



HR Policy Manual

Reviewed December 2022

HR Policy Manual

This Human Resources Policy Manual is provided as a central reference for all staff and is relevant for all staff working in the offices or onsite with clients.

It may be necessary to change these policies from time to time to reflect changes in the workforce, employment trends, economic conditions and UK legislation. However, any changes in policy will be consistent with the Government's approach to:

- Employing talented individuals whose creativity and imagination will support and contribute to achieving Wycombe Youth Action's (WYA) business objectives;
- Communicating Company standards and expectations in all aspects of employment including performance;
- Valuing diversity, and assure equal employment opportunity and a workplace where relationships are based on mutual respect;
- Treating all staff, workers, contractors and customers in a professional, non-discriminatory manner;
- providing safe, effective working conditions, and;
- providing competitive terms and conditions in our workplace market

Any Policy changes will be fully communicated to all staff through normal communication channels. This Policy Manual will also be updated as necessary.

This Policy Manual should be read in conjunction with WYA Policies and Procedures Manual, Working with Children Manual and Health & Safety Manual.

Signed:



Chairman

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Section 1: Equality and diversity

Equality and Diversity Policy

Policy Statement

WYA recognises that discrimination and victimisation is unacceptable and that it is in the interests of WYA and its employees to utilise the skills of the total workforce. It is the aim of WYA to ensure that no employee or job applicant receives less favourable facilities or treatment (either directly or indirectly) in recruitment or employment on grounds of age, disability, gender / gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, or sexual orientation (the protected characteristics).

Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

We oppose all forms of unlawful and unfair discrimination or victimisation. To that end the purpose of this policy is to provide equality and fairness for all in our employment.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

Our staff will not discriminate directly or indirectly, or harass customers or clients because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision of WYA's goods and services.

This policy and the associated arrangements shall operate in accordance with statutory requirements. In addition, full account will be taken of any guidance or Codes of Practice issued by the Equality and Human Rights Commission, any Government Departments, and any other statutory bodies.

Principles

- To demonstrate our commitment to diversity and equality, working to eliminating all forms of discrimination whether covered in law or not.
- To raise awareness, recognise and celebrate our successes, forming a platform for continuous learning and improvement.
- To have a greater and deeper understanding of our stakeholders
- To have Trustees members, staff, volunteers and members that reflect the makeup of the community that we serve.
- To work in inclusive ways to develop an organisational culture that proactively promotes diversity and equality.

Our Commitment

- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- To promote equality in the workplace which we believe is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.
- Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.
- The policy will be monitored and reviewed annually

Roles and Responsibilities

Anyone representing WYA has to abide by all policies and procedures of the charity. This includes trustees, employees, volunteers, contractors, consultants and agency staff. This list is not exhaustive.

The Trustees/Management Committee's leadership role will ensure the policy is successful. Staff and volunteers will have professional, individual and collective responsibility to implement the policy. Contractors, consultants and partner organisations are required to demonstrate their commitment to our policy objectives on equality and diversity.

Responsibilities of Management

Responsibility for ensuring the effective implementation and operation of the arrangements will rest with the General Manager who will ensure that they and their staff operate within this policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination. They will ensure that:

- all staff are aware of the policy and the arrangements, and the reasons for the policy;
- grievances concerning discrimination are dealt with properly, fairly and as quickly as possible;
- proper records are maintained.

Board of Trustees/Management Committee

- Steps should be taken to ensure a wide mix of people on the Board/Management Committee.
- People from ethnic minority groups will be encouraged to stand.
- People with disabilities will be encouraged to stand.

- Where possible meetings will be held in rooms that are accessible to people with a wide range of handicaps.
- Timing of meetings will not exclude certain groups of people from being able to participate.
- Obvious gaps in membership will be filled if at all possible by co-option.
- All new Board/Management Committee members will be given an Induction Pack.
- All new Board/Management Committee members will be offered and encouraged to attend training.

Employment Policy

Equal Opportunities method of recruitment and selection shall always be used.

- All members of the Board of Trustees/Management Committee and Senior Staff will be offered and encouraged to take Equal Opportunities training.
- All vacancies shall be advertised widely using an appropriate variety of methods and positive action shall be taken to ensure that groups who are under-represented on the staff are aware of the vacancies and that applications from them are welcome.
- All vacancies will be looked at to see whether they are suitable for a job share.
- Experience obtained from life, voluntary work, childcare and other caring responsibilities will be rated as highly as experience from paid employment.
- Where possible interviews should be held in accessible buildings and appropriate assistance at the interview given to disabled candidates where required.
- Interviewing will be positive. Aiming to find out what people need to enable them to do the job rather than any obstacles that might prevent them.
- When purchasing new equipment it should be, whenever possible, capable of being operated by people who are visually, aurally or mobility challenged.
- Racial and sexual harassment will be treated as disciplinary offences.

Volunteers

WYA recognises that everyone has the right to be a volunteer but not necessarily the right to do every sort of voluntary work.

- Volunteers working directly for WYA will be given a role description and know to whom they are responsible.
- Volunteers are not members of staff and will not regard themselves as such.
- They will not be given tasks that the staff members do not like doing.
- They will not be expected to volunteer outside the hours they have agreed.

- Volunteers will never be out of pocket because of their voluntary work and all agreed expenses should be refunded swiftly.
- Volunteers will not be used to replace paid staff.
- Volunteers will be protected by insurance.

Responsibilities of Staff

Responsibility for ensuring that there is no unlawful discrimination rests with all staff and the attitudes of staff are crucial to the successful operation of fair employment practices. In particular, all members of staff should:

- comply with the policy and arrangements;
- not discriminate in their day-to-day activities or induce others to do so;
- not victimize, harass or intimidate other staff or groups who have, or are perceived to have one of the protected characteristics.
- ensure no individual is discriminated against or harassed because of their association with another individual who has a protected characteristic;
- inform their manager if they become aware of any discriminatory practice.

Third Parties

Third-party harassment occurs where a Company employee is harassed, and the harassment is related to a protected characteristic, by third parties such as clients or customers. WYA will not tolerate such actions against its staff, and the employee concerned should inform their manager / supervisor at once that this has occurred. WYA will fully investigate and take all reasonable steps to ensure such harassment does not happen again.

Related Policies and Arrangements

All employment policies and arrangements have a bearing on equality of opportunity. WYA policies will be reviewed regularly and any discriminatory elements removed.

Rights of Disabled People

WYA attaches particular importance to the needs of disabled people.

Under the terms of this policy, the Manager is required to:

- make reasonable adjustment to maintain the services of an employee who becomes disabled, for example, training, provision of special equipment, reduced working hours. (Note: managers are expected to seek advice on the availability of advice and guidance from external agencies to maintain disabled people in employment);
- include disabled people in training/development programmes;
- give full and proper consideration to disabled people who apply for jobs, having regard to making reasonable adjustments for their particular aptitudes and abilities to allow them to be able to do the job.

Monitoring

- WYA deems it appropriate to state its intention not to discriminate.
- We will maintain information on staff who have been involved in certain key policies: Disciplinary, Grievance and Bullying & Harassment for the prescribed period or for six years after employment ends if that happens sooner, as per GDPR.
- The information collected for monitoring purposes will be treated as confidential and it will not be used for any other purpose.
- If monitoring shows that WYA is not representative, within WYA, then an action plan will be developed to address these issues. This will include a review of recruitment and selection procedures, Company policies and practices as well as consideration of taking legal Positive Action.

Grievances/Discipline

Employees have a right to pursue a complaint concerning discrimination or victimisation via WYA [Grievance or Harassment Procedures](#).

Discrimination and victimisation will be treated as disciplinary offences and they will be dealt with under WYA Disciplinary Procedure.

HIV Infection

WYA is committed to a policy of fairness in employment and to the development of whole, healthy people, regardless of background. It aims to maintain an environment in which relationships between people are characterised by respect and understanding and acknowledges its responsibility to care for the person with HIV/AIDS as it would any other person, while ensuring that its staff is helped to understand the issues involved in this particular condition.

It acknowledges its duty to care to ensure the health, safety and welfare of its staff as far as is reasonably practicable.

It also recognises that individual employees have a responsibility to take reasonable care for their health and safety and that of other persons who may be affected by them at work.

Section 2: Employing Staff

Employing staff fairly and expertly, ensuring they are properly inducted, and ensuring they are aware of the required standards of business conduct including terminating contracts.

Recruitment, Selection and Termination

Introduction

Effective recruitment and selection is central and crucial to the successful functioning of WYA. It depends on finding people with the necessary skills, expertise and qualifications to deliver WYA's strategic objectives and the ability to make a positive contribution to the values and aims of the charity.

WYA is committed to promoting and safeguarding the welfare of children and young people and expects all staff and volunteers to share this commitment.

The aim of this Safer Recruitment Policy is to underpin the procedures for appointing staff and volunteers in order to deter or identify people who do not share WYA's values in relation to supporting young people or are otherwise unsuited to working with them.

We will:

- Ensure that our recruitment and selection processes are inclusive, fair, consistent and transparent.
- Take all reasonable steps to prevent those who might harm children or adults from taking up a position of responsibility or authority where they are trusted by others.
- Adhere to safer recruitment legislation, guidance and standards, responding positively to changing understandings of good safer recruitment practice.

In all cases an interview will be held and the relevant employment/volunteer application forms filled out and stored centrally.

New employees and regular volunteers will be subject to the following:

- All employees/volunteers will be required to provide at least two references, which are always verified;
- All employees/volunteers will need to provide a record of their full employment history and explain any gaps;
- All employees/volunteers will have an enhanced check carried out (including barred list check where appropriate). In the event of employment, any failure to disclose convictions will result in disciplinary action or dismissal;
- All new employees/volunteers will not be able to take up position until references have been verified and DBS checks received;
- All employees/volunteers will receive Safeguarding Training and will then be supervised for their probationary period. Safeguarding training will be updated as a minimum every three years.

Employment of Ex-Offenders

Having an unspent conviction is not necessarily a bar to employment with WYA, but employment will be subject to satisfactory DBS and reference checking.

Advertisements

Vacancies will generally be advertised in an appropriate newspaper or journal, and will not be confined to those media which, because of their particular source of applicants, provide only or mainly applicants of a particular group.

Advertisements will also be notified to the local job centre.

WYA may, on occasions, decide to restrict advertisement to internal candidates only unless the trustees agree that this is not appropriate.

Employees on maternity leave will receive all advertisements for posts advertised in WYA during their period of maternity leave.

Application Form

Candidates for all posts will, except on some occasions when a vacancy is restricted to internal recruitment, be asked to complete a standard application form, in order that they can be judged on the basis of comparable information.

In applying for posts, all candidates will be provided with a job description, details of the appropriate conditions of service and details about WYA. A brief statement about the appointment procedure will also be provided and, if possible, an indication of the date (or week) when interviews will be held. The job description will include a list of the main duties and responsibilities of the post, together with an outline of the qualifications and experience which candidates are expected to possess.

In drawing up the job description and conditions of service WYA will ensure that no job applicant receives less favourable treatment than another on the grounds of disability, gender, race, religion or belief, age, sexual orientation, marital status, parental status, caring responsibilities or hours of work, and that no applicant is placed at a disadvantage unjustifiably by requirements or conditions which have a disproportionately adverse effect on a particular group.

Applicants will be asked to specify whether they have any disabilities, as defined in the Disability Discrimination Act 1995, and whether there are any reasonable adjustments needed for them to attend an interview. All applicants with a disability who meet the essential criteria for a job will be interviewed, and considered on their merits

Applicants will be required to supply the names and addresses of two people from whom references can be obtained, one of which should normally be the applicant's current or most recent employer.

Only references for short listed candidates for interview will be obtained. References will normally be sought prior to interview, unless the candidate indicates otherwise.

References should normally be made in writing or email, but those received by telephone will be accepted, provided that a note of the conversation is recorded and placed on file.

All candidates will be asked to declare on the application form whether they have ever been convicted of any criminal offence which cannot be regarded as 'spent' in terms of the Rehabilitation of Offenders Act 1974.

As these posts involve working with children and vulnerable young adults, applicants will be asked to reveal details of 'spent' and 'unspent' convictions. Successful candidates for such posts will be required to provide the necessary documentation in order to complete a standard criminal records disclosure. Posts, which require such a disclosure, will be clearly indicated on the conditions of service and appointment procedure.

Applicants will also be required to declare if they are related to any member of staff within WYA. Canvassing of members of WYA is not permitted. No manager should be put into a position where he or she is asked to interview a person to whom they are related.

Applicants' details will be recorded at the point of offer. All information relating to the data collected in the equality and diversity recruitment monitoring form will be hidden from all those involved in the recruitment and selection process. The information collected will be solely used for the purposes of equality monitoring.

