
Report to Partnership and Performance Committee

Date of Meeting: 26 August 2021

Subject: HR Policies

Report by: Strategic Director Partnership & Performance

1.0 Purpose

1.1. This paper seeks Committee approval of the following revised policies:

- Capability
- Redeployment
- Learning and Development

Recommendations:

Committee is asked to:

- 1.2. **Challenge** and **comment** on the paper as appropriate.
- 1.3. **Agree**, subject to formal approval by Council, the revised policies which are attached at Appendix 1 .
- 1.4. **Note** that the Policy group met where extensive discussions took place with both Trade Unions and Management in the review and/or development of these policies.
- 1.5. **Note** that on 16 June 2021 the Tripartite agreed that these policies be presented to the Partnership and Performance Committee for consideration.

2.0 Considerations

- 2.1. HR and Workforce Development continues, as part of its rolling programme, to review, update existing policies as well as developing new policies and procedures related to HR, H&S, OD and Payroll.
- 2.2. In order to ensure collaborative and partnership working the Council's policy group meet regularly to review and agree new/revised policies and procedures.

- 2.3. The Capability procedure provides manager with a process to follow in terms of supporting employees who are absent long term or who need support and coaching to reach the required standard expected of them within their role.
- 2.4. The policy/procedure on Redeployment outlines our fair and consistent framework which managers/HR must follow when a situation arises that an employee or employees is/are no longer able to continue in their current role e.g. for reasons of restructure, redundancy or capability (ill health or performance)
- 2.5. The Redeployment procedure also outlines the Council's continued commitment that staff displaced as a result of organisational change will remain on redeployment indefinitely to ensure maximum opportunity to find suitable or reasonable alternative positions.
- 2.6. The Corporate Learning and Development Policy covers:
- mandatory training requirements for all staff;
 - the corporate induction process;
 - learning accountability; and
 - roles and responsibilities of managers and staff.
- 2.7. The Corporate Learning and Development Procedure goes on to detail arrangements for the annual training needs analysis process, time off to attend training, and arrangements for service charge backs should there be exceptional failures to attend training.

3 Sustainability Implications

3.1 None

4 Resource Implications

Financial Details

4.1 N/A

Staffing

4.2 TUs have been consulted in the development of the policies and procedures.

5 Exempt Reports

5.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

6.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

7.0 Equalities Impact

7.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

8.0 Legality

8.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

9.0 Appendices

9.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Capability Policy and Procedure
Capability Policy and Procedure EQIA
Redeployment Policy and Procedure
Redeployment Policy and Procedure EQIA
Corporate Learning and Development Policy and Procedure
Corporate Learning and Development EQIA

10.0 Background Papers

10.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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CAPABILITY POLICY

Version Control

Key Information:

Title:	Capability Policy
Date Issued:	2020 Review
Date Effective From:	September 2020
Version Number:	0.6
Document Type:	Policy
Document Status:	Review
Author:	Diana Kerr
Owner:	HR Department
Approver:	Council
Approved by and Date:	Council
Contact:	HR Department

Revision History:

Version:	Date:	Author:	Changes:
0.5	September 2020	HR Department	Ongoing development/amendments to original procedure from 2017.
0.6	November 2020	HR Department	Ongoing development/amendments to original procedure from 2017.

CAPABILITY POLICY

1.0 Policy Statement

- 1.1** Clackmannanshire Council recognises the need to ensure that at all times it has a workforce that is highly competent and capable of providing efficient and effective services to the communities it serves.
- 1.2** The Council is therefore committed to developing and assisting its staff to reach their performance and attendance potential in order to deliver to the residents of Clackmannanshire.
- 1.3** The Council will ensure that standards are established, performance and attendance levels monitored and employees given appropriate training and support to meet such standards.
- 1.4** Equally all staff have a responsibility to achieve and maintain a satisfactory standard of performance and attendance to carry out their duties to the standards required.
- 1.5** All staff will be made aware of the performance and attendance standards that they are expected to deliver through a number of mechanisms including the job description, PRD meetings and employee/line manager meetings.

1.6 The Council processes personal data collected during the Capability process in accordance with its Data Protection Policy. In particular, data collected as part of the Capability process is held securely and accessed by, and disclosed to, appropriate individuals in the management of the Capability process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

2.0 Scope

- 2.1** This policy applies to all employees of Clackmannanshire Council in relation to the management of capability whether performance or health related.
- 2.2** It is noted that where a capability matter is raised in relation to Teachers Performance, managers should follow the GTCS Framework on Teacher Competence.
- 2.3** Where unsatisfactory performance is as a result of undue attention or neglect by staff, or failure to follow reasonable instructions, managers may consider the case as one of unsatisfactory conduct under the Disciplinary Policy.

3.0 Principles of the Policy

- 3.1 Ensure that all staff are treated in a fair, consistent and understanding manner in relation to capability issues.
- 3.2 Ensure staff understand their roles and responsibilities and are aware of the standards expected of them.
- 3.3 Assist staff to improve their performance and reach an acceptable standard where possible through support and training.
- 3.4 Support managers in carrying out their responsibilities for the maintenance of high standards of work performance by staff.
- 3.5 Provide a fair and consistent procedure for dealing with capability problems.

4.0 Representation

- 4.1 All staff will be entitled to be accompanied by a trade union representative or work colleague to any meetings convened as part of the Capability Procedure.

