headteacher or nominated member of SLT.
8. The Headteacher or nominated member of SLT sums up.
9. The employee or representative sums up
10. Both parties withdraw whilst the Appeals Committee or Headteacher considers evidence.
11. Should the Appeals Committee or Headteacher require clarification, they shall do so in the presence of both parties.
12. The Appeals Committee or Headteacher usually invite both parties' back in to its decision but may elect to advise them in writing.

Example of a letter to employee notifying the result of their appeal

Dear:

I am writing to inform you that after our meeting held on *[insert date]* to discuss your appeal not to be retired, that *[insert organisation]* still intends to retire you on *[insert intended retirement date]*.

Name: Signature:

Date:

Example of a letter to employee confirming new retirement date

Dear

I am writing to inform you that following our meeting to consider your request not to be retired/appeal meeting *[delete as appropriate] [insert school]* has agreed that your new intended retirement date shall be *[insert date]*.

As agreed at the meeting to discuss your request not to be retired/ appeal meeting *[delete as appropriate]* your new working pattern will be as follows. *[Delete this paragraph if no new working pattern is agreed]*.

General Information

Local Government Pension Scheme

If the employee is a member of the LGPS and they continue in employment beyond age 65 pension benefits will not be released until they retire. The employee will be able to remain in the Scheme and continue paying contributions until 2 days before their 75th birthday when they will cease to be a member of the Scheme as pension benefits must be brought in payment no later than the day before a members 75th birthday. Whilst the employee continues to pay contributions, the employer also continues to pay contributions.

The exception to this is if an employee requests, and is granted, Flexible Retirement. The LGPS regulations provide for employees age 55 or over, to apply to their employer to reduce their hours or grade, and to draw their pension whilst remaining in employment. The LA has developed a Flexible Retirement Policy, which was approved by the Cabinet Member for Corporate Services on 7th February 2007, and is effective from 20th February 2007.

Information on the Flexible Retirement Policy is available on the Councils Intranet or from your Schools HR Team.

Teachers Pension Scheme

Teachers should contact Teachers Pensions directly on the following link
<http://teacherspensions.co.uk/>

Statutory Sick Pay

Employees beyond the age of 65 are entitled to receive Occupational Sick Pay. However if you are State pensionable age your occupational sick pay will be offset by the value of the State pension.

The Age Regulations 2006 extend the right to Statutory Sick Pay beyond the age of 65, however, on the expiry of SSP an employee would not be eligible for Invalidity Benefit as they will be receiving State Pension, which in itself is a benefit and government rules preclude the payment of invalidity Benefit to those in receipt of a pension.

National Insurance

Employees will not be required to make National Insurance contributions once they reach 65 (age 60 if you are a woman, depending upon the age at which you qualify for state pension). The Employer will continue to pay employer NI contributions.

Redundancy

In the event of a redundancy situation arising, employees of 65 and over will have a right to receive a redundancy payment subject to the qualifying period of 2 years service.



Maternity Support (Paternity) Leave

Policy and Procedure for Schools

Produced by Children's Services, Human Resource Team (Schools).

January 2011

V1.0

School:

Date Adopted by the Governing Body:

Signed:

Chair:

Headteacher:

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5. Introduction.

The intention of maternity support leave is to recognise that employees have family as well as work responsibilities and to enable new fathers/partners/nominated carers to provide practical and emotional support to the mother around the time of the birth.

With effect from April 2003 the Government announced the introduction of an entitlement to Statutory Paternity Leave and Pay.

It is recognised that situations may arise when the only person able to support the mother around the time of the birth is not the father/partner and in such situations support may be provided by a nominated carer, for example, a close relative or companion. Employees in this position, and nominated as a carer, are eligible for maternity support leave providing they are the mother's sole support and not nominated in addition to the father/partner. Advice on such circumstances can be obtained from the schools HR Team.

6. Scope

This policy applies to all staff employed within school.

7. Conditions

- Maternity support leave is available to all employees regardless of hours worked or length of service.
- All employees are entitled to 2 weeks Maternity Support Leave. The first week is paid at normal pay based on normal contractual hours. The second week is payable at the Statutory Paternity Pay rate which is £123.06p.w. at April 2009 and may be subject to annual changes. (or 90% of average weekly earnings*, whichever is the lesser).

(*For employees whose pay varies or for average pay a week's pay will be calculated as the average earnings in a period of 12 weeks prior to the expected week of childbirth based on normal contractual hours).

- Leave can only be taken in a single block of either one week or the two weeks leave taken together. Maternity Support leave cannot be taken as part weeks.
- Maternity support leave will normally be taken at or around the time of the birth (or placement in adoption cases) but will be granted up to 3 months after to provide greater flexibility. The exact timing will be discussed and agreed, as far as possible, with the Headteacher and the employee concerned.
- In some circumstances, maternity support leave may be granted before the birth of the child, e.g if the mother's medical condition requires early admittance to hospital and there are other children to care for.
- Maternity support leave will be granted regardless of marital status.
- Employees applying for maternity support leave will be required to produce a medical certificate showing the expected date of childbirth and name and address of the mother or other associated documentation, i.e.adoption documents at least 28 days in advance of the date they require the leave to begin.
- All employees applying for maternity support leave will also be required to complete an application for maternity support leave form MSL1.
- Leave taken will be recorded on the timesheets or on monthly absence returns and form MSL1 should be forwarded as soon as possible to ensure the Finance Department are aware maternity support leave has been taken in accordance with the scheme.
- Where an employee takes paternity leave for a child that is born on or after 5 October 2008 he/she will be entitled to receive non-cash contractual benefits during his maternity support leave. This includes childcare vouchers. Further information can be found at www.hmrc.gov.uk/childcare.