All completed applications forms are private and confidential and should only be made available to those directly involved in the recruitment and selection process.

A shortlist of candidates will be drawn up for interview, based entirely on merit and suitability for the post but taking account of WYA's responsibilities in relation to the Disability Discrimination and Equalities Acts. Other than in exceptional circumstances, reasonable notice will be given to ensure that candidates have sufficient time in order to prepare for and make the necessary arrangements to attend the interview.

Selection Methods

A set of questions will be agreed by the interview panel in advance and will be developed from the current job description for the post. The panel will seek to develop questions which ask the candidates to give examples of their previous relevant experience

Candidates should be given every opportunity to view the offices where they will work and ask questions about WYA, to ensure that they have a full understanding of the post for which they are applying and the way it operates.

All appointments will be made strictly on merit and related to the requirements of the job.

The Chairman has delegated powers to make appointments to all posts.

All interviewed candidates will be notified of the outcome of the selection process as soon as possible, either by telephone or email.

All unsuccessful candidates' application forms and interview notes will be retained for one year from the date of interviews taking place. After this date they will be destroyed.

Relevant Checks

All offers of employment will be made conditional upon satisfactory results from the following:

- two satisfactory references;
- confirmation of the right to work in this country (if appropriate);
- Disclosure Barring Service (DBS).

Place of work

The principal place of work is currently The Apollo Centre, Desborough Road, High Wycombe. Employees may be required to work at other locations as the job requires. Employees will be required to move your place of work if the Centre relocates, within the Wycombe district. Staff will be given ample notice if the workplace is moved.

Induction and Probation Policy and Checklist

General Policy Statement

Starting a new job is a demanding and often stressful experience. Quite apart from the obvious challenge of tackling new tasks, there is also the need to become accustomed to a new organisation, a new environment and new colleagues. The purpose of induction is to support new employees during this period and to help them become fully integrated into WYA as quickly and as easily as possible.

A well organised probation is a vital part of staff recruitment and integration into the working environment.

Induction has benefits for all involved in the process. Employees who settle quickly into WYA, with a full understanding of what is expected of them, will become productive and efficient at an early stage and in turn will experience feelings of worth and satisfaction.

It is generally recognised that new employees are highly motivated and an effective induction process will ensure that this motivation is reinforced.

It is the aim of WYA to ensure that staff probation is dealt with in an organised and consistent manner, to enable staff to be introduced into a new post and working environment quickly, so that they can contribute effectively as soon as possible. This policy associated procedures and guidelines aim to set out the steps for the Managers to follow during the induction process.

It is expected that any member of staff assisting with the process, will adhere to this policy.

WYA expects that the implementation of good induction practice will:

- Enable new employees to settle into WYA quickly and become productive and efficient members of staff within a short period of time.
- Ensure that new entrants are highly motivated and that this motivation is reinforced.
- Assist in reducing staff turnover, lateness, absenteeism and poor performance generally.
- Assist in developing a management style where the emphasis is on leadership.
- Ensure that employees operate in a safe working environment.
- Will reduce costs associated with repeated recruitment, training and lost production.

WYA's Commitment

WYA Manager will:

- Issue guidelines to familiarise staff with the induction process;

- Maintain and update the Induction Policy;
- Provide a checklist for staff to follow during the induction period;
- Ensure there is effective monitoring of the induction process;
- Deal with any problems promptly providing an efficient service for both managers and staff;
- Review all policy, procedure and guideline documents on a regular basis;
- Provide relevant formal training courses necessary to assist the induction process.

Probation policy

All appointments into WYA will be made subject to a probationary period of six calendar months.

During the first week a new employee can expect to be introduced to their new colleagues, objectives will be given to the post holder, to ensure they fully understand what they need to achieve to ensure they are fully integrated by the end of the period.

At the first meeting objectives (see [Appendix 3](#) on setting SMART objectives) will be set that will ensure the new employee knows exactly what's expected of them to learn and achieve in order to pass their probation. A review of the objectives and performance should take place between the post holder and the Manager at regular intervals throughout the probation period and documented using the 'Probationary Review form' (saved on BreatheHR).

In the week before the end of the probationary period, the final probation meeting should take place at which time the employee will be told whether they have successfully completed their probationary period. This should be followed up in writing.

The probationary period can be extended by a further three months should the Manager consider this appropriate. This should also be communicated at the probation meeting and in writing. In this instance, regular review meetings should continue in order to help the employee reach the required level of performance.

Induction process and checklist

As part of the probation period, an induction process should be followed to ensure all areas are covered. The Induction checklist (saved on BreatheHR with guidance notes found in [Appendix 1](#) of this document) is a useful way to ensure all areas are covered, and the Manager should ensure it is completed as soon as possible.

At the end of the process the induction checklist should be signed by the employee and the manager and placed in the member of staff's personnel file.

Prior to the first day of employment

Complete the 'Pre-Employment Checklist' (saved on BreatheHR) to ensure all relevant checks have been completed.

Draw up the contract and send to the individual, or hand to them on the first day.

Prepare logins, desk, computer, telephone number etc.

Advise other members of staff of the new arrival.

First day of employment

Most new employees tend to be concerned primarily with two matters:

a) whether they can do the job; and

b) how they will get on with their new colleagues.

- Introduce the employee to other colleagues and show them their new workplace, including whereabouts of printers, toilets, coffee-making facilities etc.
- Provide log ins, new contact details and any other information deemed important and assist them with logging in.
- Hold an introductory talk with the Manager to welcome them and address any questions they may have. The Manager should also set out what will happen over the probation period, with regards to meetings and the induction process.
- Introduce the Induction Checklist.
- Possibly consider asking a member of staff to 'mentor' the new arrival until they are fully integrated into the team.

Standards of Business Conduct

Introduction

WYA expects its staff (including temporary, agency, interim, contractor or consultant staff) to be scrupulously impartial and honest in all affairs relating to WYA and their job within it.

All staff also bear a responsibility as employees to act as ambassadors for WYA in terms of their general conduct both within and outside the charity. This policy outlines the responsibilities of staff working for WYA.

The duties of an employee are embodied in Common Law and built on by Statute e.g. the Equality Act 2010, The Health and Safety at work Act, The Prevention of Corruption Acts 1906 and 1916 etc.

Under Common Law the duties of an employee are as follows:

- to be ready and willing to work;
- to offer their services personally: for example, must not subcontract the work for which they are employed;
- to take reasonable care in the exercise of that service, including the duty to be competent at work and to take care of WYA's property;
- to not willfully disrupt WYA's business;
- to obey reasonable orders as to the time, place, nature and method of service;
- to work only for WYA in WYA's time;
- to disclose information to WYA relevant to WYA's business: for example, that they might know or discover;
- to hold solely for WYA for the benefit of any invention relevant to the business on which WYA is engaged;
- to respect WYA's trade secrets;
- in general, to be of good faith and do nothing to destroy the trust and confidence necessary for employment;
- to account for all benefits – monetary or in kind - received in the course of employment;
- to indemnify the employer for loss caused by the employee.

Standard of Conduct Required by WYA

Gifts and Hospitality

In addition to the duties placed on employees by Civil and Statute Law, WYA requires its employees to ensure that gifts and hospitality offered by suppliers and potential suppliers of goods and services to WYA are declined or put up for auction. This applies, whether the gifts or hospitality are offered within, or outside normal working hours.

The only exceptions to this are trivial gifts with a nominal value of less than £10 such as a calendar, diary, chocolates or mugs can be accepted.

All other gifts must be politely refused or, if received through the post, returned to the donor with a suitably worded letter signed by the Manager. Failing that they must be declared and put up for auction.

Where gifts are accepted, it is the duty of the employee to log the gift in the 'logbook', held by the General Manager.

Transaction of Private Business

Employees having official dealings with contractors and other suppliers of goods or services must avoid transacting any kind of private business with them by any means other than WYA's normal commercial channels.

No favour or preferences as regards price, or otherwise, which is not generally available, should be sought or accepted.

Visits to Conferences, Demonstrations etc

WYA intends that, when it is necessary for employees to visit conferences, demonstrations and similar occasions, it should bear the travelling and subsistence expenses itself. Exceptions to this general rule will only be permitted with the approval of the trustees.

Attendance at Luncheons, Receptions etc

Where it is evident that the work of WYA will be facilitated, invitations to attend receptions, luncheons may be accepted under the following rules:

- no employee may accept an invitation without first obtaining the approval of the Manager/Trustee;
- in exceptional circumstances, where it is not possible to seek prior approval, the facts should be reported immediately afterwards;
- if addressed personally, such an invitation may not be transferred to another employee, except with the consent and approval of a senior manager as above and with the concurrence of the party issuing the invitation;
- invitations involving attendance outside normal working hours may be accepted only on the authority of the Manager/Trustee;

- as a general rule, any officer who has any doubts about the wisdom of accepting any hospitality should decline the offer.

NB The important difference between, for example, attendance in an official capacity at a function organised by WYA or one of its subsidiaries and the acceptance of hospitality from a private individual or firm should be recognised.

Confidentiality

At all times confidentiality must be maintained.

No information can be released to unauthorised persons or organisations. The Chairman or Trustees of WYA will inform employees of those authorised to receive information.

If doubt exists as to the validity of an organisation or individuals to receive information, this must be checked with the Manager or the Chairman of the Trustees.

Personal Relationships

If a personal relationship between two employees or a partner develops within the working environment, the onus is on the senior employee concerned to bring this to the attention of his or her manager to confirm that there is no conflict of interest, nor will a conflict of interest arise. WYA reserves the right to move one of the employees concerned if it deems it necessary to do so.

Outside Interests and Employment

Outside interests include directorships, ownership, part ownership or material shareholdings in companies, business or consultancies likely to seek to do business with the WYA. These should be declared to the Manager as should the interests of a spouse / partner or close relative.

Political and Civic Activities

It is not the intention of WYA, or this policy, to dissuade employees from participating actively in public duties. It is important, however, that by doing so there is no suggestion to a third party that the employee is acting on behalf of, or with the support of, WYA.

To avoid any misunderstanding, no Company employee should permit his or her company affiliation to be noted in any outside organisation's materials or activities without the express written approval of a member of senior management.

Bribery and Corruption

WYA has a strict anti-bribery and corruption policy in line with the Bribery Act (2010). A bribe is defined as: giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.

If you bribe (or attempt to bribe) another person, intending either to obtain or retain business for WYA, or to obtain or retain an advantage in the conduct of WYA's business this will be considered gross misconduct. Similarly accepting or allowing another person to accept a bribe will be considered gross misconduct. In these circumstances you will be subject to formal investigation under WYA's disciplinary procedures, and disciplinary action up to and including dismissal may be applied.

General Conduct

Employees should at all times conduct themselves in such a way as to enhance the reputation of WYA.

WYA will support employees who become aware of and are willing to report breaches of this policy or who genuinely believe that a breach is occurring, has occurred or is likely to occur within the business. Employees should raise the issue internally with their manager or supervisor or in accordance with WYA's Policy on Disclosing Information (['Whistleblowing'](#)).

These standards of conduct are intended to underpin and clarify standards required by WYA of its employees and form a fundamental part of the employment contract. Staff who fail to comply with the guidance detailed in this Policy could be subject, following full investigation, to disciplinary action up to and including dismissal. If through their actions or omissions staff are found to be in contravention of either this Policy or, indeed, their legal responsibilities then WYA reserves the right to take legal action if it deems it to be necessary to do so.

Termination and Notice Period

The prior written notice required from the Charity to terminate your employment shall be one week for each complete year of continuous employment, up to a maximum of 12 weeks' notice, unless otherwise specified in your contract of employment.

The period of notice which you are required to give, and are entitled to receive, is confirmed in your employment contract.

Exit Interviews

All employees who leave the employment of WYA voluntarily will have an exit interview with their manager before their last day of employment.

Exit interviews provide the opportunity for departing employees to discuss their reasons for leaving. The information provided is useful in identifying trends, learning and development and evaluating the effectiveness of HR policies and practices.

The Manager should receive all appropriate information, such as recommendations made for change, or significant issues raised in the questionnaire, whilst bearing in mind confidentiality issues, and feedback to the trustees. The exit interview questionnaire will be retained on the employee's personal file.

Section 3: Managing Employee Performance

Setting Objectives, Assessing and Managing Employee Performance including Absences, Misconduct and Capability Issues

Appraisal Policy

Introduction

WYA are committed to supporting every employee to reach their potential and achieve their personal goals, which in turn will assist the charity to achieve its objectives.