5.0 Monitoring & Review

- 5.1 Both Senior Management and Trade Union Representatives will monitor the effectiveness of this policy on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

Equality Impact Assessment

Policy Name	Capability Policy
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	





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CAPABILITY PROCEDURE

Version Control

Key Information:

Title:	Capability Procedure
Date Issued:	2020
Date Effective From:	TBC
Version Number:	0.6
Document Type:	Procedure
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Author:	Diana Kerr
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0.5	2020	HR Department	Ongoing Development/amendments to original procedure from 2017
0.6	2020	HR Department	Additions/amendments following policy group

CAPABILITY PROCEDURE

1.0 Introduction

- 1.1 This procedure should be read in conjunction with the Capability Policy.
- 1.2 The Council is committed to developing and assisting its staff to reach their performance and attendance potential thereby enhancing service quality and job satisfaction.
- 1.3 Staff and managers are jointly responsible for ensuring that satisfactory performance standards are maintained at all times, however the Council recognises that situations may occur where a member of staff does not meet the requirements of their post.
- 1.4 This procedure is intended to be used for individual members of staff.
- 1.5 Capability can refer to a staff members inability to perform the work expected of them to a required standard as a result of lack of skills/aptitude or as a result of health issues. As such, the Council's procedure deals with these issues in two ways:
 - Capability as a result of poor performance (lack of skills/aptitude)
 - Capability relating to health reasons
- 1.6 The Council recognises that before a member of staff can be expected to reach appropriate standards of job performance the employee will have the necessary professional skills and qualifications. Appropriate training, guidance and support should have also been provided.
- 1.7 The Council will ensure it meets its obligations under the Equality Act 2010.
- 1.8 Where an employee's capability issues are linked to poor attendance or wilful poor performance these circumstances will be dealt with under the absence management and disciplinary procedures.

2.0 The Council processes personal data collected during the Capability process in accordance with its Data Protection Policy. In particular, data collected as part of the Capability process is held securely and accessed by, and disclosed to, appropriate individuals in the management of the Capability process.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

2.1 The purpose of this procedure is to ensure that there is a fair and consistent approach to the management of capability issues and to assist staff to meet acceptable standards of performance by:

- Ensuring all staff are aware of the standards expected of them.
- Assisting staff to improve their performance and reach an acceptable standard through support, guidance, coaching and training where issues of capability are identified.
- Making reasonable adjustments where ever possible.
- Supporting staff with health related issues through Occupational Health support, counselling and any other appropriate means.
- Ensuring agreed realistic timescales are set and reviewed.
- Providing managers with a step by step guide to provide a fair and consistent process for dealing with capability issues.

3.0 Representation

3.1 All staff will be entitled to be accompanied by a trade union representative or work colleague to any meetings convened as part of the Capability Procedure.

4.0 Appeals (Performance & Health Related)

- 4.1 Staff will have the right of appeal against any formal actions taken against them at a Capability Hearing, which includes dismissal on the grounds of Capability. Should a member of staff wish to appeal they must do so in writing (including by e-mail) to the Senior Manager – HR and Workforce Development within 10 working days of receipt of written confirmation of the decision. Once an appeal has been received, it will wherever possible be heard within 15 days of receipt.
- 4.2 The member of staff must outline one or more of the following reasons upon which they seek to appeal and provide the rationale/evidence in respect of this. The reasons for appeal may be:
- The procedure was not correctly followed.
 - Not all evidence was considered.
 - The sanction/decision was too severe.
 - New evidence has come to light.
 - Any other mitigating circumstances which have not been considered.
- 4.3 It is important to note that an Appeal Hearing is not a rehearing of the original case. Where the member of staff is seeking to rely on new evidence which was previously not available then they shall be permitted to call witnesses in support of this new information. Witnesses who attended the original Capability Hearing may not be required to attend as an Appeal is not a rehearing of the case unless they are considered relevant to support/refute the new evidence being submitted

5.0 Failure to attend

- 5.1 Where a member of staff fails to attend a Capability Hearing, whether performance or health related, they will be given one further opportunity to attend. This will normally be within 5 working days of the original hearing date but will be based on the reasons why the member of staff is unable to attend. Should they fail to attend the second Hearing the chairperson may then make a decision on the basis of the evidence available.

6.0 Capability Procedure – Teacher

6.1 Where a capability matter is raised in relation to a Teacher's Performance in a teaching role, managers must follow the GTCS Framework on Teacher Competence. In all other circumstances this procedure will apply for example where a qualified teacher is undertaking a non teaching post such as a management or leadership role.

7.0 Capability Procedure –Strategic Director

7.1 Where a capability matter is raised concerning a Strategic Director, the Chief Executive will carry out stages of the procedure with support and guidance from the Senior Manager – HR and Workforce Development

7.2 Where a Formal Capability Hearing is considered necessary this will be conducted by appropriate members of the Council.

7.3 Any appeal will be heard by the appropriate Appeals Committee of the Council.

7.4 Any such appeal would be heard in accordance with the Appeals process outlined in this document and the standing orders of the Council.

8.0 Capability Procedure - Chief Executive

8.1 In the event that a capability matter is raised in regard to the Chief Executive, the Senior Manager (HR and Workforce Development) will make arrangements to progress in line with the procedure agreed by the JNC for Chief Officials.

PERFORMANCE RELATED CAPABILITY

Section One – Unsatisfactory Performance

9.0 Informal Procedure

- 9.1 Where a member of staff is failing to perform to an acceptable standard their line manager should, in the first instance, meet with them informally to discuss the issue.
- 9.2 Managers should in normal circumstances be managing performance on a regular basis. This can include regular 1:1s and annual PRDs. It is expected that the majority of performance related issues will be resolved promptly at this level, except where there is evidence that such an approach has proved ineffective already and informal measures have been exhausted.
- 9.3 The manager should take into consideration any mitigating circumstances impacting on individual performance and look at ways of addressing these.
- 9.4 The line manager should try and establish if there are any factors that could be impacting on performance including excessive workload, limited resources, ill health, change in management and the staff member's personal circumstances.
- 9.5 Where a member of staff advises that their poor performance may be due to their ill health, an Occupational Health referral should be made. Should the manager be advised that poor performance is a result of health related issues, and this is substantiated by Occupational Health, then the Capability Procedures relating to health reasons may be more appropriate to follow, this should be discussed with your service HR Business Partner.
- 9.6 During the informal meeting the manager should outline to the member of staff the areas where their work performance is not meeting the required standard. Relevant paperwork which may include up to date job descriptions, PRD objectives, 1-2-1 meeting notes etc. should be readily available to support these discussions.
- 9.7 To support and evidence improvement the manager and employee should agree and put into place a Performance improvement plan (PIP) which should contain SMART objectives (Specific, Measurable, Achievable, Realistic and Time-bound) This will allow the manager to monitor the improvement that is being made.