In some cases employees will satisfy the criteria for both this maternity support scheme and the statutory paternity provisions. However, employees will not be entitled to receive both payments, instead they will be paid whichever is the greater.

FORM MSL1

APPLICATION FOR MATERNITY SUPPORT LEAVE

Section 1

For completion by the applicant.

Please complete this form, attach a copy of the maternity certificate and send it to your Headteacher at least 28 days before your absence.

Name: _____

Employee no. _____

Department: _____

School: _____

Designation: _____

Salary scale: _____

Hours per week: _____

Expected week of childbirth _____
(week in which baby is due)

In accordance with the maternity support leave procedure, I hereby give formal notification of my intention to take maternity support leave as the father/partner/"nominated carer" (delete as appropriate).

If "nominated carer" please give brief details of the circumstances.

I attach, herewith, a copy of the medical certificate which states the week in which the baby is due (EWC).

I will liaise with my Headteacher as to the exact timing of this leave.

I formally apply for:

Please tick as applicable

1 week's Maternity Support Leave paid at normal pay;

plus

a second week's Maternity Support Leave paid at Statutory Paternity Pay rate (or

90% of average weekly earnings, whichever is the lesser).

I would like my Maternity Support leave to start on _____

Section 2

Statutory Payments Declaration

This declaration must be completed and will not affect your entitlement to Maternity Support payments but will clarify whether the Authority is eligible to recover from the Inland Revenue some of the payments made to you.

	<u>Criteria Met</u> <i>(delete as appropriate)</i>
(i) I have been continuously employed with Sefton for at least 26 weeks by the 15 th week before the child is expected to be born or by the week in which an adoption match is made.	YES / NO
(ii) I am <ul style="list-style-type: none">• The baby's biological father, or• In a civil partnership or married to the mother, or• living with the mother in an enduring family relationship, but am not an immediate relative	YES / NO
(iii) I will have a responsibility for the child's upbringing	YES / NO
(iv) I am taking the time off to support the mother, OR, to care for the child	YES / NO

Signed

Date

SECTION 3

For completion by Headteacher

Approval is given for Maternity Support Leave as requested in accordance with the Conditions of the Scheme.

Signed: _____

Date: _____

Copies to be forwarded to:

- Employee concerned
- Finance Department for payment

- Copy of MSL1 to be retained on personal file and details to be input onto computerised records

APPENDIX 2

FORM MSL1A

APPLICATION FOR MATERNITY SUPPORT LEAVE

(in cases of adoption)

Section 1

For completion by the applicant.

Please complete this form, attach a copy of the maternity certificate and send it to your Headteacher at least 28 days before your absence.

Name: _____

Employee no. _____

Department: _____

School: _____

Designation: _____

Salary scale: _____

Hours per week: _____

Expected week of Placement _____

In accordance with the maternity support leave procedure, I hereby give formal notification of my intention to take maternity support leave as the adopter/partner/"nominated carer" (delete as appropriate).

If "nominated carer" please give brief details of the circumstances.

I attach, herewith, a copy of the matching certificate which states the week in which the child will be placed.

I will liaise with my Headteacher as to the exact timing of this leave.

I formally apply for:

Please tick as applicable

1 week's Maternity Support Leave paid at normal pay;

plus

a second week's Maternity Support Leave paid at Statutory Paternity Pay rate (or 90% of average weekly earnings, whichever is the lesser).

I would like my Maternity Support leave to start on _____

Section 2

Statutory Payments Declaration

This declaration must be completed and will not affect your entitlement to Maternity Support payments but will clarify whether the Authority is eligible to recover from the Inland Revenue some of the payments made to you.

	<u>Criteria Met</u> <i>(delete as appropriate)</i>
(i) I have been continuously employed with Sefton for at least 26 weeks by the 15 th week before the child is expected to be born or by the week in which an adoption match is made.	YES / NO
(ii) I am <ul style="list-style-type: none">• married to the person adopting the child, or• living with the person adopting the child in an enduring family relationship, but am not an immediate relative, and	YES / NO
(iii) I will have a responsibility for the child's upbringing	YES / NO
(iv) I am taking the time off to support the person adopting the child, OR, to care for the child	YES / NO

Signed

Date

SECTION 3

For completion by Headteacher

Approval is given for Maternity Support Leave as requested in accordance with the Conditions of the Scheme.

Signed: _____

Date: _____

Copies to be forwarded to:

- Employee concerned
- Finance Department for payment

- Copy of MSL1 to be retained on personal file and details to be input onto computerised records



SEFTON COUNCIL

DRUGS, ALCOHOL AND OTHER SUBSTANCE MISUSE

Policy and Procedure for Schools

Produced by Children Schools and Families, Human Resource Team

January 2011

V0.1

School:

Date Adopted by the Governing Body:

Signed:

Chair:

Headteacher:

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1 Introduction.