The performance appraisal policy supports the performance appraisal scheme. The scheme is a formal process centred on an annual meeting of each employee and the Manager to discuss his/her work. The purpose of the meeting is to review the previous year's achievements and to set objectives for the following year. These should align individual employees' goals and objectives with the charity's goals and objectives.

Core Principles of the Appraisal Policy

- The appraisal process aims to improve the effectiveness of the charity by contributing to achieving a well-motivated and competent workforce.
- Appraisal is an ongoing process with a bi-annual formal meeting: the first to review progress from the previous year and agree new objectives; the second halfway through the year to review the progress of the objectives and/or write new ones if necessary.
- The appraisal discussion is a two-way communication exercise to ensure that both the needs of the individual, and of the charity are being met, and will be met in the next year.
- The main appraisal discussion will review the previous year's achievement and will set an agreed Personal Development Plan for the coming year for each member of staff.
- All directly employed employees who have completed their probationary period are required to participate in the appraisal process.
- The appraisal process will be used to identify the individual's development needs and identify any training needs.
- The appraisal process will provide valuable data to assist succession planning.
- The appraisal process will be a fair and equitable process in line with our Equality Policy.

Performance Appraisal Implementation

Performance appraisal discussions will be held on a bi-annual basis, although other informal reviews may occur throughout the year as necessary.

The discussion will be held in private. Information shared during the appraisal will be shared only with the trustees where necessary. Confidentiality of appraisal will be respected.

The appraiser (usually the Manager) will be expected to have successfully read the notes on carrying out an appraisal ([Appendix 2](#)), and to be familiar with the appraisee's work. NOTE: The Manager's appraisal will be carried out by a nominated trustee.

All appraisal documents should be issued to both parties prior to the discussion, in order to allow time for both parties to reflect and prepare. These will provide a framework and focus for the discussion. It should be noted that employees are expected to keep a copy of their own appraisal form, somewhere they can review it regularly to ensure they're on track to achieving their objectives.

A time and venue for the discussion will be advised in advance of the meeting taking place.

The Appraisal Discussion

The appraisal discussion will allow an opportunity for both the appraisee, and the appraiser to reflect and comment on the previous year's achievements. It will praise achievement and encourage the appraisee in his/her role.

The appraiser is accountable for giving the employee constructive, timely and honest appraisals of their performance, which should take into account both the goals of the charity and of the individual.

The discussion should be a positive dialogue and will focus on assisting the appraisee to acquire the relevant knowledge, skills and competencies to perform his/her current role to the best of his/her abilities.

The appropriate forms will be completed and signed by both parties. The appraisee will be given the opportunity to note any comments that he/she does not agree with and complete a self-assessment.

The appraisee and Manager should agree on a Personal Development plan for the appraisee for the following year. This will reflect the appraisee's aspirations and the charity's requirements and should align personal and organisational goals. The charity and the Manager will support the individual to achieve these goals during the forthcoming year.

Any training needs, future training requirements, planned qualifications, development opportunities and career planning should be discussed in the light of the Personal Development Plan.

Absence Policy

Annual leave

The Charity's holiday year runs between 1st January and 31st December inclusive.

Your holiday entitlement is as set out in your contract of employment.

You will need to reserve 3 days of your holiday entitlement to be taken during the Christmas/New Year period.

As stated above, all leave must be agreed in advance by the Manager via BreatheHR.

All annual leave requests must be submitted via BreatheHR to the Manager, as follows:

- A request for 1 days' leave must be submitted no less than 72 hours in advance.
- A request for 2 or more consecutive days must be submitted no less than 2 weeks in advance.

Please note that a request for leave is NOT approved until confirmed by the Manager via BreatheHR.

If for any reason you will be late returning from holiday, you must notify the Manager in person as soon as possible by telephone (texts and emails are not acceptable unless the Manager is unavailable by telephone). Failure to do so, with no acceptable reason, will be considered for disciplinary action.

Maternity Leave

Pregnant employees are entitled to 52 weeks maternity leave:

- 26 weeks of ordinary maternity leave; plus
- 26 weeks of additional maternity leave.

What you must do

As soon as possible, but no later than the end of the 15th week before the baby is expected, you must tell the Manager

- that you are pregnant;
- the expected week of birth, with a medical certificate if requested;
- the date you intend to start maternity leave. This can normally be any date which is no earlier than the beginning of the 11th week before the expected week of childbirth up to the birth.

Within 28 days, WYA will write to you, specifying your return-to-work date. You must give us eight weeks' notice if you wish to change your return date.

Statutory maternity pay (SMP) will be payable, if you have been employed continuously for at least 26 weeks ending with the 15th week before the expected week of birth, and your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks. For the first six weeks it is paid at 90% of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90% of the average weekly earnings whichever is the lower.

Paternity Leave

As a father-to-be you may have the right to Statutory Paternity Leave and Pay. To qualify, you:

- must be an employee;
- have worked continuously for WYA for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child.

What you need to know

Paternity leave is available if you:

- are/expect to be responsible for the child's upbringing;
- are the biological father of the child or the mother's husband or partner (including same sex relationships); and
- have worked continuously for WYA for 26 weeks ending with the 15th week before the baby is due.

Entitlement

If you are eligible you can choose to take either one or two consecutive weeks' paid paternity leave (not odd days).

You will need to take your paternity leave within 56 days of the actual date of birth of the child, or if the child is born early, within the period from the actual date of birth up to 56 days after the first day of the week in which the birth was expected.

Adoption Leave

To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an adoption agency;
- have worked continuously for WYA for 26 weeks ending with the week in which you are notified of being matched with a child for adoption.

What you need to know

You may be entitled to 39 weeks of statutory adoption pay.

Adoption leave and pay are available to:

- individuals who adopt;
- one member of a couple where a couple adopt jointly.

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity or additional paternity leave and pay.

Statutory adoption leave can start either:

- from the date the child starts living with you;
- up to 14 days before the date the child is expected to start living you.

What you must do

You must give WYA documentary proof to show that you have the right to paid Statutory Adoption Leave. This is usually a matching certificate from a recognised UK adoption agency.

You should tell WYA within seven days of being told that you have been matched with a child, if this is not possible you must tell the employer as soon as possible.

What you need to know

Staff are entitled to statutory maternity, adoption or paternity leave and pay, providing they comply with the statutory eligibility requirements as detailed below.

This is a summary of the current UK Statutory arrangements on Maternity, Paternity and Adoption leave.

Shared Parental Leave

Shared Parental Leave will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date.

Key points

- Qualifying mothers and adopters continue to be entitled to Maternity and Adoption rights, but they may also be able to choose to end this early and exchange it for Shared Parental Leave and Pay. They and their named partner will then need to decide how they want to share this new entitlement.
- Two weeks of paid Paternity Leave continues to be available to qualifying fathers and the partner of a mother or adopter. However, Shared Parental Leave has replaced the Additional Paternity Leave entitlement.
- These regulations came into force on 1 December 2014 and apply to eligible parents where a baby is due, or a child is placed for adoption, on or after 5 April 2015.

How Shared Parental Leave works

Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

To qualify, the mother or adopter must be entitled to some form of maternity or adoption entitlement, have given notice to curtail it and must share the main responsibility for caring for the child with the named partner. For a parent to be eligible to take Shared Parental Leave they must be an employee and they must pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.

Continuity of employment test: the person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed in the first week that Shared Parental Leave is to be taken.

Employment and earnings test: the person must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 week in 13 of the 66 weeks.

Where both parents satisfy these tests, they will both be able to share the leave. However, a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take Shared Parental Leave but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

The mother or adopter decides whether to keep taking their maternity or adoption entitlement or to use Shared Parental Leave. If they choose to use Shared Parental Leave, they can end their entitlement or give advance notice to curtail it. This advance notice means their partner could begin to take Shared Parental Leave while the mother or adopter is still on maternity or adoption leave.

Shared Parental Leave may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date. An employee is entitled to submit three separate notices to book leave. Leave must be taken in complete weeks and may be taken either in a continuous period, which an employer cannot refuse, or in a discontinuous period, which the employer can refuse. If a request for discontinuous leave is refused then the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

The mother must take at least two weeks leave following the birth of the baby regardless of the shared parental leave arrangements. This is included in the 52 weeks entitlement.

Shared Parental Pay

If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used their full entitlement then Statutory Shared Parental Pay can be claimed for any remaining weeks.

To qualify for Statutory Shared Parental Pay, a parent must pass the continuity of employment test and have earned an average salary of the lower earnings limit for the eight weeks prior to the 15th week before the expected due date or matching date. The other parent in the family must meet the employment and earnings test.

Notification of Shared Parental Leave and pay

If an employee wishes to take Shared Parental Leave, they must notify their employer of their entitlement at least eight weeks before the start of any Shared Parental Leave starts.

Notification of Shared Parental Leave and pay

If an employee wishes to take Shared Parental Leave they must notify the Manager of their intention at least eight weeks before the start of any Shared Parental Leave starts (see <https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay> for the forms for applying for SPL).

WYA will confirm they have received and accept this notification.

Each eligible parent can give their employer up to 3 separate notices booking or varying leave, although it must be given at least eight weeks before the leave is due to start. Each notice can be for a block of leave, or the notice may be for a pattern of "discontinuous" leave involving different periods of leave.

If a parent asks for a continuous block of leave the employer is required to agree to it. However, where the notification is for discontinuous blocks of leave the employer can refuse and require that the total weeks of leave in the notice be taken in a single continuous block. It is therefore beneficial for the employee and employer to discuss and attempt to agree a way in which the different blocks of leave can be taken.

Outcomes

Depending on the circumstances involved, there are four outcomes available to an employer once they have received, considered and discussed a Shared Parental Leave notification. It is important to note an employer cannot refuse a notification for continuous leave.

- Confirm a continuous leave period or accept a discontinuous leave request.
- Agree a modification to a leave request (an employee is under no obligation to modify a continuous leave notice and should never be put under any pressure to do so).
- Refuse a discontinuous leave notification.
- Whilst it is not good practice and should be avoided, it is possible for an employer to make no response to a leave notification.

For the last two outcomes above, the employee can withdraw their notification on or before the 15th day after the notification was originally made and it will not count as one of their three notifications. If not, they must take the total amount of leave notified in one continuous block.

The employee can choose when this leave period will begin within 19 days of the date the notification was given to the employer but it cannot start sooner than the initial notified start date. If they don't, the leave will begin on the starting date stated in the original notification.

Dependents leave

This type of leave is unpaid. Every employee has:

- the right to a reasonable amount of time off - normally a day or two but this will depend on individual circumstances;
- the right to time off is to deal with emergencies involving a dependent.

All employees have the right to time off during working hours for dependants, this time off is intended to deal with unforeseen matters and emergencies.

A dependant is someone who depends on an employee for care and may include a spouse, partner, child, parent, or someone who depends on an employee for care, for example an elderly neighbour.

The leave can be taken for example:

- to deal with a breakdown in childcare;
- to put longer term care in place for children or elderly relatives;
- if a dependent falls ill or is taken into hospital;
- to arrange or attend a funeral.

The right is to a reasonable amount of time off, although it is not stated how much is reasonable and this will be at the discretion of the Manager/Trustees. In most cases a day or two will be sufficient to deal with the immediate crisis, but it will depend on the individual circumstances. The employee must tell the employer as soon as possible the reason for the absence and how long they expect to be absent.

Parental leave

Parental leave is for employees to take time off work to look after a child's welfare, this leave is normally unpaid, and is available for each child up to their 18th birthday.

Parental Leave should not be confused with Shared Parental Leave which is a new entitlement for eligible parents of children due to be born or adopted on or after 5 April 2015.

Key points

- Employees must have completed one year's continuous service with an employer to qualify.
- 18 weeks of unpaid leave can be taken up for children under 18 years.
- Leave may be taken straight after the birth or adoption or following a period of maternity leave.
- Employees will need to request leave giving at least 21 days' notice before the intended start date.
- Employers may ask for the notice to be in writing.

If an employee has completed one year's continuous service with an employer, they are entitled to 18 weeks unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. Employees can take it at any time up to the child's 18th birthday.

A request should be made to an employer giving 21 days' notice of the start date of the parental leave, the employer may ask for this to be in writing. As long as the employee qualifies for parental leave and gives the employer the correct notice the employee should be able to take parental leave at any time.

To take parental leave straight after the birth or adoption of a child, an employee should give notice 21 days before the beginning of the expected week of childbirth or placement. In cases where this may not be possible, they should give notice to the employer as soon as possible. For example, if a child is born prematurely or where less than 21 days' notice is given that a child is to be placed with you for adoption.

Parental leave should be taken in blocks of a week or multiples of a week and should not be taken as "odd" days off, unless the employer agrees otherwise or the child is disabled. Employees cannot take off more than four weeks during a year per child. A week is based on an employee's working pattern.