- 9.8 The performance improvement plan should also include:
- Details of how the manager will assist the member of staff to reach the improvements required.
 - An outline of the time period within which the specified improvement(s) will be monitored and feedback given on progress.
- 9.9 Where an action plan cannot be agreed, advice should be sought from HR or TU representative in these circumstances. Where appropriate an independent line manager will review the action plan and recommend changes if appropriate. If agreement still cannot be reached the line manager may impose the action plan if deemed to be fair and appropriate.
- Generally, the time period for informal capability will be for a maximum of 3 months. However, each case will need to be considered on its own merits and it may be that a shorter/longer monitoring period (no less than 1 month) is required.
- 9.10 The member of staff should be provided with a copy of their agreed SMART objectives within the Performance Improvement Plan and details of the frequency of review meetings to monitor progress. Where possible these meetings should take place every two weeks.
- 9.11 Managers must ensure that the member of staff is fully supported during this time, through training or by whatever means are agreed as necessary.
- 9.12 Managers must ensure that written records are kept to provide evidence of performance improvement throughout this period. The member of staff should then be given a copy of all written documentation.
- 9.13 Members of staff should be aware that failure to make an agreed adequate improvement during the set time period of the informal process may result in progression to the formal procedure.
- 9.14 At the end of the agreed monitoring period the manager should meet with the member of staff to discuss progress and inform them of the outcome of the review period. The manager must then confirm this to the employee in writing:

- Where performance has reached the required standard an agreement to maintain the standard of performance should be made including how this will be achieved.
- That failure to continue to sustain these improvements will mean that the member of staff may progress to the formal process. It should be noted that if sustained improvements are not maintained for six months then the individual will progress to the formal process (Stage 1 Formal Capability meeting).
- Should performance levels remain unsatisfactory at the end of the monitoring period the employee should be invited to a Stage 1 – Formal Capability Meeting.

9.15 No decision to progress to the formal procedure should be taken until the manager has had a discussion with their service HR Business Partner and has provided copies of all documentary evidence for review.

10.0 Formal Procedure - Stage 1

- 10.1 The member of staff must be written to (refer to supporting appendices) advising of the shortfall in performance and provided with all documentation such as review meeting minutes, Performance Improvement Plan and the outcomes as part of the informal process.
- 10.2 The letter should clearly outline the shortfall in performance and details of supportive measures/training that have taken place to support the employee reach the required level of performance. An employee must be given at least 10 working days' notice of any Formal Capability Meeting.
- 10.3 The invite letter must confirm to the member of staff their right to representation as well as the possible outcomes of the formal process.
- 10.4 During the meeting discussion should include the following:
- A review of the monitoring period and support given.
 - Discussion of the Performance Improvement Plan and further targets.
 - Any further training and support that is required and can be provided.

- Consideration of any mitigating circumstances that may be affecting the employee's performance.
- Setting of the review period (review period should normally be one to three months, however the appropriateness of this will be considered depending on the job role)
- Redeployment should be considered and the employee given the opportunity to apply, when it is appropriate, refer to the redeployment procedures. It should be noted that where an individual does apply, they will remain on the redeployment register for the duration of their placement on the Formal Capability Procedure.

10.5 Each case will need to be considered on its own merits and as such it may be that a shorter or longer monitoring period is required. Advice should be sought from the Service HR Business Partner in all cases.

10.6 Should mitigating circumstances be raised the manager should consider whether an Occupational Health referral (where this has not been completed) or further support/training is appropriate. Advice can be sought on this from the Service HR Business Partner.

10.7 The outcome of the Formal Capability Meeting will be confirmed in writing (please refer to procedure appendices), within 5 working days. A copy of the Performance Improvement Plan must be enclosed with the letter. The date for the first review meeting and final review meeting at the end of the monitoring period should be agreed in advance and included in the letter.

11.0 Review Meeting

11.1 Managers must ensure that a review meeting takes place following the end of the Stage 1 Review Period.

12.0 Review Meeting Outcomes – Stage 1

12.1 There are a number of possible outcomes to the Stage 1 review meetings.

Outcome of Stage 1:

No Improvement

- Should there be no improvement noted and no sufficient reason given and the manager has documentary evidence to support this, then this will be confirmed in writing to the employee. The employee will be advised in writing that as there has been no improvement and no sufficient reason/evidence provided so they will be progressed to Formal Capability Hearing - Stage 2.

Partial Improvement

- If there has been some improvement in the employees work performance and the manager has evidence of this, then a further review period (a minimum of 1 Month) will be set to allow the employee time to reach the required standard to which they are progressing. The employee will be advised by letter that their review period will be extended for a further agreed period.
- Should the improvement in performance continue to be sustained then at the end of the review period they will be invited to a further meeting to review progress and confirm if they have been successful in meeting the agreed objectives.
- Should the improvement in performance not continue the employee will be advised in writing that the partial improvement has not been sustained and so they will be progressed to Formal Capability - Stage 2.
- It should be noted that if improvement is made at the end of the review period that there is a monitoring period of six months where these improvements should be maintained. Failure to sustain these will mean the individual will progress back to the stage of the Capability Procedure they were originally at.

Sustained Improvement

- Should it be found with sufficient evidence that the employee has met the objectives of the Performance Improvement Plan then the manager will write to confirm that they will be removed from the Formal Capability process but will continue to be monitored for a period of six months.

