

Bringing people closer to Jesus Christ through His Church  
**Catholic Diocese of Portsmouth**



## **Diocesan Operating Procedures - D People**

*"Where there is no guidance, a nation falls, but in an abundance  
of counsellors there is safety."*

*Proverbs 11:14*

Issued by:

The Bishop of Portsmouth and the Trustees of the Portsmouth Diocesan Trust  
St Edmund House  
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Registered Charity No. 246871





## **INTRODUCTION**

The Diocesan People Operating Procedures (DoPs) D are provided as guidance to Managers and to employees on how a wide range of issues should be managed in relation to employment.

The underlying rationale to DoPs D is to provide a framework of policies and procedures which provide a way of working together within the concept of fairness and justice:

- between the Diocese as an employer and our employees,
- between our employees and the Diocese as an employer,
- between individual employees,
- many of these policies and procedures also apply to volunteers working within the Diocese.

It also provides employees, volunteers and Line Managers with relevant forms, letters, and documents in a series of Appendices for use in the appropriate circumstances.

**Human Resource policies** provide general and practical advice as well as guidance on a range of employment issues in order to ensure all employees (and volunteers) are treated with respect and fairness in addition to ensuring adherence to employment legislation.

**Human Resource procedures** support and supplement the policies by giving a step-by-step account of specific arrangements that apply in particular circumstances.

**Forms and Guidance notes** are also provided throughout relating to the policies and procedures.

**Please note that these policies and the accompanying procedures and forms are for guidance only. They do not have contractual status as they may be amended from time to time.**



## FOREWORD

God's Church here in the Diocese of Portsmouth is formed of many and varied communities, held together in the same Truth of Christ both in doctrine life and worship. We need common operating procedures across the Diocese to ensure compliance with the needs of both canon and civil law. In addition, and especially in the light of the church's call to the work of new evangelisation, we need to ensure harmonised collaboration. We have a responsibility to ensure that people, buildings, and money are treated carefully allowing us to perform our duties "with the diligence of a good householder" (Canon 1284§1).

So, I present to you an updated version of our Diocesan Operating Procedures for People (DoPs). These DoPs have the status of particular law for the Diocese of Portsmouth. They must be understood and followed in the broad areas of human resource, schools, buildings, and finance.

I am very grateful to all those who have compiled these procedures and ensure their regular review and updating.

In Corde Iesu

+Bishop Egan  
Bishop of Portsmouth



## TERMINOLOGY

Throughout this DoPs, the Portsmouth Roman Catholic Diocese will be referred to as **'the Diocese'**. This expression shall include any representative acting for or on behalf of the Diocese Trustees, for example HR, Line Managers or any other representative appointed to carry out work on behalf of The Portsmouth Roman Catholic Diocese.

Throughout this DoP the expression, **'Line Manager'**, will be used which may be referring to a Co-ordinating Pastor/Parish Priest/Head of Department or any other person with line management responsibilities.

This DoP is subject to changes brought about by relevant legislation, regulations and changes in best practice. Any changes and amendments that may be made to this document will be brought to the attention of line managers and Parishes. They will then be guided towards the current version online:

<http://www.portsmouthdiocese.org.uk/procedures>

Guidance on any Human Resources matters are available from the Curia:

HR Team: Tel. 02394 216493



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## **Working Together: The Bishop's Vision**

The Bishop of Portsmouth and the Trustees are fully aware of their duty of care to all our employees, and to anyone who works within the Diocese of Portsmouth.

Diocesan policies must comply fully with the current statutory regulations concerning employment, data protection, health and safety and the many regulations which relate to employees and to the workplace.

However, it is our aim that our policies do more than comply with regulations.

It is our aim that our policies provide a framework of guidance for all who work within the Diocese: guidance to support and encourage us all in our work, to enable a working environment that is based on co-operation, respect for each other's gifts, tolerance and support for each other's limitations and above all, fairness and justice in our dealings with each other.

Please read these policies, become familiar with the procedures and the forms, and help us to ensure that our work together fulfils our aims of respect, tolerance, and fairness.



## Approvals

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

	Name	Signature	Position	Date
Prepared by	Victoria Nightingale		Diocesan Personnel Manager	Sept 2019
Reviewed by	Heather Hauschild		Chief Operating Officer	Sept 2019
Reviewed by			Finance Audit and Risk Committee	January 2020
Approved by			Trustees	February 2020
Reviewed by	Georgie Gregory		HR Consultant	July 2020
Reviewed by	Karena Fulford		Head of People	Aug 2020
Reviewed by			Senior Leadership Team	Sept 2020
Reviewed by			HR Remuneration Committee	Sept 2020
Approved by			Trustees	Oct 2020

## Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date



## 1- Leave & Absence Management Policy

*The Lord replied, "My presence will go with you, and I will give you rest."*

Except for recording attendance, does not apply to volunteers

The aim of this policy is to ensure that all Diocesan employees are treated fairly across all our work communities in terms of their attendance at work and any permitted time off work.

In return, our employees are expected to understand and commit to fairness towards the Diocese and fairness to other employees, in their attendance at work and in their requests for time off work.

Good time keeping, prompt reporting of periods of absence due to ill health, requests and records of holiday leave, requests and records of compassionate leave and other types of leave: these are all part of this area of policy and all require attention from us all to ensure fairness and justice across the communities within the Diocese.

<b>Operative date</b>	October 2020
<b>Owner</b>	Head of People
<b>Review date</b>	October 2023
<b>For action by</b>	All employees
<b>Policy statement</b>	<p>This policy will be applied to all employees and covers the provision of paid or unpaid leave requested under the following categories:</p> <ul style="list-style-type: none"> <li>• Annual leave</li> <li>• Time of in lieu (TOIL)</li> <li>• Maternity/Adoption Leave</li> <li>• Shared Parental Leave</li> <li>• Paternity Leave</li> <li>• Time off for Dependants</li> <li>• Compassionate leave</li> <li>• Child bereavement leave</li> <li>• Special leave (where Dependants leave is not appropriate)</li> <li>• Special leave for public duties</li> <li>• Study-leave</li> <li>• Unpaid leave</li> <li>• Disruption to travel</li> </ul>





<b>Responsibility for dissemination to new employees</b>	Line Managers
<b>Mechanisms for dissemination</b>	This policy will be promoted via the Diocese of Portsmouth's internal newsletter and intranet and published on the Diocese of Portsmouth website.
<b>Training implications</b>	All employees, at induction. Managers will receive training about this policy and how to manage the different aspects of leave for the organisation.
<b>Resource implications</b>	There are no resource implications arising from this policy.

## 1. Introduction

The success of the Diocese depends upon its employees and we understand that employees work at their best when they can strike a good balance between work and life outside of work. We recognise that to attract and retain good employees, the Diocese needs to demonstrate our commitment to achieve a healthy 'work life balance' that will enable employees to work more productively and happily. This policy has been developed to help employees achieve a healthy work life balance whilst ensuring that they are working optimally in maintaining and promoting the best possible quality of work.

## 2. Purpose

This policy aims to maintain consistent management practice. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.

The Diocese believes, as an organisation committed to eliminating discrimination and providing equal opportunities for all. It seeks to help employees balance the demands of domestic and work responsibilities, particularly at times of urgent and unforeseen need, providing paid or unpaid leave as appropriate. Employees have a range of leave options under this policy and so should discuss and agree leave with their line manager.

The policy is in accordance with the Working Time Regulations (1998; Amended 2003), the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000), Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002).

The provisions do not confer any contractual rights.



### **3. Scope**

This policy will be applied to all employees and covers the provision of paid or unpaid leave requested under the following categories:

- 1 Annual leave
- 2 Time of in lieu (TOIL)
- 3 Maternity/ Adoption Leave
- 4 Shared Parental Leave
- 5 Paternity Leave
- 6 Time Off for Dependants
- 7 Compassionate leave
- 8 Child Bereavement leave
- 9 Special leave (where Dependants leave is not appropriate)
- 10 Special leave for public duties
- 11 Study-leave
- 12 Unpaid leave
- 13 Disruption to travel

The scope of the policy allows for leave to be granted at the discretion of the manager based on employee entitlement and organisational requirements.

If leave is requested at short notice, every effort should be made to cover the individual concerned during a time of crisis, but managers must be aware of safe staffing levels and take decisions accordingly.

### **4. Compliance with Statutory Requirements**

#### **Working Time Regulations (1998; Amended 2003)**

The Diocese recognises the entitlements of its workers to request annual leave in accordance with The Working Time Regulations (1998; Amended 2003).

#### **Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000)**

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000) legislates that part-time employees should not be treated less favourably than full-time employees. The Diocese endeavours to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

#### **Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002)**

The Fixed-Term Staff (Prevention of Less Favourable Treatment) Regulations (2002) prevent fixed term employees being treated less favourably than similar permanent



employees. The Diocese endeavours to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

## **5. Roles and responsibilities**

### **5.1 Employees**

It is the responsibility of all employees to:

- Consider the needs of the Diocese and, where possible, minimise disruption to service provision.
- Ensure requests for all leave are made to an employee's line manager.
- Provide as much notice as possible when requesting leave.
- Ensure requests are authorised prior to planning, for example, when booking holidays.
- Not assume leave requests will be automatically approved. The Diocese is not responsible for any costs incurred by employees who enter into travel agreements which have a financial implication or cancellation cost prior to authorisation.
- Make proper arrangements on systems to communicate absence (such as 'out of office' messages on emails).
- Inform his / her manager as soon as possible in accordance with the local sickness reporting procedure if they fall sick during their leave.

### **5.2 Managers**

It is the responsibility of managers to:

- Ensure employees are aware of the provisions of this policy.
- Ensure that they record annual leave for all employees correctly and ensure proper arrangements are made on systems to communicate absence in unforeseen circumstances, such as sickness prior to leave.
- Ensure that annual leave is managed equitably, balancing the needs of the service and the needs of individual employees, especially over holiday periods.
- Confirm and authorise annual leave entitlements with the employee as appropriate.
- Respond to all annual leave requests at the earliest opportunity, generally this should be no later than a week after receipt of the request.
- Implement a system whereby individuals may set out their requests for leave in good time for popular national and cultural holiday/festival times such as Christmas, ensuring that leave is distributed equitably.
- Record and monitor annual leave of employees to ensure that the appropriate annual leave is taken each leave year and that in the



exceptional circumstances of any annual leave to be carried over (up to 5 days), is appropriately recorded.

- Monitor and ensure that there are appropriate cover arrangements to meet service needs.
- Calculate (and re-calculate as appropriate) annual leave entitlements for their employees including part-time and fixed-term employees and employees whose annual leave entitlement has increased due to length of service or increased/decreased due to a change in hours.
- Record sickness if the employee reports sickness during the granted annual leave period.
- Managers should not normally approve a period of leave of more than three weeks. Any longer period of leave must be approved by the Chief Operating Officer. If annual leave is declined, managers need to give clear reasons to the individual.
- To support the entitlements outlined below, employees may be required to supplement special leave with annual leave.

## PROCEDURE

### 6. Annual Leave Entitlements

Employee's entitlement to paid annual leave will be in accordance with their contract of employment and will depend on their length of service. The annual leave year period applied by the Diocese is from 1 September to 31 August inclusive.

Length of service	Entitlement
On appointment	33 days (6.6 weeks) including 8 bank and public holidays (pro rata for part time employees).
After 5 years' service	34 days (6.8 weeks) including 8 bank and public holidays (pro rata for part time employees).
After 10 years' service	35 days (7 weeks) including 8 bank and public holidays (pro rata for part time employees).
After 15 years' service	36 days (7.2 weeks) including 8 bank and public holidays (pro rata for part time employees).
After 20 years' service	37 days (7.4 weeks) including 8 bank and public holidays (pro rata for part time employees).



- 6.1 Part-time employees will be entitled to paid public holidays no less than pro-rata to the number of public holidays for a full-time worker, rounded up to the nearest half day.
- 6.2 Part-time employees: public holiday entitlement shall be added to their annual leave entitlement, and they shall take public holidays they would normally work as annual leave.
- 6.3 Where an employee's annual leave entitlement increases partway through a leave year, due to length of service, their new entitlement is calculated on a pro-rata basis for the rest of the leave year.
- 6.4 Other than in exceptional circumstances, following authorisation of an employee's application to take annual leave, this will not normally be withdrawn. However, the Diocese reserves the right to withdraw such authorisation should circumstances so warrant. Withdrawal of annual leave must be communicated to the affected employee with as much notice as possible and with notice no less than the duration of the period of annual leave requested.
- 6.5 Any leave taken without following the local reporting procedure or not authorised in advance by the appropriate manager will be considered unauthorised absence. The Diocese reserves the right to withhold payment or deduct from an employee's salary payment for all periods of unauthorised absence. The Diocese also reserves the right to act under its disciplinary policy regarding any un-authorised absence, including, if appropriate, dismissal without notice (see Conduct & Performance Policy).

## **7. Entitlement on Joining**

- 7.1 The Diocese will make every effort to meet the needs of new employees in respect of commitments to holidays made prior to the commencement of employment. Prospective/new employees should notify their manager at the earliest opportunity and give the required notice periods of any pre-booked holidays to seek early authorisation of their leave request.
- 7.2 All new employees will be entitled to annual leave plus bank holidays in the year of joining the Diocese of Portsmouth, on a pro-rata basis.

## **8. Entitlement on Changing Contracted Hours**

- 8.1 Where employees change their contracted hours, this will result in a recalculation of their annual leave entitlement. This will be based on completed months on the new and the old contracted hours to give the full year entitlement.



- 8.2 Where employees change their contracted hours part way through a month, they should not lose entitlement. Therefore, in these cases the entitlement for the first month will be calculated on the basic weekly contracted hours that they predominantly worked for that initial month.

## **9. Entitlement on Leaving**

- 9.1 Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from the final salary payment.

## **10. Minimum Annual Leave Not to be Worked**

- 10.1 The Diocese of Portsmouth actively encourages individuals to take all their annual leave and bank holiday entitlement. In complying with Working Time Regulations 1998, individuals should ensure that they take a minimum of 210 hours (28 days) of their leave strictly for leave/rest purposes and should not undertake any work or duties within all localities of the Diocese or elsewhere during this time.

## **11. Carrying Forward Annual Leave**

- 11.1 It is expected that within the annual leave year employees should be provided with the opportunity to take all their annual leave. Subject to the requirements of the Diocese of Portsmouth, up to 35 hours (five days) annual leave (pro-rata for part time employees) may be carried forward and taken in the subsequent leave year within the first three months. This would have to be agreed by the manager and failure to comply with this requirement may result in the loss of any untaken annual leave.
- 11.2 Where individuals have, exceptionally, been prevented from taking their leave before the end of the leave year due to work demands or other exceptional circumstances, then they shall be allowed to make up the deficiency during the ensuing leave year at a time to be mutually agreed with their manager.
- 11.3 Payment in lieu of untaken leave will not be made whilst individuals are employed by the Diocese. Annual leave may be paid in lieu when an employee is leaving the organisation and is unable to take leave. This would need to be agreed with the line manager.
- 11.4 Individuals moving internally between teams/Parishes will carry forward their remaining annual leave allowance for that holiday year.

## **12. Annual Leave During Sickness/Maternity/Paternity/Adoption/Suspension**



12.1 Please refer to the relevant policies in this guide

### **13. Time- Off-In-Lieu (TOIL)**

13.1 The Diocese of Portsmouth does not actively encourage TOIL. Whilst it is understood that there may be some circumstances which would see employees work over their contracted hours, all efforts should be made by the line manager to ensure that this only occurs in exceptional circumstances and is taken back within the next available opportunity. TOIL must be authorised by line managers prior to the time being worked. TOIL should not be allowed to be accrued in substantial numbers and used to supplement annual leave. TOIL should always be used rather than extra hours paid or overtime pay.

## **14. Maternity and Adoption Leave**

### **14.1 Notification procedures for Maternity Leave**

If you are pregnant and give birth to a child, you are entitled to take Maternity Leave. To be eligible, you must comply with the rules and procedures set out below: no later than the end of the 15th week before the expected week of childbirth (EWC), you must give your Coordinating Pastor/Parish Priest/Department Head notice of:

- the fact that you are pregnant and the date on which you intend to start your Maternity Leave
- the expected week of childbirth, which must be confirmed by providing the medical certificate MAT B1
- within 28 calendar days of you giving notice, the Diocese will respond in writing, to confirm the date on which your Maternity Leave will end. This will normally be 52 weeks from the start of your Maternity Leave
- the earliest you may start your Maternity Leave is 11 weeks before your expected week of childbirth. However, Maternity Leave will start automatically if you give birth before this date

Your Maternity Leave will automatically start if you are absent from work for a pregnancy-related illness during the four weeks before your expected week of childbirth.

You may change your mind about when you want to start your Maternity Leave, as long as you notify us, in writing, of your new start date. You must give us the relevant notice by whichever date is the earlier of the following notice periods:

- 28 days before the date on which you originally intended to start your leave or
- 28 days before the new date on which you want to start your leave

this is the required notice period although it is encouraged to notify us as soon as reasonable so that appropriate health and safety assessments can be made.



## **14.2 Notification procedures for Adoption Leave**

If you adopt a child, you are entitled to Adoption Leave. This right applies to both men and women.

The partner of an individual who adopts, or the other partner of a couple adopting a child jointly, may also be entitled to Paternity Leave and Statutory Paternity Pay.

If you are part of a couple that adopts a child, you can choose which partner will take Adoption Leave and which will take Paternity Leave. Either partner can choose the type of leave that applies to them.

To qualify for Adoption Leave, you must:

- be newly matched with a child for adoption by an approved adoption agency (this includes placement of a child with local authority foster parents who are prospective adopters under the fostering for adoption scheme)
- have notified the agency that you agree that the child should be placed with you and have agreed the date of placement
- notify the Diocese of when you want to take Adoption Leave no more than seven calendar days after being notified that you have been matched with a child
- in the case of surrogacy adoption leave, be in receipt of, or in the process of applying for, a parental order.

You should also give the Diocese the matching certificate from the approved adoption agency as evidence of your entitlement to Adoption Leave. Only one period of Adoption Leave will be available, irrespective of whether you have more than one child placed with you for adoption as part of the same arrangement.

Within 28 calendar days of you giving notice, the Diocese will respond in writing to you, confirming the date when your Adoption Leave will end. This will normally be 52 weeks from the start of the Adoption Leave.

You may choose to start your Adoption Leave either from:

- the date of the child's placement
- Or
- a fixed date, which can be up to 14 calendar days before the expected date of the child's placement

You may change your mind about when you want to start Adoption Leave, as long as you notify the Diocese, in writing, of your new start date. You must give the Diocese the relevant notice by whichever date is the earlier of the following notice periods:

- 28 days before the date you originally intended to start your leave or
- 28 days before the new date you want to start your leave





### **14.3 Time off for appointments**

If you are pregnant, you have the right to take reasonable time off work, with pay, during your working hours to receive antenatal care, regardless of your length of service. This includes relaxation and/or parent craft classes when this has been recommended on medical grounds by your registered medical practitioner or registered midwife.

The Diocese requires you to give reasonable notice when making a request to take time off for scheduled antenatal appointments. Prior to time off being authorised, you will also be required to provide a copy of your appointment card and/or medical certificate confirming your pregnancy, with the exception of your first appointment.

#### **14.3.1 Time off for adoption appointments**

If you intend to adopt a child, you are entitled to time off to attend adoption appointments. Adoption appointments refer to those which take place after you are notified that a child is to be placed with you for adoption or for a fostering for adoption placement and before the placement occurs.

The amount of time off (and any entitlement to pay) depends on whether you have elected to be the main adopter or are the partner of the main adopter. No request for time off will be unreasonably refused.

If you are the main adopter, you are entitled to time off to attend adoption appointments on up to five occasions. The maximum time off which can be taken on each occasion is six and a half hours. Time off will be paid at your normal rate of pay.

If you are the partner of the main adopter, you are entitled to time off to attend up to two adoption appointments. The maximum time off which can be taken on each occasion is six and a half hours. Time off is unpaid.

### **14.4 Different types of leave available**

If you are pregnant or you have recently given birth, you are entitled to Maternity Leave. When you give birth, you are legally compelled to take a minimum of two weeks' Maternity Leave immediately after giving birth.

If you adopt a child, either you or your partner will be entitled to Adoption Leave. Adoption leave can be taken by either partner adopting a child jointly, regardless of your gender. To obtain the benefit of these rights, you must comply with the qualifying conditions that are outlined below.

Where you meet the eligibility criteria, you are entitled to 52 weeks' Maternity or Adoption Leave, in order to care for a new baby or a newly adopted child who is up to 18 years of age.

Maternity and Adoption Leave is made up of 26 weeks' Ordinary Leave, followed by 26 weeks' Additional Leave. Additional Maternity Leave (AML) or Additional Adoption Leave (AAL) follows immediately after the end of your Ordinary Leave. There can be no gap between the two types of leave.



New mothers and adoptive parents have the right to transfer all, or part, of their AML or AAL entitlement to the other parent or to share Parental Leave. Further details can be found in the Paternity Leave policy and the Shared Parental Leave policy.

#### **14.5 Benefits during Maternity or Adoption Leave**

During Maternity or Adoption Leave, you are entitled to receive all your normal contractual benefits, including annual holiday entitlement, with the exception of your normal pay.

#### **14.6 Statutory Maternity and Adoption Pay (SMP/SAP)**

SMP and SAP are payable for up to 39 weeks as follows:

- 90% of your average weekly earnings (before tax) for the first 6 weeks
- £151.20 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks

For SMP your normal earnings are calculated based on the eight-week period before the Qualifying Week, i.e. the 15th week before your expected week of childbirth (EWC). For SAP your normal earnings are calculated over the eight-week period ending with the week in which you are notified of having been matched with the child for adoption.

If your earnings are below the standard rate set by the Government, you will be paid at the equivalent of 90% of your average earnings in the eight-week period before the Qualifying Week or the date the child is matched.

If you do not qualify for SMP or SAP, you may be entitled to claim for an allowance of financial support by contacting your local benefits office.



### **14.6.1 Qualifying for SMP and SAP**

To qualify for SMP or SAP you must:

- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes during the eight-week period up to and including the Qualifying Week or the date you are matched with a child
- have been continuously employed for at least 26 weeks, ending with the 15<sup>th</sup> week before your EWC (the 'Qualifying Week') or the date you are informed by the approved adoption agency, or the central authority, that you have been matched with a child
- (if you are pregnant) still be pregnant at the 11<sup>th</sup> week before your expected week of childbirth or have had the child by that time
- give the Diocese at least 28 days' notice (or, if that is not possible, as much notice as is reasonably practicable) of the day you would like your SMP or SAP to start
- provide the Diocese with the appropriate medical certification of your expected week of childbirth, normally using the medical certificate MAT B1, or provide a written declaration that you have chosen to receive SAP rather than Statutory Paternity Pay

### **14.7 Returning to work after Maternity or Adoption Leave**

You do not need to give notice of your return to work if you simply return at the end of your Maternity or Adoption Leave period.

At least 2 weeks before you are due to return to work you will be invited for an informal meeting with your Parish Priest/Department Head in order to discuss any material points concerning your return to work. For many reasons retraining needs may arise, and you are encouraged to discuss these at the meeting.

If you wish to return to work before the full entitlement of your Maternity or Adoption Leave has ended, or change your mind about the intended date of return to work, you must give a minimum of eight weeks' notice of the intended date of your return. In the event that you fail to give the required eight weeks' notice of an earlier date of return, the Diocese may postpone your return until the end of the eight weeks' notice you should have given, or until the end of the Maternity or Adoption Leave period, whichever is earlier.

You are entitled to return to your original job at the end of Ordinary Maternity or Adoption Leave. Where you take Additional Maternity or Adoption Leave, you are also entitled to return to your original job at the end of the Additional Leave. However, if this is not reasonably practicable, you will be offered a similar role on no less favourable terms and conditions. You will not lose the right to return to work if you do not follow the correct notification procedures. However, the Diocese may take appropriate disciplinary action if you fail to return to work at the end of the Maternity or Adoption Leave period.



If you are unable to return to work at the end of the Maternity or Adoption Leave due to ill health, the normal sickness absence rules, procedures and payments will apply.

#### **14.8 Holiday entitlement and Maternity or Adoption Leave**

Annual holiday entitlement will continue to accrue during the whole of your Maternity or Adoption Leave. You must discuss and agree with the Parish Priest/Department Head in advance when your accrued holiday entitlement will be taken.

Holiday entitlement cannot be taken simultaneously with Maternity or Adoption Leave. Accrued holiday can only be taken either before the beginning of the Leave or after the end of the Leave. Authorisation must be obtained in the normal way prior to your accrued holiday being taken.

#### **14.9 Keeping in Touch Days**

Employees on Maternity and Adoption Leave will usually remain on circulation lists for internal memoranda and documents and will be invited to work-related social events as though they were still at work. You are encouraged to maintain your input where you wish to however you are not expected to attend.

The Diocese may make reasonable contact with you during your Maternity or Adoption Leave. In addition, you may attend work during your Maternity or Adoption Leave, for a limited period, without affecting your Maternity or Adoption Leave. These days are referred to as Keeping in Touch (KIT) days (see below).

During your Maternity or Adoption Leave, you may work up to 10 days, without losing your right to your Maternity or Adoption Leave pay.

Any days worked will be paid at your normal rate of pay, and any SMP or SAP will be taken into account for these purposes.

Neither you nor the Diocese is under any obligation to agree to work or provide work for KIT days.



## **15. Shared Parental Leave**

Shared Parental Leave (SPL) gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 52 weeks' leave should they wish to do so. Parents taking SPL can take leave in separate blocks, returning to work in between blocks, and both parents can be on leave at the same time. Eligible employees are entitled to submit up to three 'period of leave' notices and are entitled to take SPL on those dates if a continuous period of leave is requested.

To be entitled to SPL you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (each will be referred to in this policy as a parent)
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of childbirth (EWC) or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- still be in continuous employment until the week before any SPL is taken.

In addition, the other parent must:

- have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week
- have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week

If the other parent meets those conditions, but does not qualify for SPL, you may be entitled to the whole SPL period.

### **15.1 Amount and timing of Shared Parental Leave**

Shared Parental Leave (SPL) must be taken in weekly blocks and within a 12 month period beginning with the date of the baby's birth or the child's placement for adoption.

The maximum of 52 weeks' SPL will be reduced by the number of weeks' maternity or adoption leave that has already been taken by the mother or main adopter (or the number of weeks' Statutory Maternity/Adoption Pay, or maternity allowance already taken if the mother or main adopter is not entitled to Statutory Maternity/Adoption Leave).

After the birth of a child it is compulsory for the mother to take two weeks' maternity leave so in the majority of cases working parents will have the opportunity to split 50 weeks of SPL.

SPL is in addition to the statutory right to two weeks' paternity leave for fathers and partners. If you wish to take paternity leave you must do so before you take any SPL.



During SPL, you are entitled to receive all your normal contractual benefits, including annual holiday entitlement, with the exception of your normal pay.

## **15.2 Shared Parental Pay**

In addition to the requirements regarding entitlement to leave outlined above, if you wish to claim Shared Parental Pay (ShPP) you must have average weekly earnings equal to or above the Lower Earnings Limit over the eight-week period ending with the relevant week.

A maximum of 39 weeks' ShPP is payable, and this will be reduced by the number of weeks' Statutory Maternity/Adoption Pay or maternity allowance already taken by the mother or main adopter.

ShPP is paid at the rate of £151.20 a week (correct June 2020) or 90% of your average weekly earnings, whichever is lower.

## **15.3 Holiday entitlement and Shared Parental Leave**

Annual holiday entitlement will continue to accrue during the whole of your SPL. Holiday entitlement cannot be taken simultaneously with SPL. Accrued holiday can only be taken either before the beginning of the leave, after the end of the leave or in between blocks of leave. Authorisation must be obtained from the Diocese in the normal way prior to your accrued holiday being taken.