It is recognised that alcohol, drug and other substance misuse can impair performance, judgement, safety and interpersonal work relations.

The purpose of this policy is to help protect the children and employees from the dangers of alcohol, drug or other substance misuse and to encourage those with a problem to seek help. In addition this policy sets out a procedure to ensure that all alcohol and drug problems are dealt with sympathetically, fairly and consistently.

2 Policy Statement

"The School/College has a duty to:

- *Commit to the safeguarding and welfare of its children and young people*
- *deliver high quality and value for money education to its children; fundamental to this are the School's/College's employees and their performance and attendance at work.*
- *ensure the health and safety of their staff.*

The School's/College's position in relation to the use and/or consumption of alcohol, drugs or another intoxicating substance is described below. In setting this policy statement the School/College: -

- Does not allow nor tolerate the consumption of alcohol, non prescribed drugs (except those bought over the counter for minor ailments) or any other intoxicating substance during the school working day (including break and lunch time) or whilst responsible for the schools children/young people outside of the school working day.
- Does not allow nor tolerate the consumption of alcohol, non prescribed drugs (except those bought over the counter for minor ailments) any other intoxicating substance at any time before the working day or before reporting for duty.
- Recognises that the use of non-prescribed drugs (except those bought over the counter for minor ailments), the excess consumption of alcohol and the misuse of other substances are primarily health problems, but also that the issues are not necessarily restricted to those severely dependent on drugs, alcohol or other intoxicating substance.
- Recognises that dealing with alcohol, drugs and other substance misuse related issues is a major problem for society at large. School/College will play its part in confronting these challenges.
- Supports the creation of a culture within School/College that seeks ways of reducing any alcohol, drugs or other substance misuse related problems, the effects of which can have disastrous consequences for the individual, their families and the School/College as a whole.
- Strongly urge individuals to recognise that they have a problem and accept treatment and assistance from the council's Occupational Health Physician. The School/College will protect, as far as it reasonably can, their employees jobs and career prospects
- Acknowledges that if, during treatment, employees are unable to attend work, they will be considered as absent due to sickness, with normal sickness conditions relating to sickness and ill-health applying.
- Confirms there is the potential for disciplinary action where the habitual taking of alcohol, drug (other than prescribed as medication or those bought over the counter for minor ailments) any other intoxicating substance prevents the satisfactory

- performance of duties, affects attendance at work, results in unacceptable conduct, or endangers or potentially endangers the safety and security of employees and or children/young people at the School/College, or School/College property
- Confirms that there is the potential for disciplinary action where employees do not accept that they have a drugs and alcohol problem and fail to accept counselling / suitable treatment
- Confirms all information and reports surrounding possible drug and/or alcohol; and/or other substance misuse will be handled securely and confidentially

This policy statement is not exhaustive nor exclusive.

3 Aims /Objectives

The Policy aims to: -

- Help protect employees by raising awareness of the problems and possible harmful consequences of drug, alcohol or any other intoxicating substance misuse and to encourage those with a problem to seek help.
- Ensure that employees use of either drugs, alcohol or any other intoxicating substance does not impair the safe and efficient running of the school, or result in risks to the health & safety of themselves, other employees and the pupils.
- Help minimise the need to invoke disciplinary measures.
- Ensure compliance with all relevant legislation in this area.

4 Scope

- This policy applies to all teaching staff and support staff within the school/college, including the Headteacher.
- This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.

The policy does not override the School's/College's Disciplinary Procedure, Health & Safety Policies or Health & Safety Codes of Practice Guidance.

5 The Legal Position- Drugs & The Law

There are various pieces of legislation relating to the misuse of alcohol, drugs and other substances and the School/College must fulfil its obligations in respect of, for example, the Health and Safety at Work Act 1974, the Misuse of Drugs Act 1971 and the Road Traffic Act 1988.

5.1 The Health and Safety at Work Act 1974

The School/College has a general duty under this Act to ensure, as far as is reasonably practicable, the health, safety and welfare at work of its staff. It also has a duty under the Management of Health and Safety at Work Regulations 1992 to assess the risks to the health and safety of staff. If the School/College knowingly allows an employee under the influence of alcohol, drugs and other substance to continue working and his or her behaviour places the employee or others at risk, the School/College could be prosecuted. ***Staff are also required to take reasonable care of their own health and safety and that of others at work.***

In the UK, illegal drugs are classified into three main categories, Class A, B or C.

Class A drugs attract the most serious punishments and fines.

5.2 Drugs are classified under the Misuse of Drugs Act 1971.

5.2.1 Class A

Drugs such as heroin, methadone, cocaine, crack and Ecstasy, LSD, methamphetamine (crystal meth) and amphetamines (speed) if prepared for injection fall into Class A.

Conviction for possession, in a Crown Court, can lead to a maximum seven year prison sentence and a fine. The maximum penalty for trafficking is life imprisonment plus a fine.

5.2.2 Class B

Class B drugs include amphetamines (speed), and barbiturates and cannabis.

The maximum penalty for possession of a Class B drug, if the case reaches Crown Court, is five years, plus a fine. For trafficking, the sentence can be up to 14 years, plus a fine.