- The letter will detail that failure to continue to sustain these improvements for a period of six months will mean that the individual will progress back to the stage of the formal process they were originally at.

13.0 Formal Capability - Stage 2

- 13.1 A Formal Stage 2 Hearing will be convened by a Senior Manager (Chair) who has had no involvement at any previous formal stage of the procedure.
- 13.2 The member of staff will be provided with 10 working days' notice to attend the Hearing and will be invited to provide any evidence they feel is relevant for the chair to consider.
- 13.3 Any documentation from the member of staff should wherever possible be submitted 2 working days prior to the Hearing including advance notification to the Chair of the number of witnesses (if any) that they plan to call.
- 13.4 The additional information will be distributed to all parties by the Chair prior to the Hearing.
- 13.5 If the member of staff wishes to attend the Hearing but is absent due to sickness or other unforeseen circumstances or their representative is unable to attend, the meeting may be rearranged, within 10 working days or as soon as is practicable. The member of staff should be notified of the date in writing and informed that if they are not able to attend on the revised date the Hearing will proceed on this occasion in their absence. If the member of staff cannot attend personally they will be invited to put their case forward either through a representative or alternatively they can submit their case in writing in advance by no later than 3 working days in advance.
- 13.6 After considering the facts of the case the Chair will communicate their decision verbally where possible after a brief adjournment and confirm this in writing within 5 working days.

14.0 Hearing Outcomes – Stage 2

14.1 There are a number of possible outcomes to the Stage 2 Formal Capability Hearing:

Outcome of Stage 2

Insufficient Improvement

- Redeployment is unacceptable/unavailable (reasons must be given) the employee will be formally advised that they are being dismissed on the grounds of Capability (competency) and reasons must be given.

Sustained Improvement

- Should it be found with sufficient evidence that the employee has met the objectives of the Performance Improvement Plan then the Chairperson of the Capability Hearing will write to confirm that they have been removed from the Formal Capability process. This letter will also detail that failure to continue to sustain these improvements for a period of six months will mean that the individual will progress back to the stage of the formal process they were originally at.

15.0 Dismissal

15.1 Where a member of staff is dismissed on the grounds of capability they will receive pay in lieu of notice along with any outstanding annual leave.

15.2 The outcome of the Stage 2 – Formal Capability Hearing should be confirmed to the member of staff in writing by the Chairperson of the Hearing. Where an employee is dismissed on the grounds of capability the letter should include details of their right of appeal.

HEALTH RELATED CAPABILITY

16.0 Health Related Capability

- 16.1 There are occasions when an employee is unable to perform their duties due to ill health or due to an underlying health condition. If Medical Certification or Occupational Health information shows an employee has an underlying medical condition which is the reason for poor attendance, a view should be taken on whether continued or increased support will help the employee to attend more consistently or to return to work. It should also be ensured that all reasonable steps have already been taken in line with recommendations from Occupational Health where appropriate.
- 16.2 Where these circumstances arise the Council will ensure that it provides reasonable support to assist the employee in making a full recovery.

17.0 Absence Management

- 17.1 Managers should ensure that they manage absence whether short or long term in line with the maximising attendance procedures.
- 17.2 Being ill or hitting absence management triggers are not necessarily sufficient reasons to proceed to the formal Capability Procedure. Each case should be considered on an individual basis taking into consideration of:
- Length of absence
 - Nature of absence
 - The likelihood of recovery and the potential to attend work consistently or return to work.
- 17.3 The member of staff that is absent must be communicated with on a regular basis and where appropriate long term support and guidance meetings should take place where an individual is absent long term. It should be noted these meetings can take place over the phone as well as in person. Where appropriate absence review meetings should also take place.

- 17.4 On the basis of the information received from the Occupational Health report, discussion should be focused around the advice given in the report, the views of the employee, any recommendations made by OH or agreed next steps such as a specialist report being sought.
- 17.5 Managers should ensure before progressing to Health Related Capability procedures that discussion takes place with HR to ensure appropriate policy is followed and all appropriate processes have been followed.

18.0 Short Term Persistent Absence

18.1 Where individuals have an underlying health condition, have exhausted the support and guidance process and/ or have not met targets set as part of the Maximising Attendance procedure they will be invited to a formal Review Meeting.

18.2 Review Meeting (Short Term Persistent Absence)

The member of staff will be invited to attend the formal review meeting, with their right to representation outlined. Further action following the review meeting may take a number of different forms:

A list of potential outcomes could be:

- A further target is set for employee
- Review current duties/role/workstyle/workplace
- A further review meeting is agreed and arranged
- Workplace adjustments for a period of agreed time
- Return to work date agreed (only applicable where individuals absent)
- Review current duties/role.
- Redeployment
- A Capability Hearing
- Mutual Termination

18.3 Targets should be set for normally a three month period, followed by a monitoring period. A review meeting will take place at the end of the target date set. Where a target is not met then discussion will take place at a further review meeting of

appropriate next steps, whereby if no option as outlined above is mutually agreed, this would mean progression to a Capability Hearing.

18.4 Monitoring Period

Where an employee meets the targets set then a further period will be put in place, the period will normally be for 6 months. Should an individual be absent again during this 6 month period, then a further review meeting will be set up and discussion taken place on appropriate action which may be progression to Capability Hearing.

18.5 Redeployment

Where individuals are invited to attend a review meeting due to exhaustion of the support and guidance review process, they will automatically be placed on the redeployment register where appropriate. Individuals will normally be placed on the redeployment register for a period of 12 weeks.

19.0 Long Term Absence – Capability

19.1 Individuals will normally have attended (by telephone if appropriate) a long term support and guidance meeting before being invited to a review meeting. Should an individual who is absent long term wish to discuss options then a review meeting can be requested before a line manager has held these earlier meetings.