## **15.4 SPLIT Days**

The Diocese may make reasonable contact with you during your SPL. In addition, you may work for up to 20 days without bringing the SPL to an end but work during SPL will not have the effect of extending your SPL period. These days are referred to as Shared Parental Leave In Touch (SPLIT) days. If you do work, you will be paid your normal rate of pay inclusive of any ShPP entitlement. You are under no obligation to work during SPL, and the Diocese is under no obligation to offer work.

The 20 SPLIT days available during SPL are in addition to the 10 "Keeping in touch" days available during Maternity and Adoption Leave.

## **16. Paternity Leave**

You have the right to take unpaid time off during working hours to accompany a pregnant woman to antenatal appointments where you:



- are the pregnant woman's husband or civil partner, or
- live with the woman in an enduring family relationship (whether heterosexual or same-sex relationship) and are not a relative of the woman, or
- are the expected child's father, or
- are one of a same-sex couple who is to be treated as the child's other parent under the assisted reproduction provisions, or
- are the potential applicant for a parental order under surrogacy laws.

This time off is limited to:

- no more than two occasions
- each lasting no more than six and a half hours

You can take Paternity Leave (PL) in relation to the birth or adoption of a child. If you are the partner of an individual who adopts, or you are the other member of a couple who is adopting jointly, you may be entitled to Paternity Leave.

If you have adopted the child, you can choose who will take the Adoption Leave and who will take the Paternity Leave. Only one period of Maternity or Adoption Leave and one period of Paternity Leave may be taken between the couple even if your partner works for a different company.

### **16.1 Qualifying conditions for Paternity Leave**

In order to qualify for Paternity Leave you must:

- have worked continuously for the Diocese for 26 weeks leading into the 15th week before the EWC; or by the week in which an approved adoption agency matches you with the child (the notification week)
- be the biological father of the child or the mother's husband or partner (male or female) or have, or expect to have, responsibility for the child's upbringing
- confirm the requested leave is intended for the purpose of caring for the child, or to support the child's mother or adoptive parent in caring for the child.

Eligible employees are entitled to take up to two weeks' paid PL. PL must be taken in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week, on or following the child's birth, but must be completed:

- within 56 calendar 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 calendar days after the expected week of birth.

You may change your mind about the starting date for PL, providing you tell your Coordinating Pastor/Parish Priest/Department Head at least 28 calendar days in advance of the changed start date (or as soon as is reasonably practicable, if not in a position to do so within the prescribed period).





## **16.2 Statutory Paternity Pay**

Eligible employees are entitled to be paid during their PL following the birth or placement of their adopted child in order to care for the child or support its mother or adoptive parent.

During PL, most employees will be entitled to Statutory Paternity Pay (SPP), which will be the same as the standard rate of Statutory Maternity Pay (SMP). In order to qualify for SPP you must:

- meet the PL qualifying conditions mentioned above and
- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight-week period leading up to and including, the 15th week before the EWC or, in adoption cases, the Notification Week

In addition to meeting the conditions detailed above, the Diocese may request you to provide a self-certificate as evidence that the mother or adoptive parent meets these conditions. The self-certificate must also provide the information required above and include a declaration that you meet the necessary conditions.

You are entitled to enjoy your normal terms and conditions of employment, with the exception of pay, whilst on Paternity Leave. You are also entitled to return to the same job following your leave.

## **16.3 Requesting Paternity Leave**

If you wish to take PL you must notify your Coordinating Pastor/Parish Priest/Department Head by the 15th week before the EWC or no more than seven days after you are notified of being matched with the child for adoption, stating the week the child is due, or the expected placement date; whether you wish to take one week's or two weeks' continuous leave; and the date you want the leave to start.

The Diocese will consider all requests for Paternity Leave. However, you must be aware that Paternity Leave can only be authorised to be taken immediately after the birth or the placement of the child or if later at a time to suit the needs of the business.

Leave may start on any day of the week on or following the child's birth or the date of adoption placement. Your leave must be completed within 56 calendar days of the actual date of birth of the child, or the date of the adoption placement.

If the child is born early, leave must be taken within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

### **16.3.1 Changing the start of your Paternity Leave**

Where you are to take PL in respect of a child's birth or to coincide with the day a child is placed with you, you can give written notice to vary the start date of your leave from that which you originally specified.





At least 28 days before the EWC or the Expected Placement Date, notice should be given where you wish to:

- vary your leave to start on the day of the child's birth
- vary your leave to start a specified number of days after the child's birth or after the placement date of the child (minus the specified number of days)
- vary your leave to start on a specific date (or a different date from that you originally specified).

## **16.4 Returning to work after your Paternity Leave**

You are normally entitled to return to work following Paternity Leave to the same position you held before commencing your leave. Your terms of employment will continue to be the same as they would have been had you not been on Paternity Leave.

If your Paternity Leave has been combined with a period of Shared Parental Leave totalling more than 26 weeks or a period of Parental Leave of more than four consecutive weeks, and it is not reasonably practicable for you to return to the job you held before commencing leave, the Diocese will offer you a suitable and appropriate alternative position.

If you are unable to return to work following a period of Paternity Leave due to sickness or injury, this will be treated as sickness absence and the normal reporting procedures will apply.

You should be aware if you do not return to work for any other reason, the Diocese will treat a late return as an unauthorised absence, which may result in disciplinary action up to and including dismissal without notice.

If you take a period of Paternity Leave under this policy for any purpose other than to care for the child, you may be subject to disciplinary action up to and including dismissal.

## **17. Time off for Dependants**

You are entitled to take a reasonable amount of unpaid time off during working hours to deal with particular situations affecting your dependants. The amount of time off will depend on the nature of the incident and your individual circumstances.

### **17.1 Definition of dependant**

A dependant is:



- a spouse
- a civil partner
- a child
- a parent
- a person who lives in the same household as you other than as your tenant, lodger, boarder or employee
- any person who would reasonably rely on you for assistance or who would rely on you to plan for the provision of care in the event of illness or injury
- any other person who may rely on you for the provision of care or arrangements for the provision of care

### **17.2 What counts as time off**

Reasonable time off will be granted in the following circumstances:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the care of a sick or injured dependant or to make arrangements to deal with an unexpected disruption to their care provision
- in consequence of the death of a dependant
- to deal with an unexpected incident involving your child during school hours or those of another educational establishment

The right is only to deal with emergencies and to put care arrangements in place - for example, arranging to employ a temporary carer or arranging for the dependant to stay with relatives. You would not be entitled to time off under this policy for the ongoing care of the dependant.

### **17.3 Procedure**

You must inform your Parish Priest/Department Head as soon as practicable of your unavailability for work, the reason for it and how long you expect to be away from work.

You do not have to do this in writing, but you will need to give the Diocese sufficient information for it to be determined that your time off falls under the Time Off for Dependants provision.

You may be required to provide evidence to the Diocese of your need to take time off under this provision.

If you fail to inform the Diocese as soon as is reasonably practicable that you need time off, or if you abuse the rights under this provision, you may be subject to disciplinary proceedings, up to and including dismissal without notice.

## **18. Compassionate Leave**

This is intended to provide a compassionate response to cases of urgent domestic distress such as bereavement or serious illness in the immediate family. The immediate family will include:



- Child
- Partners (including same-sex partners)
- Parents
- Parents of partner ('in-laws' - if the employee is responsible for funeral arrangements)
- Siblings
- Step-families.

Leave for bereavements beyond the list above (for example, grandparents, close friends, or extended family) will be reviewed and usually be based on whether there were exceptionally close links.

The manager has the discretion to grant paid leave, normally up to three days in any leave year, however, in exceptional circumstances, the manager has the discretion to extend this to a maximum of five days paid leave. Any further leave may be granted at the manager's discretion in liaison with HR.

If it is not appropriate to take compassionate leave, then annual leave or unpaid leave may be utilised in agreement with the manager.

In all cases, managers should assess the individual circumstances of the request for leave and consider the levels of stress experienced by the employee and whether it is likely to affect his/her work. Advice should also be taken from the HR team if necessary.

Where an employee is requiring time off over a longer period the manager may consider a change in working hours in discussion with the individual, on either a temporary or permanent basis.

## **19. Child/Parental Bereavement Leave**

***(N.B. no requirement for child to be under 18)***

In the circumstances where employees, who are parents, experience the death of a child. The provisions below are designed to set out leave and pay in these circumstances.

A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that the Diocese deems to be reasonable. For example, this may include grandparents who have had caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated). There is no requirement for the child to be



under 18 years of age.

All bereaved parents will be eligible to a minimum of two weeks of child Bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria to access bereavement leave or pay. Any further leave may be granted at the manager's discretion in liaison with HR.

All bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated based on what the individual would have received had he/she been at work. This would normally be based on the previous three months at work or any other reference period that may be locally agreed.

Where both parents of a deceased child work in Diocese of Portsmouth, the entitlements in this Section will apply to both employees.

Parents who experience a still birth from the 24th week of pregnancy will be eligible for this leave. In the case of the mother, this would be in addition to other paid leave i.e. maternity leave. Bereavement leave and pay may be extended to employees, by local arrangement, in these circumstances where they were hoping to become parents under surrogacy arrangements.

Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their manager the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so, upon informing their manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their manager reasonable notice of their intention to take the leave at this time.

Bereaved parents will at no point be required to produce the child's Death Certificate, or any other official documents to access child bereavement, leave or pay. The Diocese of Portsmouth may ask for a written declaration from the employee, within a reasonable timeframe, to satisfy statutory requirements.

## **20. Special Leave (When Dependants Leave Is Not Appropriate)**

The Diocese of Portsmouth recognises that employees occasionally have to respond to domestic emergencies. Managers may therefore, at their discretion,



grant special leave under these circumstances.

Special leave for emergencies may be used during times of unforeseen domestic crisis when carer leave is not applicable, for example when dealing with a burst water pipe or when a burglary or fire has occurred. When an employee is prevented from returning to work due to transportation issues such as delayed flights or a natural disaster, unpaid leave may be granted at the manager's discretion.

Managers should assess individual circumstances during times of emergency and have the discretion to grant leave, which would be without pay. Depending upon the emergency this should not normally be more than one day and should not exceed more than three days in any leave year. Individuals and managers should agree how time may be made up, or notify payroll if pay is to be deducted.

## **21. Special Leave For Public Duties**

Employees undertaking essential civil or public duties are entitled to paid leave in respect of specific activities. Also included in these guidelines are duties or activities for which it is considered paid time off should be allowed, although there is no legal requirement to give it.

The Diocese of Portsmouth wishes to allow the widest possible discretion when faced with requests for leave therefore only indicative amounts of leave with pay that may be agreed for each duty or activity have been stipulated.

Any employee wishing to participate in any of the duties/activities entitling special leave should discuss their wishes with their manager before committing themselves. Entitlement to paid leave could be affected if this process has not been undertaken.

Where absence on a public duty or activity would cause considerable disruption to a department, with the exception of jury service, the manager has the right to refuse permission for special leave with or without pay. In doing so the manager must ensure that any decision to refuse permission is reasonable in all circumstances.

Managers should ensure that the employee's personal file contains a record of the request for special leave, the date granted or refused, the amount agreed if any, and any special conditions agreed with the manager in respect of that duty or activity.

## **22. Duties and activities for which special leave may be granted**

Employees requesting special leave for the following duties or circumstances may be granted leave as indicated. Managers have discretion to grant paid or unpaid



leave in excess of the amount stipulated in consultation with the individual. Please see below or minimum Indicative levels of paid leave per year.

Type of Special Leave	Indicative Levels of Paid Leave Per Year
Court attendance as a witness	As required
Jury service	70 hours (2 weeks)
Training with reserve and cadet forces*	35 hours (1 week)
Witness in in-house appeal hearings	As required

\* Training with the reserve or cadet forces

In other circumstances not outlined above, paid or unpaid leave may be allocated at the discretion of the manager in consultation with HR.

It is recognised that the individual may be called at short notice to serve in a national or international emergency. Absence on unplanned service will not break continuity of service.

## **22. Study Leave**

It is possible to grant a period of unpaid study leave (up to a period of two weeks) in a rolling 12 month period. This would be granted on a discretionary basis, following consultation with your line manager. Such requests may be refused in line with the needs of the Diocese of Portsmouth.

## **23. Unpaid Leave**

Unpaid leave of absence requests must be agreed by the line manager and the Head of People. Once approved all correspondence should be copied to HR. HR will then make the necessary adjustments and stop payments to the employee for the duration of the unpaid period.

### **23.1 Pension rights during unpaid leave**

Prior to committing to a period of unpaid leave, employees must contact the pension provider, to discuss the implications of the unpaid leave on their pension and options for pension arrangements.

## **24. Disruption to Travel**

It is the duty of each employee to make their own arrangements to get to work on time. It is recognised that at times employees may experience severe difficulties in getting to and from work because of inclement weather and/or disruption to travel



services. However, employees are expected to make all reasonable attempts to attend work for services to be maintained even if this means they will arrive late.

'Inclement weather' can be defined as snow, ice, fog, floods, resulting in extremely hazardous journeys by road, using public or private transport.

'Extremely hazardous' is defined as those conditions in which the police and/or appropriate motoring organisations advise people not to travel at all because of severe local weather conditions. If schools/nurseries are closed due to inclement weather, the employee may request dependants leave. Employees living within reasonable walking distance of their base will be expected to make every effort to get to work.

Disruption to travel services can be caused by:

- Severe weather conditions resulting in delays/cancellations to public/private transport.
- Major disruption to public services and private transport due to major accidents.
- Industrial action by public transport services i.e. road/rail.
- Fuel crisis.
- Other major incidents involving police, fire and ambulance services.

To ensure that all employees are treated consistently throughout the Diocese of Portsmouth during inclement weather/disruption to travel services, the Diocese of Portsmouth will provide options for employees. It will be up to individual line managers to decide unless overruled by the Chief Operating Officer. Employees not able to attend work may have the option of:

- Taking time off in lieu using hours already worked.
- Agreeing to work the hours lost at another time.
- Taking annual leave.
- Taking special leave without pay.
- Requesting dependants leave if a child's school/nursery is closed.

If instructed by the police or armed forces (or any other authority) to not attempt to leave their homes because it is unsafe to do so due to adverse weather conditions, employees should adhere to these instructions and not attempt to attend work. Employees should notify their manager immediately or at the earliest opportunity. If this is the case, managers have the discretion to grant special leave with pay.

Employees may report for work at premises other than their normal base, or alternatively work from home if they have access. They should inform their line manager of their intention to attend a different site.



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It is the responsibility of each employee to inform their line manager if they are unable to attend work because of the inclement weather, and to keep their manager regularly informed.

### **Approvals**

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

December 2020  
Human Resources Department





	Name	Signature	Position	Date
Prepared by	Victoria Nightingale		Diocesan Personnel Manager	Sept 2019
Reviewed by	Heather Hauschild		Chief Operating Officer	Sept 2019
Reviewed by			Finance Audit and Risk Committee	January 2020
Approved by			Trustees	February 2020
Reviewed by	Georgie Gregory		HR Consultant	July 2020
Reviewed by	Karena Fulford		Head of People	Aug 2020
Reviewed by			Senior Leadership Team	Sept 2020
Reviewed by			HR Remuneration Committee	Sept 2020
Approved by			Trustees	Oct 2020

## Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date

## 2- Flexible Working Policy

*Commit to the Lord whatever you do, and he will establish your plans. Proverbs 16:3*

<b>Operative date:</b>	October 2020
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December 2020

Human Resources Department



<b>Owner:</b>	Head of People
<b>Review date:</b>	October 2023
<b>For action by:</b>	All Employees, Line Managers and Volunteers
<b>Policy statement:</b>	This policy outlines actions to be taken by the manager or an employee in relation to requests for flexible working
<b>Responsibility for dissemination to new employees:</b>	Line managers
<b>Mechanisms for dissemination:</b>	The policy will be published on the Diocese of Portsmouth website and promoted to employees through the e-newsletter.
<b>Training implications:</b>	This policy will be highlighted through the induction process. Line managers / investigating officers will be provided with training as appropriate.
<b>Resource implications:</b>	There are no resource implications.

## Introduction

The Diocese of Portsmouth is committed to promoting the well-being of all employees and supporting them in achieving a balance between work and life outside of work, through flexible working arrangements, wherever reasonably practicable. Subsequently, improving employees' well-being and work-life balance can enable the provision of a high quality efficient and effective service.

### 1. Flexible Working Regulations 2014

The Flexible Working Regulations 2014 legislates that all employees have the legal right to request flexible working – not just parents and carers if they have 26 weeks continuous service. This is known as 'making a statutory application'. The Diocese of Portsmouth can refuse a request but only if they have a good business reason for doing so.

### 2. Definitions

2.1 'Flexible working' incorporates a wide variety of working practices that are different from standard practice. In many cases, flexible working practices will be individually tailored to suit the needs of the individual and the department. These may include the following:

- **part-time working**, where a person works to a pattern and number of hours by mutual agreement.



- **job sharing**, where two or more people share the responsibilities of one or more full-time job(s), dividing the hours, duties and pay between them.
- **flexi-time**, where employees can choose their own start and finish time around fixed core hours (but maintains the full working hours within their contract).
- **annual hours contracts**, where people work a specific number of hours each year, with the hours being unevenly distributed throughout the year.
- **flexible rostering**, using periods of work of differing lengths within an agreed overall period.
- **term-time working**, where people work during the school term but not during school holidays.
- **voluntary reduced working time**, where people work reduced hours by agreement at a reduced salary.
- **fixed work patterns**, where, by agreement, days off can be irregular to enable, for example, access by separated parents to their children and flexible rostering.
- **condensed hours**, whereby agreement people can work their current contractual hours over a reduced number of days i.e. working 35 hours over a 4 days.

Any of the above may be agreed as part of informal, ad-hoc or short- term measures to cover a sudden and short- term change in circumstances. Whilst these will not be subject to the full consideration of this process, these must be agreed with the line manager and a fixed period agreed, with normal working patterns resumed following this period.

### 3. Purpose and Scope

This policy sets out the Diocese's approach to flexible working and the steps that should be followed to implement flexible working arrangements.

The policy ensures that flexible working considerations are managed fairly and consistently across the Diocese.

Employees will be treated as individuals with due regard to their personal and employment circumstances at all stages.

### 4. Responsibilities

#### 4.1 Employees

It is the responsibility of the employee to:



- Be aware of and understand the flexible working policy and procedure
- Fully consider the safety and feasibility of conducting work activities flexibly before applying for flexible working
- Speak to their line manager or HR about any queries they may have
- Understand that applications for flexible working will be considered in line with organisational needs and on a case by case basis and approval is not guaranteed
- Understand that flexible working agreements may be subject to change depending on the needs of the organisation.
- Perform in the role as required by their line manager

## **4.2 Managers**

Managers are expected to:

- Ensure all employees are made aware of the procedure for flexible working
- Ensure all applications for flexible working are considered on their own merits, considering the needs of the organisation, the team, workloads and the individual's situation.
- Ensure all employees are treated fairly and equally
- Provide regular contact with flexible workers and tailor management style accordingly
- Work in line with the appropriate policies and involve HR where necessary
- Appropriately document processes
- Be clear on individual's performance expectations

## **4.3 HR**

During periods of change HR are expected to:

- Provide advice and guidance to managers and employees
- Provide support where relevant and required
- Ensure due process is followed and employees are treated fairly and consistently

## **5. Employee Requests for Flexible Working**

- 5.1 All employees (with a contract of employment) with 26 weeks continuous service has the 'right to request' flexible working in writing.



- 5.2 The line manager should arrange a meeting with the employee within 28 days of receiving the application to discuss the request. This meeting is not required if the manager agrees to the terms of the application and notifies the employee accordingly within 28 days of receiving the application. The employee has a right to be accompanied by a trade union representative or workplace colleague if they so wish.
- 5.3 Employees will be notified of the decision within 14 days of the date of the meeting. Employees will be entitled to appeal against the decision within 14 days from the date of the letter.
- 5.4 Where there is reason to grant short term changes to working patterns to cover a fixed and defined period of change in the employees' situation, the options available should be discussed by the manager and the employee and agree a timescale for the change, confirming all arrangements in writing with the employee.
- 5.5 Under these circumstances the working pattern shall return to its normal form following the fixed period stated. If the change in working pattern needs to be extended for an indefinite amount of time then it shall be subject to this guidance and process, this includes a request to work from home
- 5.6 Flexible working arrangements will need to be reviewed on a periodic basis by the employer and the employee in line with changing business needs or personal situations. A review of existing flexible working arrangements should form part of the appraisal process at least annually but may be reviewed between appraisals if the need arises.
- 5.7 The organisation has a right to review the flexible working arrangements in line with changing business needs. The employee can request a review or indicate if a flexible arrangement put in place is no longer required due to a change in circumstances or there has been a change in personal circumstance.
- 5.8 A flexible working request may be refused, for example, on one or more of the following business reasons (this list is not exhaustive):
- Burden of additional costs.
  - Detrimental effect on the ability to perform tasks within the Diocese of Portsmouth.
  - Inability to reorganise work among existing employees.
  - Inability to recruit additional employees.
  - Detrimental impact on quality.
  - Detrimental impact on performance.
  - Insufficiency of work during the periods the applicant proposes to work.
  - Planned structural changes.



5.9 The reason for refusal must also ensure that it complies with the Equality Act (2010)

## **6 Appeal**

An employee may use the grievance procedure (please refer to Conduct & Performance Policy) if they feel that they have been treated unfairly in relation to the application of this policy.

## **7 Equality Analysis**

In applying this policy, the Diocese of Portsmouth will have due regard for the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations for all employees, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

Where English is not the first language or there are difficulties in understanding this policy, employees should contact their line/other appropriate manager or HR for advice and guidance.

It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or trade union membership or non-membership in relation to the application of this policy.

## **8 Training Implications**

This will be achieved by the policy being available to all employees via the Diocese website.

## **9 Review**

The policy may be reviewed at any time at the request of either the employee or the Diocese of Portsmouth but will be reviewed automatically in the event of new legislation or guidance emerging.

## **Approvals**

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

Name	Signature	Position	Date
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Prepared by	Victoria Nightingale		Diocesan Personnel Manager	Sept 2019
Reviewed by	Heather Hauschild		Chief Operating Officer	Sept 2019
Reviewed by			Finance Audit and Risk Committee	January 2020
Approved by			Trustees	February 2020
Reviewed by	Georgie Gregory		HR Consultant	July 2020
Reviewed by	Karena Fulford		Head of People	Aug 2020
Reviewed by			Senior Leadership Team	Sept 2020
Reviewed by			HR Remuneration Committee	Sept 2020
Approved by			Trustees	Oct 2020

### Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date



## 10. Homeworking Policy

*“And let us consider how we may spur one another on toward love and good deeds, not giving up meeting together, as some are in the habit of doing, but encouraging one another – and all the more as you see the Day approaching.” Hebrews 10:24-25*

<b>Operative date:</b>	October 2020
<b>Owner:</b>	Head of People
<b>Review date:</b>	October 2023
<b>For action by:</b>	All Employees, Line Managers and Volunteers
<b>Policy statement:</b>	This policy outlines actions to be taken by the manager or an employee in relation to permanent, regular, and ad hoc homeworking arrangements
<b>Responsibility for dissemination to new employees:</b>	Line managers
<b>Mechanisms for dissemination:</b>	The policy will be published on the Diocese of Portsmouth website and promoted to employees through the e-newsletter.
<b>Training implications:</b>	This policy will be highlighted through the induction process. Line managers / investigating officers will be provided with training as appropriate.
<b>Resource implications:</b>	There are no resource implications.

### Introduction

We recognise that both we as your employer and you, the employee, may at times require temporary or longer-term homeworking arrangements.

We are committed to improving the working lives of all our employees (regardless of contract type, gender, race, disability, or age) to help them achieve a balance between the demands of their job and their home life. Homeworking is an option available under our flexible working options to support our employees whilst ensuring the organisations needs are met.

We are committed to improving the efficiency and productivity of our work force and organisation, which at times may result in workplace changes and implementation of homeworking arrangements by agreement. Homeworking arrangements may be subject to change in line with the needs of the organisation.





Homeworking arrangements may be agreed upon between us and the employee in any of the following circumstances:

The employee submits a request for homeworking for either:

- a. Temporary homeworking to address immediate organisational challenges
- b. Permanent homeworking to meet the needs of the organisation
- c. Recruitment or movement into a permanent homeworking role

Employees who are regular or permanent homeworkers, either by request or organisational change, will have a formalised homeworking agreement and the relevant variation made to their contract of employment.

Any employee requests for homeworking will be reviewed on their own merit and all posts will be subject to meet homeworking criteria to ensure suitability of homeworking arrangements.

There is no automatic right for employees to be regular or permanent home workers as there may be circumstances where we cannot accommodate the request. We will provide written explanation of reasons why a request has been refused.

In certain circumstances we may require employees to work from home. This may be on a temporary or permanent basis.

Where permanent homeworking is agreed, the necessary changes will be made to the employee's contract of employment by way of a variation letter. Please note this policy should not be taken as forming an employment contract and may be updated at any time.

## **11. Purpose and Scope**

This policy sets out the Diocese's approach to homeworking and the steps that should be followed to implement homeworking arrangements.

The policy ensures that homeworking considerations are managed fairly and consistently across the Diocese.

Employees will be treated as individuals with due regard to their personal and employment circumstances at all stages.

## **12. Definitions**

For the purposes of this policy, distinction is made between employees who have (or wish to apply for) a formalised home working agreement with their line manager to work from home as a regular or permanent 'homeworker' and those who may work



from home on an occasional basis without a formalised agreement (referred to as ad hoc working from home).

Ad hoc working from home	Employees who request permission to work from home on an ad hoc basis. To be agreed in writing with their line manager as appropriate
Regular home worker	An employee who spends 50% or more of their contracted hours working from home on a regular basis This is a formal agreement between employer and employee Applications for regular homeworking must be made in line with this policy
Permanent home worker	An employee who spends 100% of their contracted hours working from home or remotely. Home is their contracted work base. This is confirmed within their contract of employment or by variation to the contract for existing employees Applications for permanent homeworking must be made in line with this policy

Employees who become homeworkers as a result of organisational change or who are recruited into a designated homeworking role will be classed as permanent homeworkers.

## 13. Responsibilities

### 13.1 Employees

It is the responsibility of the employee to:

- Be aware of and understand the homeworking policy and procedure
- Fully consider the safety and feasibility of conducting work activities from home before applying for homeworking
- Work safely and responsibly, adhering to the policy at all times while homeworking
- Speak to their line manager or HR about any queries they may have



- Understand that applications for homeworking will be considered in line with organisational needs and on a case by case basis and approval is not guaranteed
- Understand that homeworking agreements may be subject to change depending on the needs of the organisation.
- Perform in the role as required by their line manager

## **13.2 Managers**

Managers are expected to:

- Ensure all employees are made aware of the procedure for homeworking
- Ensure all applications for homeworking are considered on their own merits, considering the needs of the organisation, the team, workloads and the individual's situation.
- Ensure all employees are treated fairly and equally
- Ensure thorough risk assessments are carried out for accepted applications for homeworking
- Provide regular contact with homeworkers and tailor management style accordingly
- Work in line with the appropriate policies and involve HR where necessary
- Appropriately document processes
- Be clear on individual's performance expectations

## **13.1 HR**

During periods of change HR are expected to:

- Provide advice and guidance to managers and employees
- Provide support where relevant and required
- Ensure due process is followed and employees are treated fairly and consistently

## **Procedure**

### **14 Employee Requests for Homeworking**

14.1 Employees who wish to apply for homeworking, either on an ad hoc or longer-term basis, should submit a written application to their line manager. All applications which are granted will be subject to a trial period.