An employee will remain employed while on parental leave and some terms of the contract, such as contractual notice and redundancy terms, still apply.

Compassionate leave

Unfortunately, most people will experience the loss of somebody close to them at some point during their career and, as such, may request time off work for compassionate bereavement leave. This leave is unpaid and would usually be granted for a parent, grandparent, sibling, spouse or child, although there may be extenuating circumstances where the employee has been the main carer.

Compassionate leave of up to a maximum of five working days can be granted at the General Manager's discretion.

Sickness Policy

It is recognised by WYA that from time-to-time staff may require to be absent from their place of work due to illness. The length of time lost by employees through illness must however be monitored to ensure that each member of staff is able to do their job, effectively and without putting themselves or others at risk.

If your absence is due to sickness and lasts seven or less consecutive days, you are required to complete a self-certification absence statement immediately you return to work. For a period of sickness absence greater than seven days, you are required to provide a Statement of Fitness for Work, or 'fit note', which you must obtain from your GP. If your absence continues, you should send in further medical statements to cover the absence accordingly. These statements must be obtained and submitted promptly.

It is not the intention of WYA to penalise the genuinely sick, however it must be recognised that an employee who is medically unfit to carry out his/her contractual duties may not be able continue in that employment.

Cases of sickness absence will be considered on an individual basis to ensure the provision of appropriate support, advice and Occupational Health / Company Approved Doctor input where appropriate. However, it is recognised that in some cases, patterns/levels of absence will be unacceptable and formal management action will be required.

Employees calling in sick should inform the General Manager directly or by telephone no later than 10am. At the time of calling in, employees should advise when they hope to return. It is expected that employees will call in daily for the duration of their absence, unless they have a doctors' note advising of an extended absence, in which case they'd be expected to stay in regular contact with the General Manager and advise at least 24hrs prior to returning to work.

It should be noted that email, text or a third person is not an acceptable means of notifying sickness, unless in a medical emergency whereby notification from a third party would be appropriate.

Where an employee is diagnosed with a serious illness, that may require treatment and further absence, the employee should advise the Manager as soon as possible and keep them informed of any appointments as soon as they become known.

All such requests will be dealt with as speedily and compassionately as possible.

Sick Pay Arrangements

Your entitlement to any WYA sick pay is detailed in your Contract of Employment. In the case of prolonged absence, when any sick pay expires the case will be referred to, and considered by, the Board of Trustees.

If you are absent from work due to incapacity, we shall pay you Statutory Sick Pay (SSP) provided that you satisfy the relevant requirements; and your qualifying days for SSP purposes are Monday to Friday.

In addition to SSP, and provided that you comply with the reporting procedure, the Charity may, at its sole discretion, pay an amount to provide a total benefit equal to your basic salary for up to 10 days in any rolling 12-month period.

If there is any reason why you cannot be paid Statutory Sick Pay you will be given a changeover form SSP1 which you should complete and take to the Department for Work and Pensions (DWP).

It is important to follow these notification and certification procedures. Failure to do so may delay payment or disqualify you from receiving Statutory Sick Pay and/or WYA Sick Pay.

Overview of Procedural Stages

On return from absence all employees must be interviewed by the Manager. At this interview the employee and the Manager must complete a 'Return to work interview' form (saved on BreatheHR) agreeing the reason for the absence, the period of absence and, where appropriate, what course of action is required as a result of the absence. This form must be signed by both parties before being filed on the employee's personnel file

Stage 1

In situations where an employee's sickness record is giving some cause for concern, then the Manager will discuss those concerns with the employee, providing support and counselling where appropriate. It is essential that any message conveyed in this manner is clear and unambiguous.

At this stage, it may be necessary to speak to an HR specialist or take further advice if the employee has been diagnosed with a serious illness warranting ongoing treatment and potentially further absences. These situations would be dealt with individually, outside of the usual 'absence policy'.

Return to Work Interview

This is an informal part of the Procedure, however in order to give the process credibility the following rules should be followed

- Every employee should complete a 'Return to work interview' form (saved separately) with their immediate Line Manager.
- Interviews should be carried out in an area where there will be no interruptions and where both parties may feel at ease.
- The employee should always be informed of the reason for the meeting.
- The meeting should be prefaced by an indication of concern for the employee as well as the need for the Manager to be aware of the health of his/her employees.
- The employee should be given the opportunity to explain absence records and to discuss any problems they may be having with their health. They should be asked to actively contribute to the solution of the problem.
- If they have any, it would be useful for the employee to present any evidence they may have. Note, if there are medical problems it may be necessary to adjourn the Meeting for medical advice.
- Any apparent problem or patterns of absence should be brought to the employees' attention.

- All relevant absence documentation must be recorded on the employee's personnel file.
- The Manager will advise the employee of the outcome of the meeting and where appropriate of the need for improvement of their current absence level. Written confirmation of the outcome of the meeting will be given to the employee and a copy recorded on their personnel files.

Stage 2

- If there is no obvious improvement in the health of the employee or any sign of patterns emerging in an employee's absence, then the Line Manager would arrange for the employee to meet Manager who would 'formally' review the employees' case.
- Prior to calling a hearing, full details of absence record along with reasons should be made available to all participants.
- The employee should be made aware of the date and location of the Review and the reasons for it.
- In addition, they should be informed of the right to be represented at the Review.
- The employee should be given the opportunity to explain absence records and present any evidence required.
- If there are medical problems, it may be necessary to adjourn the Meeting for medical advice.
- The Manager should set out clearly the improvements expected and the time scale over which these improvements must be achieved.
- The employee should be informed in writing of the requirements and the time scale and advised if the warning is to be recorded on his record.
- The employee must be informed of their right to appeal against this decision.
- Any warnings issued will remain on the record for 12 months.

Stage 3

If the employee fails to improve in the given time scale or a further breach of policy has occurred during the lifetime of the written warning, then a formal second Review must be undertaken. If possible, a trustee should chair this meeting. The employee must be offered the opportunity for appropriate representation at this time.

Prior to the Meeting the employee must be seen by the Occupational Health / Company Approved Doctor who will give his opinion on the employee's health and both parties should be given the results.

The employee should be given the right to present any evidence in mitigation.

Where appropriate they must be given notice that their level of absence is unacceptable and that they are given a period of time during which to reduce their level of absence. The employee must also be informed at this stage if any further absences may result in their employment being terminated due to incapacity.

The employee must be informed of their right to appeal against this decision. (See Appeals). This should be confirmed in writing to the employee and held on their personnel file for 18 months.

Stage 4

If there is still no improvement within the laid down time scale a Review will be held with the Manager / Trustee in the chair. The Manager will review all the available evidence including the Doctor's report.

The employee must be given full details of the case and the possible consequences prior to attendance. The employee must also be informed of their right to representation at this meeting.

All medical evidence should be taken and considered before a final decision is taken. If there are no special circumstances the employee will be dismissed on the grounds of incapacity and their inability to meet the acceptable standards of attendance required by WYA.

If the decision is taken to dismiss the employee, then this should be done by giving full entitlement to notice (even if sick pay is exhausted).

The employee must be informed of their right to appeal against this decision. (See below).

Appeals

Every employee has the right to appeal against the outcome of any formal review stage of the absence procedure. The basis of an appeal should normally relate to one of the following areas:

- that the Policy had not been followed correctly;
- that the resulting action was inappropriate;
- that the need for action was not warranted.

Process of making an appeal

An appeal should be put in writing to the Manager.

The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 7 days of receipt of the issue of a formal letter.

An appeal hearing should be arranged within 7 days of receipt of the appeal letter.

An appeal against Dismissal will be considered in the same way but should be heard by a manager or Trustee who has not previously been involved in the case.

Disciplinary Procedure

Scope

WYA Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.

An employee can discuss any part of this policy with the Manager. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation at any point during the disciplinary process.

Procedure for Formal Investigation

Formal investigations should be carried out by the most appropriate manager who is not directly involved with the incident being investigated. This manager may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.

A report should be prepared which outlines the facts of the case. This should be submitted to the Trustees who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.

In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate manager / trustee, who would be accompanied by another trustee. The investigating manager would be asked to present his/her findings in the presence of the employee who has been investigated. Witnesses should be called at this stage, and the employee (or their representative) allowed to question these witnesses.

The employee has a right of representation at any hearings where the disciplinary meeting could result in:

- a formal warning being issued;
- the taking of some other disciplinary action;
- the confirmation of a warning or some other disciplinary action (appeal hearings).

Further details of the role of the 'companion' is found in the section ['Role of the Accompanying Companion'](#) below.

Following the full presentation of the facts, and the opportunity afforded to the employee to state his side of the case, the hearing should be adjourned, and everyone would leave the room except the manager / trustee hearing the case, and the other manager. They would discuss the case and decide which of the following option was appropriate:

- take no further action against the employee;
- recommend counselling for the employee;
- proceed to a disciplinary hearing.

All parties should be brought back and informed as to which option has been chosen. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:

- the employee has been informed by letter that the investigation may turn into a disciplinary hearing, and that he has the right of representation
- he has been told in advance what the nature of the complaint is, and had time to consult with a representative
- all the facts have been produced at the investigatory hearing, and the manager / trustee is in a position to decide on disciplinary action.
- the manager should inform the employee and their representative that the hearing would now become a formal disciplinary hearing and invite them to say anything further in relation to the case.

It may be appropriate at this point to adjourn proceedings, whilst necessary arrangements are made for a representative to attend the hearing at the request of the employee.

Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.

Counselling

Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:

- that failure to improve may result in formal disciplinary action. what is expected in terms of improving shortcomings in conduct or performance
- the time scales for improvement
- when this will be reviewed
- the employee must also be told, where appropriate,

A record of the counselling should be given to the employee and a copy retained in their personnel file. It is imperative that any counselling should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employee's file.

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

Warnings

Examples of Minor Misconduct

Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Persistent lateness and poor timekeeping.
- Absence from work, including going absent during work, without valid reason, notification or authorisation.
- Smoking within unauthorised areas.
- Failure to work in accordance with prescribed procedures.
- Incompetence.
- Unreasonable standards of dress or personal hygiene.
- Failure to observe Company regulations and procedures.

Verbal Warning

A Verbal Warning is appropriate when it is necessary for the manager in charge to take action against an employee for any minor failing or minor misconduct.

First Written Warning

A First Written Warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.
- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

Examples of Gross Misconduct

Listed below are examples of misconduct which may be considered to be Gross Misconduct and may warrant a Final Warning, Demotion or Dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal:

- Theft, including unauthorised possession of Company property;

- Breaches of confidentiality, prejudicial to the interest of WYA;
- Being unfit for duty because of the misuse/consumption of drugs or alcohol;
- Refusal to carry out a management instruction which is within the individuals' capabilities and which would be seen to be in the interests of WYA;
- Breach of confidentiality / security procedures;
- Physical assault, breach of the peace or verbal abuse;
- False declaration of qualifications or professional registration;
- Failure to observe Company rules, regulations or procedures;
- Willful damage of property at work;
- Incompetence or failure to apply sound professional judgement.

Final Written Warning

A Final Written Warning is appropriate when:

- an employee's offence is of a serious nature falling just short of one justifying dismissal.
- an employee persists in the misconduct which previously warranted a lesser warning.

Downgrading or Transfer to another Post

This action is appropriate when:

- previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.
- an employee is considered by the Manager to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate.

Dismissal

Dismissal is appropriate when:

- an employee's behaviour is considered to be Gross Misconduct.
- an employee's misconduct has persisted, exhausting all other lines of disciplinary procedure.

Time Scales for the expiry of Warnings

Warnings issued to employees shall be deemed to have expired after the following periods of time:

- Verbal Warnings: 6 months;
- First Written Warnings: 12 months;
- Final Written Warnings: 18 months (or as agreed and recorded at the hearing).

These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

Letter of Warning

All Warnings must contain the following information:

- The letter must be issued within 7 days of the date of the disciplinary hearing.
- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
- The period of time given to the employee for improvement.
- The employees' right to appeal someone above that of the one issuing the warning.
- A copy of the warning and any supporting documentation must be attached to the individuals' personnel file.
- The employee must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to who they can make that appeal.

The letter confirming dismissal will contain the following information:

- The reason for dismissal and any administrative matter arising from the termination of their employment.
- The employees right of appeal and to whom they should make that appeal

Suspension

Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for example, to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence. Only the Manager in charge of that individual, at that time, has the authority to suspend an individual.

An employee suspended from duty will receive written confirmation within three days of:

- the reason for the suspension;
- the date and time from which the suspension will operate;
- the timescale of the ongoing investigation;
- the right of appeal to the immediate manager of the suspending manager should the suspension last more than 7 days.