19.2 Should these meetings have also been unable to take place due to the employee not being fit to attend or choosing not to engage, it may be appropriate to progress to a formal review meeting to open up further options for discussion. Managers should however always attempt to have these long term support and guidance discussions prior to formal meetings being scheduled.

- 19.3 When arranging a review meeting managers should ensure that where a member of staff is absent due to sickness or other unforeseen circumstances or their representative is unable to attend, the meeting may be rearranged, within 10 working days or as soon as is practicable. The member of staff should be notified of the date in writing and informed that if they are not able to attend on the revised date the review meeting will proceed on this occasion in their absence.
- 19.4 The member of staff will be invited to attend the review meeting, with their right to representation outlined. Further action following the review meeting may take a number of different forms:
- A list of potential outcomes could be:
- A further review meeting is agreed and arranged.
 - Workplace adjustments for a period of agreed time.
 - Return to work date agreed.
 - Redeployment.
 - A Capability Hearing.
 - Ill Health Retiral.
 - Mutual Termination.
 - Review current duties/ role.
- 19.5 All outcomes will be considered on the reasonableness of these to the case being dealt with.
- 19.6 Before a manager makes a decision on the appropriate outcome this should be discussed with their service HR Business Partner.
- 19.7 The outcome of the review meeting will be communicated to the employee via letter. This letter will outline what has been decided as appropriate and how this will progress.

20.0 Permanent/ Temporary Adjustments

- 20.1 To support an employee back to work, reasonable adjustments on a permanent or temporary basis should always be considered. Where these are temporary, once agreed and implemented, these will normally be put in place for a period of 6 weeks, although OH advice must also be considered. Managers should complete pro forma regarding the adjustments to the role.
- 20.2 These adjustments should be reviewed by the manager and employee on an ongoing basis and where an employee is not going to be fit to undertake their own role beyond the agreed temporary period, then they should be invited to a review meeting.
- 20.3 At this stage if all other options have been considered and are not possible, the next step should be a scheduled Capability Hearing.

21.0 Redeployment (Long Term Absence)

- 21.1 Where Occupational Health have advised that the absent employee cannot return to their original post or in the case of short term absence is not fit for their substantive post then it may be appropriate to consider redeployment. Managers should discuss any cases where they think redeployment may have to be considered with their service HR Business Partner. Where redeployment is identified as appropriate the Council's redeployment policy should be followed.
- 21.2 Once all appropriate alternatives have been exhausted of the capability processes and no long term solution is found the employee will be invited to attend a Capability Hearing.

22.0 Pension Protection

22.1 Where individual moves to a lower graded post due to ill health then they will be issued with a pension protection certificate.

23.0. Ill Health Retirement

23.1 Where an individual is long term absent and there is no definitive date of return at the review meeting, OH will be consulted as to whether the employee meets the requirements for ill health retirement. Ill health retirement can only be explored if the individual is in the pension scheme and is not at the age which would be classed as their normal retirement age to access their pension.

23.2 It should be noted that the employee is not required to consent to ill health retirement. The Council will progress on this basis as above and, if Occupational Health advise following full independent review of GP/ Specialist report that the individual meets the requirements, then retirement on grounds of ill health will be progressed at the tier advised by Occupational Health.

23.3 There are two tiers regarding ill health retirement in the Local Government Pension Scheme as outlined below:

Tier 1 - Unlikely to be capable of undertaking gainful employment before reaching normal pension age

Tier 2 - Not entitled to a Tier 1 benefit but is likely to be able to undertake gainful employment before reaching normal pension age.

Details regarding ill health retiral for staff on Teaching terms and conditions can be found on the SPPA website.

24.0 Capability Hearing

- 24.1 The health related Capability Hearing will be convened by a manager who has had no involvement at any previous stage of the procedure.
- 24.2 The employee will be provided with 10 working days notice to attend the Hearing and will be invited to provide any evidence they feel is relevant for the Chairperson to consider (this must be issued within 3 working days of the hearing to allow time for the Chair to review).
- 24.3 An HR Business Partner will be in attendance for any health related Capability Hearing.
- 24.4 The manager who has progressed the employee through the Capability Process will present their case. The presentation will include evidence of the steps taken to support and assist the employee. Documentary evidence will also be provided in terms of support and guidance meeting notes and all Occupational Health reports and Specialist reports where appropriate. The redeployment opportunities which have been offered/ considered will be discussed and any updates from this provided.
- 24.5 The employee or their representative will have an opportunity to present their case in response to the case presented by management and to ask questions of the manager.
- 24.6 The most recent Occupational Health Report will be discussed in detail and open discussions will take place.
- 24.7 The chairperson will ask questions of both sides where necessary to make a decision on the basis of the facts.
- 24.8 After considering the facts of the case the Chairperson will communicate their decision in person to the employee verbally where possible and confirm this in writing within 5 working days of the Capability Hearing.

25.0 Capability Outcomes

- 25.1 Apart from dismissal on the grounds of Capability there are other outcomes that can be considered as an outcome to a Health Related Capability Hearing:
- If agreed by both parties, the employment relationship may be ended by way of mutual termination.
 - The Chair may consider a further review period during which the employee can be placed onto the Council's redeployment register. The review period will be in line with the Council's redeployment policy depending on the employee's length of service.
 - The health related capability hearing would be reconvened at the end of the review period.
 - Should the employee be unable to resume their duties and no suitable alternative post has been found the outcome of the reconvened hearing will normally result in the employee being dismissed on the grounds of capability should there be no new evidence to consider.