14.2 Employees must meet the following eligibility criteria to make an application for homeworking:



- a) where the employee has successfully completed the probationary period attached to their job role
  - b) where the employee's role does not involve supervisory duties that require undertaking in person alongside the team members involved
  - c) where their home environment is suitable
  - d) no aspect of the employee's recent performance review was marked as unsatisfactory
  - e) the employee's disciplinary record is clean.
- 14.3 Applications for homeworking will be granted where the employee's line manager is satisfied that the needs of the organisation can continue to be met while the employee works from home.
- 14.4 Homeworking must be cost-effective and ensure that there is no significant increase in workload on colleagues. Homeworking agreements will be continually reviewed and may be changed subject to the needs of the organisation and team.
- 14.5 The work carried out by the employee must be capable of being done from home.
- 14.6 The line manager may liaise with HR in relation to considering applications.

## **15 Occasional/Ad Hoc Homeworking Applications**

- 15.1 Applications for ad hoc working from home will be considered and approved or refused at the line manager's discretion, taking into account the individual's circumstances and the needs of the business. Approval must be sought before an employee works from home.

## **16 Regular or Permanent Homeworking Applications**

- 16.1 Prior to making an application, employees must discuss their proposed application with their manager. In the meeting, the employee should consider all aspects of the homeworking policy, formal application and discuss any issues with their line manager informally.
- 16.2 Once a meeting has been held between the employee and line manager, the employee should submit a written application, which must address several considerations for homeworking (see Appendix 1).
- 16.3 The application will be responded to within 5 working days of submission. Line managers may request another meeting with the employee to discuss any concerns arising from the meeting.



- 16.4 If the line manager accepts the employee's application, written confirmation will be provided, and a homeworking agreement issued. The employee must sign and return the agreement before a trial homeworking period can commence.
- 16.5 If the line manager is unable to accept the application, the reasons for the decision will be sent in writing to the employee within 5 working days.
- 16.6 Each application will be considered on its own merits, considering the employee's personal circumstances, needs of the organisation and the feasibility of homeworking.
- 16.7 The organisation is under no obligation to permit a period of homeworking at a present time because it has agreed to it in the past. Current homeworking agreements could be subject to change depending on the needs to the organisation and team.

## **17 Trial Periods**

- 17.1 All homeworking arrangements will be subject to a trial 3-month period to ascertain if this is the appropriate working arrangement for us and you. During the trial period either party may propose reasonable amendments to the terms of the Homeworking Agreement to facilitate a smoother working arrangement.
- 17.2 After 3 months the homeworking arrangement will be reviewed in a meeting between the line manager and employee. Written confirmation of the outcome of review sent to the employee within 5 working days. Should a homeworking arrangement be withdrawn, the employee has the right to appeal the decision.

## **18 Permanent Homeworkers**

- 18.1 In specific circumstances the organisation may be required to make changes to an employee's place of work, from a Diocese site to the employee's home. This may be for a variety of reasons, but one example may be an office closure.
- 18.2 Such situations will be considered in depth, taking account of the organisational need for change, the individual affected, and the feasibility of work being carried out from home. Employees will be notified at the earliest opportunity and able to discuss changes with their line manager.
- 18.3 Employees who move to homeworking in such scenarios will be classed as Permanent Homeworkers.
- 18.4 New starters, who are recruited to be based at home, will also be classed as Permanent Homeworkers.



- 18.5 We are committed to supporting our Permanent Homeworkers as much as reasonably practical, to enable working from home. This may include provision of equipment where necessary.
- 18.6 Permanent Homeworkers do not have to make any application for homeworking arrangements and will not be subject to a trial period.
- 18.7 All other sections of this policy will apply to a Permanent Homeworker in the same manner as an employee who has requested to work from home.

## **19 Homeworking Agreements**

- 19.1 All employees who work from home will be required to sign a homeworking agreement before homeworking can commence.
- 19.2 There may be specific circumstances whereby an employee is already working from home, on a temporary or ad hoc basis, and is moving to regular or permanent homeworking arrangements. In such circumstances a homeworking agreement will still be introduced.
- 19.3 The homeworking agreement will be reviewed and discussed with each employee and may include variations specific to individual employee circumstances.
- 19.4 The homeworking agreement will set out the terms of the homeworking arrangement for the employee to work from home.
- 19.5 The homeworking agreement will enable the relevant variations to be made to an employee's contract of employment, for instance 'Place of Work' will change to the employee's home.
- 19.6 The homeworking agreement will reflect the following points:
  - a) The Diocese reserves the right to terminate the homeworking arrangement at any time, for any reason on reasonable notice.
  - b) Homeworking environments must be suitable and safe to undertake work.
  - c) Employees are required to be available during the core hours specified in their homeworking agreement/contract.
  - d) If any issue arises that causes an employee to no longer meet the eligibility criteria at the outset of this policy, the Diocese will review the homeworking arrangement and may terminate it on reasonable notice.
  - e) The homeworking arrangements will be subject to regular review.
  - f) Employees working from home may be expected to attend meetings and other office-based events as and when required by their line manager.
  - g) Employees working from home are required to comply with Diocese policies, including but not limited to holiday, performance targets, sickness, absence etc.



- h) There may be changes to certain employee payments which are no longer applicable in a homeworking environment. Managers will notify employees of any changes.
- i) No overtime will be paid unless specifically requested, in writing, by your manager.

## **20. Health and Safety**

We are committed to ensuring the health and safety of all our employees, regardless of their place of work.

Health and Safety includes practical arrangements as well as employee wellbeing.

The Diocese's Health and Safety Policy will apply to all homeworkers.

The suitability of homeworking spaces will be assessed prior to implementing any homeworking arrangements.

A homeworking risk assessment will be carried out to evaluate the suitability of homeworking arrangements.

It is the employee's responsibility to ensure they act in accordance with the Health and Safety Policy and are not endangered by any work activities undertaken at home.

It is the employee's responsibility to look after their own wellbeing and ensure regular breaks are taken from work.

## **21. Risk Assessments**

- 21.1 A risk assessment will be undertaken for all prospective homeworkers (regular or permanent), to determine any relevant risks and to prevent harm to the homeworker or anyone else who may be affected by their work.
- 21.2 Line Managers or other Diocesan elected personnel may be required to visit the home of an employee to accurately risk assess the safety of a workspace.
- 21.3 It is the employee's responsibility to ensure their workspace is set up in accordance with the risk assessment actions and the Diocese Health and Safety Policy.
- 21.4 A specific risk assessment will be done for employees who inform the Diocese that they are pregnant. For health and safety reasons it is encouraged for pregnant employees to notify their manager of their pregnancy as early as possible.

## **22. Lone Working**

- 22.1 We are committed to supporting homeworkers and managers both in establishing and maintaining safe working practices. This involves, recognising



and reducing risk, the provision of appropriate support to homeworkers and ensuring homeworkers understand their responsibilities.

- 22.2 A lone worker is classified as an employee who performs an activity that is carried out in isolation from other workers, without close or direct supervision. We recognise that employees who are working from home will be classified as lone workers.
- 22.3 All employees should take reasonable precautions to ensure their own safety, as they would in any other circumstance.
- 22.4 All employees should adhere to the safety precautions highlighted in their home working risk assessment.
- 22.5 All employees must ensure that their mobile phone is fully charged and in good working order. Employees must check they have adequate phone signal at home for making and receiving calls.
- 22.6 All employees must notify their manager should any change in their homeworking circumstances arise that is different from the working environment set out in the homeworking agreement/risk assessment.
- 22.7 Should an employee have any concerns over their safety or about working alone they must notify their manager as soon as possible.
- 22.8 Managers will make provision for regular contact with the employee to monitor work progress, counter the effects of working in isolation and for wellbeing purposes.

### **23. Wellbeing for Homeworkers**

- 23.1 We are committed to supporting our employee's wellbeing and recognise that working from home, while beneficial in many aspects, can present new challenges for employees.
- 23.2 All homeworkers are encouraged to maintain a positive work/life balance while working from home. It can be easy to take fewer breaks or work longer hours when homeworking. We encourage individuals to be mindful of this and plan their time accordingly.
- 23.3 Employees are encouraged to set and maintain a homeworking routine, including their breaks, to support their wellbeing and set boundaries between work and home life. For more guidance on this speak with your line manager or HR.
- 23.4 We recognise that some employees may feel isolated working from home and line managers are committed to provide regular phone calls and virtual





meetings both individual and as a team. Homeworkers are also encouraged to check in daily with their colleagues.

- 23.5 Line managers and homeworkers will agree new ways of working to best support performance and wellbeing for the individual. This will vary between employees and may change over time.

## **24. Equipment**

- 24.1 Each homeworking arrangement will be fairly assessed to determine equipment needs, considering the job role and tasks, the homeworking environment, and the nature of the homeworking arrangements.
- 24.2 Permanent homeworkers will be provided, where reasonably practical with the relevant equipment for the role. For example, a laptop and mobile phone.
- 24.3 Any equipment provided by the Diocese, remains the property of the Diocese.
- 24.4 Any equipment provided by the Diocese is to be used solely for the purposes of work and not for personal use.
- 24.5 All data and information must be handled and stored in line with General Data Protection Regulations (GDPR) and the Diocese's Data Protection Policy. All data and information remain property of the Diocese when homeworking.
- 24.6 Computers, Laptops and phones must remain locked when not in use or when leaving the workstation. All confidential information must be stored securely.
- 24.7 It is the responsibility of the employee to ensure equipment is always handled with care and is well looked after.
- 24.8 It is the responsibility of the employee to ensure they set up any equipment in line with Health and Safety procedures and the homeworking risk assessment.
- 24.9 Where any personal equipment is used for the purposes of homeworking, the Diocese is not liable for any loss, damage, repair or replacement of such equipment.
- 24.10 If an employee requires a piece of equipment to fulfil their role responsibilities, they should raise it with their line manager as soon as possible.

## **25. Employee Conduct**

- 25.1 Homeworkers are expected to conduct themselves in the same ways as they would working at a Diocese site, adhering to the Diocese's conduct policy, performance measures and organisation behaviours.



- 25.2 If homeworking becomes unsuitable due to employee availability, conduct or performance, the homeworking arrangement may be terminated immediately. Further disciplinary action may also be taken in line with the Diocese's Disciplinary Policy.
- 25.3 Homeworkers are expected to be available and working during their normal hours of work, as stated in their contract of employment/homeworking agreement. While we appreciate that, at times, flexibility in hours may be required, this should be discussed and agreed in writing with the employee's line manager prior to any change in working in hours.
- 25.4 Annual leave and sickness absence should be requested and reported via the usual procedures and in line with the Diocese leave policies. If you are signed off due to absence due to sickness you must not perform any work duties.
- 25.5 Performance reporting and review procedures, as well as individual management styles, will be adjusted to meet the homeworking arrangements and mutually agreed between employee and line manager.

## **26. Employer Reimbursement of Costs**

- 26.1 Employees working from home may incur additional costs, for example electricity costs. We are committed to supporting our homeworkers and we will reimburse employees who have a homeworking agreement in place.
- 26.2 To be eligible for employer reimbursement the employee must be a regular or permanent homeworker and have a signed homeworking agreement in place. They must carry out all, or the majority of, their duties of employment from home.
- 26.3 In line with government guidance we will pay the following fixed amounts to homeworkers to cover additional household expenses, such as gas, electricity, lighting (figures correct as of April 2020):
- £6/week for weekly paid employees; or
  - £26/month for monthly paid employees
- 26.4 We do not make any reimbursement for the following:
- Mortgage interest or rent
  - Council tax
  - Insurance
  - Telephone/Broadband



26.5 If you are a permanent homeworker, you will be given a one-off lump sum to purchase the necessary equipment to fulfil your role from home. In addition, we will provide you with suitable IT, to be used solely for the purposes of your work.

## Appendix 1

### Regular or Permanent Homeworking Applications

Application Checklist (employees should include the following points in their application):

- confirmation that the employee meets the eligibility criteria for homeworking
- the date from which the arrangements are intended to start (at least *[insert time period]* from the date of the application)
- the proposed number of days to work from home - the whole working week, or only certain days
- proposed hours of work
- the proposed organisation of the home working environment - available separate room, security arrangements for Company equipment and Company materials/documentation
- extent of availability to attend the workplace, for meetings, cover colleague absences etc
- how the employee proposes that contact will be maintained with their line manager.

As part of the application, you should demonstrate how you will achieve the following:

- managing workload independently
- self-motivation and working to own initiative
- adapting to the different working practices involved
- problem-solving and different pressures associated with working alone
- adapting to different methods of being line managed and liaising with colleagues.

## Approvals

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

	Name	Signature	Position	Date
Prepared by	Victoria Nightingale		Diocesan Personnel Manager	Sept 2019



Reviewed by	Heather Hauschild		Chief Operating Officer	Sept 2019
Reviewed by			Finance Audit and Risk Committee	January 2020
Approved by			Trustees	February 2020
Reviewed by	Georgie Gregory		HR Consultant	July 2020
Reviewed by	Karena Fulford		Head of People	Aug 2020
Reviewed by			Senior Leadership Team	Sept 2020
Reviewed by			HR Remuneration Committee	Sept 2020
Approved by			Trustees	Oct 2020

### Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date



### 3 - Conduct & Performance Policies

*"Now there are varieties of gifts, but the same Spirit; and there are varieties of service, but the same Lord; and there are varieties of activities, but it is the same God who empowers them all in everyone." 1 Corinthians 12:4-6*

Applies to employees, Line Managers, and volunteers

<b>Operative date:</b>	October 2020
<b>Owner:</b>	Head of People
<b>Review date:</b>	October 2023
<b>For action by:</b>	All Employees, Line Managers and Volunteers
<b>Policy statement:</b>	<p>This policy outlines actions to be taken by the manager or an employee when a concern arises in relation to conduct, performance, grievance, or absence management. The policy provides guidance on management or employee action, which may lead to formal action being taken under the following:</p> <ul style="list-style-type: none"> <li>• Investigations Procedure</li> <li>• Disciplinary Procedure</li> <li>• Suspension Procedure</li> <li>• Performance Management Procedure (Capability)</li> <li>• Absence Management Procedure (Capability)</li> <li>• Grievance Procedure</li> </ul>
<b>Responsibility for dissemination to new employees:</b>	Line managers
<b>Mechanisms for dissemination:</b>	The policy will be published on the Diocese of Portsmouth website and promoted to employees through the e-newsletter.
<b>Training implications:</b>	This policy will be highlighted through the induction process. Line managers / investigating officers will be provided with training as appropriate.
<b>Resource implications:</b>	There are no resource implications.

#### 1. Introduction

The Diocese as an employer is committed to create a working environment free from hostility in which individuals are valued for their contribution and can develop to their full potential. The Diocese as an employer is also committed to dealing with, promptly and with due process, any unacceptable behaviour in the workplace: this typically may involve bullying or derogatory statements, unwanted spoken or physical advances,



and personal treatment which is unfair and interferes with the employee's performance, undermines job security, or creates an intimidating work environment.

The Diocese, as an employer, strives to create a working environment which is open and collaborative, and allows all employees and volunteers to contribute fully to the aims of the Diocese. Communication is an essential aspect of this working environment and it is the aim of the Diocese that any issues between employees and volunteers and the Diocese, or between individual employees or volunteers, should be resolved at an early stage through good communication, through appreciation of individual contribution and through adherence to the key principles of fairness and justice.

However, the Diocese also recognizes that from time to time employees or volunteers may wish to raise grievances relating to their work. The Grievance procedure exists to ensure that questions and problems arising during the course of our work can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

It is also designed to ensure that the ACAS Code of Practice on Disciplinary and Grievance Procedures is adhered to where possible.

Unless agreed otherwise, details of grievances will be kept confidential as far as possible.

The Diocese as an employer is committed to working with all employees and volunteers to identify and resolve issues in an informal and supportive context.

However, the Diocese recognises that circumstances may arise when some behaviours, actions or attitudes are counter to the policies, procedures, aims and objectives of the Diocese, which may endanger the safety or well-being of others, or are in any way abusive and threatening, or bring the organisation into disrepute: these behaviours actions or attitudes are unacceptable and will result in action being taken to address the issue.

This Disciplinary procedure sets out the way in which such circumstances will be addressed and the steps that will be taken to ensure that employees are treated fairly and with respect, while at the same time providing for the protection of other members of the Diocese and the protection of the operation of the Diocese itself.

The Diocese is committed to ensuring that this process follows best practice and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

The process will have a number of phases: an investigation phase, sometimes with suspension if the suspected breach is a serious breach, meetings to discuss the results of investigations, decisions about any actions and an appeals procedure.



The key principles of the policy are fairness, transparency, and the desire of the Diocese to assist employees in necessary improvements to remedy any substantiated breach.

This policy outlines actions to be taken by the manager or an employee when a concern arises in relation to people issues and provides guidance on management or employee action which may lead to formal action being taken.

The following procedures are included within the policy:

- Section A: Investigations procedure
- Section B: Disciplinary procedure
- Section C: Suspension procedure
- Section D: Performance management procedure (capability)
- Section E: Absence management procedure (capability)
- Section F: Grievance procedure

This policy does not form part of the employee contract of employment, however outcomes following a formal process may then become relevant to an employee's terms and conditions of employment.

This policy may be amended from time to time. The Diocese of Portsmouth may also vary any parts of this procedure, including time limits, as appropriate, depending on the circumstances of cases.

## **1 Scope**

This policy is applicable to all employees working within the Diocese of Portsmouth including, interim workers and volunteers.

## **2 Roles and Responsibilities**

### **3.1 Board of Trustees**

- Will promote a culture of openness that welcomes the opportunity to address and resolve concerns.
- Respond positively to any escalated concerns, either taking or arranging appropriate action.
- Ensure all managers understand their responsibilities in relation to this policy.
- Ensure that any learning from issues raised is implemented.

### **3.2 Line Managers**



- Will ensure that they themselves and employees are aware of this policy.
- Will ensure that the policy and its supporting standards and guidelines are built into local processes and that there is on-going compliance.
- Will adhere to the timescales within the policy to ensure that matters are dealt with quickly, reasonably and as fairly as possible.
- Will ensure that the informal stage is used wherever possible prior to any formal action being taken.
- Will involve HR for advice and support when an employee related issue has been raised.
- Will respond to any concerns raised by employees, consider them fully, sympathetically, and fairly in accordance with this policy.
- Will foster and promote an open culture and provide regular opportunities for an employee to speak up and discuss concerns at both an individual and team level.
- Will treat all employees fairly by applying the policy consistently and ensuring that any personal information is kept in complete confidence in line with the Data Protection Policy.

### 3.3 **Employees**

- Will ensure they read, understand, and comply with this policy.
- Have a right and responsibility to bring to the attention of their line managers any matter where the interest of others or the organisation may be at risk.
- Can contact HR, their trade union representative or appropriate professional body for advice and guidance.
- Will try and deal with matters at the nearest point of origin and where appropriate first approach the appropriate manager to discuss the problem informally.
- Will attend meetings as required.
- Will maintain confidentiality.

### 3.4 **HR**

- Will assist managers and employees in the fair and consistent application of the policy.
- Will ensure that all cases raised are logged, reported and courses of action agreed with the appropriate line manager within the Diocese of Portsmouth.
- Will provide advice and support to employees and managers concerning individual issues, including advice on the range of options or courses of action that may be taken.
- Will facilitate informal meetings on request.
- Will provide coaching and training on the application of this policy.
- Will provide support at formal meetings.





- Will provide template letters/documents to managers.
- Will record and monitor cases, including whistleblowing alerts internal to the Diocese of Portsmouth.
- Will maintain confidentiality.

#### **4. Monitoring of the Effectiveness of the Policy**

The effectiveness of this policy will be monitored by HR to ensure the correct procedures have been followed and timescales met. Any learning points and trends will be identified by the Head of HR who will make recommendations to the Diocese of Portsmouth about changes which need to be made.



## **INVESTIGATION PROCEDURE**

The following section is an aid to ensure effective investigation into a specific conduct, grievance, or complaint.

### **4.1 Introduction**

- 4.1. The purpose of an investigation is to be just and equitable and to help promote fairness, order, and consistency in the investigation of allegations made by and against an employee.
- 4.2 It is recognised that, wherever possible, issues should be addressed informally with the employee. Where this is not possible, an investigation may be invoked.

### **5. The Investigation Process**

- 5.1 When an incident or complaint gives rise to concern, the Chief Operating Officer or manager dealing with the complaint or concern, will:

- Decide if an investigation is necessary.
- Establish terms of reference – the rules that the investigation will follow, including precisely what needs to be investigated.
- Choose an appropriate investigating officer.

If the incident or complaint concerns the Chief Operating Officer, it will be escalated to the Moderator of the Curia for action.

- 5.2 This will be done with the support of HR. In the first instance, the Diocese of Portsmouth will consider whether a quiet word or informal action may be all that is required to resolve a matter. Most problems that arise can be settled quickly and without undue process.
- 5.3 As a matter of principle an investigation will be invoked when:
  - An allegation has been made against an employee which may constitute misconduct or gross misconduct in accordance with disciplinary action.
  - An allegation has been made by an employee regarding a grievance or bullying and harassment.
- 5.4 The purpose of the investigation will be to establish the facts of the case in hand and to ensure that steps are taken to avoid a recurrence.
- 5.5 When a decision to investigate has been made, the line manager will be required to make the employee aware that an investigation is being



undertaken with the support of HR. The Chief Operating Officer/ Moderator of the Curia will then appoint an appropriate investigating officer.

- 5.6 Usually the employee's line manager will be appointed as investigating officer, but in some instances it may be deemed appropriate to appoint an alternative manager to investigate the allegations, an example of this would be where allegations have been made against the line manager by the employee. If the employee has concerns about the appointed investigating officer, they must raise their concerns in writing to the Chief Operating Officer/ Moderator of the Curia who has the final say. No appeals can then be made about the decision on the appointed investigating officer.
- 5.7 The investigating officer will be responsible for the investigation stage of this process. The role of an investigator is to be fair and objective so that they can establish the essential facts of the matter and reach a conclusion on what did or did not happen. An investigator should do this by looking for evidence that supports the allegation and evidence that contradicts it. In potential disciplinary matters, it is not an investigator's role to prove the guilt of any party but to investigate if there is a case to answer.
- 5.8 If an employee has an objection to the investigating officer assigned, they may raise this with HR. It may be deemed appropriate to appoint an independent manager to investigate the allegations, as detailed above.
- 5.9 If there are likely to be understanding or language difficulties during meetings, it may be necessary for an interpreter to be made available. The employee will be responsible for making these arrangements.
- 5.10 In some instances it may be deemed appropriate for a manager of the same sex and/or ethnic origin or other distinction to hear some allegations of harassment.
- 5.11 The investigating officer will be responsible for contacting HR for support, advice, and training.
- 5.12 The investigating officer will invite the employee to an investigatory meeting by letter which should be hand delivered to the employee or sent by recorded delivery should it not be possible to give it to them in person. A member of the HR department will be present at that meeting and the individual will have the right to be accompanied by a trade union representative or workplace colleague (this does not include family/friends/legal representatives). The letter should be given to the employee at least five working days prior to the meeting.



- 5.13 The employee and their representative (if any) should make every effort to attend meetings (including any appeal). If the employee and their representative (if any) cannot attend at the time specified, they should let the Diocese of Portsmouth know immediately and the Diocese of Portsmouth will seek to agree a reasonable alternative time. The Diocese of Portsmouth will look to provide a maximum of two alternative dates/times in the event of the employee and/or representative being unable to attend the first date set, as long as it is reasonable and not more than five working days after the date proposed by the Diocese of Portsmouth, unless mutually agreed between the Diocese of Portsmouth and employee. If the employee does not attend on the second alternative date, or if the employee fails to attend without good reason, or is persistently unable or unwilling to do so, this may result in the meeting being conducted in the employee's absence and a decision made on the information available. The individual may provide a written statement to the manager holding the meeting.
- 5.14 If the individual is unfit to attend the meeting due to a medical condition, they will provide a medical letter from the GP to advise on when they will be fit to attend. If they are unlikely to be fit to attend in a reasonable time, the individual may provide a written statement to the investigating officer holding the meeting.
- 5.15 While it is acknowledged that employees may find procedural action contributes to feelings of stress, this will not normally be a reason for delaying such action.
- 5.16 If the individual is unable to attend the meeting, summary notes of the meeting will be made, which the employee is entitled to receive a copy of. These notes will not be verbatim notes of the meeting but a summary record of discussions.
- 5.17 If the individual attends the investigation meeting, a summary will be provided to the employee afterwards for agreement and signature.
- 5.18 An investigation must always be kept confidential. If it becomes known that one is being conducted, the details of the investigation will be kept confidential. In a confidential investigation it is important to explain the need to maintain confidentiality to all employees involved. However, an employee is allowed, to discuss the matter with their trade union representative or workplace colleague where they have one. It must be made clear that if an employee breaches confidentiality at any stage an employer could view this as a disciplinary matter. An employee who is the subject of an investigation is entitled to request a copy of the completed investigation report subject to appropriate redactions and omissions to maintain confidentiality.



- 5.19 Many investigations may be conducted without removing an employee from their typical working environment. On occasions, the Diocese of Portsmouth may need to consider taking a temporary measure to relocate to an alternative site while an investigation is conducted. It will be done with support from HR
- 5.20 Following the meeting with the employee, the investigating officer will then carry out an investigation which may involve one or more of the following:
- Gathering statements from employees, and/or those who were witness to the allegations.
  - Collating documentary evidence such as employee meeting notes, supervision notes, time sheets, accident/ incident reports/appraisal records.
  - Reviewing CCTV footage.
  - Checking telephone records.
  - Checking IT and computer records.
  - Checking personal records.

This list is not exhaustive.

- 5.21 The investigating officer will take care not to:
- Jump to any conclusions.
  - Restrict their activities to investigating the facts only.
  - Say or do anything that implies judgement.
- 5.22 The investigating officer will then prepare a report of the investigation.
- 5.23 The purpose of this report is to provide a summary of the allegations and the evidence gathered. The investigating officer is not responsible for deciding the outcome of the investigation but will provide factual summary of evidence only.
- 5.24 The investigating officer is responsible for ensuring that all necessary steps are taken promptly and without any unreasonable delays. The investigating officer would normally be expected to complete the investigation within four weeks.
- 5.25 The investigating officer will submit the completed report to the Chief Operating Officer or appropriate persons designated by them, to consider what action should be taken. The following decisions may be taken:
- There is no case to answer.
  - The matter can be dealt with informally through discussion with the employee.
  - The matter requires formal action.
  - For matters identified by the employee, a formal response will be made.



- 5.26 In the event of a hearing, the employer will provide the employee with the investigation report, any witness statements or other evidence that will be referred to in the hearing. The employer reserves the right for investigation reports and related evidence to be redacted, anonymised or withheld, especially in cases where anonymity of witnesses could be breached, unless they have otherwise consented to release.
- 5.27 Please note that, in conjunction with the Disciplinary Procedure (Section B), the Diocese of Portsmouth reserves the right to hold the hearing on the same day as the investigation meeting. This decision will be made following an adjournment to consider the evidence presented and with the agreement of all parties. Please refer to the Disciplinary Procedures for details on how to proceed

## **6. Employee Representatives or Companions**

- 6.1 The employee may, if desired, be accompanied by a trade union official, or a workplace colleague (this does not include family/friends/legal representatives). The employee must be informed of this right at the commencement and all subsequent stages of this procedure.
- 6.2 If the employee wishes to be accompanied to a meeting, they should confirm the identity of their representative in writing at least two days before any meetings.
- 6.3 It is the employee's responsibility to make the necessary arrangements for their representative's attendance at the meetings.
- 6.4 The Diocese of Portsmouth reserves the right to apply a 'test of reasonableness' regarding representatives to ensure that they would not prejudice the meeting. Reasonableness may be based on, for example, prior involvement in aspects of the subject or the availability of representative to accompany (i.e. that meetings are not postponed for long periods in order to wait for the representative to be available).
- 6.5 The representative may:
- Address the meeting and confer with the employee, during it.
  - Put forward the employee's case.
  - Sum up the employee's case.
  - Respond on behalf of the employee to any views expressed at the meeting.