Appeals

Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that WYA's' Procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.
- that the need for disciplinary action was not warranted.
- that new information regarding disciplinary action has arisen

An appeal should be put in writing to the Chairman of the Trustees. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

An appeal will be arranged within 20 working days of receipt of the appeal letter.

Appeals against Verbal and First Warnings

In the case of verbal and first warnings, the appeal will be heard by the manager next in line to the one who issued the warning.

Appeals against Downgrading, Final Warnings and Dismissal

The hearing and determining of appeals against final warnings and dismissal will be heard by the appropriate Trustee or manager. They may also involve Trustee or third party not previously involved with the case.

When dealing with an appeal against a Final Warning or Dismissal written statements of case may be submitted no later than 2 days prior to the date of Appeal Hearing. No additional written evidence will be admitted by the Appeal Committee on the date of the Hearing.

Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness. Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under consideration.

It is the responsibility of the management representative and for the appellant to each arrange for the availability and attendance of any witness they wish to call.

Capability Procedure

Introduction

WYA places great importance on maintaining levels of performance at an acceptable standard and the capability procedure provides a fair and objective process to enable managers to ensure that those standards are met in every aspect of WYA's operations.

Definition

For the purpose of this Capability Procedure, capability is defined as:

- "Where a member of staff is failing in a significant or persistent way to carry out their responsibilities or duties in a satisfactory manner, either due to a lack of ability, inadequate training or lack of experience. Such failings will be identified by use of the following procedures and steps taken to improve performance. Where such steps prove unsuccessful the member of staff may have their employment terminated on the grounds of incapacity".

The procedures set out in this document aim to ensure that there is:

- A means of monitoring performance and establishing performance criteria.
- A degree of consistency in how members of staff are given opportunities to attain satisfactory levels of performance.
- Assistance in identifying the most appropriate form(s) of support and providing that support.
- If a member of staff fails to overcome their difficulties, any consequent action will be based on:
 - Adequate evidence that the member of staff is incapable of performing their duties satisfactorily.
 - A fair procedure.
 - The fact that the member of staff was given all reasonable assistance to overcome such failings.

Procedure

Stage 1 - Informal Procedure:

Where an employee of WYA exhibits an inability to perform their duties satisfactorily, WYA will attempt to resolve the matter informally via a meeting between the Line Manager/Trustee and the member of staff. The nature and date of the meeting will be recorded and a letter sent to the member of staff indicating the nature of their unsatisfactory performance and how such performance can be improved to the satisfaction of the Manager. The member of staff should be informed that they may be accompanied at any meetings by a representative or work colleague, guidelines of which are set out in the ['Role of the Accompanying Companion'](#) guidelines below.

At this meeting, the Manager will agree performance standards with the member of staff, and a time period (normally three months) over which improvement will be expected. They will also agree how the individual's performance will be monitored.

If the individual's performance improves adequately over the timescale, then the process will terminate at this stage. If performance remains unsatisfactory, then the formal procedure will be invoked by the Manager as set out in stage 2.

Stage 2 - Formal Procedure - Information Collection:

The Manager concerned may call on the support of an external advisor or a member of the Trustees, to undertake collecting the necessary information. They would be expected to interview the member of staff concerned, as well as any other appropriate individuals. The member of staff should be informed that they may be accompanied at any meetings by a representative or work colleague.

A written report based on evidence gained e.g. by interviews and observation of performance will be prepared by the advisor / Manager. The report should be precise and specific in the observations and comments it makes and shall contain clear information on:

- areas where the member of staff is failing to perform adequately;
- actions already taken by management to address these failings and whether these actions were adequate - i.e. were clear performance standards set and monitored;
- whether the member of staff acknowledges a problem and shows a willingness to improve;
- the impact of the individuals' failings on colleagues and work output;
- any other mitigating factors.

The report should be given to the member of staff concerned and to the Manager (if they did not produce it). Both may record in writing any comments on the observations contained within the report.

The Manager / Trustee will consider the report, and may opt to take one of the following options:

- no further action;
- instruct the Manager to set reasonable performance standards for the individual and monitor these for a set period of time. (*This option should be chosen if this has not previously been carried out adequately and at least three months given to improve*);
- convene a formal capability hearing to consider the matter further.

Stage 3 - Capability Hearing

The Manager / Trustee will write to the member of staff informing them of the date of the hearing, attaching any relevant documentation. The letter shall contain:

- The performance deficits in sufficient detail to ensure that the member of staff fully comprehends their nature, extent and seriousness.
- The time, date and venue of the interview.
- The person who will conduct the interview, usually the Manager / Trustee.
- A statement that all employees have the right to be accompanied by a representative or work colleague at any interview or hearing held under the provision of these procedures.
- At least 10 days' notice of the hearing.

At the hearing, the member of staff will be given the opportunity to put forward a defence, to bring witnesses in support of their defence, to present mitigating circumstances and to make a full statement. A written copy of the procedure to be adhered to during the hearing should be made available to the member of staff before the hearing takes place.

If the allegation is found to be justified, then a decision on the action to be taken must be made. Depending on the nature, frequency and seriousness of the allegation(s) it is expected that at this stage a Warning will be given and this will be confirmed in writing.

A letter should be sent to the member of staff confirming the decision and the reason(s) why it was made. The letter will also indicate that the member of staff's progress will continue to be monitored and how this will be carried out. A time scale for performance to improve and a review date(s) will be specified.

If the failings are found to be not sufficiently serious to warrant a formal warning or where there are mitigating circumstances, then monitoring should be discontinued subject to a clear indication to the member of staff that it may be reintroduced if the problem(s) reappear.

Stage 4 - Second Capability Hearing:

If poor performance continues, the process set out in stage 3 should be repeated. The time scale for improvement will depend on the nature of the duties and responsibilities of the employee concerned and the seriousness of the complaint(s).

If the conclusion of the second hearing is that performance has not sufficiently improved and that there is still evidence of incapability despite support and prior warnings, a final warning should be issued.

The letter confirming the decision as well as covering the points made at Stage 3, should clearly state that if an improvement is not forthcoming, WYA will convene a final meeting at which it will consider terminating the contract of the member of staff involved on the grounds of capability.

Stage 5 - Third Capability Hearing:

The Manager will conduct the third hearing at which if previous advice, training and warnings have not had the desired effect, he/she will terminate the contract of the employee concerned. The procedures outlined in Stage 3 will be followed.

Appeals

An appeal against any decision to terminate the employee's contract of employment on the grounds of capability may be made in writing to the Chairman of the Trustees within 14 days of the decision. The employee's appeal will be heard by the appropriate Trustee. Decisions made on appeal shall be final.

Long-Term/Persistent Illness

Where any shortfall in expected performance arises from long term or persistent illness WYA shall refer to the Management of Absence policy.

Section 4 - Dealing with Employee Concerns

*Hearing Grievances, Dealing with Bullying & Harassment, and making provisions for
"Whistleblowing"*

Grievance Procedure

Anybody working in an organisation may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. They want the grievance to be addressed, and if possible, resolved. It is also clearly in management's interests to resolve problems before they can develop into major difficulties for all concerned.

The grievance procedure is intended as the tool by which a member of staff may formally have a grievance, regarding any condition of their employment, heard by the management of WYA. The aggrieved employee has the right to representation by a representative or a work colleague

Employees should aim to settle most grievances informally with the Manager. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly.

It is understood however that this is not always possible and that a formal procedure is required to ensure the swift and fair resolution of matters which aggrieve WYA's employees. In some cases outside help such as an independent mediator can help resolve problems especially those involving working relationships.

Employers to keep a written record of any disciplinary or grievances cases they deal with. Records should include:

- the nature of the grievance;
- what was decided and actions taken;
- the reason for the actions;
- whether an appeal was lodged;
- the outcome of the appeal;
- any subsequent developments.

These records should be kept no longer than necessary, and a copy should be given to the grievant.

Time scales have been fixed to ensure that grievances are dealt with quickly, however these may be extended if it is agreed upon by both parties.

This procedure is not intended to deal with:

- Dismissal or disciplinary matters which are dealt with in a separate procedure.
- Disputes, which are of a collective nature and which are dealt with in a separate procedure.

Stage 1

An employee who has a grievance, should raise the matter with the Manager immediately either verbally or in writing. If the matter itself concerns their immediate manager, then the grievance should be taken to the Trustees and they should arrange for a meeting with the grievant within five working days.

If the Manager is unable to resolve the matter at that time then a formal written letter by the grievant should be submitted. The Manager should then respond within 2 working days (i.e. the Managers' normal working days) to the grievance unless an extended period of time is agreed upon by both parties. The response will give a full written explanation of the Managers' decision and who to appeal to if still aggrieved.

Workers have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the worker. This would apply where the complaint is, for example, that the employer is not honouring the worker's contract, or is in breach of legislation. Further details on this is covered below under '[Role of the Accompanying Companion](#)'.

Stage 2

In most instances WYA would expect the Managers' decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can appeal against the decision of the Manager.

The appeal, to the next in line, namely a Trustee, must be made within ten working days of the original response to the employees' grievance. The appeal must be in writing and the original grievance letter should accompany it. The Trustee will attempt to resolve the grievance. A formal response and full explanation will be given in writing, as will the name of the person to whom they can appeal if still aggrieved, within seven days.

Stage 3

If the employee remains aggrieved there is no further right of appeal however both parties may agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

Using mediation

An independent third party or mediator can sometimes help resolve grievance issues before it is necessary to invoke the formal procedure. Mediation is a voluntary process where the mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

WYA will source an external mediation provider. Mediators will work individually or in pairs as co-mediators.

There are no hard-and-fast rules for when mediation is appropriate but it can be used:

- for conflict involving colleagues of a similar job or grade, or between a manager and their staff;
- at any stage in the conflict as long as any ongoing formal procedures are put in abeyance;
- to rebuild relationships after a formal dispute has been resolved;
- to address a range of issues, including relationship breakdown, personality clashes, communication problems and bullying and harassment.

Mediation is not part of WYA's formal grievance procedure. However if both parties agree to mediation, then the grievance procedure can be suspended in an attempt to resolve the grievance through that route. If mediation is not successful, then the grievance procedure can be re-commenced.

Prevention of Bullying and Harassment at Work

Harassment and bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

Statement of Policy

WYA is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best.

Everyone in WYA and those who have dealings with WYA has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others.

In addition to the obligations placed upon both employers and employees by the Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.

WYA's policy applies to all staff working within the charity and to all employees working off the premises. It extends to include non-permanent workers such as secondees, volunteers, contractors, agency, temporary staff, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.

WYA has a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

Key Principles

WYA will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with WYA must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.

Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Managers should also make themselves aware of their responsibility.

Harassment may be defined as any conduct which is:

- unwanted by the recipient;
- is considered objectionable;

- causes humiliation, offence, distress or other detrimental effect.

Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour;
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language;
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:

- Conduct which is intimidating, physically abusive or threatening;
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues;
- Humiliating an individual in front of colleagues;
- Picking on one person when there is a common problem;
- Shouting at an individual to get things done;
- Consistently undermining someone and their ability to do the job;
- Setting unrealistic targets or excessive workloads;
- “Cyber bullying” i.e. bullying via e-mail. (This should be borne in mind where employees are working remotely and are communicated to by e-mail. Care and sensitivity should be practiced with regard to the choice of context and language);
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with the Manager or with a trustee, provided that they feel able to do so. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought.

When a complaint of harassment or bullying is brought to the attention of the Manager, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under WYA’s Disciplinary Policy and Procedure.

All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.

All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to the Chairman of Trustees for recording in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.

This policy and procedure will be reviewed periodically giving due consideration to legislative changes.

Procedure

Informal Resolution

Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.

Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.

If the complainant feels unable to approach the alleged harasser, a work colleague, or representative could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to the Manager.

An individual who is made aware that their behaviour is unacceptable should:

- Listen carefully to the complaints and the particular concerns raised;
- Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
- Agree the aspects of behaviour that will change;
- Review their general conduct/behaviour at work and with workplace colleagues.

Formal Resolution

If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally with the employer.

Normally, the employer's representative will be the Manager. However, if the employee feels unable to do this, they should submit the complaint in writing to a Trustee.

When dealing with a complaint of harassment under the Formal Resolution Procedure, the Manager should:

- Take full details of the incidents in writing from the complainant and their representative (if appropriate);
- Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour;
- Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation (see the section on '[Role of an Accompanying Companion](#)') and invite him/her to a meeting in order that they can comment on the allegations against them;
- Keep all parties informed of expected timescales;
- Inform all parties in writing of the outcome and any action that may be required.

If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with established disciplinary procedure) or transferred temporarily pending the outcome of the inquiry to another Department.