26.0 Dismissal

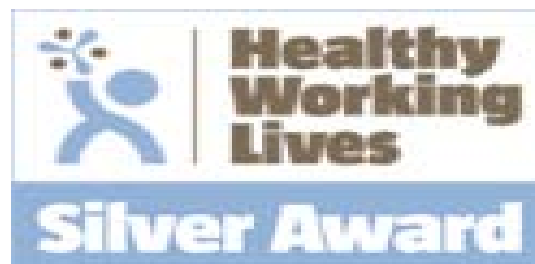
- 26.1 Should dismissal be the outcome of the Performance Capability Hearing then this decision and the dismissal date will be clearly stated in the outcome letter. Employees will receive pay in lieu of notice along with any outstanding annual leave.
- 26.2 Employees that are dismissed on the grounds of Health Related Capability will receive pay in lieu of notice along with any outstanding annual leave.
- 26.3 Where an employee is dismissed on the grounds of Performance Capability then all appropriate professional bodies will need to be notified.

27.0 Monitoring and Review

27.1 Both Senior Management and Trade Union Representatives shall monitor the effectiveness of these procedures on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

Equality Impact Assessment

Policy Name	Capability Procedure
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	




Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Capability Procedure
Service:	Human Resources
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

APPROVAL		
NAME	DESIGNATION	DATE
	SENIOR MANAGER – HR AND WORKFORCE DEVELOPMENT	04/12/20

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

<p>Purpose of the proposed policy or changes to established policy</p> <p>The council is committed to developing and assisting its staff to reach their performance and attendance potential. This policy ensures that standards are established, performance and attendance levels monitored and employees given appropriate training and support to meet such standards. Changes to this policy are to further support employees to meet the outlined standards expected of them.</p>
<p>Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?</p>
<p>General Equality Duty -</p>
<p>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</p> <p>The procedure aims to treat all employees fairly and consistently and should assist with removing potential discrimination, harassment or victimisation. Clear guidelines are provided for managers to manage Capability issues whether these are performance or health related. The involvement of HR and where appropriate another independent manager ensures that unlawful discrimination, harassment and victimisation and other prohibited conduct is eliminated and that a clear, fair and transparent process is followed.</p>
<p>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</p> <p>Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. As part of the Capability procedure protected characteristics are considered and appropriate support put in place where this is necessary/appropriate. For example when individuals have a disability we consider and put in place reasonable adjustments to support and assist employees.</p>
<p>➤ Fostering good relations between people who share a protected characteristic and those who do not.</p> <p>This element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular procedure.</p>
<p>Fairer Scotland Duty -</p>
<p>➤ Reducing inequalities of outcome caused by socioeconomic disadvantage</p>

This Procedure should assist with the retention of staff given the support in place to assist employees to reach their performance and attendance potential which maintaining employment. Maintaining employment can be extremely important for protected groups who have a higher level of poverty. For example, poverty rates are higher for households with a disabled adult, and the employment rate for people with a disability is significantly lower than the employment rate for people who do not have a disability.

To which of the equality groups is the policy relevant?

Protected Characteristic	Yes/No*	Explanation
Age	Yes	<p>Older staff are more likely to have long term health conditions which may result in them being more likely to have be supported by the capability procedure from a health perspective.</p> <p>From an employment perspective in 2018 the Scottish government's largest proportion of staff were aged between 50-59.</p> <p>As part of support offered to employees, reasonable adjustments will be explored and put in place where appropriate.</p>
Disability	Yes	<p>At a national level, it is estimated that 1 in 10 people who are economically active have a disability or long term health condition. To put into context regarding employment in 2018, the employment rate for disabled people in Scotland (aged 16-64) was 45.6%, which compares with an employment rate of 81.1% for non-disabled people.</p> <p>This procedure will assist employees who have a disability as it provides opportunity for discussions to take place which will support disabled employees should reasonable adjustments need to considered, as well as this where appropriate redeployment to an alternative more suitable role can be explored.</p>
Gender Reassignment	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of gender reassignment.
Marriage and civil partnership	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership.
Pregnancy and Maternity	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are pregnant or on maternity leave.
Race	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of race.
Religion and Belief	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of religion and belief.

Sex	No	There are more women than men who are employed by the Council (71.3% of staff excluding teachers are female compared to 28.7% of men). It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of sex.
Sexual Orientation	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of sexual orientation.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, Equality Outcomes and Mainstreaming Report 2019, Disabled People in the Labour Market in Scotland in 2018.

In terms of internal evidence, reference has been made to the most recently published staff equality data.

There is a high rate of staff who responded "Prefer Not to Say" in relation to whether they have a disability.

Which equality groups and communities might it be helpful to involve in the development of the policy?


Trade Unions have been actively involved in the development of the policy.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure that this Procedure is applied fairly. These steps will include:

- Encouraging staff to disclose a disability, in order to assist with monitoring the impact of this Procedure
- Encourage staff to disclose symptoms to their line manager
- Raising awareness with managers of the need to act fairly and impartially
- Monitoring grievance data relating to the implementation of this procedure
- Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The evidence shows that there are circumstances in which the reason for the application of the management of Capability can be related to protected characteristics, and that the Council's approach demonstrates that it has taken steps to meet the needs of protected groups.</p> <p>The support and assistance that can be provided by the management of an individuals Capability should assist with minimising disadvantages faced by protected groups. The overall commitment to support employees who may need assistance under this procedure should assist the Council in demonstrating that it has paid due regard to the general Equality Duty. The procedure should support the retention of staff, and mitigate the potential for reduced income, which complements the Council's Fairer Scotland Duty.</p>		
Details of engagement undertaken and feedback received		
<p>This Procedure has been developed in consultation with recognised trade unions who, along with Council Management, form the Council's Policy Group. In addition the policy/procedure will be considered by Tripartite (Elected Members, Unions and Management) It will also be reviewed, and hopefully formally adopted, by the Partnership and Performance Committee on behalf of the Council.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:</p>		
Tick	Option 1: No major change	
✓	<p>The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	Option 2: Adjust the policy	
	<p>– this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.</p>	
	Option 3: Continue the policy	
	<p>– this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.</p>	
	Option 4: Stop and remove the policy	
	<p>– if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.</p>	
Justification for decision		
<p>This assessment finds no indication that the Procedure will unlawfully discriminate against protected groups.</p>		
APPROVAL		
NAME	DESIGNATION	DATE
	<p>SENIOR MANAGER – HR AND WORKFORCE DEVELOPMENT</p>	<p>04/12/20</p>