- 6.6 The representative may not answer questions on behalf of the employee.
- 6.7 Trade union representatives may be from any union if they are certified as having experience of or received training in acting as a worker's companion.
- 6.8 Any other companion (a workplace colleague) should always be a member of the Diocese and any decision on whether the choice of companion is appropriate should be made in conjunction with a member of the HR team.
- 6.9 Any companion must maintain confidentiality during and after the application of this policy.
- 6.10 Electronic recordings of any meetings conducted under this policy will require the consent of all parties.

## **7. Record Keeping and Confidentiality**

- 7.1 A record of the investigation and the outcome to the investigation will remain on the employee's file.
- 7.2 This information will in no way be used against the employee but is retained for record keeping purposes only in line with current Data Protection Policy.
- 7.3 Individuals will be provided with a copy of the notes made from their meetings. Where there is a dispute regarding their accuracy, which cannot be resolved, both the original notes and the amended version will be retained on file.
- 7.4 The individual will be provided with a copy of the investigation report. In some circumstances it may be appropriate to redact or withhold some information from the individual, for example in order to protect a witness.
- 7.5 Employees, managers and representatives must ensure confidentiality throughout the process and thereafter when the resolution has been reached. Failure to do this could result in disciplinary action being taken against the person responsible for the information breach.

## **8. Suspension**

- 8.1 There may be occasions when the allegations being considered are of a serious nature to warrant the suspension of the employee.

## **PROCESS FOR SPECIAL CASES**



## **9. Proceedings against an employee representative**

- 9.1 In all cases where the manager is investigating an issue against a trade union official the case will be discussed with a senior manager from the trade union.

## **10. Raising a grievance during an investigation process**

- 10.1 In exceptional circumstances, where an employee raises a grievance at any stage of the investigation, a decision will be made as to whether the investigation proceedings should be suspended until such time as the grievance is resolved.
- 10.2 A decision will be made based on the seriousness of the allegations presented which make it clear that it would be inappropriate for the investigation to continue.
- 10.3 In most cases, the two procedures will run parallel.
- 10.4 It is not sufficient to raise a grievance with regards to the investigation action itself.

## **DISCIPLINARY PROCEDURE**

### **11.1 Introduction**

- 11.1 The Diocese of Portsmouth expects employees to adhere to the organisation's values and behaviours, and to conduct themselves in a professional manner at all times.
- 11.2 The primary aim of this procedure is to establish fair methods for dealing with disciplinary matters that will be understood and respected, so contributing to sound relationships between the organisation and its employees.

## **12. Principles**

- 12.1 Cases of minor misconduct are usually best dealt with informally between the employee and the manager with the aim of providing training, guidance, or advice to improve the employee's conduct and so avoid the need for formal steps. Any such discussion will not form part of the Disciplinary Procedure however where appropriate, it may be useful to confirm in writing what has been decided.





- 12.2 If an informal approach has been tried previously and has not brought about improvement, formal action may need to be taken.
- 12.3 Any case which appears to warrant formal action will be dealt with, usually, by the line manager in the first instance.
- 12.4 Any line manager who has a concern and feels that the appropriate action would be to use the disciplinary procedure, should in the first instance begin by raising their concern with the Head of HR. Where necessary, especially where there may be other or complicating factors, the manager taking charge of the disciplinary procedure may be supported by, or commission, an independent investigating officer. The manager taking charge of the disciplinary will also be supported throughout the process by HR with regard to guidance, training and any other action pertinent to the case.

## **Disciplinary Process**

### **13. Investigation**

- 13.1 Before any disciplinary hearing is arranged, an investigation is required beforehand, even if an employee has admitted misconduct. Please refer to the beginning of this policy.
- 13.2 It may be appropriate to suspend an employee whilst the investigation is taking place.

### **14. Formal procedure**

- 14.1 If it is decided that there is a disciplinary case to answer, the employee will be required to attend a disciplinary hearing. The Diocese of Portsmouth will write to the individual giving the following detail:
  - Setting out sufficient information about the alleged misconduct and its possible consequences to enable the employee to prepare to answer the case at a disciplinary hearing.
  - If appropriate, enclosing copies of any written evidence, which may include any witness statements (except where a witness's identity is to be kept confidential, in which case the organisation will give as much information as possible while maintaining confidentiality)
  - To ask the employee to provide details of any witnesses they wish to call.
  - Inviting them to attend a disciplinary hearing to discuss the matter, giving details of the time, date and venue for the hearing.
  - Advising of the right to be accompanied by a workplace colleague or appropriate trade union representative at the hearing (this does not include family / friends / legal representatives).



- The disciplinary hearing should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.
  - The employee and their representative (if any) should make every effort to attend meetings (including any appeal). If the employee and their representative (if any) cannot attend at the time specified, they should let the Diocese of Portsmouth know immediately and the Diocese of Portsmouth will seek to agree a reasonable alternative time. The Diocese of Portsmouth will look to provide a maximum of two alternative dates/times in the event of the employee and/or representative being unable to attend the first date set, as long as it is reasonable and not more than five working days after the date proposed by the Diocese of Portsmouth, unless mutually agreed between the Diocese of Portsmouth and employee. If the employee does not attend on the second alternative date, or if the employee fails to attend without good reason, or is persistently unable or unwilling to do so, this may result in the meeting being conducted in the employee's absence and a decision made on the information available. The individual will be able to submit a written statement to be considered by the hearing panel.
- 14.2 If the individual is unfit to attend the meeting due to a medical condition, a medical note will be provided from their GP to advise on when they will be fit to attend. If they are unlikely to be fit to attend in a reasonable time, a decision will be made to proceed with the disciplinary hearing in their absence. In these circumstances the individual will be able to submit a written statement to be considered by the hearing panel.
- 14.3 While it is acknowledged that employees may find procedural action contributes to feelings of stress, this will not normally be a reason for delaying such action.
- 14.4 At all formal stages of this procedure, employees have the right to be accompanied by a trade union representative or work colleague (this does not include family / friends / legal representatives).
- 14.5 It is the responsibility of the parties concerned to arrange for the attendance of their witnesses. In the case of witnesses who are employees of the Diocese of Portsmouth, time off work with pay will be granted for them to attend. Witnesses will only be present at the hearing whilst giving evidence.
- 14.6 At the disciplinary hearing, the panel will consist of the Diocese of Portsmouth's disciplining manager who will act as chair, an HR representative and professional advisor if applicable.
- 14.7 The investigating officer will be required to present their case to the disciplinary hearing panel.



- 14.8 The chair (as above) of the hearing will decide whether or not disciplinary or any other action is justified and will inform the employee of the decision at the conclusion of the disciplinary meeting or afterwards in writing if further investigation is required.
- 14.9 The outcome of the hearing should be confirmed to the employee in writing, usually within seven days of the hearing (which includes notification of their right to appeal and to whom such appeal should be addressed).

## **15. Disciplinary action**

Where it is considered that disciplinary action is necessary, the usual penalties are set out below.

### **First written warning**

- 15.1 If there is a failure to meet the Diocese of Portsmouth's required standards or a further incident of misconduct occurs, the employee should be given a first written warning.
- 15.2 A note of the first written warning will be made on the employee's personnel file but will normally be disregarded for disciplinary purposes after a period of 12 months. This note will also explain the change in behaviour and/or performance required and the consequences should these fail to be achieved.

### **Final written warning**

- 15.3 If the employee's misconduct continues or is repeated, or if the misconduct is sufficiently serious, but not serious enough to justify dismissal, a final written warning will normally be given.
- 15.4 A note of the final written warning will be made on the employee's personnel file but will normally be disregarded for disciplinary purposes after a period of 18 months. This note will also explain the change in behaviour and/or performance required and the consequences should these fail to be achieved.

## **16. Content of warnings**

- 16.1 Warnings will set out:
- The nature of the misconduct.



- The change in behaviour or improvement in performance required (with timescale).
- How long the warning will remain current.
- The consequences of further misconduct within the set period following a warning (for example, that it may result in a further warning/final written warning or, if the penalty given is a final written warning, that it may result in dismissal or some other penalty, such as demotion or loss of seniority).
- Right of appeal.

## **17 Dismissal**

- 17.1 If either the employee's conduct remains unsatisfactory or there is further serious misconduct before any warning is disregarded or if they are found to have committed gross misconduct or gross incompetence, dismissal will normally result. Gross misconduct or gross incompetence will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).
- 17.2 A decision to dismiss should only be taken by a manager who has the authority to do so. This will usually be vested in the Chief Operating Officer or a designated deputy who is a Director within the Curia. As soon as practicably possible, the employee will be provided with written notice setting out:
- The reasons for dismissal.
  - The date on which their employment contract will end.
  - The appropriate period of notice.
  - Their right of appeal.

## **18 Alternatives to dismissal**

- 18.1 In some cases, the organisation may at its discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include, but are not limited to: demotion; transfer; loss of seniority; reduction in pay or loss of future pay or pay review.

## **19 Appeal process**

- 19.1 If the employee feels that a decision about action under this procedure is wrong or unjust they should appeal in writing, stating their full grounds of appeal, to the HR manager within 5 working days of the date on which the outcome letter was dated.



19.2 They must stipulate their full grounds of appeal in writing, which should be one or more of the following:

- New evidence that was not previously obtainable.
- Failure to follow the procedure.
- The level of sanction received.

It is not sufficient merely to disagree with the decision made.

19.3 If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if their appeal is successful, they will be reinstated with no loss of continuity or pay.

19.4 If they raise any new matters in their appeal, the Diocese of Portsmouth may need to carry out further investigations. If any new information comes to light the Diocese of Portsmouth will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing.

19.5 The employee will be given written notice of the date, time and place of the appeal hearing. The appeal hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time to prepare their case.

19.6 At all formal stages of this procedure, employees have the right to be accompanied by a trade union representative or work colleague (this does not include family / friends / legal representatives).

19.7 The appeal hearing will normally take the form of a review of the formal stage and not a complete re-hearing.

19.8 Where possible, the appeal hearing will be conducted by another manager at a more senior level who has not been previously involved in the case. This may be the Head of HR supporting the Diocese of Portsmouth. A member of the HR team not previously involved will also be present, however, if this is not possible, an employee not previously involved and nominated by the Chief Operating Officer will be present. If appropriate alongside the presence of a Trustee of the organisation. The employee may bring a trade union representative or a workplace colleague with them to the appeal hearing (this does not include family / friends / legal representatives).



19.9 A hearing may be adjourned if the Diocese of Portsmouth need to gather any further information or consider matters discussed at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

19.10 Following the appeal hearing the Diocese of Portsmouth may:

- Confirm the original decision.
- Revoke the original decision.
- Substitute a different sanction/action/ resolution outcome.

## 20 Misconduct Examples

The following are examples of actions which constitute misconduct (this list is not exhaustive):

- Poor timekeeping.
- Inappropriate behaviours.
- Smoking in Diocese premises, inside buildings.
- Health and Safety issues.

The following are examples of actions which constitute gross misconduct and are likely to lead to summary dismissal (this list is not exhaustive):

- Refusal to carry out reasonable instructions from a superior or serious insubordination.
- Theft, either from the Diocese, its employees, volunteers or clients, (including the unauthorised possession or use of any of the Diocese's equipment, goods, materials, or products).
- Fraud: any deliberate falsification of records or any deliberate attempt to defraud the Diocese, fellow employees, volunteers or clients. Fraud can include falsification of time sheets, travel claims, self-certification forms and obtaining employment by deception. This may also include falsely claiming sick pay or engaging in outside employment during hours contracted to work for the Diocese.
- Failure to comply with the provisions of the Diocese's financial procedures (incurring expenditure on behalf of the Diocese in excess of their authority) or being in breach of any guidelines on business conduct, guidance on conflict of interest, trading rules or other important Diocese rules, policies or procedures.
- Regulatory compliance: failure to comply with rules or regulatory requirements established by any regulatory body to which the Diocese is subject or other conduct which causes the Diocese to be in breach of its regulatory responsibilities (specifically the Charities Commission).



- Violence: any fighting or violence involving any fellow employee or any other person which takes place on the Diocese's premises or those of any associated Diocesan Trust or while on Diocese business.
- Bullying, harassment or discrimination: racial and sexual harassment or harassment on the grounds of disability, sexual orientation, religion or belief, victimisation and bullying of an employee or members of the public.
- Reckless behaviour: an act of recklessness or incompetence sufficiently severe to break down trust and confidence in the employee's ability to undertake their job.
- Malicious damage, deliberate damage to or unauthorised removal of the Diocese property or to the property of fellow employees, volunteers or clients.
- Being unfit for duty through intoxication on the Diocese premises or those of beneficiaries, customers or agents; or the bringing of intoxicants or illegal drugs onto the Diocese premises at any time; or being asleep on duty.
- Gross carelessness, incompetence or negligence, including any action or failure to act which threatens the health and safety of any fellow employee or member of the public including any disregard of safety rules which jeopardises the safety of those on the Diocese premises.
- Bringing the Diocese into serious disrepute through grossly unprofessional or unbecoming behaviour or other serious action likely to bring the Diocese into disrepute. This may include inappropriate use of social media which brings the Diocese into disrepute.
- Breach of confidence; disclosure or misuse of confidential information or data about the Diocese, other Diocesan Trusts or religious orders.
- Corporate compliance: failure to comply with the provisions of the Diocese's health and safety policy; whistleblowing policy or other policies.
- Misuse of equipment: obtaining unauthorised access to, making unauthorised use of or making unauthorised amendments to information stored on computers, computer software or computer hardware or any failure to comply with the Diocese IT policy (comprising, email, internet, telephone), confidentiality / data protection policy; introduction of unauthorised third-party computer software into the working environment.
- Covert recording.
- A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Diocese consider that it is relevant to the employee's employment. Consideration will be given to what effect the investigation, charge or conviction has on the employee's suitability to the job and their relationship with the Diocese, colleagues and clients. If the employee's conduct is the subject of a criminal investigation, charge or conviction, the Diocese will investigate the facts before deciding whether to take formal disciplinary action. The Diocese will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee is taking part in a criminal investigation (i.e. as a



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witness, rather than the subject of), no disciplinary action will be taken. Where the employee is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Diocese may have to take a decision based on the available evidence. Where an employee is exonerated or the criminal investigation/charges are subsequently dropped, any action that was taken (i.e. suspension) will be reviewed and revised accordingly.





## **SUSPENSION PROCEDURE**

### **21. Introduction**

- 21.1 This procedure aims to assist managers who consider it necessary to suspend an employee in order that an act of gross misconduct may be investigated. Suspension is considered in cases of misconduct when an employee may have been negligent, careless, or has potentially committed a wilful act that results in the breach of contract/disciplinary rules and potentially puts themselves, or other employees at risk.
- 21.2 Managers and employees should remain aware that the suspension does not constitute a disciplinary action. It should not be used by managers as a punitive measure. The overall purpose of suspending an employee on full pay will be to complete an investigation without compromise or risk to either the employee or the Diocese of Portsmouth.

### **21 Principles**

- 22.1 Suspension of employees should not be carried out without due consideration. An employee should be suspended only if alternative courses of action would put any of the following in jeopardy:
- Colleague's well-being or safety, or that of a beneficiary of the charity, ie. Parishioner.
  - The implicated employees well-being or safety.
  - Other employees well-being or safety.
  - The integrity of witnesses.
  - The security of the Diocese of Portsmouth's financial or physical resources.
  - The Diocese of Portsmouth's reputation.

The above is not an exhaustive list, and the Diocese of Portsmouth reserve the right to suspend in all circumstances requiring further investigation.

- 22.2 In addition in all but exceptional cases, employees must have been implicated in or accused of:
- An act of gross misconduct and/or
  - An act of gross incompetence or negligence.

### **22 Alternative Action**

Suspension should only be used for reasons stated above and to give the Diocese of Portsmouth an opportunity to determine the most appropriate



course of action. As such, alternative action should be taken wherever possible which includes:

**24. Restricted duties**

If an employee has been implicated in misconduct or incompetence connected with a particular part of their duties but it is still possible to usefully employ them, they may continue to be employed as usual, except with explicitly restricted duties until the findings of an investigation or hearing are known. Pay will not be affected.

**25. Transfer of workplace**

If it is possible to temporarily resolve an issue by transferring the employee to an alternative workplace then this should take place. The employee should be encouraged to transfer with due consideration given to travel arrangements etc.

**26. Close supervision**

Closer supervision of the employee, for example by ensuring they do not have access to resources belonging to the Diocese of Portsmouth, can avoid suspension until appropriate action can take place.

**27. No action**

Where a risk can reasonably be managed or reduced by taking no action until the matter is resolved or an investigation/disciplinary hearing takes place then suspension may not be necessary.

**Suspension Process**

**28. Initial discussion and confirmation**

28.1 Authority to suspend an employee rests with the Chief Operating Officer or a senior manager nominated by them. Exceptionally, however, in the absence and unavailability of managers at that level, the most senior manager available at the time may suspend an employee. Suspension will always be confirmed in writing as soon as practicable - normally on the next working day - by the authorised manager.

28.2 Only where it is practicable, an employee may be accompanied at an interview where suspension is being contemplated. The decision to suspend cannot be



delayed for the employee to arrange to be accompanied. The employee has the right to be accompanied at any subsequent discussion and review.

28.3 At the interview where suspension is considered necessary and in the confirmation letter the following points should be included:

- Why suspension is necessary and its likely duration.
- The communication methods in place between the employee and the manager, including the named point of contact for the employee during the suspension period.
- That suspension is not a punitive measure.
- That the employee should not visit the Diocese of Portsmouth's premises or contact any of its employees regarding work-related issues.
- To maintain strict confidentiality at all times.
- To be available to the Diocese of Portsmouth throughout the period of suspension, either for duties or meetings.
- Not to work for any other employer whilst suspended unless previously agreed.
- That payment will continue.
- The support mechanisms available to the employee during the suspension period, such as occupational health, trade union, and signposting to external organisations such as Mind.
- If they should fall ill during the suspension period, the appropriate policy for managing the absence will be applied.

## **29. Sickness Absence**

29.1 If the employee is medically certified while suspended from work, the suspension may revert to sickness absence while investigations take place. If an employee is signed fit for work during ongoing investigations the situation will need to be reviewed to establish if reverting back to suspension from work is appropriate. If an employee is signed off sick whilst on suspension, advice should be sought from HR.

## **30. Communications**

30.1 A suspended employee is expected to be available to attend further meetings or take part in the investigation during normal working hours unless any other arrangement has been agreed at the time of suspension (for example, honouring a holiday commitment).

30.2 Suspension if enacted means suspension from all employments with the Diocese, including voluntary work.



- 30.3 During a period of suspension an employee will be asked to stay away from the place of work and may only visit the Diocese premises by arrangement with their manager such as their parish church. Such permission shall not be unreasonably withheld or delayed, and in particular where the purpose of the visit is to meet with the suspended employee's representative or to investigate the allegations/ or for access to religious events and services to be withheld in very exceptional circumstances.
- 30.4 During a period of suspension, and in order to maintain confidentiality and prevent harm to the investigation, the employee is required not to communicate with colleagues about work-related matters, and in particular not to discuss the investigation with them. However, in order to avoid feelings of isolation experienced by the suspended employee, the manager will arrange weekly contact with the employee. If contact by the manager would harm the investigation process, an appropriate person will be designated to maintain communication.

### **31. Duration**

The maximum duration of the suspension period is eight weeks, other than because of exceptional circumstances. Such circumstances could include sickness of an employee or witness and/or a need to obtain information/advice from a third party. The Diocese of Portsmouth has a duty to commence investigation procedures as promptly as possible, following the suspension taking place.

### **32. Reviews**

The suspension will continue until a decision has been made on the action to be taken concerning the allegation. If necessary, a formal review of the suspension will take place after two weeks and thereafter at periods of no longer than two weeks, and the employee informed of the outcome of the review.

### **33. Conclusion**

Once the investigations are complete the employee should either return to normal duties, without any adverse record on their personal file, or, if the allegations are confirmed, a formal procedure will apply.

## **PERFORMANCE MANAGEMENT PROCEDURE (Capability)**

### **34. Introduction**



- 34.1 The primary aim of this procedure is to provide a framework where employees are clear about expectations, the process that is to be followed to ensure managers can work with employees to maintain excellent performance standards and to encourage improvement where necessary.
- 34.2 The Diocese of Portsmouth will ensure that concerns about performance are dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to work through the area(s) they need to improve in a supportive and objective way, in advance of any formal action being taken. Where formal action does need to be taken, meetings will be conducted fairly, and employees will have the opportunity to comment throughout the process. Employees carrying out performance management will be adequately trained in this policy and associated process prior to carrying out any performance management.
- 34.3 This procedure does not form part of the employee contract of employment and it may be amended from time to time. The Diocese of Portsmouth may also vary any parts of this procedure, including any time limits, depending on the circumstances of particular cases.
- 34.4 This procedure is used to address poor performance. The Performance Management procedure does not apply to cases involving genuine sickness absence or misconduct. In those cases, reference should be made to the Absence Management Procedure or the Disciplinary Procedure.
- 34.5 Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing the employee's duties or providing additional equipment or training. An occupational health referral and further medical advice may be sought in all cases where an employee's health could be a factor to establish appropriate adjustments. Adjustments to this procedure may be considered to take account of disability.
- 34.6 The Diocese's aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this performance procedure.
- 34.7 The employee will normally be told the names of any witnesses whose evidence is relevant to the employee's performance hearing, unless the Diocese of Portsmouth believe that a witness's identity should remain confidential.



- 34.8 In the event where there is a line management change during either informal or formal stage of the process, the meeting with both managers and the employee will be arranged, where practical, for the purpose of transparency of handover. Where the meeting cannot be arranged, the handover notes in writing will be sent to new line manager and the employee.

## **Process**

### **35. Informal action**

- 35.1 In the first instance, performance issues should normally be dealt with informally between the line manager and the employee as part of day-to-day management. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file and will only be considered as part of any future performance meetings. If there is direct relevance to the specific issue being raised:
- Clarify the required standards.
  - Identify areas of concern.
  - Establish the likely causes of poor performance and identify any training needs or supportive measures needed and/or
  - Set targets and objectives for improvement (SMART) and a time- scale for review. A Performance Improvement Plan form may be used to document informal action.
- 35.2 The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement.
- 35.3 Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, dismissal without previous warnings may be appropriate.
- 35.4 If the Diocese of Portsmouth have concerns about the employee's performance, an assessment will be undertaken to decide if there are grounds for taking formal action under this procedure. The extent of the assessment will depend on the circumstances but may involve reviewing the employee's personnel file including any appraisal records, gathering any relevant documents, monitoring the employee's work, reviewing established support mechanisms and, if appropriate, interviewing the employee and/or other individuals confidentially regarding the employee's work.
- 35.5 If an employee has concerns regarding their line manager's performance the employee should discuss this with their line manager's manager in the first instance.



### **36. Formal action**

- 36.1 The meeting will normally be held by the employee's line manager, supported by an HR representative.
- 36.2 An employee has the right to be accompanied by a trade union representative or workplace colleague (this does not include family / friends / legal representatives).
- 36.3 Relevant witnesses may be asked to attend at the meeting. It is the responsibility of the parties concerned to arrange for the attendance of their witnesses, including external witnesses. In the case of witnesses who are employees of the Diocese of Portsmouth, time off work with pay will be granted for them to attend. Witnesses will only be present at the hearing whilst giving evidence.
- 36.4 The employee will be given the opportunity to respond to any information given by a witness. However, they will not normally be permitted to 'cross-examine' witnesses unless, in exceptional circumstances, the Diocese of Portsmouth decide that a fair process could not be conducted otherwise.
- 36.5 The employee and their representative (if any) should make every effort to attend meetings (including any appeal). If the employee and their representative (if any) cannot attend at the time specified, they should let us know immediately and the Diocese of Portsmouth will seek to agree a reasonable alternative time. The Diocese of Portsmouth will look to provide a maximum of two alternative dates/times in the event of the employee and/or representative being unable to attend the first date set, as long as it is reasonable and not more than five working days after the date proposed by the Diocese of Portsmouth, unless mutually agreed between the Diocese of Portsmouth and employee. If the employee does not attend on the second alternative date, or if the employee fails to attend without good reason, or is persistently unable or unwilling to do so, this may result in the meeting being conducted in the employee's absence and a decision made on the information available. The individual may provide a written statement to the manager holding the meeting.
- 36.6 If the individual is unfit to attend the meeting due to a medical condition, medical advice will be sought from their GP and a fit note provided to determine when they will be fit to attend. If they are unlikely to be fit to attend in a reasonable time, the individual may provide a written statement to the manager holding the meeting.



- 36.8 While it is acknowledged that employees may find procedural action contributes to feelings of stress, this will not normally be a reason for delaying such action.
- 36.9 The aims of a performance meeting will usually include:
- Setting out the required standards and behaviours that the Diocese of Portsmouth believe the employee may have failed to meet and going through any relevant evidence that has been gathered.
  - Allowing the employee to ask questions, present evidence, call witnesses, respond to evidence and make representations.
  - Establishing the likely causes of poor performance including any reasons why any measures taken or support provided so far have not led to the required improvement.
  - Identifying whether there are further measures, such as additional training, supervision, coaching, mentoring or other supportive measures which may improve performance.
  - Where appropriate, discussing targets for improvement, set SMART objectives, and a time-scale for review.
  - If the performance has been sufficiently poor, for example previous objectives have not been met, even with supportive measures in place, dismissal may be a possibility. The Diocese of Portsmouth would be seeking at this meeting to establish whether there is any likelihood of a significant improvement being made within a reasonable time (i.e. 1 to 3 months) and whether there is any practical alternative to dismissal, such as redeployment, based on skills and abilities.
  - The consequences of failing to improve within the review period or of further unsatisfactory performance.
- 36.10 A meeting may be adjourned if the Diocese of Portsmouth need to gather any further information or give consideration to matters discussed at the meeting. The employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 36.11 The Diocese of Portsmouth will inform the employee in writing of our decision and our reasons for it, usually within 5 working days of the performance meeting. Where possible the Diocese of Portsmouth will also explain this information to them in person.
- 36.12 The period for review will normally be set at one month from the date of the previous meeting. This review date may be brought forward if there is a substantial deterioration in performance.

## **37. Stage 1 performance meeting**





37.1 If the Diocese of Portsmouth consider that there are grounds for taking formal action over alleged poor performance, the employee will be required to attend a stage 1 performance meeting. The Diocese will notify them in writing of our concerns over their performance, the reasons for those concerns, and the likely outcome if the Diocese decides after the meeting that the employee's performance has been unsatisfactory. The Diocese will also include the following where appropriate:

- A summary of relevant information gathered so far, as part of any assessment.
- A copy of any relevant documents which will be used at the performance meeting.
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Diocese of Portsmouth will give as much information as possible whilst maintaining confidentiality.
- To ask the employee to provide details of any witnesses they wish to call.
- An outline action plan and objective setting criteria (SMART objectives) to be used during or following the meeting.
- The Diocese of Portsmouth will give the employee written notice of the date, time and place of the performance meeting. The meeting will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time to prepare their response based on the information the Diocese of Portsmouth have been given.