5.2.3 Class C

Class C, the lowest class of drugs, includes mild amphetamines (such as slimming tablets), tranquillisers, and anabolic steroids.

5.3 The Road Traffic Act 1988

This Act states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through alcohol, drugs and other substance misuse shall be guilty of an offence. An offence is also committed if a person unfit through alcohol, drugs and other substance misuse is in charge of a motor vehicle in the same circumstances. If death or injury occurs as the result of an accident, other charges e.g. of manslaughter may arise.

6. Responsibilities

6.1 The Headteacher/Line Manager is required to: -

- Be aware of the signs of alcohol, drug and other substance misuse and the effects on performance, attendance and health of employees.
- Ensure the health, safety and welfare of employees and others with whom they come into contact.
- Ensure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances.
- Ensure that staff are aware of the support that is available to them should they have a problem.
- Monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship.
- Intervene at an early stage where changes in performance, behaviour, sickness levels, and attendance patterns are identified, to establish whether alcohol or drug misuse is an underlying cause.
- Provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery.
- Seek advice from their HR Team- Schools on the approach to be adopted, where they are aware, or suspect that an employee is misusing intoxicating substances. Such matters will be treated confidentially as far as is legitimately and legally

possible. For example, it may be necessary in order to provide effective support for information to be shared with others, for example Occupational Health.

- Instigate disciplinary measures where appropriate to do so.

6.2 Employees are required to: -

- Familiarise themselves with this policy and comply with its provisions.
- Present a professional, courteous and efficient image to those with whom they come into contact at all times and to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.
- Report for work and remain throughout the working day, in a fit and safe condition to undertake their duties and not to be under the influence of alcohol or drugs
- Not possess, store, trade or sell controlled drugs on School/College premises or bring the School/College into disrepute by engaging in such activities outside of work. The only exception would be where an employee has a prescription.
- Seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach their line manager so that the School/College can arrange for the provision of appropriate support to help speedy rehabilitation, for example referral to the Occupational Health Unit.
- Co-operate with any support and assistance provided by the School/College to address an alcohol or drug misuse problem.
- Not 'cover up' for, or collude with, a colleague with an alcohol or drug-related problem, even with the best of motives, but instead should encourage the individual to seek help. If the individual concerned does not wish to seek help, and the employee genuinely suspects that the individual may be misusing drugs, alcohol or another intoxicating substance, the employee has a responsibility to raise any concerns with the employee's line manager.

7 Observable signs that may suggest there is a Drugs, Alcohol or other substance misuse problems.

Alcohol, drugs and other substance misuse impairs judgement, concentration and co-ordination (among other problems). The following indicators of possible alcohol, drug or other substance misuse.

Repeated patterns of depression, or fatigue from sleeplessness, which lasts two to three days	Erratic performance
Unusual irritability or aggression	Overconfidence
Inappropriate behaviour	Sudden mood changes from extreme happiness to severe depression
Reduced response times	A tendency to become confused
Reduced productivity	Absenteeism
Poor time-keeping	Lack of discipline
Deterioration in relationships with colleagues, customers or management	Dishonesty and theft

Financial irregularities	
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This list of examples is neither exhaustive nor inclusive.

N.B. It is important to note that these can also be caused by other factors, such as stress, physical illness, mental health problems or the effects of prescription drugs.

8 Breaches of the Policy

The School/College will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug, alcohol or other intoxicating substance dependency/addiction.

This means that employees seeking assistance for a substance misuse problem will not have their employment terminated simply because of their dependence/addiction. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.

Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and may result in the summary dismissal of the employee.

Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are: -

- Deliberate disregard for personal safety and that of others associated with the use of intoxicating substances.
- Unacceptable behaviour in the workplace associated with the use of intoxicating substances.
- Being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs.
- Consuming intoxicating substances during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice.
- Possession, consumption, dealing/trafficking, selling, storage of controlled drugs either at School/College or engaging in such activities outside of School.
- Making malicious or vexatious allegations that a colleague is misusing intoxicating substances.

This list is neither exclusive nor exhaustive. Disciplinary action will, in all cases, be proportionate to the circumstances of the breach of the policy.

Where evidence warrants, the School/College will inform the Police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a School/College vehicle.

9 Definitions

<u>Intoxicating substance</u>	A substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquilisers, anti depressants, over-the-counter medicines), solvents, glue, lighter fuel.
<u>Controlled drugs</u>	Drugs covered by the misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.
<u>Dependency</u>	A compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects on pleasure (psychological dependence).
<u>Addiction</u>	A state of periodic or chronic intoxication produced by the

	repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.
--	--

10 Monitoring the Policy

This policy will be monitored and reviewed annually by the Governing Body.

11 Specific Sources Of Help & Advice

Drinkline – a government-funded free service. Can provide advice to the alcohol drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker.

Helpline: 0800 917 8282 Website: www.drinkaware.co.uk

Talk to FRANK – a government-funded free service, previously named the National Drugs Helpline. Can provide advice to the drug user or anybody concerned about the drug user. Has a database of local support and treatment services that can help the drug user. The focus of the helpline is for young people and concerned parents, but will also assist adult drug users.

Helpline: 0800 77 66 00 Website: www.talktofrank.com

The website provides detailed information on drugs that the non-specialist can understand.