Should there be a case to answer against the alleged harasser, the manager who has dealt with the complaint will communicate this to an impartial manager who will conduct a separate disciplinary investigation. The normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account:

- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
- If the complainant is required to attend, they are entitled to be accompanied by either a Representative or work colleague and have any questions directed through that person;
- If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:
 - Dismissal;
 - A formal warning;

- Implementation of other sanctions as detailed in WYA's Disciplinary Policy.
- In addition to the above, the harasser may be required to attend any training courses as deemed necessary by WYA.

With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in WYA's Disciplinary Policy.

Appeals

Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure shall be dealt with as follows:

- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the [Disciplinary Procedure](#).
- Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in [the Grievance Policy](#).

Records

- Where the complaint is informal and resolved at this stage, no record will be kept on personal files.
- Following formal investigation, where the complaint is not substantiated, no records will be retained.
- Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.
- Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

"Whistleblowing" and Complaints Policy

"Whistleblowing"

WYA is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of WYA to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the charity then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the Manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. WYA has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by WYA nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside WYA.

Scope of Policy

This policy is designed to enable employees of WYA to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud;
- Failure to comply with a legal obligation or Statutes;
- Dangers to Health & Safety or the environment;
- Criminal activity;
- Improper conduct or unethical behaviour;
- Attempts to conceal any of these.

Safeguards Protection

This policy is designed to offer protection to those employees of WYA who disclose such concerns provided the disclosure is made:

- in good faith;
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Confidentiality

WYA will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of WYA.

In exercising this discretion, the factors to be taken into account will include:

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

Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

Procedures for Making a Disclosure

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- Complaints of malpractice will be investigated by the Manager unless the complaint is against the Manager or is in any way related to the actions of the Manager. In such cases, the complaint should be passed to the Chairman of the Trustees for referral.

- In the case of a complaint, which is any way connected with but not against the Manager, the Chairman of the Trustees will nominate a third party to act as the alternative investigating officer.
- Complaints against the Trustees should be passed to the Chairman of the Trustees who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairman of the Trustees. The Chairman has the right to refer the complaint back to the Manager if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

If there is evidence of criminal activity then the investigating officer should inform the police. WYA will ensure that any internal investigation does not hinder a formal police investigation.

Timescales

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

Investigating Procedure

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of WYA trustees and the Police at this stage and should consult with the Chairman of the Trustees.
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.

- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chairman of the Trustees as appropriate.
- The Chairman of the Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chairman of the Trustees, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, WYA recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

Role of the ‘Accompanying Companion’

Workers have a statutory right to be accompanied by a companion at a grievance or disciplinary meeting. The chosen companion may be a fellow worker, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

To exercise the right to be accompanied a worker must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The employee should advise their employer that they are bringing representation and who they are bringing, in advance of the meeting and it may be that the meeting will be adjusted to a time that the companion can make, for as long as this is within the five working days.

It can be helpful for the companion and the employer to get in touch prior to the meeting.

The role of the companion is:

- put the worker’s case;
- sum up the worker’s case;
- respond on the worker’s behalf to any view expressed at the hearing;
- confer with the worker during the meeting.

It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. The employer is, however, not legally required to permit the companion to answer questions on the worker’s behalf, or to address the hearing if the worker does not wish it, or to prevent the employer from explaining their case.

Section 5 – Supporting our Staff in the Workplace

By ensuring Equality and Fairness in all aspects of Employment; dealing with Alcohol and Drug issues, and ensuring their Health & Safety is properly guarded.

Working Hours, TOIL, Pensions and Expenses

Working Time Directive

The working time directive gives most employees certain legal rights, which include:

- Working hours should be restricted to 48 hours per week normally averaged over 17 weeks.
- 16- and 17-year-olds can't normally work more than 8 hours a day or 40 hours a week.
- Employees will be entitled to an uninterrupted rest day every seven days.
- The maximum working day must not exceed 13 hours.
- There must be a minimum of 11 consecutive hours rest period in each 24 hours.

There are legal exemptions where employees will not be covered by the directive, e.g. employees who voluntarily accept work beyond these limits.

All staff are expected to manage their workloads to ensure that they comply with the working time directive.

Staff should inform the Manager if for any reason their workload increases to such an extent that they cannot complete their duties within the working time directive guidelines.

Working Week

The normal working week is Monday to Friday. However all staff are expected to work flexible hours to undertake their duties, which is likely to involve evening and weekend work.

All full-time staff are contracted to work 37.5 hours a week. Part time staff should refer to their individual contract of employment.

There is some flexibility to enable staff to come in late or go home early provided that the contracted 37.5 hours are worked, however they should communicate this in advance to the Manager. All staff will work core hours of 10am – 4pm unless previous agreement has been given by the Manager.

All staff must complete a monthly timesheet (see separate document), which should show any TOIL accrued that month.

All staff should openly discuss any issues with working hours during supervision meetings.

Overtime

Overtime is not paid. However, staff are entitled to time off in lieu.

Time Off in Lieu (TOIL)

TOIL exists to enable staff to take recovery from working long hours, late nights, weekends and residentials (normally agreed beforehand).

If requesting TOIL as whole or half days staff must do so in writing a week in advance and get written authorisation from the Manager.

Please note that a request for time off is not approved until approved by your Manager in BreatheHR.

No more than two consecutive TOIL days may be taken during a week.

If staff are starting later or finishing earlier then TOIL does not need to be booked, as long as the core hours are met. Staff must not accrue more TOIL than their normal working week (37.5 hours for full time staff).

Time allowed for TOIL includes hour for hour, face to face, meetings, training sessions and travel time (not including travel between your home and usual location of work).

It does not include time spent socialising or networking informally. TOIL should as a rule be taken within two months of accrual. If in exceptional cases this is not possible staff should discuss their workload with their manager.

Expenses

The rates and guidelines may be varied from time to time at the discretion of the Board of Trustees.

An expense form (see separate form) needs to be completed. Any expense claims need to have receipts attached and be countersigned by the Manager.

Mileage for journeys necessary for your role (above your normal commute) will be reimbursed at HMRC rate.

Car parking will not be reimbursed for your usual place of work.

Pension Scheme

WYA offers a Pension Scheme, which is in compliance with the Governments' Workplace Pension Scheme. All staff will automatically be enrolled into the scheme and WYA will contribute to their pension via the scheme.

Staff have the option to opt out of the scheme, and the guidelines to do so are as follows:

- the decision to opt out of the workplace pension must be taken freely by the staff member and not encouraged by another member of staff;
- staff cannot opt out until after they've been automatically enrolled;
- the opt-out period is one month from when active membership is created, or they receive their letter with the enrolment information, whichever is latest;

- staff opt out by getting an opt-out notice from the pension scheme which they then complete and give to their employer;
- WYA will issue a full refund of any contributions the staff member has made into a pension scheme within a month of receiving a valid notice.

Note, if you opt out of the scheme, you'll only receive back the payments that you are deemed to have made; you're not entitled to receive the contributions WYA may have made or any tax relief the Government has paid.

If you want to start paying into WYA's workplace pension again, you can do so. You need to write to the Chairman to request to be enrolled. WHA has to accept you back into their workplace pension once in every twelve-month period. This means if you leave, join, then leave again within twelve months WYA does not have to accept you a second time. But they can choose to do so.

If you opt out of a workplace pension or you stop making payments, WYA will automatically enrol you back into their pension after three years. WYA will contact you and you can choose to stay in the workplace pension or opt out.

Lone working

Introduction

WYA recognises that on some occasions, members of staff will find themselves working alone. This is of particular concern when working alone with children and families away from the office. This procedure defines who is a lone worker, WYA's responsibilities, how to assess the risks associated with lone working activities, preventing and controlling the risk and provides guidance on various scenarios. The procedure is intended to support and enhance our existing practices.

Who is a Lone Worker?

A lone worker is a person who works on their own for some, or all, of the time without close supervision or support. It includes staff who:

- Work away from their main place of work, out in the community or in people's homes.
- Work outside normal working hours.
- Work in a building where there is only one member of staff.
- Work in a building with other members of staff, but who do so on their own.

Policy Procedures

The Health and Safety at Work Act 1974 states that all employers have a duty of care and must, as far as reasonably practicable, ensure the safety and welfare of their staff.

This meant that they must assess the risks to staff who do work alone and these assessments should be a proactive process and involve:

- Assessing both the associated and all 'reasonably foreseeable' risks;
- Creating safe working procedures;
- Ensuring that staff are informed of those procedures;
- Regular monitoring and review of the procedures are carried out.

Only 'competent persons' who are trained to assess risks should carry out the assessments.

Assessing the Risk

Before working alone, a Risk assessment should be completed using the 'Risk assessment for lone working' form on BreatheHR. Things to be considered would be:

- Where are you going?
- How long your meeting is likely to take.

- Who knows of your whereabouts and how will you communicate with them to confirm that you are on your way back.
- If your meeting is at night, who will you speak with to confirm you're finished?
- Should you be accompanied?

Home Visits

Through the increasing diversity of the work that is delivered through the programmes, there are occasions when members of staff are required to visit young people and their families at home. In order to protect the safety of staff and minimise any risk that they may be exposed to, the following guidelines are recommended:

- Never visit a family for the first time at home unaccompanied;
- Ensure that you are happy with the family situation before carrying out home visits alone;
- When carrying out lone home visits to young people and their families, make sure another member of staff knows where you are and how long you are likely to be;
- Always keep your mobile telephone switched on in case of emergency;
- If, on arriving at the property, you feel uneasy or uncomfortable at entering, do not do so. Contact the General Manager for guidance;
- Always ensure that you are able to exit from the property quickly should an incident occur;
- Never agree to visit late at night or at a weekend when colleagues may not be so easily contactable.

Preventing or controlling the risk

In order to prevent or at least control the risk, procedures must be put in place to monitor the lone worker. The General Manager should be informed of where you are going, and calendars should be up to date with details for what time, where and who they are meeting. However, there are other key details that should be considered:

- Your key information will be kept on file, be accessible to the General Manager in the event of an emergency and will include:
 - Contact telephone numbers including mobile, home and next of kin;
 - Private car details including make, model, colour and registration number;
 - Medical information that may affect lone working;
 - An up-to-date photograph.
- Before setting out, you must ensure your calendar is up to date, and your General Manager is aware of:

- Where you are going, including the address and phone number;
 - How long you will be gone including travelling times and meeting times;
 - How you will be travelling i.e. car, train, bus, etc;
 - The route you will be taking;
 - The type of activity you are undertaking;
 - If you are meeting someone include their name, confirm whether the person is already known to you and, if possible, a description of the person you are meeting;
 - How and when you will make contact after the meeting;
 - For evening, night or weekend working, always contact either your Project Manager or your General to say you are home safely.
- Your manager must be aware of:
 - What to do if you fail to report in on time. This could include contacting them in the first instance;
 - What to do if contact cannot be made. Whom does your manager inform and what actions do they take.

Note: Outside providers also offer lone worker tracing systems and these can be considered if necessary.

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- If, on arriving at the property, you feel uneasy or uncomfortable at entering, do not do so. Contact the General Manager for guidance;
- Always ensure that you are able to exit from the property quickly should an incident occur;

- Never agree to visit late at night or at a weekend when colleagues may not be so easily contactable.

Drug and Alcohol Abuse Policy

Introduction

WYA recognises that alcohol and drug abuse related problems are an area of health and social concern. It also recognises that a member of staff with such problems needs help and support from his / her employer.

WYA also recognises that alcohol and drug abuse problems can have a detrimental effect on work performance and behaviour. WYA has a responsibility to its employees and customers to ensure that this risk is minimised.

Accordingly, Company policy involves two approaches:

- Providing reasonable assistance to the member of staff with an alcohol or drug abuse problem who is willing to co-operate in treatment for that problem.
- Disciplinary rules, enforced through disciplinary procedures, where use of alcohol or drugs (other than on prescription) affects performance or behaviour at work, and where either (1) an alcohol or drug dependency problem does not exist or (2) where treatment is not possible or has not succeeded.

WYA has not the internal resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by GPs, hospitals and other agencies. Through this policy WYA will seek both to assist a member of staff in obtaining such specialist help, and to protect his/her employment.

Assistance for a Member of Staff

WYA will, where possible, provide the following assistance to a member of staff:

- Helping the member of staff to recognise the nature of the problem, through referral to a qualified diagnostic or counselling service.
- Support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in post or transfer to other work, depending upon what is appropriate in terms of the staff member's condition and needs of WYA.
- The opportunity to remain or return to work following the completion of a course of treatment, as far as is practicable, in either the employee's own post or an alternative post.