### 38. **Stage 1 performance review meeting: first written warning**

38.1 At the end of the monitoring period a Stage 1 performance review meeting will be arranged in accordance with above. Possible outcomes include:

- If the manager is satisfied with the employee's performance, no further formal action will be taken and they will revert to informal monitoring. However, if performance returns to unsatisfactory levels within six months the procedure will revert to formal stages at the last level reached.
- If the manager feels that there has been some improvement or progress against objectives but not sufficient to meet the required performance standards, the review period may be extended, usually by one more month.
- If it is decided that the employee's performance is unsatisfactory, a **first written warning** will be issued, setting out:
  - The areas which have not met the required performance standards.
  - Targets for improvement.
  - Any support measures, such as additional training, coaching, mentoring or supervision, which will be taken with a view to improving performance.
  - A period for review.
  - The consequences of failing to improve within the review period, or of further unsatisfactory performance and



- Their right to appeal against the sanction.

38.2 The written warning will normally remain active for 12 months from the end of the review period.

38.3 The period for review at stage 2 will normally be set at one month from the date of the stage 1 performance review meeting. This review date may be brought forward if there is a substantial deterioration in performance.

### **39. Stage 2 performance review meeting: final written warning**

39.1 At the end of the monitoring period a stage 2 performance review meeting will be arranged. Possible outcomes include:

- If the employee's line manager is satisfied with the employee's performance, no further formal action will be taken, and they will revert to informal monitoring. However, if performance returns to unsatisfactory levels within six months the procedure will revert to formal stages at the last level reached.
- If the manager feels that there has been some improvement or progress against objectives but not sufficient to meet the required performance standards, the review period may be extended, usually by one more month.
- If it is decided that the employee's performance is unsatisfactory, a **final written warning** will be issued, setting out:
  - The areas which have not met the required performance standards.
  - Targets for improvement.
  - Any support measures, such as additional training, coaching, mentoring or supervision, which will be taken with a view to improving performance.
  - A period for review.
  - The consequences of failing to improve within the review period, or of further unsatisfactory performance
- Their right to appeal against the sanction.

39.2 The final written warning will normally remain active for 12 months from the end of the review period.

39.3 The period for review at stage 3 will normally be set at one month from the date of the stage 2 performance review meeting. This review date may be brought forward if there is a substantial deterioration in performance.

### **40. Stage 3 performance review meeting: dismissal or redeployment**

40.1 At the end of the monitoring period a stage 3 performance review meeting will be arranged. Possible outcomes include:



- If the manager is satisfied with the employee's performance, no further formal action will be taken, and they will revert to informal monitoring. However, if performance returns to unsatisfactory levels within six months, the procedure will revert to formal stages at the last level reached.
  - If the manager feels that there has been some improvement or progress against objectives but not sufficient to meet the required performance standards, the review period may be extended, usually by one more month.
  - If it is decided that the employee's performance is unsatisfactory, the Diocese may consider a range of options including:
    - Dismissal
    - Redeployment into another suitable job at the same or a lower grade (no pay protection will apply)
    - Extending an active final written warning and setting a further review period (in exceptional cases where the Diocese believes a substantial improvement is likely within the review period)
    - Giving a final written warning (where no final written warning is currently active).
- 40.2 The decision to dismiss must be made by the Chief Operating Officer or delegated to a member of the Senior Leadership team.
- 40.3 Dismissal will normally be with full notice or payment in lieu of notice, unless the employee's performance has been so negligent as to amount to gross misconduct, in which case the Diocese may dismiss without notice or any pay in lieu.
- 40.4 The Diocese may decide to hold a stage 3 performance meeting if the Diocese have reason to believe the employee's performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.

#### **41. Appeal**

The employee has the right to appeal against formal action under this procedure.

### **ABSENCE MANAGEMENT PROCEDURE (Capability)**

#### **42. Introduction**

- 42.1 The Diocese of Portsmouth is committed to the health and well-being of all our employees. It is our policy to support employees who are genuinely sick and unable to come to work. The Diocese of Portsmouth recognise that sickness impacts on an employee's capability to perform their duties at work, and the



Diocese of Portsmouth aim to address these issues proactively by providing appropriate levels of support to help the employee minimise sickness absence, and to ensure their welfare. The Diocese of Portsmouth also recognises the impact of repeated short-term absence on our service and, wherever possible, will work with employees to reduce their absence.

- 42.2 Employees are expected to provide consistent and regular attendance at work and to make every effort to attend work during their normal working hours.
- 42.3 Confidentiality will be maintained throughout the absence management procedure in accordance with the Data Protection Policy.

### **43. Reporting Sickness Absence**

- 43.1 If an employee recognises they are unfit to attend work, they must comply with the following procedure (failure to follow this procedure may result in a breach of contract and therefore subject to disciplinary procedures).
- 43.2 Contact their line manager, or nominated deputy, by telephone no later than 30 minutes before their scheduled start time on their first day of absence. They should not leave a message with a colleague unless instructed to do so by their manager. If a message is left on their manager's answer phone, this must be followed by a phone call on the same day, so that they can speak directly to their manager. They must state the reason for their absence and the date on which they expect to return to work. During their absence, they are required to keep their manager regularly updated as to their progress; the frequency of this will be agreed on an individual basis, but, in the absence of such an agreement, this update should be daily.
- 43.3 If an employee is deaf (sign language user) they should report sickness to their manager (as set out above) as per the agreed preferred method. This might be by text, email, or text phone (sometimes called Minicom).
- 43.4 The manager is responsible for ensuring all sickness absences are notified to the HR department on the first day of the employee's absence.
- 43.5 If the employee is unable to return to work on the date expected they must call their manager again as outlined above. It will not be acceptable to send a text message, email or to leave a message unless agreed with the manager in advance (unless the employee is deaf – see above).
- 43.6 Employees who are absent from work due to sickness and/or diarrhoea should not return to work/the office until 48 hours after the last bout of sickness and or diarrhoea to prevent the spread of infection. However, if the employee feels



well enough to work, they can work from home if they can do so; this should be in agreement with their line manager.

- 43.7 If an employee becomes unwell whilst at work and needs to leave early then they need to seek permission from their line manager or nominated deputy to go home. If an employee leaves work before completing 50% of their working day then this is counted as a full sick day. If an employee leaves work after completing 50% of their working day this is recorded locally.
- 43.8 If the employee's absence lasts for more than seven consecutive calendar days then they must get a medical certificate from their GP from the eighth day of sickness absence. This form must be sent to their manager immediately.
- 43.9 This medical certificate will indicate whether they are 'unfit for work' or 'may be fit for work', in which case the doctor may give advice as to adjustments that would aid their immediate return to work. If they are judged to be fit for work they must notify their manager immediately. Any advice from their GP will be adhered to, by their manager, where the Diocese of Portsmouth can support such action. If this is not possible then they may remain on sick leave until the medical certificate expires.
- 43.10 Should they feel well enough to return to work, with or without adjustments being made, prior to the expiry of the certificate, then with the agreement of their manager and GP, and in some cases occupational health, they may be allowed to do so.
- 43.11 If they cannot return to work when their medical certificate expires, they must obtain another medical certificate from their GP and send it to their manager immediately and/or no later than seven days. Certificates are required to cover the total period of their absence.
- 43.12 A phased return to work may be agreed to support them back into the workplace. The details are usually recommended following a referral to occupational health. A phased return will be over a short period of time, gradually increasing to normal duties/hours. A return to work programme may include work at reduced hours, in this instance annual leave will be used for any unworked hours including when recommended on a GP Fit Note, restricted duties and/or temporary redeployment to an alternative role.
- 43.13 Employees should not work for another employer whilst absent on sick leave unless approved by their line manager.
- 43.14 If an individual undertakes unauthorised work for another employer during a period of sickness absence, then the matter may be dealt with in accordance with the disciplinary procedure.



- 43.15 Failure to comply with this absence management procedure will be dealt with under our Disciplinary Procedure. It may lead to disciplinary action being taken and may affect the payment of sick pay.
- 43.16 The Diocese of Portsmouth reserves the right to suspend an employee, on full pay, on medical grounds pending further medical guidance in relation to their health. This might arise if the Diocese of Portsmouth are concerned that they may not be fit to be at work or return to work as planned.

#### **44. Dentists, Doctors, Opticians and Other Health Appointments**

- 44.1 Whenever possible appointments to visit the dentist, doctor, optician or other health professionals should be outside of normal working hours. Where this is not possible, disruption must be kept to a minimum by arranging the appointment at a time which will result in least impact on work and agreed with the line manager.
- 44.2 Recognising there is less flexibility for hospital appointments, employees will be released with pay if these fall at a time when the individual would have normally been working, evidence of appointments may be requested by the line manager.
- 44.3 For any other appointment in working time, employees will be required to use time-off-in-lieu or take annual leave by agreement with their line manager.

#### **45. Sick Pay Scheme**

- 45.1 During any rolling period of twelve months a full time employee is normally permitted up to 20 working days' sickness absence on full pay, pro-rated on the basis of number of days/hours worked for part time employees. Any such sick pay is subject to the production of a medical certificate in respect of absences of more than seven consecutive days covering five working days. Any extension of sick pay will be on a discretionary basis, but in no instance will be more than half pay. After the 20 working days, Statutory Sick Pay will apply.
- 45.2 If a case is to be made for review of the level of pay during sickness, the Line Manager must put a case to the Chief Operating Officer. Employees must continue to submit a copy of their GP medical certificate to their manager even when the sick pay period has expired. This will prevent the absence being considered unauthorised and allow them to be supported during their absence.
- 45.3 The Diocesan Trustees reserve the right at their expense to require the employee to be examined at any time by a doctor (or other health practitioner) nominated by the Diocesan Trustees. Such a requirement could arise where,



for example, the Diocesan Trustees are seeking to ascertain fitness to work in particular circumstances or duties, or to establish the viability of ongoing employment. In the event that the employee is examined by a doctor or health practitioner, the employee authorises him or her to notify the Diocesan Trustees of any matters he or she considers may impair their ability to properly perform duties and any other matters relevant to the period of sickness absence. Health information is considered a "special category" of information under data protection law. Failure to agree to a reasonable request for a medical examination will leave the Diocesan Trustees with limited information on which to base discussions with you and any decisions about your employment or your fitness to return to work if applicable.

#### **46. Sick Pay and non-work-related Accidents**

- 46.1 Should an employee sustain an injury whilst undertaking a sporting activity in a professional capacity or as a result of any secondary employment that results in their sickness absence from work, then sick pay is not normally payable for this period of absence.
- 46.2 An employee who is absent from work as a result of an accident is not entitled to sick pay if loss of earnings are received from a third party. The Diocese of Portsmouth will normally advance to the employee a sum equivalent to their sick pay entitlement providing the employee repays this amount when damages are received. Once these monies have been received by the Diocese of Portsmouth, the absence will not be taken into account for the purposes of sick pay allowances.

#### **47. Sickness Absence and Annual Leave**

- 47.1 Annual leave is accrued throughout the period of sickness absence regardless of whether it is paid or unpaid sickness absence. Five days annual leave can be carried over automatically into the next leave year.
- 47.2 Employees will not be entitled to an additional day off if sick on a public holiday. This will come out of annual leave entitlement detailed in the contract of employment.
- 47.3 In the event that an employee reports absence due to sickness directly prior to or following a period of annual leave (that is, the employee is unable to attend work as planned, and has reported their absence due to sickness), they must notify the manager using the local absence reporting protocol. A medical certificate is required to be submitted to the manager from the first day of sickness irrespective of the length of sickness absence and must remain in place until the employee returns to work unless they have notified the Diocese of Portsmouth that they would be fit to return.





- 47.4 If a certificate is not provided, then this matter must be discussed with the employee by the manager upon their return. The manager may consider the period of sickness to be unauthorised absence, and as such will be unpaid and may be subject to disciplinary action. The employee should be advised as such and this should be detailed in writing by the manager accordingly.
- 47.5 If sickness results in cancellation of annual leave, the individual may substitute sick leave for annual leave on production of a medical certificate and provided the normal reporting of sickness absence process has been followed.

#### **48. Work Related Accidents**

- 48.1 When an accident takes place in the work place or on official work business, it is the responsibility of the employee to report the incident/accident as soon as possible to their line manager who will then complete appropriate risk forms and submit these to HR.
- 48.2 In accordance with RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) legislation, those accidents which result in absence from work continuing over seven calendar days must be reported to the Health and Safety Administrator at the Diocese of Portsmouth within 10 working days from the date of the accident.

#### **49. Return to Work Interviews**

- 49.1 When the employee returns to work from any sickness absence, their manager will carry out a 'return to work interview' with them on the first day of their return to work, or as soon as is practicable. Forms can be obtained from HR.
- 49.2 The purpose of a 'return to work interview' is to allow their manager to understand their illness and to see if any adjustments need to be made to help in their return. This will include:
- Their state of health (for example, that they are fully able to work or whether they need temporary adaptations to their duties) and
  - Whether there is anything that needs to be done to avoid a recurrence of the condition causing their absence. If so, the Diocese of Portsmouth will consider suggested actions or issues in line with operational feasibility.
- 49.3 It may be necessary for a risk assessment to be carried out to establish whether any adjustments need to be made in the short term.
- 49.4 Their manager also needs to be made aware of any medication that they are taking or have been prescribed that may affect their performance at work.





- 49.5 Their manager will give the employee the opportunity to raise issues that may underlie their sickness (for example bullying or harassment, or issues outside of work) so that proactive action and support can be implemented if needed.
- 49.6 Reasons for absence will only be discussed by managers with third parties on a need to know basis.

## **50. Occupational Health and Employee Assistance Programme**

- 50.1 The Diocese of Portsmouth may refer an employee to our occupational health provider for an independent medical assessment (IMA). The aim of an IMA, carried out by an independent occupational health physician, is to fully understand their illness and their functional ability in the context of their job role, so their manager and HR are able to support them appropriately.
- 50.2 Prior to any initial referral, the employee will be asked to sign a consent form, and agree to allow the doctor to provide a medical report to HR. This consent form is valid for a six month period.
- 50.3 The Diocese of Portsmouth are entitled to decide in relation to their health based on the facts available.
- 50.4 A referral to occupational health may be requested by the manager following three episodes of sickness in a six month period or five episodes in a rolling 12 month period, or where the employee has been absent due to illness for longer than three weeks.

## **51. Sickness Absence Reporting**

### **Monitoring sickness absence**

- 51.1 Employee's attendance records will be regularly monitored by their manager and HR to identify areas of concern and may be dealt with under the Performance Management Procedure.
- 51.2 HR will monitor employee's absence through the HR dashboard which shall encompass employee related data collected via absence return and made to payroll. These will form part of the Finance Audit and Risk (FAR) Committee HR report.
- 51.3 As a general rule, the key triggers for action are as follows:



- Absence caused by persistent episodes of short- term sickness, normally three episodes in six months or five episodes in a rolling 12 month period; this may also include trends/patterns of absence.
- Absence caused by long term sickness, lasting more than three weeks.
- Inability to fulfil requirements of the post due to either ill health or disability.

## **52. Short term absence procedure**

- 52.1 The Diocese of Portsmouth will monitor absences and will use the Performance Management Procedure if the employee has unacceptable levels of short-term absence.
- 52.2 Each case will be reviewed on an individual basis by their manager, with consideration of the disability discrimination provisions of the Equality Act, where appropriate.

## **53. Long term absence procedure**

- 53.1 The Diocese of Portsmouth define long term absence as a period of more than three weeks (21 calendar days).
- 53.2 The Diocese of Portsmouth endeavours to be supportive to employees who have been signed off by their doctor for a period of three weeks or more. This procedure is designed to assist on-going communication and to provide for a review of the situation.
- 53.3 If an employee is absent from work due to a long- term illness of more than three consecutive weeks, the Diocese of Portsmouth will support the employee throughout the absence with the aim to assist them to return to work. Managers will maintain contact with the employee in order that they remain fully informed of their progress and also so that they are made aware of any action the Diocese of Portsmouth may be able to take to aid their recovery.
- 53.4 If their absence continues for longer than three weeks the Diocese of Portsmouth may make arrangements for regular informal meetings with the employee at a mutually convenient time and place and/or an occupational health referral. Formal meetings are held by the line manager, supported by an HR representative. The employee will have the right to be accompanied by a trade union representative or workplace colleague (this does not include family/ friends/legal representatives)



- 53.5 Depending on the nature of the absence, the Diocese of Portsmouth reserve the right to make an occupational health referral prior to the absence reaching three consecutive weeks, if the Diocese of Portsmouth believes the referral would aid recovery.
- 53.6 If the employee has a work laptop, iPad or mobile phone, it may be necessary for them to return these to us so that they can be used during their absence.
- 53.7 If the absence continues, further home visits may be requested, and if the Diocese have not already done so, the Diocese will ask for the employee's agreement for occupational health to contact their doctor.
- 53.8 If the absence persists, or it appears unlikely that the employee will be able to return to work within a reasonable period of time, it may be necessary to review their ability to continue in their present role. This will include considering whether an alternative position might be available.
- 53.9 If redeployment due to medical reasons is recommended by occupational health, the redeployment process will begin with searching for an alternative role for the employee. However, no pay protection will apply.
- 53.10 In the event that no suitable redeployment positions are available, the Diocese of Portsmouth may consider whether their employment should be terminated.

## **54 Disability Equality Duty**

- 54.1 The Disability Equality Duty within the Equality Act 2010 provides rights for employees to not be discriminated against due to a disability. In the Act, a person has a disability if they have a physical or mental impairment or the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities. For the purposes of the Act, these words have the following meanings:
- 'Substantial' means more than minor or trivial.
  - 'Long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions).
  - 'Normal day-to-day activities' include everyday things like eating, washing, walking and going shopping.
- 54.2 People who have had a disability in the past that meet this definition are also protected by the Act. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled.



- 54.3 The Act imposes a duty on employers to make reasonable adjustments to enable disabled people to access work or to be able to continue to work.
- 54.4 To ensure the manager and the Diocese of Portsmouth comply with the equality duty, discussion between the employee and their manager will take place to identify individual needs and what reasonable adjustments can be put in place. The support of HR, occupational health should be sought.

## **55. Ill Health Retirement**

- 55.1 In certain circumstances employees may be eligible for ill-health retirement. Any eligibility is subject to the terms of the Scottish Widows Pension Scheme and life cover insurance and is subject to the support of occupational health and HR.

## **56. GRIEVANCE PROCEDURE**

- 56.1 However successful the relationship is between employees and the Diocese of Portsmouth, it is possible that from time to time, a problem relating to their employment may arise. When this happens, the Diocese of Portsmouth encourage open and honest communication between the employee and their manager to ensure that questions and problems arising in the course of employment can be aired and where possible, resolved quickly and to everyone's satisfaction.
- 56.2 Where matters are not able to be resolved informally, this Grievance Procedure should be followed.
- 56.3 The Diocese of Portsmouth's aim is to deal with grievances sensitively and with due respect for the privacy of any individuals involved. All employees must



treat as confidential any information communicated to them in connection with an investigation or grievance matter. Employees are free to raise grievances without fear of redress or action of any kind being taken against them.

- 56.4 None of the parties present (including witnesses) may make electronic recordings of any meetings conducted under this procedure unless permission is given by all parties involved.
- 56.5 The Diocese will take false or vexatious grievances very seriously. The Disciplinary Procedure will be invoked where it is clear that an employee has made a false, vexatious or malicious claim against the Diocese or another employee.
- 56.6 All grievances should be treated confidentially. It is not appropriate to disclose a grievance to parties other than the line manager, HR or a designated senior manager. Breaches in the policy would be viewed as serious breaches in confidentiality.
- 56.7 For the purposes of this procedure a grievance shall be interpreted as a concern, problem or complaint that the employee raises with their employer. This can include (but not limited to):
- The nature or range of duties
  - Working practices
  - Diocese of Portsmouth change
  - Contractual terms and conditions of employment
  - Working environment
  - Management decisions
  - Working relationships
  - The operation of jointly agreed policies / procedures
  - Handling of sickness absence management
  - Appeal against outcome of a harassment investigation.
- 56.8 The following items are specifically excluded from this procedure:
- Disciplinary / performance management matters
  - Nationally mandated changes and regulations such as conditions relating to the State Pension
- 56.9 Employees cannot attempt within six months of the completion of action under the grievance procedure to restart the procedure in respect of the same or similar grievance, unless action decided upon by management to redress that grievance has not been implemented.



## **60 Mediation**

- 60.1 At any stage in this procedure, the parties to the grievance may request that the matter be referred for mediation. Mediation is likely to be most appropriate in cases involving interpersonal relationships. There may, however, be circumstances in which alternative non- adversarial discussions may be undertaken with the aim of promoting a speedy resolution.
- 60.2 Mediation is voluntary and will take place only if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach.
- 60.3. For mediation requests, please contact HR.

## **61. Informal Procedure**

- 61.1 If possible, employees should try to resolve any potential grievance informally with their manager. The manager should make discreet investigations in order to resolve the matter promptly and fairly. Where the grievance is about another employee, that employee will be given the opportunity to answer the grievance and put their side of the case to the manager. If the grievance is with the immediate manager, the employee may raise the grievance with the next level of management or alternatively with HR.
- 61.2 If the matter remains unresolved, or if the employee does not wish to raise the matter informally first, the employee should follow the formal part of this Grievance Procedure. Each step and action under the Grievance Procedure should be taken without unreasonable delay.
- 61.3 There may be circumstances where the manager views an informal concern as sufficiently serious or far-reaching to require investigation under the formal Grievance Procedure, even if the person raising the concern does not wish the matter to be treated formally. In these circumstances, the matter will be discussed with the person raising the concern, in conjunction with HR, and they will decide on the appropriate course of action.
- 61.4 In some cases, mediation will be offered as a way of resolving issues.

## **62. Formal procedure**

- 62.1 If it is not possible to resolve the grievance informally, the employee should raise the matter formally in writing to their line manager setting out the nature of their grievance and the resolution they seek to achieve.



62.2 If a grievance is raised in line with this policy the status quo will normally apply until the procedure has been completed or the grievance resolved. The status quo is defined as the working and management arrangements which applied prior to the grievance. However, it must be noted that in some circumstances applying status quo may not be appropriate and temporary alternative arrangements may be made.

62.3 A grievance hearing will need to be set up normally within 14 calendar days of receipt of the grievance unless an investigation is felt necessary and a longer timescale is mutually agreed.

62.4 At all formal stages of this procedure, employees have the right to be accompanied by a work colleague or an appropriate trade union representative (this does not include family / friends / legal representatives).

### **63. Investigation**

63.1 If the grievance is about another employee, evidence must be provided by the individual raising the grievance to the investigating officer within five working days of the individual being informed of the appointed investigating officer. An extension to this date may be agreed by the investigating officer.

63.2 Some circumstances will warrant a pre-meeting to hear the grievance which may be followed by an investigation and then a grievance hearing. In this case, extended time frames will be mutually agreed by both parties.

63.3 If an investigation is required, refer to the Investigation procedure in this policy.

### **64. Grievance hearing procedure**

64.1 The grievance hearing panel will include the line manager (or other appropriate manager depending on the grievance being raised) or another appropriate person, who will act as chair and an HR representative.

64.2 Employees have the right to be accompanied by a work colleague or an appropriate trade union representative (this does not include family / friends / legal representatives).

64.3 It is the responsibility of the parties concerned to arrange for the attendance of their witnesses. In the case of witnesses who are employees of the Diocese, time off work with pay will be granted for them to attend. Witnesses will only be present at the hearing whilst giving evidence.



- 64.4 The Diocese will look to provide a maximum of two alternative dates/times in the event of the employee and/or representative being unable to attend the first date set, as long as it is reasonable and not more than five working days after the date proposed by the Diocese, unless mutually agreed between the Diocese and employee. If the employee does not attend on the second alternative date, their grievance would normally be treated as withdrawn. If in these circumstances a pre-hearing investigation has occurred a decision may be made to conclude the grievance based on the available evidence.

## **65. Outcome of grievance**

- 65.1 Following the hearing, the panel will decide on what action, if any, to take. This could be immediately after an adjournment of the hearing or be communicated in writing if the outcome takes longer to decide. A decision in writing will normally be given to the employee within a reasonable period after the meeting. Where appropriate, the decision will set out what action the Diocese intends to take to resolve the grievance.
- 65.2 The employee may, at the discretion of the chair of the panel, be invited to a meeting to discuss the outcome of their grievance.
- 65.3 The employee will be notified of their right to appeal against the decision, if the employee is not satisfied with it.
- 65.4 If the grievance is found to be malicious, frivolous or vexatious the individual raising the grievance may be subject to disciplinary action.

## **66. Appeal**

- 66.1 The employee has the right to appeal against action under this procedure.

## **67. Collective Duties**

- 67.1 Where a grievance is raised by a group of employees and is not resolved within the informal stages of this procedure, a representative for the group needs to be nominated to state the complaint.
- 67.2 The formal grievance procedure will be followed with the employee's representative involved in the hearing and feeding back to the other employee's involved as appropriate.

## **68. Overlapping Grievance and Disciplinary Cases**

- 68.1 If the employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the





grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently. This Grievance Procedure should not be used to complain about dismissal or disciplinary action. If the employee is dissatisfied with any disciplinary action, the employee should submit an appeal under that procedure. If their issue relates to performance management or flexible working policy decisions, the employee should follow the procedure set out in the relevant policy. Confidentiality must apply.

## **69. Ex-employees**

- 69.1 Where an individual has left the Diocese but wishes to raise a grievance, a modified procedure will apply. The ex-employee must set out the basis of the grievance in writing within six weeks of leaving the Diocese of Portsmouth and send it to their line manager. The manager will then respond to the grievance in writing (with support from HR) and offer the ex-employee the opportunity to meet.

## **70. Training Implications**

- 70.1 All employees need to be aware of this policy and their responsibilities. This will be achieved by:
- New employees will be directed to where policies are located on the Diocese of Portsmouth's website.
  - Promoting the policy through the employee newsletter on publication and each time it is reviewed.
  - Line managers will be provided with coaching and training on the application of this policy.
  - New line managers will be complete appropriate e-learning and a sign off to validate the contents of the training to a satisfactory level.
- 70.2 This policy is made available to all employees via the Diocese of Portsmouth website.

## **71. Equality and Diversity**

- 71.1 In applying this policy, the Diocese will have due regard for the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010).
- 71.2 Where English is not the first language or there are difficulties in reading this policy, employees should contact their line/other appropriate manager within the Diocese of Portsmouth, or a member of HR for advice and guidance.



- 71.3 If there are likely to be understanding or language difficulties during meetings, it may be necessary for an interpreter or friend to be made available for the employee.

## **72. Monitoring of the Effectiveness of the Policy**

- 72.1 The effectiveness of this policy will be monitored by HR to ensure the correct procedures have been followed and timescales met. Any learning points and trends will be identified by the Head of HR who will make recommendations to the Diocese about changes which need to be made.

## **73. Review**

- 73.1 This policy may be reviewed at any time at the request of either employees or the Diocese of Portsmouth but will be reviewed automatically in the event of new legislation or guidance emerging, or triennially.



## Approvals

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

	Name	Signature	Position	Date
Prepared by	Victoria Nightingale		Diocesan Personnel Manager	Sept 2019
Reviewed by	Heather Hauschild		Chief Operating Officer	Sept 2019
Reviewed by			Finance Audit and Risk Committee	January 2020
Approved by			Trustees	February 2020
Reviewed by	Georgie Gregory		HR Consultant	July 2020
Reviewed by	Karena Fulford		Head of People	Aug 2020
Reviewed by			Senior Leadership Team	Sept 2020
Reviewed by			HR Remuneration Committee	Sept 2020
Approved by			Trustees	Oct 2020

## Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date
112	Recruitment of ex-offenders	Addition	Jan 2021



#### **4 - Recruitment - Onboarding & Offboarding Policy**

*"For as in one body we have many members, and the members do not all have the same function, so we, though many, are one body in Christ, and individually members of one another." Romans 12: 4-5*

Applies to employees and in certain circumstances to volunteers

##### **Recruitment**

The Diocese, as an employer, is committed to providing a way of working together, all contributing to our joint aims, using the gifts that we have been given, in a working environment of fairness and support for each other.