Alcoholics Anonymous – the largest self-help group for people who acknowledge they cannot handle alcohol, and want a new way of life without it. Services are free.

Helpline: 0845 769 7555 Website: www.alcoholics-anonymous.org.uk

The comprehensive website explains the philosophy of AA, what to expect, and local groups.

Narcotics Anonymous – the largest self-help group for people who want to stop using drugs. Services are free.

Helpline: 0845 373 3366 Website: www.ukna.org (includes details of local groups)

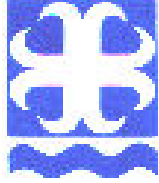
Cocaine Anonymous – national self-help group specifically for cocaine users.

Helpline: 0800 612 0225, open 10:00am to 10:00pm Website:

www.cauk.org.uk/index.html

Adfam National – the largest non-statutory organisation that works with and on behalf of families affected by drug and alcohol problems. Helpful for the family of the alcohol or drug user.

Helpline: 020 7553 7640 Website: www.adfam.org.uk



SEFTON COUNCIL

PROBATIONARY POLICY

For non teaching school based staff

Produced by Children, Schools and Families Human Resource Team (Schools).

www.sefton.gov.uk

January 2011

School:

Date Adopted by the Governing Body:

Signed:

Chair:

Headteacher:

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1. Introduction

It is Sefton's Children's Schools and Families and < name of school > policy that new entrants to local government service are required to satisfactorily complete a probationary period of 6 months prior to being confirmed in their appointment. However, this rule of probation service does not apply to an appointee transferred from the service of another authority, or from any public authority to which the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 applies.

The Statement of Particulars for new entrants to the service reflects this requirement as follows:- "Confirmation of your appointment will be subject to satisfactory completion of a probationary period of six months in accordance with the Schemes of Conditions of Service referred to above. During your probationary period you will be expected to establish your suitability for the post."

New entrants who are within their probationary period are excluded from the Local Disciplinary Procedure and the Grievance Procedure, which states that the procedure does not apply "where less than six months probationary service has been completed and dismissal arises from unsuitability for confirmation of appointment."

2. Principles

The purpose of the probationary period is to enable new entrants to the local government service to establish their suitability and this must be made clear at the time of appointment.

The probationary period is concerned solely with assessing an individual's ability to do the job and general standard of conduct (e.g. ability to properly observe normal work rules and conventions including punctuality, relationship with colleagues/managers/public, and standards of attendance). In this connection the expected standards, work rules etc. must be made known to the probationer as soon as he/she commences.

Whilst probationers will generally be excluded from the Disciplinary Procedure, it should be recognised that in exceptional circumstances where allegations of serious or gross misconduct arise, it will be both necessary and appropriate to apply the Disciplinary Procedure with the appeal rights it conveys.

The above paragraph recognises that most new entrants successfully complete the probationary period and it is only exceptionally that an individual's inherent ability, performance or general conduct is of such poor standard generally as to make non-confirmation the inescapable conclusion.

The question of whether or not disciplinary action is appropriate should be the subject of consultation with the Schools HR Team before any action is taken.

3. Administering the Probationary Period

At all stages the employee will be informed of the right to be represented either by a Trade Union representative or a work colleague¹.

During the period new entrants must be properly monitored and formal supervisory sessions conducted at least once per month. A full record of the probationary process should be kept on the appropriate forms (appendix 1 & 2). The purpose of these

¹ For the purposes of this policy a work colleague is one which is employed at the same school

sessions will be to provide the new entrant with feedback on his/her performance and conduct. Equally he/she should be invited to comment on any concerns or request any assistance he/she considers necessary. A note of each meeting should be recorded on the appropriate form (appendix 2) and made available to the individual for signature with an indication of any necessary action to be taken, by whom and by when; every reasonable and practical effort must be made by the headteacher/line manager to resolve any difficulties - this may include counselling, extra supervision, instruction, training.

Where the probationary period is successfully completed this must be confirmed by the Headteacher to the probationer in writing.

If at any stage and following counselling etc. a probationer's ability/conduct does not reach an acceptable standard, non-confirmation of appointment should be considered. A final decision should not be made until the employee has been given the opportunity to state his/her case with a trade union representative present (if he/she so wishes). A representative of the Schools HR Team will be available to advise the Headteacher if requested. The decision not to confirm a probationer's employment rests with the Headteacher.

If the probationer's appointment is not confirmed he/she must be given appropriate notice in accordance the Employment rights Act 1996 (i.e. for employees continuous service of more than one month but less than two years should be provided with not less than one weeks notice) and provided with a reason in writing of why his/her employment is not going to be confirmed. Notice must be served before the end of the probationary period; it is not necessary for the effective date of termination to be before the end of the period.

Where it is not the headteacher carrying out the probationary process with the employee, a report detailing any issues, action taken, recommendations and appending copies of all records of probationary meeting should be presented to the headteacher. The headteacher then should take a decision regarding confirmation of appointment based on the contents of the report.

4. Extensions

Probationary periods cannot be extended other than where there has been a lengthy absence due to illness or some other reason authorised by the headteacher (e.g. special leave) during the period. Any extension must be by written mutual agreement. Where the probationer does not agree, a decision regarding confirmation of appointment will be taken on the basis of performance etc. during the period actually served.