WYA's assistance will depend upon the following conditions being met:

- The Occupational Health Service / Company Approved Doctor diagnoses an alcohol or drug dependency related problem.
- The member of staff recognises that he/she is suffering from an alcohol or drug abuse problem and is prepared to co-operate fully in referral and treatment from appropriate sources.

WYA and its employees must recognise the following limits to the assistance WYA can provide:

- Where a member of staff fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the Disciplinary Procedure.
- If the process of referral and treatment is completed but is not successful, and failure in work performance or behaviour occurs, these will be dealt with through the Disciplinary Procedure.

A member of staff's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of WYA at that time.

Disciplinary Action

In line with WYA's disciplinary rules, the following will be regarded as serious misconduct:

- Attending work and/or carrying out duties under the influence of alcohol or drugs.
- Consumption of alcohol or drugs whilst on duty (other than where prescribed or approval has been given).
- Breach of these rules will normally result in summary dismissal, and only in exceptional cases will either notice or the reduced disciplinary action of a final written warning be applied.

Where a breach of these rules occurs, but it is established that an alcohol or drug abuse related problem exists, and the member of staff is willing to co-operate in referral to an appropriate service and subsequent treatment, WYA will suspend application of the Disciplinary Procedure and provide assistance as described above. Staff who do not comply with the treatment suggested or continue to abuse alcohol or drugs will be subjected to the application of the Disciplinary Policy.

Procedures

Nature of the Procedures

The procedures define management responsibilities and provide guidelines on:

- Where assistance to a member of staff should be provided and the nature of and limits to such assistance.
- The application of WYA's Disciplinary Procedure.

Through the Occupational Health Service / Approved Company Doctor WYA will provide:

- advice and support to the Manager on whether an alcohol or drug related problem exists and progress in treatment;
- re-establishment or continuation at work of a member of staff or other appropriate arrangements.

Assistance to members of staff with alcohol or drug abuse related problems.

This does not include directly providing treatment or specialist help which is the responsibility of GPs, hospitals and other agencies working in the field. The Occupational Health Service / Company Approved Doctor, in close liaison with these persons and agencies, will assist staff referred in the following ways:

- through counselling encourage them to come to a better understanding of their problem and the benefits of seeking treatment or help;
- providing advice and direction regarding obtaining treatment and specialist help;
- assisting in continuing at or achieving a return to work.

Alcohol or drug abuse related problems can come to the notice of management through:

- Failures in work performance or behaviour, necessitating use of the Disciplinary Procedure. In such situations the procedure described above should be followed.
- Other means, where a member of staff seeks or agrees to accept assistance on a voluntary basis. In such situations, the procedures described above should be followed.

Recognition of the existence of a possible alcohol or drug abuse problem.

Abuse of alcohol or drugs can affect performance and behaviour at work, ie, either through serious misconduct at work, (where there is a direct and demonstrable breach of the disciplinary rules regarding alcohol or drug abuse at work), or where there is a falling off of standards of work performance or behaviour, and abuse of alcohol or drugs is a possible cause.

The Manager will be responsible for responding to such situations, carrying out either counselling or disciplinary investigations and interviews, supported as appropriate by the Chairman of Trustees.

In such interviews the possible existence of an alcohol or drug abuse problem should be explored. The Manager is not required to diagnose the existence of an alcohol or drug abuse problem, merely to assess whether such abuse is a possible factor.

Any requirements of the Disciplinary Procedure regarding allowing the member of staff representation will be observed.

Diagnosing the existence of an alcohol or drug abuse problem.

Should the interviews lead to the conclusion that an alcohol or drug abuse problem might exist and the member of staff accepts referral, the manager should refer the matter to the Occupational Health / Company Approved Doctor, who will be responsible for establishing whether or not a diagnosis of alcoholism or drug dependence can be made.

Disciplinary action should be suspended until diagnostic advice is obtained. Where appropriate, suspension arrangements in the Disciplinary Procedure should be followed.

If the interview fails to lead to the conclusion that an alcohol or drug abuse problem exists, or the member of staff rejects, or fails to co-operate in referral, disciplinary action should be continued, where and as the situation justifies.

Confirmation that a problem exists and treatment arrangements.

If a positive diagnosis of an alcohol or drug abuse problem is made, and the member of staff agrees to co-operate in treatment, treatment arrangements should commence.

Where necessary, the Occupational Health Service / Company Approved Doctor will advise the member of staff regarding treatment and will be responsible for monitoring progress with treatment and advising the manager concerned. This advice should be available at least monthly following commencement of treatment and thereafter as appropriate. (Disciplinary action should be discontinued unless the member of staff fails to co-operate on the treatment arranged.) Should a diagnosis of alcoholism or drug dependence not be confirmed or should the member of staff refuse to co-operate in treatment, disciplinary action should be continued.

The Occupational Health Service / Company Approved Doctor will advise on whether a situation has been reached where there is a lack of progress with treatment or lack of co-operation by the member of staff. The Manager must review the facts and consider whether or not there needs to be a return to the use of Disciplinary Procedures.

Where medical certificates are submitted, sick leave should be given. Should the employee continue to be fit for work during the period of treatment, he/she should be permitted to continue in his/her post or alternative work unless such an arrangement would have an adverse effect on Company services. In such circumstances, annual or unpaid leave should be approved or, exceptionally, suspension arranged.

If a member of staff has been off work during the period of treatment, before returning to duty, he/she will be seen by the Occupational Health Service / Company Approved Doctor who will advise management regarding capability for continuation in his/her own post and whether any special supervision or other arrangements are required.

Every effort should be made to comply with the advice provided by the Occupational Health Service / Company Approved Doctor. If it is not reasonably practicable to do so, and as a result, the member of staff is not able to resume duty, employment may be terminated on the grounds of incapacity (ill health).

If a member of staff is again involved in disciplinary situations resulting from alcohol or drug abuse related problems, a second referral to the Occupational Health Service / Company Approved Doctor and suspension of the disciplinary procedure may be appropriate. If they advise positively on the possibilities of further treatment or help and the willingness of the member of staff to co-operate, the disciplinary procedure may be suspended again to permit treatment and help to be undertaken. This second referral will not apply if the further disciplinary problems involve serious misconduct. Third and subsequent referrals are not permissible.

Situations where a Disciplinary Situation does not exist

There may be situations where the possible existence of alcohol or drug abuse problems affecting a member of staff comes to a manager's attention, although there is, or has been, no discernible effect on work performance or behaviour. This could arise if a member of staff confides in his/her manager about an alcohol or drug abuse problem, or a manager could see a need to approach a member of staff after observing possible "indicators" of an alcohol or drug abuse problem (ie) an absence pattern, information provided by the member of staff's colleagues, etc.

In such situations, WYA would wish staff to feel they could seek help from their employer (in complete confidence) without worry that their job security would be in jeopardy. Accordingly if faced with a situation of this type, the Manager should:

- seek the advice of the Occupational Health Service / Company Approved Doctor regarding whether and how the matter could be dealt with;
- counsel the member of staff and, if appropriate, arrange for the member of staff to be interviewed by the Occupational Health Service / Company Approved Doctor;
- as in the procedure described above, the Occupational Health Service / Company Approved Doctor will play a facilitating role (i.e.) seeking to establish whether a problem exists, advising and directing the member of staff towards appropriate forms of treatment and help.

These steps cannot be taken without the co-operation of the member of staff. If the member of staff does not wish to co-operate, no further action should be taken.

Should a member of staff take up the opportunity of assistance on this voluntary basis there need be no further formal involvement of management in terms of action or the right to learn of progress with treatment. It may be however that the member of staff would wish, or agree to, further involvement of management as a means of assisting progress with treatment.

Use of the disciplinary procedures and/or the application of the approach described above would only be appropriate if subsequently, the member of staff is involved in a breach of disciplinary rules.

Should the problems of the member of staff develop to an extent that his/her continuation in post or employment became impossible, it may be necessary to identify alternative work or arrange for termination, on the same basis as WYA operates for staff with problems of incapacity due to ill health.

Prevention and Management of Violence

WYA takes pride in providing a safe and stimulating environment in which young people can learn and its staff can work. We do not condone violence in any shape or form and will ensure that our policies and procedures help to deter the threat or actuality of violent action, conduct or language.

We recognise that violence is best prevented or avoided and that managing the impact of a violent incident is in itself a failure. We will therefore ensure that our policy in this area, and the consequences that might ensue should violent incidents occur, are made clear to everyone.

WYA will not shy away from using all means at its disposal, including referral to the police, in attempting to avoid violence amongst our community and those who participate in our activities.

WYA will co-operate with the police and other agencies in seeking to ensure that violent behaviour is prevented or properly dealt with.

What is a Violent Incident?

Any incident in which a member of staff, volunteer or young person participating in an activity is:

- Threatened;
- Assaulted;
- Subjected to overly aggressive behaviour or language;
- Harassed;
- Abused verbally or in writing.

The above apply whether or not the effects are physical or emotional.

Being under the influence of alcohol or drugs will not be admitted as a mitigating factor or an excuse and may be regarded as aggravating feature.

Management Support

WYA will support any member of staff who in the course of their employment has been a victim of violence or who has witnessed a violent incident. This may extend to counselling and the provision of legal advice should the circumstances warrant. Approval of support is at the discretion of the Manager who will consult as appropriate to each case.

Risk Assessment

The principal aim at all times is to avoid encountering aggressive or violent situations. Line managers are expected to ensure that suitable and sufficient risk assessments have been undertaken and these should include the possibility of having to confront aggressive or violent behaviour. Where the possibility is real, attention must be paid to ensuring that suitable preventative measures are in place and that staff are fully aware of them. Any measures or training required must be carried out as soon as practicable.

Dealing with Violence and Aggression

Whilst acknowledging that each incident will be different, this general guidance should apply to most situations.

The earlier that you can detect a potential danger the more choices you will have to avoid it:

- Always trust your instincts and never underestimate a potential threat;
- If you feel threatened, uneasy or alarm bells start ringing get away as quickly as possible;
- Always be aware of changes in people's behaviour, especially if they appear to become angry or irritated;
- Try to de-fuse the situation by being aware of what you say and the way you say it.

If the person is becoming angry, remain calm to avoid escalating the situation. If all else fails, your aim is to get away quickly:

- Be assertive but avoid meeting aggression with aggression;
- Have a pre-planned method of escape and excuse to leave;
- Use diversion techniques i.e. pretend to see someone and call for help;
- Use your personal alarm if you have one.

If you are a victim of violence or aggression whilst at work, WYA will support you. This could include:

- Counselling;
- Debriefing;
- Temporary reassignment;
- Help in reporting the incident to the police. Agreeing to time off work;
- Getting someone to take you home or to hospital - do not drive yourself;
- The CEO will consider claims for compensation in respect of damage caused to personal property and clothing as a result of a violent incident.

After any incident it is important that you report it, irrespective of the severity. This is to ensure that WYA know the circumstances, review risk assessments and ensure that help and support is available.

Whether professional help and support is accepted or not, a colleague should always be available after an incident. It is important that:

- Things are taken gently; many victims need time before they can speak about it;
- To remember that verbal abuse is just as bad as physical abuse;
- The victim's actions are not criticised and that speculation about what provoked the incident is avoided;
- The victim is not left alone in the short term, whether at work or at home

Stress Policy

Introduction

We are committed to protecting the health, safety and welfare of our employees. We recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stressors.

This policy will apply to everyone in the charity. The General Manager is responsible for implementation and the charity is responsible for providing the necessary resources.

Definition of stress

The Health & Safety Executive define stress as “the adverse reaction people have to excessive pressure or other types of demand placed on them”. This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.

What causes stress?

There can be a variety of causes of stress. For example, financial problems, difficulties in personal relationships or moving house can all cause stress. Work can also cause stress. The HSE (Health & Safety Executive) has identified the six primary causes of work-related stress to be:

- The demands of the job - staff can become overloaded if they cannot cope with the amount of work or type of work they are asked to do
- Amount of control over work - staff can feel disaffected and perform poorly if they have no say over how and when they do their work
- Support from managers and colleagues - levels of sickness absence often rise if staff feel they cannot talk to managers about issues troubling them
- Relationships at work - a failure to build relationships based on good behaviour and trust can lead to problems related to discipline, grievances and bullying
- How a role fits within the organisation - staff will feel anxious about their work and the organisation if they don't know what is expected of them and/or understand how their work fits into the objectives of the organisation
- Change and how it is managed - change needs to be managed effectively or it can lead to huge uncertainty and insecurity.