This commitment extends to the recruitment, selection and induction processes, and for employees, to the setting of remuneration packages, both of new employees and for internal candidates.

The procedures must be used to ensure that these processes are fair and transparent, and that the Diocese complies with legal and regulatory frameworks concerning employment.

##### **Equal Opportunities**

The Diocese, as an employer, is committed to a policy of equal opportunities in employment, which is a legal duty in which employees and volunteers are selected and treated based on their relevant merits and abilities. This is also to ensure that we benefit from the talents and skills of people who want to make a positive difference to the Diocese and to provide a way for our community to work together within the concept of fairness and justice for all.

However, the Diocese of Portsmouth may apply exceptions in order to comply with the doctrine of the Catholic church and in order to avoid conflict with the strongly held convictions of a significant number of the members of the Church and the Diocese of Portsmouth. Having regard to the Roman Catholic ethos of the organisation, we may designate specific posts for which being a practising Roman Catholic is a genuine occupational requirement.

We must all work together to ensure that these principles are applied in practice. Any act of discrimination outside of the exemptions detailed above may be subject to disciplinary action.

##### **Leaving the Diocese**



We seek to provide a working environment where all employees and volunteers, when they take the decision to leave, continue to be treated with respect and fairness, that the working environment remains one of an open and collaborative nature, allowing the decision to leave to inform and help the Diocese improve its processes for the benefit of the Diocese and colleagues.

In the special circumstances of employee retirement, the Diocese is committed to assisting the employee when the employee makes this decision, supporting them during this time of major change in their lives.

<b>Operative date:</b>	October 2020
<b>Owner:</b>	Head of People
<b>Review date:</b>	October 2023
<b>For action by:</b>	Line Managers
<b>Policy statement:</b>	The purpose of this document is to ensure that robust recruitment and exit procedures operate across the Diocese of Portsmouth and are implemented in a consistent manner.
<b>Responsibility for dissemination to new employees:</b>	Line Managers, at induction.
<b>Mechanisms for dissemination:</b>	The policy will be published on the Diocese of Portsmouth website and will be promoted to employees through the employee newsletter.
<b>Training implications:</b>	Line Managers, at induction
<b>Resource implications:</b>	There are no resource implications

## Summary

This policy has been developed to ensure robust recruitment and exit procedures operate across the Diocese of Portsmouth, and that such measures are applied in a consistent manner. Specifically:

- Job evaluation
- Recruitment procedure
- Professional registration
- Secondment
- Leaving
- Retirement
- Working time regulations



## **Introduction**

The purpose of this document is to ensure robust recruitment and exit procedures operate across the Diocese of Portsmouth, and that such measures are applied in a consistent manner, thereby providing clarity and structure for managers wishing to recruit and assurance to the Board of Trustees. These procedures will also be applied to the use of, interim and consultancy workers. All managers are required to adhere to this policy.

The Diocese of Portsmouth is committed to eliminating discrimination and advancing equality of opportunity for all and welcomes applications from a diverse range of candidates.

The Diocese of Portsmouth also complies fully with the Disclosure & Barring Service (DBS) Code of Practice and undertakes to treat all applicants in the same way at each stage of the process.

### **1. Scope**

This policy applies across the Diocese of Portsmouth and services covering all aspects of resourcing: permanent, secondments, temporary workers, and volunteers.

### **2. Principles**

The Diocese of Portsmouth endeavours to be an equal opportunities employer and has taken measures to ensure that any opportunity for discrimination during the recruitment and selection process is minimised. We will ensure that consistent selection criteria are used, the decision making process is recorded and it can be demonstrated that appointments are made on merit (where an individual has demonstrated that they have the necessary skills/knowledge and aptitude to undertake the role).

The Diocese of Portsmouth will ensure that all line managers responsible for recruitment and selection are suitably trained and have the necessary knowledge and skills. The Diocese of Portsmouth will arrange training and support to recruiting managers, whenever required.

Recruitment and selection shall be carried out in accordance with all relevant legislation.

Data is held and destroyed in line with the Data Protection Act 2018. Only information essential to the recruitment decision will be obtained and will be kept in accordance with the Act.



### **3. Roles and Responsibilities**

#### **3.1 Managers responsibilities**

- Assessing the needs and demands of their area regarding workforce cover. Consideration should be given to how the work can be covered by existing employees and resources, including where this means re-prioritising workload before proceeding to recruitment.
- Liaising with their finance manager regarding workforce costs / budgets in relation to recruitment, Finance Committee checking that there is sufficient funding available.

#### **3.2 Employees responsibilities**

- Ensuring awareness of the procedure.
- Adhering to processes.

#### **3.3 HR responsibilities**

- To assist managers and employees in the fair and consistent application of the policy.

### **Recruitment Procedure**

#### **4. Vacancy considerations**

When a post falls vacant, managers will need to critically appraise the requirement to fill it. The following questions would need to be considered:

- Can the work itself be eliminated?
- Can the work be absorbed by re-organising existing resources?
- Is there still a job to be done?
- Is it the same job, at the same pay rate, as was done previously?
- Will the job be permanent or temporary?
- Will it be funded through Living Our Faith, if so, how long will the funding last?
- Are there already sufficient funds within the existing budget to cover the replacement or are additional funds required?
- Can the vacancy be covered with a temporary secondment?
- Are you recruiting solely to fill this particular post or are you looking for somebody with potential for promotion?

#### **4.1 Compiling a job description and person specification**



Having established that a vacancy exists, and approval has been confirmed from the relevant Trustees, a job description and person specification must then be completed for the post in accordance with the Diocese of Portsmouth standard template. If it is an existing post, then the current job description and person specification must be reviewed, and any necessary changes made.

The job description must summarise the role and responsibilities of the post in a concise and accurate way. The person specification defines the qualifications, skills, experience, aptitudes and so on that are required by a person to fulfil the role. The criteria must be categorised as either essential (the minimum standards required to perform the job adequately) or desirable (the standards which will enable the person to perform the job more effectively). The criteria used should be competency based to ensure candidates demonstrate at interview how they have previously used the required skills. The criteria must not include any points that could be deemed discriminatory on the grounds of protected characteristics. For more support with wording contact HR.

## **4.2 Selection of Candidate**

The Diocese of Portsmouth is committed to eliminating discrimination against another individual on the grounds of protected characteristic(s).

In accordance with the Equality Act 2010 no job applicant or employee shall receive less favourable treatment than others on these protected grounds, except where there is a specific requirement.

## **4.3 Advertising**

In most circumstances, recruitment advertising will be undertaken via the Diocese of Portsmouth website, in addition to the e-newsletter and other online platforms e.g. Charity Jobs that the HR department see fit for sourcing the best quality candidates.

## **4.4 Shortlisting**

The following should be considered:

- Shortlisting may involve the whole panel but must be carried out by a minimum of two people to avoid any possible bias, one of whom would normally be the direct line manager.
- Notes of the shortlisting decisions for each candidate should be recorded by each member of the panel.
- All candidates should be assessed objectively against the selection criteria set out in the person specification.

## **4.5 Selection and Interview**





Further guidance will be issued to panel members by HR within interview packs. However, the following should be considered:

- All redeployment candidates who meet the essential criteria for a post (as set out in the person specification) will be considered in the first instance prior to the competitive recruitment process.
- All panel members should be suitably trained and have the necessary knowledge and skills.
- The interview should be carried out by a minimum of two people; best practice would be three people, one of whom should be the line manager. In some circumstances three panel members would be more appropriate. For Parishes this could be the Priest, a member of the Finance Committee and support from the HR department. For the Department of Administration, the Chief Operating Officer will be on the interview panel alongside the hiring manager.
- Selection is a two-way process: candidates are assessing the role and the Diocese of Portsmouth. Those involved in recruitment should consider how best to convey a positive image.
- It is recommended that a range of selection methods that are suitable for assessing both the essential and desirable criteria in the person specification are established, as this will enhance objective decision making which is difficult through interview alone.
- Interview questions and the structure of the interview should be consistently applied to all candidates and should be based on the person specification.
- The recruiting manager is responsible for ensuring copies of all candidates' identification, qualification certificates and professional registration details should be taken **on the day** of the interview. This should be sent to HR.
- Notes recording the salient points of the interview should be taken, so they can refer back to these when assessing candidates and making decisions.
- In the event that a candidate requests feedback about their performance in the selection process this should be arranged by the chair of the panel.
- Unsuccessful interview candidates should be dealt with courteously and sensitively and will, as a minimum, receive notification of the outcome of the selection process by the chair of the panel as soon as possible either by email or a telephone call. An offer should be made to provide feedback if the candidate requests.

#### **4.6 Offers of employment**

It is important that offers of employment are coordinated and closely monitored within the Diocese of Portsmouth. For this reason, conditional offers of employment are to be made verbally by the recruiting manager, who should ensure that candidates are aware that they need to provide references covering at least the last three continuous years and that if there are any difficulties, they will need to assist us by



contacting referees so that they can commence in their new role by the agreed date. Internal candidates applying for internal promotion should ask their current line manager for a reference.

Conditional offers of employment are to be made based on completion of appropriate pre employment checks, for example these could be Right to Work in the UK checks or Disclosure and Barring Service (DBS) as relevant to the role. This list is not exhaustive. All prospective employees will be required to complete a safeguarding self-declaration.

A preferred candidate form should be submitted by the line manager to HR team for contractual paperwork to be issued to the successful candidate. The timescale for issuing contractual paperwork is within three working days of receipt of the completed employee appointment form and documentation, including interview scoring sheets and paperwork.

Copies of verification of Identity and qualifications must be seen and witnessed/ signed by the recruiting manager. These copies must be provided to HR along with the employee appointment form **before** any conditional offer is made in writing.

HR will process pre-employment checks and once these are received will be passed to the recruiting manager for approval. Once deemed satisfactory by the line manager, a start date can be agreed between the successful candidate and line manager. The line manager will inform HR of the confirmed start date. A firm offer letter will then be issued by HR.

HR Recruitment will not accept any reference waivers. Any other waivers, such as DBS require relevant sign off before sending to HR to issue the offer pack.

Pay should be agreed before employment and be reflected in the final offer letter and contract.

#### **4.8 Withdrawing an offer of employment**

If, after careful consideration, it is decided to withdraw the provisional offer of employment the grounds for withdrawal must be very clear, such as due to unsatisfactory references. In this event advice should be sought from HR. Any offer of employment can only be rescinded in writing by the HR team following prior discussion and agreement with the hiring/line manager.

### **5 Types of contracts**

In addition to a permanent (full or part time) contract with no end date, also known as a substantive contract, the following may also be considered:

#### **5.1 Acting up**



This is defined as where an employee assumes a more senior role for a period of time within the Diocese of Portsmouth.

An opportunity for 'acting up' into a higher pay band would occur, usually (but not exclusively) in the following circumstances: -

- A vacancy has arisen that has not yet been filled but there is a requirement for the post to be covered.
- An employee is on long term absence and the post needs to be covered.
- An employee has gone on maternity/adoption leave.
- An employee has taken a career break.

Acting up arrangements are not intended to be used to cover annual leave.

The individual who acts up will need to have relevant skills and experience, so it may only be necessary to initially advertise internally within the relevant department. Advice should be sought from the HR manager.

Where there is a possibility of suitable candidates external to the department, the post may be advertised through the Diocese of Portsmouth website and e-newsletter, via HR.

Temporary movement into an acting up position at a higher pay rate will not normally last more than six months or less than one month, except in instances of maternity / adoption leave, career break or long term sick leave where a longer period may be known at the outset.

If an 'acting up' post becomes available on a permanent basis, the post will be advertised in the normal manner.

## **5.2 Fixed term**

Where employment contracts are agreed for a fixed period which have a defined beginning and end date. They should only be used in very specific circumstances (for example, to cover long-term absence such as maternity / adoption leave or for time-limited projects) which make it inappropriate to employ an individual under a permanent contract. The duration and purpose of the role must be clear to all those entering into the agreement.

Employees who undertake a fixed term contract are protected under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

Where a post is fixed term, it will be advertised in the normal manner but will state that the contract is fixed term. The end date/reason for fixed term contract should be stated.



If a post that is fixed term is then available on a permanent basis, the post will be advertised in the normal manner.

Fixed term contracts will normally end automatically when they reach the agreed end date. If there is a requirement for the contract to be renewed, the line manager must contact HR and explain the reasons for this. If HR agree, a contract variation will be created for the employee.

If an employee continues working past the end of the contract without it being formally renewed, then the Diocese of Portsmouth will need to give proper notice if they want to dismiss the worker.

If the employee has two years' service, the Diocese of Portsmouth needs to show that there is a fair reason for not renewing the contract. They may be entitled to a redundancy payment if the reason for non-renewal is redundancy.

Any employee on a fixed-term contract for four or more years will be reviewed by HR who need to determine in conjunction with the line manager, whether there is a good business reason to make them a permanent employee.

When a fixed term contract is not renewed because the work has ended, the reason for dismissal may be redundancy. If the fixed term contract is being ended for another reason (for example, the post holder returning to work after a secondment or maternity / adoption leave) the reason for dismissal will be Some Other Substantial Reason and not redundancy.

Further advice should be sought from HR.

## **6. Secondment**

The Diocese of Portsmouth is committed to the development of its employees. Secondments are a valuable tool for individual development and developing skills, knowledge, and experience in the organisation.

A secondment is the temporary move or "loan" of an employee to another role or organisation. This may be within the main office or to another location such as a different parish.

### **6.1 Scope**

The different types of secondment are outline below:

- Internal secondments: Sideways moves - this relates to a secondment from an established post to a post on the same grade in the same or a different division or parish.
- Internal Secondments: Promotions – this relates to a secondment to a more senior role and/or offering an opportunity to develop at a higher level.



- External/outgoing secondments: to partner organisations - where the Diocese will remain the employer and therefore the secondee will continue to be subject to the Diocese's policies and procedures.
- External/Incoming secondments: from partner organisations - where the Diocese is the host not the employer.

Secondments are agreed for a fixed period of time, unless otherwise discussed and may be full time or part time and can take place on a job share basis.

## **6.2 Advertising Secondments**

All temporary and fixed term posts of 6 months or more duration should be advertised as suitable for appointment on a secondment basis.

Permanent posts may also be advertised as suitable for a secondment where it will support the development of employees and succession planning within the Diocese. It is important that this decision is taken prior to advertising so that all employees are given equality of opportunity to apply for a secondment opportunity.

All secondment opportunities should be advertised in accordance with the Diocese's Recruitment Process (see section 5) and in accordance with the Equality Act 2010. This includes the production of a job profile and person specification and undertaking the relevant pre-employment checks suitable for the post applied, i.e. DBS checks, references, etc.

A secondment by its nature is temporary. The maximum period of a secondment is normally 18 months. Managers may consider extending the period of secondment provided there are operational reasons for doing so and to ensure that the organisation continues to best use the skills and experience available to it. Managers should also consider whether it is more appropriate for the post to become a permanent position rather than an extension to the secondment.

## **6.3 Secondment Application Procedure**

Employees should discuss and seek permission to apply for a secondment at the earliest opportunity from their line manager before applying for the post. Approval will be required from the line manager to ensure the employee can be released from their current post on a secondment basis.

Considerations for line managers:

- Has the secondment opportunity been identified as appropriate in the personal development plan for the employee?
- What is the development value to be gained by the employee during the secondment period?



- What are the benefits to our organisation as a result of the secondment?
- What's the feasibility of releasing an employee?
- How will the secondee's post be filled?
- What will be the consequence of not supporting the secondment?
- Will the employee's substantive post still be available at the end of the secondment?

Posts can be filled as follows:

- Recruiting and appointing a temporary employee through the Diocese's Recruitment process (see section 5)
- An existing employee "acting up" in the post (see section 7.3.2), until the seconded employee returns to work (See below\*); or
- The post occupied by the seconded employee will be left vacant. In this instance line managers will have to consider the impact on the workload of the team, how duties can be undertaken in the secondee's absence or whether elements of the work can be left until the secondee returns.

Support can be sought from HR.

#### **6.4 Employment Terms and Conditions During Secondment**

All secondment arrangements will require a variation to the contract of the secondee. HR will issue the variation once the secondment has been agreed and the team have been notified of the transfer.

The line manager in the host Parish is responsible for authorising annual leave in secondment arrangements but subject to annual leave entitlement laid down in the employee's terms and conditions of employment.

It should be made clear to the employee that at the end of the agreed secondment s/he will have the right to return to their substantive post.

Hours of work will be as stated in the employee contract of employment.

The employee continues to be paid through the Diocese payroll and pension contributions deducted, as appropriate.

The employment policies of the Diocese continue to apply to an employee when on secondment wherever they are seconded internally or externally.

Continuous service will continue to accrue during the secondment period.

#### **7. Zero Hours Contract**

A zero hours contract is one in which the employer does not guarantee the individual any hours of work. The employer offers the individual work when it arises,



and the individual can either accept the work offered, or decide not to take up the offer of work on that occasion. Zero hours contracts are useful where work demands are irregular or where there is not a constant demand for an employee. Zero hours contracts can also provide a level of flexibility for the individual, which allows them to work around other commitments such as study or childcare.

They are not to be used for the recovery of expenses or for genuine suppliers who provide an invoice for payment. They would be used if an individual is delivering a service such as holiday or sickness cover for an existing employee. Please refer to HR to further guidance for when a zero hours contract would be appropriate.

## **8. Disclosure and Barring Service (DBS)**

The Safeguarding department uses the disclosure service provided by the Disclosure Barring Service (DBS) to assess applicants' suitability for positions of trust.

The Diocese of Portsmouth is committed to safeguarding the welfare of those accessing its services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act 2006 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

However, this duty must be carried out with due regard to all other relevant legislation protecting the rights of employees including the Protection of Freedoms Act 2012, the Data Protection Act 1998, the DBS Code of Practice, and the Human Rights Act 1998.

It is the responsibility of the recruiting manager to declare if a DBS is required. The Safeguarding department will facilitate the check as part of the pre-employment checks process if required.

The Diocese of Portsmouth requires DBS checks for eligible roles to be updated or renewed every 3 years to meet with statutory safeguarding requirements. It is recommended that employees register for the DBS update service. All employees are required to inform the Diocese immediately should they be convicted or cautioned of any criminal offence whilst in our employment. In the event of criminal caution or convictions, we will consider the relevance to the post held and whether any action is required.

## **9. Recruitment of ex-offenders**

Applicants will be made aware of any positions where a criminal records check is required. A statement that a criminal record check is required if the candidate is offered the position will be included in any application forms, job advertisements and recruitment documents.





Where a criminal records check is part of the recruitment process, all candidates who are successfully invited to an interview should complete a safeguarding declaration and be encouraged to present information regarding any convictions they have at an early stage. They will be advised of the designated person within the Diocese to whom they should provide this information and informed that this will be kept confidential and only disclosed to those who require the information as part of the recruitment process.

Any disclosure of an offence will lead to a full discussion with the candidate regarding the relevance of the conviction to the job role before a decision is made about withdrawal of an offer of employment. A failure by the candidate to produce information about convictions relevant to the role could lead to the Diocese withdrawing an offer of employment. Where the criminal record information reveals details of an offence, the relevance to the job in question should be fully discussed with the applicant before withdrawing an offer of employment. Before withdrawing an offer, the HR department should be consulted.

To assess whether a criminal record is relevant to the role, the convictions disclosed should be assessed in line with the duties of the role and how the work is carried out. Factors to take into account include, but are not limited to:

- whether the offence is relevant to the position in question
- the seriousness of any offence
- the type of offence or offences the applicant committed,
- the circumstances and the explanation offered by the applicant,
- the length of time that has passed since the offence took place,
- whether the applicant's circumstances have changed since the offending took place.

The Diocese has a duty of care to protect any victims of serious crime and whilst it welcomes the rehabilitation of offenders and the desire for individuals to offer their services in the Church there are some convictions that will automatically require a referral to the Safeguarding Commission for further review. These include any convictions for sexual and/or violence offences.

The decision to make an offer of employment will be made by the Head of HR after the above process has been followed.

## **9. Professional registrations**

All employees who are required to be registered with a statutory regulatory professional / body to practice their speciality / field are fully aware of their contractual obligation to be registered with the relevant professional body.





All employees' registration details, where there is a requirement to hold such registration within the nature of their role, will be checked, monitored, and recorded by HR.

It is ultimately the responsibility of all employees who require professional registration to practice, to ensure, that the registration with their professional body remains current at all times and that they abide by the relevant professional code of conduct.

Employees must disclose to the Diocese of Portsmouth any conditions attached to his / her registration at the earliest available opportunity.

During the course of their employment employees must provide evidence that their registration has been renewed.

## **10. Working Time Arrangements**

The Diocese does not offer contracts in excess of a full- time contract (35 hours per week). Overtime is not permitted on a full- time contract. However, there may be occasions where additional hours (e.g. conference attendance) are required. In this situation, employees are expected to record these hours and take them as time off in lieu, at a mutually convenient time agreed with their line manager.

Part time employees are not permitted to work overtime more than a total of 35 hours per week (to include their contracted hours).

An adult worker is entitled to a rest break where the working day is more than six hours. The rest break should be an uninterrupted period of not less than 20 minutes which the worker is entitled to spend away from their workstation, – and not at the end of the shift.

The rest break is not a paid period of time; it is taken as the employee's own time but should still be taken within the working day to ensure that the employee maintains their wellbeing. A young worker is entitled to a rest break of at least 30 minutes where their daily working time is more than four and a half hours. If possible, this should be spent away from the workstation.

In exceptional cases, an employee may wish to opt out of the Working Time Directive and exceed 35 working hours per week, and such a request must be made in writing to the HR Manager giving the reasons for this.

## **11. Leaving the Diocese**

If an employee wishes to resign from their role at the Diocese of Portsmouth, they must submit their intent to leave in writing, to their line manager who will then forward this to the HR department. The notice period required will be detailed in the employees' contract of employment and varies with length of service. It is then the HR department's responsibility to advise the employee of any accrued but untaken leave,



and process this with Payroll. The employee's line manager has the responsibility to schedule and conduct an exit interview with the employee. The exit interview form must then be submitted to HR and stored in accordance with the Managing Data Policy. HR will monitor and report on exit interview data on a regular basis to the Finance Audit and Risk (FAR) Committee. All data will be anonymised for this purpose and presented in summary form.

## **12. Retirement process**

The Diocese does not operate a compulsory retirement age. Retirement age is when an employee chooses to retire. Retirement age is not the same as State Pension Age which can be between 61 and 68. Employees who have decided that they wish to retire or are considering retirement, in particular, flexible retirement, must discuss their plans initially with their line manager.

Employees wishing to fully retire from work must resign from their employment, following the leaving process detailed above, giving the appropriate contractual notice based on their length of service. They will be expected to take all accrued annual leave prior to their leaving date.

## **13. Training**

All employees need to be aware of this policy and their responsibilities. This will be achieved by the policy being available to all employees via the Diocese of Portsmouth website.

## **14. Review**

This procedure may be reviewed at any time at the request of either employees or the Diocese of Portsmouth but will be reviewed automatically in the event of new legislation or guidance emerging or triennially.



## Approvals

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

	Name	Signature	Position	Date
Prepared by	Victoria Nightingale		Diocesan Personnel Manager	Sept 2019
Reviewed by	Heather Hauschild		Chief Operating Officer	Sept 2019
Reviewed by			Finance Audit and Risk Committee	January 2020
Approved by			Trustees	February 2020
Reviewed by	Georgie Gregory		HR Consultant	July 2020
Reviewed by	Karena Fulford		Head of People	Aug 2020
Reviewed by			Senior Leadership Team	Sept 2020
Reviewed by			HR Remuneration Committee	Sept 2020
Approved by			Trustees	Oct 2020

## Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date
Numerous	Revision of allowances, process and payment		Feb 2021



## 5 - Travel and Expenses Policy

*“For which of you, desiring to build a tower, does not first sit down and count the cost, whether he has enough to complete it?” Luke 14:28*

Applies to employees, clergy, volunteers, board of Trustees and interims.

The Diocese, as an employer, is committed to the principle that legitimate and authorised expenses incurred by claimants in the course of their work with the Diocese, should be reimbursed without delay.

Claimants in return are expected to comply with the procedures for expenses reimbursement, to ensure fairness across our community and to allow efficient use of the resources needed to administer the expenses system.

When considering travelling on behalf of the Diocese of Portsmouth you are asked to question your journey and only travel if a Microsoft Teams meeting or telephone call cannot be conducted instead.

<b>Operative Date:</b>	October 2020
<b>Owner:</b>	Head of People
<b>Review Date</b>	October 2023
<b>For action by:</b>	All Employees volunteers, clergy, board of Trustees and interims
<b>Policy Statement:</b>	The purpose of this policy is to outline the rules set out by the Diocese of Portsmouth for the reimbursement of travel and expenses that are necessarily incurred by any claimant engaged on business approved by the Diocese of Portsmouth.
<b>Responsibility for dissemination to new employees:</b>	Line Managers and budget holders
<b>Mechanisms for dissemination:</b>	All new and revised policies are published on the Diocese of Portsmouth website and are promoted through the employee newsletter.
<b>Training Implications:</b>	All claimants of the Diocese of Portsmouth will be made aware of this policy as part of the induction process.
<b>Resource Implications:</b>	Travel and subsistence expenses.



## **Travel and Expenses Policy Summary**

This policy outlines the rules set out by the Diocese of Portsmouth for the reimbursement of travel and expenses that are necessarily incurred by any claimant engaged on business approved by the Diocese of Portsmouth. Specifically:

- The policy applies to all employees, clergy, volunteers as well as the Board of Trustees and interims.
- Claimants will be reimbursed for miles travelled in the performance of their duties which are in excess of the home to agreed work base return journey (exception is Board of Trustees who can claim from home).
- Allowance rates for travel by car, motorcycle, and when carrying passengers and bulky equipment are included within the policy. Expenses for parking, travelling by public transport, subsistence, and overnight accommodation (prior approval by the relevant budget holder required) when on Diocese of Portsmouth business can also be claimed.
- The policy also covers claims for eye tests / glasses for Display Screen Equipment use for employees.
- All claims should be submitted to the relevant budget holder for approval, supported by copies of original receipts.
- All credit card expenses are to be processed in line with the Credit Card Expenses policy available on the website.

### **1. Introduction and Purpose**

- 1.1 Travel is an integral part of the work of the Diocese of Portsmouth and it is right that expenses incurred in travelling should be reimbursed.
- 1.2 The Diocese of Portsmouth is geographically widespread and will strive to minimise mileage by using IT (such as telephone conferences), by car sharing where the same meetings are attended and by scheduling diaries to ensure that only necessary journeys are made.
- 1.3 The purpose of this policy is to provide:
  - A structured framework to claiming travel expenses and the process for payment of expenses
  - Practical guidance to claimants and budget holders on process and procedure.
  - To ensure that travel expenses are claimed in a consistent, accurate and timely way.
  - Guidance on mileage allowance, plus local arrangements for electric cars.



## **2. Scope**

- 2.1 This policy is for all employees, clergy, volunteers, board of Trustees and interims within the Diocese of Portsmouth.

## **3. Principles**

- 3.1 The purpose of this policy is to outline the rules set out by the Diocese of Portsmouth for the reimbursement of travel and expenses that are necessarily incurred by any individual engaged on business approved by the Diocese of Portsmouth.
- 3.2 The primary purpose of travel and subsistence allowances is to reimburse the necessary costs of meals, accommodation and travel arising as a result of official duties away from home.
- 3.3 This document is mandatory and applies to all employees, line managers, volunteers, Board of Trustees and interims.
- 3.4 Any abuse of this policy will be investigated and may result in criminal or disciplinary action being taken.
- 3.5 It is expected that the necessary documentation will be provided to the relevant budget holder to support a claim in line with Diocesan insurance requirements. This includes MOT, business insurance on motor vehicle policy and driving licence. Details of the procedure to ensure safe driving for work are in the Health and Safety policies on the website.