Under no circumstances will the probationary period be extended beyond twelve months.

5. Appeals

An employee whose appointment is not confirmed has a right of appeal to the Governors Appeals Committee, whose decision on the matter will be final.

Should an employee wish to appeal against the decision not to confirm the appointment, he/she must do so in writing within 10 working days of receiving the letter notifying

them of the decision. The grounds of appeal should be set out in full in the letter which should be sent to the Clerk to Governors who will acknowledge the letter and forward it to the Chair of the Appeals Committee.

The Chair of the Appeals Committee will convene a meeting which will take place within 28 working days from the receipt of the appeal from the employee. Any information the employee wants to be considered by the Appeals Committee must be supplied to the Clerk to Governors no later than 10 working days before the hearing.

At the hearing the employee will have a right to be represented by a trade union representative or be accompanied by a work colleague of their choice. The employee or their representative will be given the opportunity to put their case to the committee. The headteacher will respond to the employee's appeal and confirm the reasons for the non confirmation of the appointment. There will be an opportunity for questions from both sides and the committee, and the headteacher, followed by the employee, may sum up.

The committee will adjourn to reach a decision on the appeal and the employee will be notified of the decision in writing within 5 working days of the decision.

Appendix 1

Record of Probationary process.

Name	
Post	
School	
Headteacher/Line Manager	
Date appointed	

Dates of Monthly Meetings

Probationary Meeting 1.		Probationary Meeting 4.	
Probationary Meeting 2.		Probationary Meeting 5.	
Probationary Meeting 3.		Probationary Meeting 6.	

Extension.

Reason for extension

Date of meetings

Extension meeting 1.		Extension meeting 4.	
Extension meeting 2.		Extension meeting 5.	
Extension meeting 3.		Extension meeting 6.	

Reporting

Date report to Headteacher	
----------------------------	--

Confirmation

Date Confirmation letter sent	
-------------------------------	--

Non Confirmation

Date of Non confirmation sent	
Reason for non confirmation	

Signed	
Print	
Dated	

Note: All probationary records must be expunged from an employee's file if/when the probationary period has expired/is confirmed as successful.

Record of Monthly probationary Meeting

Name:	
Meeting No.:	Meeting date:

Headteacher/Managers comments:

Employees comments:

Other points discussed.

--

Actions Agreed		
Action	To be taken by	Completion (Date)

Employees Signature	
Date	
Headteacher/managers signature	
Date	



SEFTON COUNCIL

CONFIDENTIAL REPORTING
Policy and Procedure for Schools
("Whistleblowing" in the Public Interest)

**Produced by Children, Schools and Families, Human Resource
Team (Schools).**

www.sefton.gov.uk

V0.2 January 2011

School:

Date Adopted by the Governing Body:

Signed:

Chair:

Headteacher:

Introduction

The Confidential Reporting Policy ("Whistleblowing" - In the Public Interest) for Schools/Colleges has been developed to ensure compliance with the Public Interest Disclosure Act 1998. The Act introduced new rights for employees not to suffer detriment or dismissal for making a protected disclosure.

Policy Statement

"The School/College is committed to the highest possible standards of openness, probity, integrity and accountability. In line with that commitment the school expects employees and others that the School/College deal with, who have serious concerns about any aspect of the School's/College's work, to come forward and voice those concerns without fear of victimisation, subsequent discrimination or disadvantage.

It is recognised that most cases will have to proceed on a confidential basis.

1.0 Preamble

1.1 Employees are often the first to realise that there may be something seriously wrong within the School/College. However, individuals may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the School/College. They may also fear harassment or victimisation. In these circumstances they may feel that it is easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 The Confidential Reporting Policy is intended to encourage and enable employees to raise serious concerns within the School/College rather than overlooking a problem or "blowing the whistle" outside.

1.3 This Policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to Schools.

1.4 Consultation about this policy has taken place with the relevant trade unions and professional organisations

2.0 Aims of this Policy

2.1 This policy aims to:

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for employees to raise genuine concerns and receive feedback on any action taken;
- Ensure that employees receive a response to their concerns and are aware as to how to take the matter further if they are dissatisfied with the School's /College's response
- Reassure employees that steps will be taken to protect employees from possible reprisals or victimisation for whistleblowing in good faith.

3.0 Scope of This Policy

3.1 The Policy covers all employees with a contract of employment with the School/College, including non-permanent contracts and any other persons acting in the name of the School/College, for example agency workers and employees on secondment from other organisations.

3.2 There are existing procedures in place to enable employees to lodge a grievance relating to their own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- Conduct which is a criminal offence;
- Disclosures related to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- Unauthorised use of public funds;
- Possible fraud and corruption;
- Sexual, racial or physical abuse of pupils/employees; or
- Other unethical conduct.

3.3 Any serious concerns that employees have about any aspect of service provision or the conduct of other employees or members of the School or others acting on behalf of the School can be reported under the Confidential Reporting Policy. This may be about something that:

- Makes them feel uncomfortable in terms of known standards, their experience or the standards they believe the School/College subscribe to; or
- Is against the School's/College's policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct

3.4 This policy does **not** replace Sefton's Corporate complaints procedure or the School's/College's complaints procedure. There is also Sefton's Corporate Confidential Reporting Policy for issues outside of the School/College.