Why should employers try to reduce the causes of stress at work

Firstly, reducing work-related stress can be hugely beneficial to an employer:

- Making staff healthier and happier at work
- Improving performance and making staff more productive

- Reducing absence levels
- Reducing workplace disputes
- Making the organisation more attractive to job seekers

Secondly, an employer has a legal obligation to ensure the health, safety and welfare of its employees. As part of this, an employer must conduct risk assessments for work-related stress and take actions to prevent staff from experiencing a stress-related illness because of their work.

Risk assessment for stress

Monitor factors that might suggest there is a problem with stress-related illness in the business, for example, high rates of absenteeism, staff turnover, poor performance, conflict between staff

You should offer your staff the opportunity to complete a stress risk assessment (note, this should be optional):

- When a member of staff has been off sick with work-related stress (as part of the return-to-work interview).
- Where you believe that an individual or team are likely to be suffering from work-related stress;
- Annually, for example during the appraisal process;
- To plan for major change.

Taking steps to reduce work-related stress

Main causes of stress	What you can do about it
Demands: employees often become overloaded if they cannot cope with the amount of work or type of work they are asked to do	Pay attention to the way the job is designed, training needs and whether it is possible for employees to work more flexible hours
Control: employees can feel disaffected and perform poorly if they have no say over how and when they do their work.	Think about how employees are actively involved in decision making, the contribution made by teams and how reviewing performance can help identify strengths and weaknesses
Support: levels of sick absence often rise if employees feel they cannot talk to managers about issues that are troubling them	Give employees the opportunity to talk about the issues causing stress, provide a sympathetic ear and keep them informed
Relationships: a failure to build relationships based on good behaviour	Check the organisation's policies for handling grievances, unsatisfactory

and trust can lead to problems related to discipline, grievances and bullying	performance, poor attendance and misconduct, and for tackling bullying and harassment
Role: employees will feel anxious about their work and the organisation if they don't know what is expected of them	Review the induction process, work out an accurate job description and maintain a close link between individual targets and organisational goals
Change: change needs to be managed effectively or it can lead to huge uncertainty and insecurity.	Plan ahead so change doesn't come out of the blue. Consult with employees so they have a real input, and work together to solve problems

If a risk assessment identifies areas where the organisation is performing poorly, an employer should work with its staff to agree realistic and practical ways to tackle it.

Any existing consultation and/or negotiating arrangements should be followed so that staff and/or their representatives can contribute their views.

An employer should then develop an action plan that includes:

- what the problem is
- how it was identified
- the proposed solution/s
- actions to be taken to achieve the solution/s
- dates by which each action should be achieved
- how staff will be kept informed on progress
- a date to review the plan and see if it has achieved its aim.

Once solutions have been implemented, the review should check that agreed actions have been done and evaluate how effective these have been. The views of staff, and data collected on employee turnover, sickness absence and productivity, can help compare the organisation against how it was before the action plan was implemented.

An employer will then need to consider what, if any, further action is needed.

Spotting when staff may be experiencing stress

While identifying work-related risks and taking preventative measures should help minimise stress for most staff, it may still affect some team members due to issues inside or outside of the workplace. Managers should be prepared to help and support a team member experiencing stress.

Although training on stress can be very useful, a manager should not be expected to be an expert.

It is important to never make assumptions, but signs that a team member may be stressed include:

- changes in the person's usual behaviour, mood or how they interact with colleagues
- changes in the standard of their work or focus on tasks
- appearing tired, anxious or withdrawn and reduced interest in tasks they previously enjoyed
- changes in appetite and/or increase in smoking and drinking alcohol
- an increase in sickness absences and/or turning up late to work.

Talking to a team member who may be experiencing stress

Where a manager thinks a team member may be experiencing stress, they should begin by talking to the staff member. This is because without talking to the team member, it is impossible to know what is affecting them and therefore a consistent approach should be taken.

Additionally, the General Manager should encourage staff to talk to them if they think they are becoming unwell. Creating a working environment that proactively supports staff who become unwell will make it easier for staff to tell their manager if they are experiencing stress.

If a team member does approach the General Manager to advise they are experiencing stress, the manager should:

- move the conversation to a private space, where they will not be disturbed (if not already somewhere appropriate)
- thank the team member for coming to them and letting them know
- be patient and allow them as much time as they need to talk about it
- remain focused on what they say
- be open minded
- try to identify what the cause is
- think about potential solutions.

If the cause of stress relates to their relationship with their manager, or other team members, it may be beneficial to involve a Trustee and allow the team member to have a companion (such as a work colleague) at any meetings.

Supporting a team member experiencing stress

Where it is possible to identify a work-related problem, the General manager (in discussion with the team member) should consider what support or changes would rectify the situation. They could be temporary or permanent.

Usually small, simple changes to working arrangements or responsibilities will help ease pressures affecting the team member.

It may take a number of informal meetings with the team member to agree the best way forward. Some changes may also require authorisation from the trustees and the General Manager should explain if they believe a potential change may require authorisation and when an answer should be received. If authorisation is refused, the General Manager should clearly explain the reasons why this was not practicable and try to find an alternative solution.

If changes are agreed and made, the General Manager should also agree with the team member what their work colleagues will be told.

Even if the cause of stress may not be work-related, changes to the team member's working arrangements may help reduce some of the pressure they are experiencing. For example, temporarily changing their working hours may reduce stress caused by caring responsibilities for an ill-relative.

Monitoring the situation

A manager should regularly check on how a team member experiencing stress is feeling and whether any changes in place are still needed and/or working as required. This could be through planned one-to-one meetings or through informal chats in the workplace.

Even once the team member is able to resume their normal working arrangements, their manager should continue to monitor their health and offer support where necessary.

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Appendices

Appendix 1 – Induction for new staff

The full checklist, saved separately as a document entitled 'Induction checklist for new staff'. It is a checklist of information for Induction which anyone assisting with the induction of a new member of staff should use within the first few days, and certainly within the first two weeks of employment. Health and Safety items should be identified immediately. The new employee should be asked to tick each subject as he/she has been informed about it and sign the end of the form. The General Manager will then file the completed form in the employee's personnel file.

Please read the guidance notes below before completing this form.

Guidance Notes

Certain groups of staff have specific induction needs. The main groups are detailed below, with particular points to take account of, highlighted.

Items Specific to the Following Groups of Staff:

Staff with Disabilities

Disabilities include for example physical handicap, deafness, blindness, mental handicap. Consider the following for discussion:

- Confirm the nature of the disability.
- Clarify if the employee has any special needs relating to disability.
- Check whether employee has any particular concerns regarding the workplace.

Graduates and College/School Leavers

These staff may have no previous work experience and will need careful integration into the department. Discuss the following:

- Role within the Charity.
- Reporting responsibilities.
- Allocation and prioritisation of work.

Staff Returning to Work after a Period of Absence

This includes staff who were previously unemployed, women returning after starting a family, or after any other prolonged period of non-employment. Discussion should include, for example:

- The difference between the employee's previous working environment and this new one.
- Changes in skills required for this area of work.
- Requirement for training to update skills.

Appendix 2: How to carry out an appraisal – a manager's guide

The general principles

The main objectives of an appraisal system are usually to review employees' performance and potential.

Ideally, they should be positive meetings reviewing work content, loads and volume in the past period and to look at what has been achieved. Areas of weakness and development will also be identified, and objectives set for achieving over the next period.

Appraisals can benefit both employers and employees as they can improve performance as well as allow an individual to develop their potential in areas that they would like to.

Review meetings should be ongoing throughout the year, however an appraisal to set objectives would typically happen once a year, with a follow up meeting six months later, to review the objectives, offer any support in achieving any that are proving difficult, and setting new ones, if all the original objectives have been achieved.

Before the meeting, the appraisal form (saved on the BreatheHR system) should be reviewed and amended according to what questions need to be covered, for example, if there was to be an office move, it might be desirable to add a question about how the individual was feeling about it etc. The form should be consistent for all staff in each period.

The process

Preparing for the meeting

Employees should be given adequate notice of appraisal interviews. Appraisal forms should be sent to employees for completion before their interviews as these offer the opportunity for them to carry out a self-assessment and can help them note what they think have been their strong and weak points; what they see as barriers to effective performance; their plans for the coming year and their development and training needs. They should also propose some objectives for the coming year.

Ideally the form should be returned to the Manager a day or two prior to the meeting.

It is worth asking staff to review their job descriptions at this stage, as this can help them consider what areas of development they need to focus on. They should also be asked to confirm that they agree that the job description is accurate, and it may be that a conversation needs to take place during the appraisal meeting, if they feel it's changed.

The Manager should consider the overall results attained by the employee and, where the results have been significantly greater or lower than expected, possible reasons for variations in performance. This will be easier if notes have been made throughout the year of the employee's successes and failures, and any performance related developments beyond the employee's control. The Manager may also want to seek feedback from others the employee has worked with.

The meeting

At least one hour should be set aside for the appraisal meeting. The seating should be comfortable and arranged to create an informal atmosphere.

The meeting should be free from interruptions. The Manager should:

- explain the purpose and scope of the appraisal meeting;
- discuss the job in terms of its objectives and demands (this would be a good time to review the job description if there were any issues with it);
- encourage the employee to discuss his or her strengths and weaknesses;
- discuss how far agreed objectives have been met;
- agree future objectives;
- discuss any development needs appropriate to the existing job or the individual's future in the organisation, for example: training, education, work experience;
- summarise the plans which are agreed;

Finally the Manager will write up their assessment and notes of the discussion, adjust the objectives to those that have been agreed in the meeting and sign the form. The employee will then also be asked to sign it and take a copy for their own records, to refer to throughout the year.

The completed appraisal form should also be uploaded to the individual's record on BreatheHR.

Appendix 3 Setting SMART objectives

Objectives are defined by a beginning and end point; they go beyond the day-to-day tasks and describe a result linked to achieving a particular goal at individual or Charity level.

They are a clear statement of something that needs to be accomplished by a specific end date.

By using the SMART model for setting objectives, employees are clear understanding of what's expected of them.

SMART is a mnemonic acronym, giving criteria to guide in the setting of objectives, which are:

Specific	States exactly what you need to achieve. What are the outcomes?
Measurable	This maybe a quality or a quantity measure. How will you know the objective has been achieved? What indicators will you look for to measure progress and success?
Achievable	How does this objective fit with the Charity's priorities, in the context of your role and the grade at which you operate? In what way is the objective significant? What would be the impact if the objective was not achieved?
Realistic	Is the objective appropriate for your role and grade? Will the objective stretch and challenge you, also considering your career development (as appropriate)? Can you to achieve your objective with the available resources? If not, how can you address this? What help will you require from your manager or are there others that you will require assistance from? Do you have all the relevant skills and knowledge to complete the objective to the defined specifics?
Timebound	Are there clear time frames attached to the objective? (e.g. specific dates) If the objective goes beyond the review period, have you set milestone dates? Are there other objectives which will depend upon the completion of this one? Is the deadline realistic?

Here are some tips for ensuring that your objectives are SMART:

- **SPECIFIC** Objectives should clearly state what you are expected to achieve, using action verbs to describe what has to be done.
 - For example:
 - Not specific:* Encourage more people to join the Sports Centre
 - Specific:* Increase membership of the Sports Centre
 - Not specific:* Conduct research
 - Specific:* Formulate plans for research on topic X

- MEASURABLE Objectives should include a quality and/or quantity reference so that you can measure whether or not you have achieved them.

- For example:

Not measurable: Increase membership of the Sports Centre

Measurable: Increase membership of the Sports Centre by 10%

Not measurable: Formulate plans for research on topic X

Measurable: Formulate plans for research on topic X and submit grant application to X Research Council.

- ACHIEVABLE Objectives should be agreed between you and the Manager to ensure that your objectives are relevant and appropriate.
- REALISTIC Objectives should be challenging but achievable i.e. they should not be unrealistic. For example, it might be realistic to plan to lose 10 pounds in weight, but it would be unrealistic to plan to lose 10 pounds in one week. Objectives should also take account of the skills, knowledge and resources needed to achieve them. You may need to consider whether you need any support in order to achieve the objective.
- TIMEBOUND Objectives should include a time reference, such as a specific deadline.

- For example:

Not Timebound: Increase membership of the Sports Centre by 10%

Timebound: Increase membership of the Sports Centre by 10% over the next six months

Not Timebound: Formulate plans for research on topic X and submit grant application to X Research Council

Timebound: Formulate plans for research on topic X and submit grant application to X Research Council by 1 June 2009.

- The time reference for other objectives might be in terms of frequency or turnaround time. For example:

Timebound: Once a month, update all library web pages and printed guides

Timebound: Circulate minutes of Committee Y within five days of the meeting.

- If there is a particularly long timescale involved, you may need to break your objective down, identify the steps you need to take to achieve your overall objective and work out how long each step is likely to take so that you can agree a target date.