## **4. Travel Expenses**

### **4.1 Eligible miles**

- Claimants will be reimbursed for miles travelled in the performance of their duties in accordance with the Diocese of Portsmouth's charitable aims and mission (see Appendix 1). Business mileage refers to journeys you undertake in the course of your work, with the exception of your regular commute for employees. HMRC guidelines define travel between your home and your regular, permanent place of employment as a non-work journey, making it ineligible to be included as part of your business mileage claim. For example, if you drive from your home to your office, travel to a meeting, return to your main place of employment, then drive back home, the first and last journeys cannot be counted as business mileage.



- Mileage claims will be calculated discounting home to work mileage for employees.
- Travel between your home and permanent place of work outside your usual hours does not qualify. Any other private trips that you make cannot be counted within your business mileage allowance.
- The Board of Trustees can claim for the total mileage undertaken (home to work base / work base to home).
- Claimants should use public transport as far as practically possible if this is more cost effective than using a car.

#### **4.2 Car allowance**

All car mileage will be reimbursed at Standard Rates set by the Diocese. This applies to all car drivers registered with the Diocese of Portsmouth regardless of the vehicle size. An additional local arrangement has been included to take account of electric vehicles. The mileage rate is dependent on car usage.

If you carry another employee in your own car on a business journey, you can claim for passenger payments as detailed below in Table 1.

#### **4.3 Motorcycle allowance**

- Claimants using a motorcycle for official journeys will be reimbursed a mileage rate as set out by the Diocese.

#### **4.4 Other allowances**

- Claimants will be reimbursed the reasonable parking, garage, train, bus, toll, airfare and ferry costs when on Diocese of Portsmouth business on production of a valid receipt.

#### **4.5 Training courses / conferences / events**

- All employees attending manager approved training courses, conferences or events are eligible to claim mileage over and above home to work mileage on the standard rate as set by the Diocese.

#### **4.6 Excess mileage**

- Where there is a compulsory requirement for an employee to change their base of work on a temporary or permanent basis e.g. acceptance of another post as an alternative to redundancy, change of work base, the employee may be reimbursed their extra daily travelling expenses for a period of time from the date of transfer. This will be set out in the agreement signed prior



to the date of transfer. Mileage will be reimbursed through the submission of receipts, or the cost of public transport.

- If an employee who is claiming excess travel subsequently moves home, they must alert HR immediately in order that the new mileages may be calculated and adjusted accordingly. Failure to alert HR immediately may result in a disciplinary process and excess monies paid being recouped.

#### **4.7 Public transport**

- If a claimant uses public transport for business purposes the cost of bus fares and standard rail fares will be reimbursed, on production of valid receipts.

### **5. Subsistence**

- Any claimant who is required to be away from home for business purposes may claim for additional costs that are incurred, up to the limits set by the Diocese of Portsmouth. Refer to Appendix 2 for maximum reimbursement limits. Claims will only be authorised if they are submitted using the expenses form supported by original receipts. The Diocese of Portsmouth will not pay for the cost of any alcoholic beverages.

#### **5.1 Overnight accommodation**

- If a claimant stays overnight in a hotel, or other similar accommodation, for business purposes that have been approved by the relevant budget holder, the overnight costs for bed and breakfast will be reimbursed up to the limits set by the Diocese of Portsmouth as detailed in Appendix 2. In exceptional circumstances where accommodation is not available within the agreed limit, the employee should seek the most competitive rates and ensure that these are approved by the budget holder prior to the expenditure being incurred. Any claims that exceed the agreed limit must be clearly noted to show that prior approval for the expenditure has been given. The cost of up to two further day time meals may be reimbursed in any 24 hours, up to the maximum of the appropriate meals allowance as detailed in Appendix 2.

### **6. Other Expenses – Employees Only**

#### **6.1 Eye test and glasses**

- The Diocese of Portsmouth will meet the full cost of eye tests for Display Screen Equipment (DSE) users where prescribed exclusively for display screen work (VDU) where these are not free. An invoice must be produced





by the optician and you must pay for the eye test and any corrective appliance. You will then need to claim via expenses and produce the invoice, VDU prescription and receipts. The provision of 'normal' corrective lenses will be at the employee's own expense.

## 6.2 Relocation expenses

A relocation package may be agreed in exceptional circumstances within the job offer for:

- A new employee moving to the area to start a job with the Diocese of Portsmouth.
- An existing employee who is changing their place of work with the Diocese of Portsmouth.
- This will only apply in exceptional circumstances as a tax liability will exist for the diocese and be subject to Board authorisation.

6.2.1 These costs are paid before the end of the tax year and are tax free up to £8,000 if expenditure falls within the categories set out in the Inland Revenue Regulations. For qualifying costs over £8,000, the Diocese of Portsmouth will report using a P11D form and Class 1A National Insurance will be payable by the employee.

6.2.2 The relocation package will be agreed in advance of the final offer of employment and will be at the discretion of the Chief Operating Officer and the HR and Remuneration Committee. The HR and Remuneration Committee will approve the package for a defined period (up to 12 months) and may include removal costs or the supply of temporary rental accommodation while permanent arrangements are made. The agreement must be set out in writing and agreed formally. If the Diocese offers accommodation in one of its own properties, rental agreements must be in place in advance of taking up residency.

## 6.3 Reimbursement of sundry expenses – All Claimants

In exceptional circumstances it may be necessary for an employee to purchase sundry items which may be required to carry out their duties. The line manager must give prior approval for all such expenditure and original receipts must accompany the claim for reimbursement.



## **7. Procedure for payment**

### **7.1 Methods of payment**

All employees producing valid claims approved by the relevant budget holder will be paid through the payroll each month. Payments for volunteers and those not on payroll will receive a BACS remittance advice slip emailed to them after payment has been made. Payment will be withheld or delayed if the necessary documentation is not completed. It is the relevant budget holders responsibility to ensure that claimants are made aware of the correct procedure to follow for the claiming of expenses.

- All claims should be made within 3 months of the expense taking place. Claims which are over 3 months old will need to be reviewed and signed off by the Chief Operating Officer.
- Expenses payments will only be authorised if they are submitted and supported by original receipts (except for mileage). Only claims signed off by an authorising budget holder will be processed for payment.

### **7.2 Exemptions**

There will be no reimbursement of:

- Parking fines.
- Speeding fines.
- A contribution towards vehicle running costs or additional personal motoring costs, (the mileage allowance is set at a level to include this).

The organisation forbids the use of handheld mobile phones and asks individuals to refrain from using hands-free mobile phone sets whilst driving.

## **8. Roles and Responsibilities**

- 8.1 All claimants have a responsibility for ensuring that their travel and expense claims are accurate and comply with this procedure. In signing a travel claim they are confirming that the information in it is correct. Falsely claiming travel and other expenses to which they are not entitled is fraudulent and will result in criminal and/or disciplinary action being taken.

## **Appendix 1 - Tax and National Insurance Liabilities**

For details of HM Revenue and Customs guide to personal Taxable Allowances and Rates [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

Mileage reimbursement is a 'payment' from your employer that can be subject to tax and national insurance deductions on the whole amount. However, if the payment is



clearly for costs incurred in the performance of an employee's duties then tax relief can be obtained.

If you are reimbursed for travel that is not considered to have been undertaken in the course of an employee's duties, then there will be no tax relief available and the full amount will be considered as income and subject to tax and national insurance accordingly.

HMRC operate an Approved Mileage Allowance Payment (AMAP) which enables tax free reimbursement. Table 1 below provides the Diocese of Portsmouth reimbursement rates which are in line with HMRC for Clergy and revised down for non-clergy and may be revised at any time dependent on government policy.

The total miles travelled, regardless of the rate at which they are reimbursed, will be reported to the Inland Revenue at the end of the financial year in order that taxable benefit can be calculated. The taxable benefit will feature on each employee's P11D if you are not covered under the taxed at source arrangement.

**Table 1 - The Diocese of Portsmouth, Reimbursement rates**

Type of vehicle	Diocese of Portsmouth Allowance per Tax year	HMRC Allowance per Tax year
Cars up to 10,000 miles	45p per mile	45p per mile
Electric cars up to 10,000 miles	45p per mile	45p per mile
Cars over 10,000 miles	25p per mile	25p per mile
Electric cars over 10,000 miles	25p per mile	25p per mile
Motorcycle	24p per mile	24p per mile
Bicycle	20p per mile	20p per mile



Passenger payment	5p per mile	5p per mile
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Any queries relating to your tax position should be directed to your local tax office

Type of payment	Tax liability	National Insurance liability
Business Miles	The tax free allowance is deducted from the amount paid and tax is due on the balance, this is reported on the P11d or Taxed at Source (TAS) in-line with the individual arrangement for the Diocese of Portsmouth.	Deducted on profit element of mileage

## Appendix 2 - Subsistence rates

1. Night allowances: first 30 nights - Actual receipted cost of bed and breakfast up to a maximum of £100.

Where the maximum limit is exceeded for genuine business reasons (e.g. the choice of hotel was not within the employee's control or cheaper hotels were fully booked) additional assistance may be granted at the discretion of the line manager. Approval should be sought prior to the expenditure being incurred (refer to section 5.1).

2. Day meals subsistence allowances

Lunch allowance (more than five hours away from base, including the lunchtime period between 12:00 pm to 2:00 pm) £5.00 Evening meal allowance (more than ten hours away from base and return after 7:00 pm) £15.00

## Expenses Claim Form



REVISED%20EXPENSES%20FORM%202020



## Approvals

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

	Name	Signature	Position	Date
Prepared by	Victoria Nightingale		Diocesan Personnel Manager	Sept 2019
Reviewed by	Heather Hauschild		Chief Operating Officer	Sept 2019
Reviewed by			Finance Audit and Risk Committee	January 2020
Approved by			Trustees	February 2020
Reviewed by	Georgie Gregory		HR Consultant	July 2020
Reviewed by	Karena Fulford		Head of People	Aug 2020
Reviewed by			Senior Leadership Team	Sept 2020
Reviewed by			HR Remuneration Committee	Sept 2020
Approved by			Trustees	Oct 2020

## Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date



## 6 - Whistleblowing Policy

*"For everything there is a season, and a time for every matter under heaven....a time to keep silence, and a time to speak..." Ecclesiastes 3: 1; 7b*

Applies to employees and volunteers

The Diocese, as an employer, is committed to ensuring that our work is carried out with honesty and integrity, and all employees and volunteers are expected to maintain high standards in their work output and behaviour.

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct.

A culture of openness and accountability is essential to prevent such situations occurring or to address them promptly if they do occur.

A whistleblowing policy is a key element in this culture and the Diocese encourages all to report suspected wrongdoing as soon as possible, knowing that their concerns will be taken seriously and investigated as appropriate, as well as ensuring that their confidentiality will be respected.

Operative date:	October 2020
Owner:	Head of People
Review date:	October 2023
For action by:	All employees
Policy statement:	This policy outlines actions taken by the Diocese of Portsmouth in relation to whistleblowing concerns which have been raised from employees within the Diocese of Portsmouth, volunteers, ex-employees, independent self-employed contractors, and job applicants.
Responsibility for dissemination to new employees:	Line managers
Mechanisms for dissemination:	The policy will be published on the Diocese of Portsmouth website and promoted through the employee newsletter.
Training implications:	This policy will be highlighted through the induction process. Line managers/investigating officers will be provided with training as appropriate.
Resource implications:	There are no resource implications.

## Whistleblowing Policy Summary

December 2020  
Human Resources Department



Our policy is to create a productive and positive work environment grounded in the Christian faith. Trustees, management, all employees, and volunteers are encouraged to behave in ways which are clearly grounded in our beliefs. To assist in creating this environment, we all need to demonstrate the following behaviours.

This policy sets out the process and provides employees with guidance on how to raise a whistleblowing concern. A whistle blower is a person who raises a genuine concern in good faith. If an individual has any genuine concerns related to suspected wrongdoing or danger affecting any of the Diocese of Portsmouth's activities (a whistleblowing concern) this should be reported under this policy.

Policies are not contractual, and whilst they are comprehensive, they are not exhaustive.

Any suspected wrongdoing can be reported either verbally or in writing, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected. Employees can be reassured that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

- Protected disclosures - certain conditions must be met for a whistle blower to qualify for protection under the Public Interest Disclosure Act 1998 (PIDA), depending on to whom the disclosure is being made and whether it is being made internally or externally.
- Internal disclosures - workers are encouraged to raise their concerns with their employer with a view that the employer will then have an opportunity to address the issues raised. If a worker makes a qualifying disclosure internally to an employer (or another reasonable person) they will be protected.
- Individuals employed by external organisations will normally be able to raise any concerns via their employer's own whistleblowing policies, procedures, and support mechanisms.
- For individuals employed by the Diocese of Portsmouth, in many cases they will be able to raise any concerns with their line manager. The line manager may be able to agree a way of resolving the concern quickly and effectively. However, where the matter is more serious, or it is felt that the line manager has not addressed the concern, or an employee or an ex-employee prefers not to raise it with them for any reason, contact should be made with one of the following:

- o Chief Operating Officer
- o Board of Trustees
- o Moderator of the Curia



- If a whistle blower is not happy with the way in which their concern has been handled, they may contact other key contacts set out in this policy.

## **1. Introduction**

- 1.1 Speaking up about any concern an individual may have at work is important. In fact, it is vital because it will help the Diocese of Portsmouth to keep fulfilling its mission of bringing people closer to Jesus Christ through his Church.
- 1.2 An individual may feel worried about raising a concern, and the Diocese of Portsmouth understands this. In accordance with the duty of candour, the leadership team within the Diocese of Portsmouth and entire Board of Trustees are committed to an open and honest culture and the Diocese of Portsmouth will always investigate a concern.
- 1.3 The Diocese of Portsmouth will receive and take forward whistleblowing concerns which are raised from employees, volunteers, ex-employees, independent self- employed contractors, and job applicants.
- 1.4 The Diocese of Portsmouth is committed to conducting business with honesty and integrity, and the Diocese of Portsmouth expects its employees to maintain high standards, in accordance with our mission. However, all Diocesan Trusts face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring or to address them when they do occur.
- 1.5 The aims of this policy are to:
  - To encourage employees to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
  - To provide employees with guidance as to how to raise those concerns.
  - To reassure employees that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.
- 1.6 This policy does not form part of the employee contract of employment, however outcomes following a formal process may then become relevant to an employee's terms and conditions of employment.

## **2. Scope**

- 2.1 This policy is applicable to all employees working within the Diocese of Portsmouth including, interim (off payroll) workers and volunteers.





### **3. Definitions**

- 3.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
1. criminal activity
  2. miscarriages of justice
  3. danger to health and safety
  4. damage to the environment
  5. failure to comply with any legal [or professional] obligation or regulatory requirements
  6. bribery
  7. financial fraud or mismanagement
  8. unauthorised disclosure of confidential information
  9. breach of our internal policies and procedures
  10. conduct likely to damage our reputation
  11. discrimination, harassment, or other conduct prohibited by the Equality Act 2010
  12. a bullying culture (across a team or organisation rather than individual instances of bullying)
  13. the deliberate concealment of any of the above matters.
- 3.2 In an emergency and if it is suspected someone is in immediate danger, 999 should always be called.
- 3.3 Independent advice can be sought before raising a concern. Individuals can also contact their trade union or professional regulatory body or refer to guidance issued by them. Individuals can also call the independent whistleblowing charity, Public Concern at Work, for free and confidential advice on 020 7404 6609 or go to [www.pcaw.org.uk](http://www.pcaw.org.uk).
- 3.4 Whistleblowing concerns usually relate to the conduct of employees, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows individuals to raise a concern in good faith with a third party, where they reasonably believe it relates mainly to their actions or something that is legally their responsibility.

### **4. Legal Overview**

- 4.1 Protection for whistle blowers was first introduced in the Public Interests Disclosure Act 1998 the Employment Rights Act 1986 (ERA). This act made it unlawful for an employer to dismiss or subject a worker to detriment on the grounds that they have made a protected disclosure.



## 4.2 Protected disclosures

- Certain conditions must be met for a whistle blower to qualify for protection under the Public Interest Disclosure Act 1998 (PIDA), depending on to whom the disclosure is being made and whether it is being made internally or externally.
- Workers are encouraged to raise their concerns with their employer (an internal disclosure) with a view that the employer will then have an opportunity to address the issues raised. If a worker makes a qualifying disclosure internally to an employer (or another reasonable person) they will be protected.
- No worker should submit another worker to a detriment on the grounds of them having made a protected disclosure.
- Any colleague or manager (provided they and the whistle blower have the legal status of employee / worker) can personally be liable for subjecting the whistle blower to detriment for having made a protected disclosure.
- If a disclosure is made externally, there are certain conditions which must be met before a disclosure will be protected. One of these conditions must be met if a worker is considering making an external disclosure (this does not apply to disclosures made to legal advisors).
- A worker can also be protected if they reasonably believe that the disclosure is substantially true, the disclosure is not made for personal gain i.e. is in the public interest, it is reasonable to make the disclosure and one of the following conditions apply:
  - o at the time the disclosure is made, the worker reasonably believes that s/he will be subjected to a detriment by their employer if the disclosure is made to the employer; or
  - o the worker reasonably believes that it is likely that evidence relating to the failure/ wrongdoing will be concealed or destroyed if the disclosure is made to the employer; or
  - o the worker has previously made a disclosure to his / her employer.

4.3 Additional conditions apply to other wider disclosures to the police, an MP or the media. These disclosures can be protected if the worker reasonably believes that the disclosure is substantially true, the disclosure is of an exceptionally serious nature, and it is reasonable to make the disclosure.

4.4 This policy should not be used for complaints relating to a employees from the Diocese of Portsmouth on areas such as the way they have been treated at work. In those cases the Grievance Procedure should be used.



## **Whistleblowing Process and Procedure**

We have created a structure which enables the elements of the policy to be enacted through clear procedures. If an employee has a concern or complaint, we want those who supervise them to listen to the employee and decide whether to investigate the complaint or concern, and here is how you might do it.

### **5. Process for Raising a Whistleblowing Concern Internal to the Diocese of Portsmouth**

- 5.1 In many cases employees will be able to raise any concerns with their line manager. Employees may tell them in person or put the matter in writing if preferred. The line manager may be able to agree a way of resolving the concern quickly and effectively.
- 5.2 For concerns regarding violence, intimidation, bullying, harassment, discrimination or victimisation in relation to individual employees, please refer to the Grievance Policy.
- 5.3 However, where the matter is even more serious, or it is felt that the line manager has not addressed the concern, or an employee or an ex- employee prefers not to raise it with them for any reason, contact should be made with one of the following:
  - o Chief Operating Officer
  - o Board of Trustees
  - o Moderator of the Curia
- 5.4 The Diocese of Portsmouth will arrange a meeting with the employee as soon as possible to discuss their concern. A colleague or union representative may be brought to any meetings under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation.
- 5.5 The Diocese of Portsmouth will take down a written summary of the concern and provide the employee with a copy after the meeting. The Diocese of Portsmouth will also aim to give an indication of how they propose to deal with the matter.

### **6. Confidentiality**

- 6.1 The Diocese of Portsmouth hopes that employees will feel able to voice whistleblowing concerns openly under this policy. However, if an employee wants to raise their concern confidentially, the Diocese of Portsmouth will make every effort to keep their identity secret. If it is necessary for anyone investigating the concern to know the employee's identity, the Diocese of



Portsmouth will discuss how to proceed with them, for example if required to disclose it by law (such as by the police or if your evidence is needed in court).

- 6.2 The Diocese of Portsmouth does not encourage employees to make disclosures anonymously because proper investigation may be more difficult or impossible if the Diocese of Portsmouth cannot obtain further information from the employee. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistle blowers who are concerned about possible reprisals if their identity is revealed should seek advice from a trade union, or professional regulatory body, or independent charity Public Concern at Work.

## **7. External disclosures**

The aim of this procedure is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In most cases employees should not find it necessary to alert anyone externally.

- 7.1 The law recognises that in some circumstances it may be appropriate for concerns to be reported to an external body such as a regulator. It will never be appropriate to alert the media as this could be deemed serious / gross misconduct, which would be dealt with under the Diocese of Portsmouth's Disciplinary Procedure. The Diocese of Portsmouth strongly encourages employees to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.
- 7.2 Whistleblowing concerns usually relate to the conduct of employees, but they may sometimes relate to the actions of a third party, such as a service provider. The law allows individuals to raise a concern in good faith with a third party, where they reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the Diocese of Portsmouth encourages employees to report such concerns internally first. Employees should contact their line manager for guidance.

## **8. Investigation and outcome**

- 8.1 Once an employee has raised a concern and their preferred outcome, the Diocese of Portsmouth will carry out an initial assessment to determine the scope of any investigation. The Diocese of Portsmouth will inform the employee of the outcome of the assessment. Employees may be required to attend additional meetings to provide further information.



- 8.2 In some cases, the Diocese of Portsmouth may appoint an investigator or team of investigators including employees with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable the Diocese of Portsmouth to minimise the risk of future wrongdoing.
- 8.3 If the concern suggests that an incident has occurred, this will be reported to the Diocesan Trustees, and consideration will be given to reporting to the Charities Commission.
- 8.4 Any employment issues that only affect the whistle blower and not others identified during the investigation will be considered separately.
- 8.5 The Diocese of Portsmouth will aim to keep employees informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent the Diocese of Portsmouth giving specific details of the investigation or any disciplinary action taken as a result. Employees should treat any information about the investigation as confidential.
- 8.6 If the Diocese of Portsmouth concludes that a whistle blower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistle blower may be subject to disciplinary action.
- 8.7 If the Whistle Blower is not satisfied**
- 8.8 While the Diocese of Portsmouth cannot always guarantee the outcome being sought, we will try to deal with the concern fairly and in an appropriate way. By using this procedure employees can help the Diocese of Portsmouth to achieve this.
- 8.9 If an employee is not happy with the way in which their concern has been handled, the employee can raise it with one of the other key contacts:
- o Chief Operating Officer
  - o Board of Trustees
  - o Moderator of the Curia
  - o Head of HR

## **9. Investigation Procedure**

- 9.1 It is recognised that, wherever possible, issues should be addressed informally with the employee. Where this is not possible, an investigation may be invoked.



## **10. Record Keeping and Confidentiality**

- 10.1 A record of the investigation and the outcome to the investigation will remain on the employee's file in a sealed envelope; this would usually be for 12 months.
- 10.2 This information will in no way be used against the employee but is retained for record keeping purposes only in line with the Data Protection and GDPR Policy.
- 10.3 Individuals will be provided with a copy of the notes made from their meetings. Where there is a dispute regarding their accuracy, which cannot be resolved, both the original notes and the amended version will be retained on file. This information will be provided in alternative formats if required.
- 10.4 The individual will be provided with a copy of the investigation report. In some circumstances it may be appropriate to redact or withhold some information from the individual, for example to protect a witness.
- 10.5 Employees, managers and representatives must ensure confidentiality throughout the procedure cases and thereafter when the resolution has been reached. Failure to do this could result in disciplinary action being taken against the person responsible for the information breach.

## **11. Suspension (Exclusion) or Transfer**

- 11.1 There may be occasions when the allegations being considered are of a serious nature to warrant the suspension of the employee. Please refer to the Managing Standards Policy for further information.

## **12. Raising a Grievance during an Investigation Process**

- 12.1 In exceptional circumstances, where an employee raises a grievance at any stage of the investigation, a decision will be made as to whether the investigation proceedings should be suspended until such time as the grievance is resolved.
- 12.2 A decision will be made based on the seriousness of the allegations presented which make it clear that it would be inappropriate for the investigation to continue.
- 12.3 In most cases, the two procedures will run parallel. It is not sufficient to raise a grievance with regards to the investigation action itself.
- 12.4 The Grievance Procedure can be found in the Conduct and Performance Policy.



### **13. Learning from Concerns**

- 13.1 The focus of investigation will be on improving the experience of employees working within the Diocese of Portsmouth. Where it identifies improvements that can be made, the Diocese of Portsmouth will track them to ensure necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

### **14. Training Implications**

All employees need to be aware of this policy and their responsibilities. This will be achieved by:

- New employees being directed to where policies are located on the Diocese of Portsmouth website.



## Approvals

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

	Name	Signature	Position	Date
Prepared by	Victoria Nightingale		Diocesan Personnel Manager	Sept 2019
Reviewed by	Heather Hauschild		Chief Operating Officer	Sept 2019
Reviewed by			Finance Audit and Risk Committee	January 2020
Approved by			Trustees	February 2020
Reviewed by	Georgie Gregory		HR Consultant	July 2020
Reviewed by	Karena Fulford		Head of People	Aug 2020
Reviewed by			Senior Leadership Team	Sept 2020
Reviewed by			HR Remuneration Committee	Sept 2020
Approved by			Trustees	Oct 2020

## Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date





## 7 - Managing Organisational Change Policy

*"Therefore, if anyone is in Christ, the new creation has come: The old has gone, the new is here!" 2 Corinthians 5: 17*

Operative date:	October 2020
Owner:	Head of People
Review date:	October 2023
For action by:	All employees
Policy statement:	This policy outlines actions taken by the Diocese of Portsmouth in relation to Managing Organisation Change.
Responsibility for dissemination to new employees:	Line managers
Mechanisms for dissemination:	The policy will be published on the Diocese of Portsmouth website and promoted through the employee newsletter.
Training implications:	This policy will be highlighted through the induction process. Line managers/investigating officers will be provided with training as appropriate.
Resource implications:	There are no resource implications.

### 1. Introduction

- 1.1 Change is usually characterised by a need to improve organisational effectiveness which could be related to the financial position, processes, systems or service provision. Change can be either planned or unplanned and affect the whole organisation, specific parishes, departments, or individuals.
- 1.2 Change may constitute minor changes, such as new procedures or training or major changes such as restructures and developing new ways of working. In all circumstances we are committed to ensuring that change is managed in a consistent, fair, and sensitive way and in line with statutory requirements.
- 1.3 We are committed to managing change proactively, ensuring that we provide clear communications to employees, highlighting potential changes and how they may be affected within a reasonable timeframe.
- 1.4 We will provide support to those employees affected by change at the earliest opportunity and in line with individual needs and recognise that



successful implementation of change is dependent on the continued commitment and engagement of employees and line managers. Poorly managed change can cause long lasting ill feeling amongst employees and is to be avoided.

line

- 1.5 In the event that redundancies are proposed, we aim to honour our obligations as an employer under the Collective Redundancies Legislation and Transfer of Undertakings (Protection of Employment) Regulations 2006 by consulting, where appropriate, with representatives of any appropriate recognised trade union or elected representatives of the employees. We will fulfil any statutory consultation obligations we might have.
- 1.6 Should redundancies be implemented; HR will calculate statutory payments in line with government requirements. Calculations are made considering employee's years' service, age, and weekly salary.

## **2. Purpose and Scope**

- 2.1 This policy sets out the Diocese's approach to managing major organisation change and the change management procedure sets out the steps that should be followed by all managers wishing to implement any major organisational changes
- 2.2 The policy ensures that change is managed consistently and fairly across the Diocese of Portsmouth and in accordance with the relevant employment legislation.
- 2.3 The policy offers guidance and advice to managers on planning, preparing for and managing change.
- 2.4 Employees will be treated as individuals with due regard to their personal and employment circumstances at all stages of the change management process.