**Clackmannanshire
Council**

REDEPLOYMENT POLICY

Date: November 2019

Version: Draft 1.0

REDEPLOYMENT POLICY

1. Policy Statement

- 1.1. Clackmannanshire Council values its employees and the skills and talents they bring to the organisation, consequently the Council will take all reasonable steps to protect their security of employment.
- 1.2. Wherever possible, the Council will redeploy employees who no longer have a post and those who are unable to continue in their current role as a result of ill health, disability or capability.
- 1.3. This policy aims to ensure that the management of redeployment is fair, consistent and supportive.
- 1.4. It is acknowledged that there may be occasions when no suitable alternative employment is available and on these occasions, as a last resort, termination of employment may be the only option available.
- 1.5. The council do not operate the compulsory redundancy element of its severance policy and currently allows for indefinite redeployment where posts are removed through Targeted Voluntary Redundancy.

2. Scope

- 2.1. This policy applies to all Council employees who:
 - require redeployment based on **ill health or disability**;
 - are at risk of redundancy and have a minimum of 12 months continuous service;
 - require redeployment as a result of **restructure** and have a minimum of 12 months continuous service;
 - require redeployment as a result of their ability to carry out the duties within their current post and have a minimum of 12 months continuous service;
 - individual cases will be considered where redeployment would be appropriate for example as the outcome of a **grievance**.
- 2.2. It does not apply in disciplinary cases, where separate rules apply
- 2.3. It does not apply to any employee whose post is transferring under TUPE regulations

3. Principles

3.1. The Council will adhere to the following general principles:

- Every individual will be treated fairly;
- The Council will always comply with its duties under the Equalities Act 2010;
- Redeployment will always be dealt with promptly, sensitively and in full consultation with the individual, who has a right to be accompanied by a TU representative or colleague at all meetings;
- The Council will give priority to those requiring redeployment by considering them for matching against suitable vacant posts before advertising these;
- The Council will try, wherever possible, to redeploy employees into a role which is compatible with their skills, capabilities and existing terms & conditions; training and support is available for roles.
- The Council will support those redeployed during the transition by providing a period of salary preservation;
- Where the employee's contract of employment is likely to end, the Council will comply with the duty to allow reasonable time off for job search and attending interviews during the notice period.

4. Roles and Responsibilities

4.1. A corporate approach should be adopted by all to achieve the best possible outcome for both the employee(s) and the Council as a whole,.

4.2. Employees should actively participate and cooperate in the redeployment process and be as flexible as possible in considering alternative positions to maximise their chance of successful redeployment.

5. Monitoring and Review

5.1. Both HR and Trade Union Representatives shall monitor the effectiveness of this policy on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with the recognised trade unions

Equality Impact Assessment

Policy Name	Redeployment Policy
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	





Clackmannanshire
Council

REDEPLOYMENT PROCEDURE

Date: November 2019

REDEPLOYMENT PROCEDURE

1. Introduction

1.1. This procedure is one of the key tools that supports the Council's strategic workforce plan and should be read in conjunction with it.

1.2. It is recognised that situations may occur where an employee is no longer able to continue in their current role for reasons of restructure, redundancy, capability (ill health or performance).and consequently this procedure should be read (as appropriate) in conjunction with the Council's:

- Severance Policy and Procedure;
- Capability policy & Procedures;
- Maximising Attendance and Employee Wellbeing Policy & Procedures.

1.3. This policy does not apply where the individual would be subject to the TUPE regulations

1.4. Separate mobility and compulsory transfer arrangements apply to teaching staff

2. Representation

2.1. Employees have the right to be accompanied by their trade union representative or work colleague to any meetings convened under the redeployment procedure.

3. Key Principles

3.1. Redeployment into another post will not be automatic, it will only be where the employee meets the minimum/essential requirements for the role, or would with a short period of training, and is then successful following an interview.

3.2. Offers of alternative employment are, at a minimum, subject to a statutory 4 week trial period.

- 3.3. If an employee is redeployed into a lower graded post their salary will be preserved for a period of 12 months.
- 3.4. Employees on redeployment will be advised of all available jobs prior to advertisement to the wider Council and/or external market and will be invited to express their interest if they meet the minimum essential requirements.

4. Redeployment

Ill Health and Disability

- 4.1. The formal redeployment procedure should only be considered in cases of ill health or disability where there is clear medical guidance from Occupational Health recommending that the employee can no longer carry out the duties of their current post.
- 4.2. The Council will consider redeployment, along with any other reasonable adjustment for any employee with a disability that is covered by the Equality Act 2010,, regardless of length of service.
- 4.3. The redeployment procedure will be considered alongside of the Council's Capability procedures.

Risk of Redundancy

- 4.4. This procedure applies where an employee is at risk of redundancy and has a minimum of 2 years continuous service.

Restructure

- 4.5. This procedure applies where an employee who, in line with rights for unfair dismissal, has a minimum of 2 years continuous service with the Council may no longer have a post or their post is substantially changed, as a result of restructure.

Capability

- 4.6. This procedure applies where an Employee is consistently falling below the standard required to carry out the duties of their current post , due to lack of ability. In such cases, redeployment procedures will be considered as part of the Council's Capability (performance) procedure.

Individual Circumstances

4.7. This procedure will apply to individual situations where a Senior Manager and employee agree that redeployment could be an appropriate resolution, for example as the outcome of a grievance.