4.0 Safeguards

4.1 The School recognises that the decision to report a concern can be a difficult one to make. If what an employee is saying is true, they should have nothing to fear in doing their duty to the employer and those for whom a service is being provided.

4.2 The School is committed to good practice and high standards, wants to be supportive of employees and will ensure the following safeguards:

4.2.1 Harassment and Victimisation

The School/College will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence, or be influenced by any disciplinary or redundancy procedures that already affect an employee.

4.2.2. Confidentiality

All concerns will be treated in confidence and every effort will be made where possible not to reveal the identity of the employee raising the concern if it is so wished. However, it must be appreciated that, in the interests of natural justice, any investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence.

4.2.3 Anonymous Allegations

This Policy strongly encourages employees to put their name to any allegation.

Concerns expressed anonymously are much less powerful. Anonymous allegations will be considered and any action taken at the discretion of the School/College. In exercising this discretion the School will take the following factors into account when considering how to deal with any allegations:

- The seriousness of the issues raised;
- The credibility of the allegation and
- The likelihood of confirming the allegation from attributable sources.

4.2.4 Malicious or Vexatious Allegations

If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the employee who raised the concern. If, however, an allegation is made maliciously or for personal gain, disciplinary action will be taken against the employee concerned in accordance with the School's/College's Disciplinary Procedure. The School will provide full support to anyone who is falsely or maliciously accused of malpractice or wrongdoing.

5.0 How to Raise a Concern

5.1 As a first step, employees should normally raise a concern with an immediate Line Manager or Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that the employee's line manager is involved, then an approach to the Headteacher may be appropriate. If it is believed that the Headteacher is involved, an approach to the Chair of Governors would be appropriate. If the governing body is involved, then a referral to the Local Authority's Complaints Officer, Children, Schools and Families would be appropriate.

5.2 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to set out the following:

- The background and history of the concern, giving names, dates and places where possible
- The reason why there is particular concern about the situation.

5.3 The earlier an expression of concern is made the easier it will be for the School to take action.

5.4 Although employees are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for initial enquiries to be made.

5.5 Advice and guidance on how matters of concern may be pursued can be obtained from:

- The relevant Line Manager
- The Headteacher
- Chair of Governors
- Complaints Officer – Children, Schools and Families

5.6 Employees may wish to consider discussing their concern with a colleague first and may find it easier to raise the matter if there are two (or more) of them who have had the same experience or concerns.

5.7 Employees may invite their trade union representative or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

6.0 How the School Will Respond

6.1 The School will respond to concerns raised. However, testing out concerns is not the same as either accepting or rejecting them.

6.2 The action taken by the School will depend on the nature of the concern. The matters raised may:

- Be investigated internally by the relevant Line Manager, Headteacher, Chair of Governors supported by the appropriate Local Authority Officers e.g. HR Officer-Schools, Internal Audit, or through the disciplinary process;
- Be referred to the police (following consultation with the relevant Local Authority officers);
- Be referred to the external auditor;
- Form the subject of an independent inquiry.

Note: The course of action will be taken by the person to whom the matter is referred and not by the individual employee who raises the issue.

6.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the School/College will have in mind, is the public interest. Concerns or allegations, which fall within the scope of specific procedures, (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

6.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

6.5 Within ten working days of a concern being raised, the School/College will write to the employee:

- Acknowledging that the concern has been received;
- Indicating how the School/College proposes to deal with the matter;
- Giving an estimate of how long it will take to deal with the matter and provide a final response;
- Informing them whether any initial enquiries have been made;
- Supplying information on employee support mechanisms; and
- Stating whether further investigations will take place and if not, why not.

6.6 The amount of contact between the person considering the issues and the employee will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the person considering the concern on behalf of the School/College will seek further information.

6.7 Where any meeting is arranged, an employee can be accompanied by a trade union representative or a work colleague, who is not involved in the area of work to which the concern relates and who could not be called as a witness. The meeting can be arranged off site if preferred.

6.8 The School/College will take steps to minimise any difficulties, which may be experienced, as a result of raising a concern. For instance, if employees are required to give evidence in criminal or disciplinary proceedings, the School will arrange for them to receive advice about the procedure.

6.9 The School/College accept that an employee needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the School/College will inform the member of staff of the outcomes of any investigation.

6.10 Any employee who is the subject of an allegation should, at the appropriate times, be given details of the allegation in order to respond. The employee concerned would have the right to trade union representation.

7.0 The Responsible Officer

7.1 Within the School/College, the Headteacher, as Monitoring Officer, has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer maintains a record of genuine concerns raised and the outcomes are reported as necessary to the Governing body in a form that endeavours to maintain the employee's confidentiality as far as possible. See 4.2.2

8.0 How the Matter can be Taken Further

8.1 This policy is intended to provide an avenue within the School/College to raise concerns. The School/College hopes employees will be satisfied with any action taken. If not, and if they feel it is right to take the matter outside the School, the following are possible contact points:

- Public Concern at Work (0207 4046609 or <http://www.pcaw.co.uk/>);
- External Auditor;
- Local Government Ombudsman (01904 380200 or <http://www.lgo.org.uk/>);
- Trade Union;
- Local Citizens Advice Bureau;
- Relevant professional bodies or regulatory organisations;
- Relevant voluntary organisation;
- Police
- Other bodies prescribed under the Public Interest Disclosure Act 1998 e.g.:
 - The Audit Commission for England and Wales
 - Data Protection Registrar
 - Serious Fraud Office
 - Environment Agency
 - Health and Safety Executive

8.2 If the matter is taken outside the School/College, steps should be taken to ensure that there is no disclosure of confidential or privileged information. Where confidential or privileged information is inappropriately disclosed, the employee disclosing the information may be subject to disciplinary action.