## **3. Definitions**

- 3.1 Minor changes – refers to variations to the working environment, line management structures or responsibilities of roles where there is no change to the contractual terms and conditions and where a substantial part of the employee's experience at work is unchanged.
- 3.2 Major organisational changes – this refers to any reorganisation, redundancies, relocation, significant expansion or reduction and outsourcing.



- 3.3 Affected by change – this refers to employees who may experience changes via this process e.g. change of their line manager, changes to their responsibilities, changes to team structure but who are not at risk of redundancy
- 3.4 At risk – an employee will be regarded as ‘at risk of redundancy’ in circumstances where their post is to be removed, or there is to be a reduction in the number of posts at that level within a parish or department.
- 3.5 Redundancy – in accordance with the Employment Rights Act 1996, redundancy arises because:
- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed, or where the employer has ceased, or intends to cease, to carry on the business in the place where the employee was employed; or
  - When the requirements of the business for employees to carry out work of a, in the place where they are so employed, have ceased or diminished or are expected to cease or diminish
- 3.6 Redeployment – means the transferring or recruitment of employees ‘at risk’ into a suitable alternative post

## **4. Responsibilities**

### **4.1 Employees**

It is the responsibility of the employee to:

- Be aware of the organisational change policy and change management procedure
- Participate and attend all relevant consultation meetings
- Speak to their line manager or HR about any concerns they may have
- Ensure business as usual before, during and after the changes
- Maintain confidentiality during and after the changes, maintaining respect for their colleagues

### **4.2 Managers**

During periods of change managers are expected to:

- Ensure all employees are made aware of the procedure for organisational change
- Ensure any employees on long term sick or maternity/adoption leave are kept



- informed of potential changes
- Ensure all employees are fully communicated and engaged with regarding proposed changes, including the provision of regular 1:1 and team meetings.
- Ensure all employees are treated fairly and equally
- Ensure all employees are aware of their right to accompaniment at consultations by a work colleague or Trade Union Representative
- Work in line with the appropriate policies and involve HR where necessary
- Maintain confidentiality throughout the process of change management
- Appropriately document process

#### **4.3 HR**

During periods of change HR are expected to:

- Provide advice and guidance to manager and employees
- Provide support where relevant and required
- Ensure due process is followed and employees are treated fairly and consistently
- Provide a legal framework
- Support with Appeals

### **Procedure for Change**

#### **5. Approval of organisational change**

- 5.1 Where major organisational change has become necessary, the line manager will need to obtain approval from the COO and Trustees of the Diocese for the proposed revision to structure/services/team changes. A written summary, outlining the changes and considerations of any risks/mitigations, should be submitted via email. Please refer to the checklist in Appendix 1 for guidance.
- 5.1 The COO and Trustees of the Diocese will review the proposed changes, taking into account the needs of the business, cost management requirements, resources and risk. Sign off to implement the change management process will be confirmed in writing to the line manager. Line managers must not commence consultation until they have received sign off to do so.

#### **6. Communications**

- 6.1 The Diocese is committed to maintaining transparent and effective communications with its employees through times of change. It is the responsibility of managers to ensure clear communications are maintained with their employees.



- 6.2 We aim to standardise the format of our communications, even if the method of communication varies, to ensure clarity for employees. For example, letter templates.
- 6.3 Effective communication plans will be developed according to the nature of the proposed organisational change. This may include combinations of individual meetings, group consultations or meeting with an employee representative depending on the size and scope of the organisational changes.
- 6.4 All methods of communication are relevant under our commitment to effective communications within the Diocese. These include but are not limited to, face to face, email, letters, website, telephone calls and text messages.
- 6.5 If any changes are discussed verbally with an employee, these must be confirmed in writing following the conversation.
- 6.6 All employee communications must be correctly documented and kept on record as relevant, in line with General Data Protection Regulation (GDPR).
- 6.7 We encourage our employees to offer feedback on our communications so that we can continually improve.

## **7. Consultation**

- 7.1 The involvement of employee members and employee representatives throughout the change process is crucial to successfully implementing change. During any period of organisational change, employees will be consulted with at the earliest appropriate opportunity.
- 7.2 Where organisational changes involve potential redundancies, the legal minimum requirements for consultation on redundancy will be adhered to. See Appendix 2.
- 7.3 Managers should prepare a consultation document on the proposed organisational change stating the current situation including employee structure, the need for change and rationale, the details of the proposed change, the options that have been considered, the employee and workload implications of the proposals, the number of employees who may be affected and/or at risk, if relevant the selection criteria for redundancy, the measures taken to avoid redundancy, proposed timescales and communication plans.
- 7.4 Each employee affected by the organisational change will be provided with a copy of the consultation document. Employees who are absent from work for



any reason, such as long-term sickness absence or maternity leave, will be sent a copy.

- 7.5 Each employee affected will be invited to a meeting with their line manager. Employees are entitled to be accompanied by a work colleague or Trade Union Representative at the meeting and must be notified of their right to accompaniment.
- 7.6 At the meeting, the line manager will discuss the proposed organisational change as outlined in the consultation document. The employee will be invited to comment on and respond to the proposals, including how they may impact on their personal circumstances.
- 7.7 In all cases the line manager will allow sufficient time for meaningful consultation to take place with affected employees.
- 7.8 At the end of the consultation period, the manager will give full consideration to all comments received from employees and will make a final decision.
- 7.9 Decisions should consider all measures to avoid compulsory redundancies, including any requests for voluntary redundancy or early retirement, while also considering the operational efficiency and sustainability of the Parish/Department.
- 7.10 If redundancies cannot be avoided, employees will be selected based on objective criteria and where appropriate, fairly assessed through a formal interview process in accordance with the Diocese's recruitment policy. For full details on redundancy management see policy on 'Leaving the Organisation'.

## **8. Redeployment**

- 8.1 In all cases of redundancy, we will make every reasonable effort to find employees a suitable alternative job for which they are suitably qualified. In considering this, regard will be had to both the wishes of the employee and the future needs of our work. If an employee accepts an offer of alternative employment following confirmation of redundancy, there will be a trial period of four weeks. If the employee reasonably resigns during the trial period or is dismissed for factors that are reasonable in relation to the alternative work, the employee may still be entitled to a redundancy payment dependant on circumstances. If an employee unreasonably refuses an offer of suitable alternative employment within the meaning of the Employment Rights Act 1996, the entitlement to statutory redundancy payment may be jeopardised.

## **9. Selection**



- 9.1 If compulsory redundancies are necessary, the primary basis of selection for redundancy will be:
- Where a sole position occupied by a single employee is redundant no selection arises, and that employee will be at risk of redundancy
  - Where all the positions in a working group or category are to be redundant the question of selection does not arise and all those employees in that group will be at risk
  - Where only some of a group or categories of employee are affected by redundancy, the basis for selection will be based on the future needs of the Diocesan Trustees. This may be based on qualifications, skills, experience relevant to the job or diocesan requirements, performance and aptitude of the employee, or other criteria considered relevant in the context of the needs of the Diocesan Trustees at that time. Disciplinary and sickness records may also be considered. In carrying out the selection every effort will be made to ensure that employees are considered in fair and objective manner and where appropriate a formal interview process will be conducted in line with the Diocese's recruitment policy.

## **10. Redundancy Pay**

- 10.1 Redundancy payments will be calculated in accordance with the statutory redundancy pay provisions in force at the time.
- 10.2 To qualify for redundancy payment the individual must have a contract of employment with the Diocese and at least two years continuous service with the Diocese.
- 10.3 In addition to the above employees shall not be entitled to redundancy payments if they:
- Are dismissed for reasons of misconduct, with or without notice; or
  - Have been successfully redeployed to another role and completed the trial period; or
  - Unreasonably refuse to accept or apply for suitable alternative employment; or
  - Leave their employment before the expiry of their notice period, unless otherwise agreed

## **11. Contractual Notice Period**



- 11.1 Priority must be given to the needs of the Parish/department; therefore, displaced employees will generally be required to work their contractual notice period.
- 11.2 The Diocese reserves the right to implement redundancy with immediate effect and make a payment in lieu of notice to the employee, as allowed by their contract of employment.

## **12. Appeal Process**

- 12.1 If the employee feels that a decision about action under this procedure is wrong or unjust they should appeal in writing, stating their full grounds of appeal, to the Head of HR within 5 working days of the date on which the outcome letter was dated.
- 12.2 They must stipulate their full grounds of appeal in writing, which should be one or more of the following:
- They believe to have been unfairly selected for redundancy
  - Failure to follow the procedure.

It is not sufficient merely to disagree with the decision made.

- 12.3 The employee will be given written notice of the date, time and place of the appeal hearing. The appeal hearing will be held as soon as reasonably practicable. The appeal may be held in person or via telephone or virtual meeting.
- 12.4 Employees have the right to be accompanied by a trade union representative or work colleague (this does not include family/friends/legal representatives).
- 12.5 Where possible, the appeal hearing will be conducted by another manager at a more senior level who has not been previously involved in the case. A member of the HR team not previously involved will also be present, however, if this is not possible, an employee not previously involved and nominated by the Chief Operating Officer will be present. If appropriate alongside the presence of a Trustee of the organisation.
- 12.6 Following the appeal hearing the Diocese of Portsmouth may:
- Confirm the original decision.
  - Revoke the original decision.
  - Substitute a resolution outcome.
- 12.7 The Diocese of Portsmouth will inform the employee in writing of the final decision as soon as possible, usually within seven working days of the appeal





hearing. Where possible the Diocese of Portsmouth will also explain this in person. There will be no further right of appeal.

### **13. Transfer of Undertaking (Protection of Employment) (TUPE) Regulations**

- 13.1 TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014". The TUPE rules apply to organisations of all sizes and protect employees' rights when the organisation or service they work for transfers to a new employer.
- 13.2 There are two situations when the TUPE regulations may apply; business transfers where a business or part of a business moves to a new owner or merges with another business, and service provision transfers, which includes outsourcing, re-tendering and in sourcing.
- 13.3 Where TUPE applies, employees will be consulted with at the earliest opportunity. This will usually be for a minimum of 30 days unless otherwise agreed.
- 13.4 All the Terms and Conditions of the transferring employee's contract of employment (including relevant policies and procedures) will transfer with the employee and should not be changed due to the transfer.
- 13.5 If TUPE applies, the manager will identify the posts and individual employees that will transfer or be affected in accordance with the obligations of TUPE and shall write to the affected individuals informing them of the intention of the transfer, the implications of the transfer, when it is planned to take place and the measures taken in accordance with TUPE. Where there is a recognised trade union for affected employees, or elected employee representatives the information should be given in writing to them.
- 13.6 Managers will then hold individual meetings with the affected employees to discuss the information given in writing (see section 5.7.5) and answer any queries or concerns the individual may have. Employees can be accompanied to these meetings by a Trade Union Representative or work colleague. There are no minimum statutory requirements for consultation timescales therefore adequate time should be allocated to consult based on the nature and scale of the transfer.
- 13.7 All discussion will be documented and confirmed in writing. Notes must be sent to HR for record keeping.



- 13.8 Every possible support will be given to employees to understand the reasons for and implications of the transfer and to ensure they have the necessary information to prepare themselves.
- 13.9 Formal notice of the transfer will be issued by HR as long before the date of the transfer as possible in order to comply with the obligations of TUPE.

#### **14. Review**

- 14.1 It is best practice to undertake a post-change review to:
- Evaluate whether the original objectives have been met
  - Identify areas where further work or support is required
  - Review employee wellbeing and identify any actions required
  - Identify any lessons learnt for the future
- 14.2 The scope and scale of the review will depend on the nature and scale of change exercise. It is advisable, where possible, to ask for feedback from employees when evaluating or reviewing the change process.

#### **15. Support for Employees**

- 15.1 It is helpful to be mindful of the impact of change on employees, particularly if as result of the change, individuals are facing redundancy, have been redeployed to new areas and/or working with new teams and processes.
- 15.2 Key activities and behaviours for managers support employees through change should focus on clear and regular communication and empathy through this time.
- 15.4 The Diocese is committed to minimising the adverse impacts of organisational change and ensure that employees are provided with the tools and support to cope effectively with change and maintain their wellbeing. Employees are encouraged to talk with their line manager or HR at any point in the change process and following the implementation of change, to raise any concerns they may have.
- 15.5 Managers should work closely with employees to understand how best to support them during these times and offer advice about maintaining health and well-being.



## **Appendix 1 – Change Management Checklist**

Approval must be sought from the COO for any proposed major organisational change. To aid your written proposal, please follow the checklist of information points below.

Your proposal for change must include:

1. The current situation including employee structure chart detailing working pattern, role, salary,
2. The need for the change – organisational changes, external pressures, cashflow, reduced demand for work etc
3. Clear rationale for change – what improvements will be seen if the change is implemented?
4. The details of the proposed change
5. The alternative options that have been considered
6. The implications of the change for employees – will any job roles change? Will employees be at risk of redundancy? Will workloads differ?
7. Outline the number of employees who may be affected and to what degree – will it be a new line manager? Is their role at risk?
8. If considering redundancies include:
  - a. the proposed redundant posts
  - b. the selection criteria for redundancy and approach
  - c. the measures taken to avoid redundancy - has redeployment been considered?
  - d. proposed timescales
  - e. proposed employee communication plans



## **Appendix 2 – Redundancy Consultation Requirements**

To maintain a fair redundancy process, all employees are entitled to a consultation if they are to be made redundant. This must include discussion about:

- Why the role is being made redundant
- Any alternatives to redundancy

If the employer is making less than 20 redundancies, there are no statutory requirements about how to conduct consultation.

Any redundancy consultations, affecting less than 20 employees, will be planned in accordance with the nature and scale of the redundancy plans and reasonable time given to the process.

### **Collective Redundancy Rules**

If 20 or more employees are being made redundant, the following consultation requirements will apply. The Diocese will consult with a representative, either a Trade Union Rep (if the employees are represented by one) or an elected employee rep if there is one or otherwise with employees directly.

### **Length of consultation**

There is no time limit for how long the period of consultation should be, but the minimum is:

- 20 to 99 redundancies - the consultation must start at least 30 days before any dismissals
- 100 or more redundancies - the consultation must start at least 45 days before any dismissals

### **Collective consultations must cover:**

- Ways to avoid redundancies
- The reasons for redundancies
- How to keep number of dismissals to a minimum
- How to limit the effects for employees involved

Notification must be given to the Redundancy Payment Service (RPS) before the consultation starts. The deadline depends on the number of proposed redundancies.

Number of proposed redundancies 20 to 99

Minimum consultation period before dismissal 30 days

Number of proposed redundancies 100 or more

Minimum consultation period before dismissal 45 days



## Approvals

The signatures below certify that this document has been reviewed and accepted demonstrating that the signatories are aware of all requirements contained herein and are committed to ensuring their provision.

	Name	Signature	Position	Date
Prepared by	Karena Fulford		Diocesan Head of People	November 2020
Reviewed by	Heather Hauschild		Chief Operating Officer	November 2020
Reviewed by			HR Rem Nom Committee	November 2020
Approved by			Trustees	December 2020

## Amendment Record

This document is reviewed to ensure its continuing relevance to the systems and processes that it describes. A record of contextual additions or omissions is given below.

Page No.	Context	Revision	Date



## 8- Performance Appraisal Policy

*Whatever you do, work heartily, as for the Lord and not for men, knowing that from the Lord you will receive the inheritance as your reward. You are serving the Lord Christ. Colossians 3: 23-24*

<b>Operative date:</b>	December 2020
<b>Owner:</b>	Head of People
<b>Review date:</b>	December 2023
<b>For action by:</b>	All Employees, Line Managers and Volunteers
<b>Policy statement:</b>	This policy outlines actions to be taken by the manager and employee in relation to assessing annual performance
<b>Responsibility for dissemination to new employees:</b>	Line managers
<b>Mechanisms for dissemination:</b>	The policy will be published on the Diocese of Portsmouth website and promoted to employees through the e-newsletter.
<b>Training implications:</b>	This policy will be highlighted through the induction process. Line managers will be provided with training as appropriate.
<b>Resource implications:</b>	There are no resource implications.

### 1. Introduction

It is an essential part of a line managers role to ensure that every employee is aware of the important contribution they make to the Diocese. It is also important to ensure that their contribution is in line with expectations and that should there be any areas of concern, time is taken to review their performance in detail and identify where they may need to access learning and development to enhance their skills.

Appraisal interviews should be carried out by a job-holder's immediate superior on a one-to-one basis unless there is a dual report line where both line managers will be in attendance. Training will be provided to all appraisers prior to conducting their first appraisal interview and on-going coaching if required. This is a two-way discussion to review performance, support and assist as appropriate where underperformance is identified as well as discussions for future career development and progression.



## **2. Purpose and Scope**

The Diocese Performance Appraisal policy has been designed to meet the following objectives:

- to assist employees in performing their job to the best of their ability, maximising their job satisfaction and their contribution to the Diocese objectives
- to identify individual training and development needs
- enable regular one-to-one's and coaching and feedback sessions between managers and employees (including 360 feedback opportunities and ways to highlight process efficiencies within each role)
- to aim for fairness for all employees across the Diocese and
- to highlight the potential that everyone has, to develop within their current or a future position.

## **3. Responsibilities**

### **3.1 Employees**

It is the responsibility of the employee to:

- Own the responsibility for preparing all relevant documentation in preparation for the review,
- Be aware of and understand the Performance Appraisal policy and procedure,
- Speak to their line manager or HR about any queries they may have,
- Prepare information regarding objectives achieved and explanations of challenges during the performance period.
- Identify development areas and training required,
- Agree objectives for the next performance period.

### **3.2 Managers**

Managers are expected to:

- Ensure all employees are made aware of the procedure for the Performance Appraisal,
- Work with employees to ensure training and support is provided as identified at the appraisal meeting,
- Ensure all discussions on the individual's performance are considered in relation to, the team, workload, and the individual's situation.
- Ensure all employees are treated fairly and equally,
- Provide regular contact throughout the year so that the individual has had a chance to address any concerns before their appraisal,



- Work in line with the appropriate policies and involve HR where necessary,
- Appropriately document the processes,
- Be clear on individual's performance expectations.

### 3.3 HR

HR are expected to:

- Provide advice and guidance to managers and employees,
- Provide support where relevant and required,
- Ensure due process is followed and employees are treated fairly and consistently,
- Provide relevant paperwork and timetable for completion.

## 5. Procedure

Each July (or in the fifth month of employment for new and newly promoted employees) HR will advise all employees of the annual process and guidelines for completion of the Performance Appraisal forms (**See Appendix A**) by the end of August or probation end date.

HR will send out the individually addressed appraisal packs to the appraisers and will include two copies of the Performance Appraisal form for the previous review period if relevant and a blank Performance Appraisal form for the current review period.

The appraisers then arrange the dates, time, and locations of the appraisals, fill in these details at the top of the Performance Appraisal forms and notify each employee.

The employee will be given the blank Performance & Appraisal form for their completion and will be asked to hand in their completed forms to the appraiser. At least five working days should be given to enable employees to adequately prepare for the interview although where possible at least two weeks' notice should be given to invite an employee to an appraisal interview.

The appraisal interviews should take place from Chief Operating Officer level downwards to facilitate the widest communication of the Diocese objectives.

## 6. Appraisal documentation

The appraiser's manager must sign and return the Performance Appraisal form to HR within 3 weeks of the appraisal interview and send a copy to the employee. The employee should also be asked to sign any relevant documentation. However, if there is a refusal to sign, then make a note of this on the form which will be picked





up by HR which will initiate potential mediation to resolve the concerns. The final deadline for receipt is the end of September. The HR department will retain the original form.

The HR department will be responsible for collating the information provided on the appraisal forms and, in particular, for identifying those training and development needs that are common to groups of employees and those that are key to the achievement of the Diocese objectives. The HR department will update the training and development plan to prioritise the provision of solutions for the identified needs.

The completed Performance and Development Review form will be viewed as a working document and will be continually referred to and reviewed during the year. Where the objectives/targets agreed at the appraisal interview have changed, new objectives/targets should be agreed with input provided by the employee as well as the line manager on performance objectives and consult on plans for achieving performance or enhanced performance strategies.

## 7. Appraisal process

The following chart represents the sequence of events regarding the three stages of the appraisal process:

Preparation by both employee and appraiser	
Gathers	Relevant documentation including the Diocese vision and goals statement, and departmental objectives
Completes	The objectives/targets/achieved and skills gained/further development undertaken (where known) under Section 3 of the Performance Appraisal form.
Makes notes on	All other sections
The interview	
The employee comments	On their own performance based on their self-appraisal notes
Appraiser discusses with the employee and seeks to agree conclusions	On all sections of the Performance Appraisal form



Appraiser completes	All sections and asks the employee to make general comments as well as sign and date the form
Appraiser summarises	Own general comments and signs and dates the form
<b>Follow-up by Appraiser</b>	
Keep notes	Of the follow-up actions required to facilitate the achievement of objectives/targets and/or general training and development needs
Gives	The completed and signed Performance Appraisal form to HR
Ensures	Follow-up action takes place as appropriate

## 7. Addressing underperformance

Managers should not wait until the annual appraisal to address any underperformance issues with employees. Where underperformance is highlighted, the line manager will look to set objectives with fair and reasonable timeframes for improvement. Alongside an action plan or Performance Improvement Plan PIP (**See Appendix B**) may be set in consultation with the employee to assist closer supervision and facilitate the opportunity for further one-to-one discussions to track how underperformance is (or is not) being improved.

The manager should also provide training, coaching and feedback or any other relevant further support to aim to assist improving performance as appropriate enabling the employee appropriate time to address.

If no improvement is being made, discussions should be held with HR to consider what further training and support may assist further or if a more formal capability route is required to be taken.

## 8. Appeal

An employee may use the grievance procedure (please refer to Conduct & Performance Policy) if they feel that they have been treated unfairly in relation to the application of this policy.

## 9. Equality Analysis

In applying this policy, the Diocese of Portsmouth will have due regard for the need to eliminate unlawful discrimination, advance equality of opportunity, and foster



good relations for all employees, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, sex, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

Where English is not the first language or there are difficulties in understanding this policy, employees should contact their line/other appropriate manager or HR for advice and guidance.

### **10. Training Implications**

This will be achieved by the policy being available to all employees via the Diocese website.

### **11. Review**

The policy may be reviewed at any time at the request of either the employee or the Diocese of Portsmouth but will be reviewed automatically in the event of new legislation or guidance emerging.



## Appendix A

## Diocese of Portsmouth

### Performance Appraisal Review 20XX/20XX

Employee name:

Employee role, parish or  
department:

Reviewer/Line Manager's  
name:

Date of review:

Diocese of Portsmouth Vision and goals:

**Bringing People Closer to Jesus Christ Through His Church**

- To Go Out on Mission to Everyone
- - To be Totally Dependant On The Holy Spirit
- To Become Outward Looking Servants
  - To Convert Catholics

Focusing on Youth, Vocations & Prioritising Our Resources



Think about the past year and consider the questions below before the performance appraisal meeting. You may find it helpful to make notes and take these to the meeting. Also review your job description, person specification and check that they are complete and up to date. If not please contact the HR department.

<b><i>Employee preparation</i></b>	<b><i>Reviewer/Line manager's preparation</i></b>
<b><i>1. Have I achieved my objectives this year? What have I done particularly well? What examples of my work demonstrate this?</i></b>	<b><i>1. Has the employee achieved their annual objectives? What has the employee done particularly well? What examples of their work demonstrate this?</i></b>
<b><i>2. What have I done that has been less successful or enjoyable this year and why? What examples of my work demonstrate this?</i></b>	<b><i>2. What has the employee done that has been less successful this year and why? What examples of their work demonstrate this?</i></b>
<b><i>4. What are likely to be my main personal objectives over the next year?</i></b>	<b><i>4. What should be the main personal objectives for the employee over the next year?</i></b>
<b><i>5. What are the main skill and knowledge development needs that I have? How could I fill my development gaps/learning needs?</i></b>	<b><i>5. What significant development needs does the employee have? How could their development gaps/learning needs best be filled?</i></b>



## Section 1 – What has gone well and key achievements.

## Section 2 - What has been challenging and what support is required.



## Section 3 – Review of past year's objectives

Before the meeting, please list the objectives agreed last year. During the meeting, discuss the outcomes and levels of achievement since then.

Objectives over the last year	Briefly describe how well the objective has been achieved, referring to actual examples and actions where possible. If the objective has not been achieved, why?



## Section 4 – Objectives for next year

This section should be discussed during the meeting.

What should the person's objectives be for next year? Take account of the Diocese, departmental and the relevant team objectives. Objectives should be **SMART** (specific, measurable, agreed, realistic and time-bound).

Objectives	Expected outcome/measure of achievement	Timescale (by when)	Any support/action by line manager or others





## Section 5 – Personal development review and plan

This section should be discussed during the meeting to identify any development needs that have been identified,

Development Required	Personal development plan/actions to address development needs over the next 12 months	Priority *



\* **Mandatory** – means that you are required to have this skill/knowledge by law for the job you do. **Job requirement** means that it is a requirement of your role that you have this skill/knowledge. **Personal requirement** means that you would like to develop this skill/knowledge to aim for a future role or for your personal satisfaction.

Statutory/mandatory training	Required? Yes/No	Requirement met? Yes/No	<b>Plan</b> /actions to address any unmet requirement over next 12 months



## Section 6 – Summary of performance and development

**Reviewer's summary comments on performance and development over the past year.**

**Employee's summary comments on performance and development over the past year.**



## Diocese of Portsmouth Operating Procedures – People

Bringing people closer to Jesus Christ through His Church  
Catholic Diocese of Portsmouth

Achievement of objectives*		
Not met all requirements/objectives  <input type="checkbox"/>	Met all the requirements/objectives  <input type="checkbox"/>	Exceeded the requirements/objectives  <input type="checkbox"/>

Levels of skill and knowledge*		
Below/developing the required levels of knowledge and skills for this post  <input type="checkbox"/>	At the required levels of knowledge and skills for this post  <input type="checkbox"/>	Beyond the required levels of knowledge and skills for this post  <input type="checkbox"/>

\* Reviewer to tick the appropriate box

Signed (Reviewer) \_\_\_\_\_

Date \_\_\_\_\_

Signed (Employee) \_\_\_\_\_

Date \_\_\_\_\_

Please return to the Diocese of Portsmouth HR Department for the attention of Karena Fulford Head of People by **30<sup>th</sup> September 20XX**

**Signed (Head of People)** \_\_\_\_\_

**Date** \_\_\_\_\_



## Appendix B

## Diocese of Portsmouth

### Performance Improvement Plan (PIP)

Employee name:

Employee role, parish or  
department:

Reviewer/Line Manager's  
name:

Date of Initial meeting:

*This is a template form only and can be changed as necessary to reflect the circumstances/needs of the individuals situation.*

*It may be used during probationary period as well as during the course of employment.*

During the period of the PIP, the employee will be monitored to assess if appropriate improvement is being made. If the expected outcomes are not achieved/improvements attained, more formal action may be initiated under the relevant procedure.



## Plan

Summary of Issue	Expected Improvement	Support to be provided	Review Date	Progress
<b><i>E.G. x has not been producing the monthly financial report on time.</i></b>  <i>This is an example only. DELETE this row before issuing to employee.</i>	<b><i>Monthly financial report to be produced by 4<sup>th</sup> of each month. Competency to be fully achieved by [insert realistic &amp; achievable date, e.g. 3 months from today's date if training will bring about improvement by that date].</i></b>	<b><i>Detail what support you are going to give</i></b>	<b><i>You will fill this in whenever you formally meet to review progress.</i></b>	<b><i>Insert details of what has been achieved; reasons for failure; further support etc.</i></b>

Signed (Reviewer) \_\_\_\_\_

Date \_\_\_\_\_

Signed (Employee) \_\_\_\_\_

Date \_\_\_\_\_