Management Guidelines on the Confidential Reporting Policy **(“Whistleblowing” in the Public Interest)**

1. Introduction

The Public Interest Disclosure Act 1998 is designed to protect staff from being penalised by their employers for raising concerns about serious misconduct or malpractice that threatens the public interest. The legislation requires individuals to raise such matters internally at first, if they are to be protected. If this recourse is ineffective, an external disclosure through an appropriate avenue may be necessary.

As an employer the School is required to:

- ensure that procedures are in place in line with the legislation;
- develop rules and codes of conduct on “whistleblowing”; and
- establish dedicated “whistleblowing Contacts” and support structures.

Any member of the school’s Leadership Team can be approached by an employee expressing concern under the “Whistleblowing” Policy. Depending on the matter of concern other “contacts” could be the Chair of Governors or the LA’s Complaints Officer.

2. The Role of the “Contact”

The role of the “Contact” is to:

- offer to interview the employee raising the concern within **two working days**, (or immediately, if circumstances require);
- give advice regarding the route to lodge a complaint if it does not fall within the Confidential Reporting Policy (see paragraph 7 below); and
- make recommendations to management regarding remedial action, provide feedback and/or implement the recommendations/action to be taken.
- in the case of the LA’s Complaints Officer he/she will inform the appropriate officer of the complaint in order that it can be dealt with in the prescribed timescales.

3. Raising the Concern

Concerns can be raised verbally, or in writing. In either case, the employee must be invited to provide the following information:

- details of the background and history of the concern - giving relevant dates;
- the reason why there is particular concern about the situation.

Every effort must be made not to reveal the identity of the employee raising the concern; however, it may be necessary to use him/her as a witness at a later date.

The employee may invite his/her trade union/professional association representative, or a work colleague to be present during any meetings or interviews in connection with the concern(s) raised. However, it must be made clear that this person’s attendance is for the purpose of providing support only, and he/she will not be allowed to become involved in the proceedings. The manager, as the “Contact” may be accompanied by a note taker, who will not identify the discloser in any way.

In order to protect individuals and those accused of misdeeds or possible malpractice, the manager will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, it must be taken before any investigation is conducted.

Within **ten working days** of a concern being raised the manager, as "Contact", will write to the employee:

- ◆ acknowledging receipt of the complaint;
- ◆ indicate how you will deal with the matter;
- ◆ give an estimate of how long it will take to provide a full response;
- ◆ inform him/her whether any initial enquiries have been made;
- ◆ supply information on employee support mechanisms (e.g. Counselling); and
- ◆ state whether further investigations will take place and if not, why not.

4. Course(s) of Action

The course of action must be taken by the manager, as the "Contact" to whom the matter is referred, not by the individual employee who raises the issue. The manager may need to refer to, or seek the advice of, another member of the Leadership Team or the appropriate officer of the LA.

Where appropriate, the action taken could be that:

- the matter be investigated internally drawing on appropriate support (e.g. relevant Managers, or staff from within the Human Resources/Finance/Legal Department(s);
- the matter be reported to Internal Audit, or a relevant public body;
- the matter be reported to the Police (following liaison with the Legal Director);
- the employee be given the opportunity to seek redress through another Procedure of the Authority (see paragraph 7 below);
- that no further action be taken.

5. The Grounds on Which No Further Action Be Taken

The grounds on which no further action should be taken are as follows:

- the manager is satisfied that on the balance of probabilities, there is no evidence that malpractice within the meaning of the policy has occurred, is occurring, or is likely to occur;
- the manager is satisfied that the employee is not acting in good faith;
- the matter is already (or has been) the subject of proceedings under one of the School's other procedures;
- the matter concerned is already the subject of legal proceedings, or has already been referred elsewhere i.e. Internal Audit, the Police, and other relevant public authority.

The outcome of an investigation and any action proposed/taken will be reported back to the concerned employee. All responses to the employee who raises the concern will be made in writing to his/her home address. If no further action is proposed, the employee will be informed of reason for this.

6. Further Action That May Be Taken By An Employee

If the employee who raised a concern has exhausted the internal channels, as laid out in the Policy, or has not had a response within the above stated times, or otherwise feels that the complaint is not being dealt with appropriately, he/she may take the matter further. However, before taking any such action, the employee should inform the manager, as the "Contact".

The employee may take the matter externally (as detailed in paragraph 8 of the Policy) and may at anytime disclose the matter, on a confidential basis, to a professionally qualified lawyer for the purpose of taking legal advice.

7. Complementary Policies and Procedures

The Confidential Reporting Policy (“Whistleblowing” in the Public Interest) is complementary to the following policies/procedures:

- Disciplinary
- Grievance
- Anti-fraud
- Dignity at Work - Dealing with Harassment & Bullying