5. Process

- 5.1. When it is identified that an employee is unable to fulfil the duties of their post because of ill health and all reasonable adjustments have been exhausted, where the employee is at risk of redundancy or where notice of termination is issued to an employee who has a minimum of 2 years service HR will confirm this is the correct process, ensure all appropriate steps have been taken by the line manager and enter the employees details on the Redeployment Register.
- 5.2. Line managers must have held a meeting with the staff member, to explain the redeployment process and provide a copy of the Councils agreed procedure.
- 5.3. HR will request email contact details from all affected staff ,but for those who do not have a work or personal email then communication will be via post.
- 5.4. Staff on the redeployment register will be required to complete a Matching Profile (Appendix A).
- 5.5. All employees on the redeployment register will be notified of each vacant post including the profile and specification, as they become available and will be invited to express an interest.
- 5.6. All vacancies, unless in exceptional circumstances and agreed by HR, will be issued to staff on the redeployment register in the first instance. Such circumstances may include for example where a delay in recruitment may have a financial/legal impact or for example the role is of a specialist nature. Where this has been agreed and wider recruitment is undertaken, any employee applying through redeployment must still be prioritised for interview, provided they meet the essential minimum criteria (or would with a short period of support or training). A period of short support or training will, normally as a minimum be 4 weeks but may be extended, by mutual

agreement, and dependant on the exigencies of the service, to a maximum of 6 months.

- 5.7. The timescale for employees on redeployment to express their interest in a post will be 5 working days from notification .
- 5.8. Staff on the redeployment register wishing to express an interest for any vacancy should complete a Supporting Statement (Appendix 2)
- 5.9. Where a post is assessed by HR as being a "suitable alternative post" for a member of staff on the redeployment register, this would then be offered to the employee. The staff member would then be required to demonstrate why they do not feel this is a suitable post otherwise they would be expected to move into the role. A "suitable alternative" would have to be very similar to the current post of the employee in terms of the duties of the job, the day to day activities, knowledge, skills and experience, the status, pay, location, working environment and terms and conditions.
- 5.10. A member of staff who fails to express an interest in being considered for a "suitable alternative post" as assessed by HR and who subsequently refuses an offer of a suitable post, whether an interview has taken place or not, may lose their right to payment of their redundancy payment.
- 5.11. The relevant recruiting manager will be provided with (1) the Matching Profile and (2) Supporting Statement for each employee who has expressed an interest in being considered for the post being advertised.
- 5.12. The recruiting manager will be responsible for shortleeting in line with the Councils Recruitment Procedure. (See section 6)
- 5.13. Staff will have to meet, as a minimum, the essential requirements of the post in full (or would achieve these with a short period of training) and will have to be interviewed for the post.
- 5.14. There may be some cases where the manager is satisfied that the staff member meets the criteria in the main and would be able to fulfil the requirements of the post with some training. Where a short period of training or working towards a qualification is required, the cost of this will be met from the budget of the Service terminating the Employee's original post.
- 5.15. If there are no suitable candidates from the redeployment list then the vacancy will be advertised Council wide

5.16. Staff displaced as a result of organisational change will remain on redeployment indefinitely to ensure maximum opportunity to find suitable or reasonable alternative positions.

5.17. For temporary and fixed term workers (who have over 2 but less than 4 years service), these staff will remain on the Redeployment Register for the duration of their notice period. If a suitable post cannot be found for them during this period then their employment will terminate upon expiry of the notice and their name will be removed from the Redeployment Register.

6. Assessment of the Employees Suitability for the Vacancy

6.1. The recruiting manager should assess suitability by comparing the employee's Matching Profile and Supporting Statement against the essential requirements in the person specification.

6.2. If the employee clearly fails to meet the essential requirements in the person specification (and could not meet these with a short period of training) and the recruiting manager therefore does not wish to interview, the manager should feedback the reasons to Human Resources. The employee should be offered feedback by the recruiting manager.

6.3. If the employee meets the essential criteria and the decision is to interview, the recruiting manager should arrange the interview and this should include Human Resources

6.4. The recruiting manager and the appropriate HR representative, should interview and make their decision by assessing the candidates against the person specification for basic suitability, not excellence.

6.5. It is not acceptable to reject an employee on the basis that recruiting through the external market may result in securing a better candidate.

6.6. If the employee is appointed to the post, the appropriate forms must be completed and should be passed to Human Resources, together with the interview assessment form and supporting statement.

6.7. Where the decision is not to appoint the candidate, the recruiting manager should ensure all relevant forms are returned to Human Resources.

6.8. The employee must be advised of the decision by the recruiting manager and offered feedback.

6.9. Where Human Resources wishes to challenge the recruiting Manager's view with regard to the potential suitability of an employee from the redeployment register they should:

- approach the Manager to fully discuss the situation;
- escalate to the Senior Manager for the area where necessary;
- refer to a Strategic Director for a final decision.

7. Coaching and Training

7.1. The Council recognises that redeployment is potentially an unsettling process for any employee. It may have been quite some time since the employee has had to complete a job application or attend an interview. Interview techniques training is available for all employees and this should be both promoted and encouraged for affected employees.

7.2. When assessing the employee's potential for a post, recruiting Managers should always consider whether providing reasonable additional training or support would allow redeployment to take place.

7.3. "Reasonable" will usually mean training & support which would allow the employee to carry out the duties and responsibilities of the new role to a basic standard within a trial period normally 4 weeks or to a maximum of 6 months if service delivery needs would allow (for example working towards completing a qualification). It may be the case that the employee cannot continue in the role if conditions such as achieving a specific qualification or registration cannot be achieved in the timescales agreed at recruitment stage.

7.4. Any associated costs should be met by the transferring service.

8. Trial periods

- 8.1. In appropriate circumstances, for example where redeployment will be to a different kind of work, a trial period may be agreed.
- 8.2. A trial period allows both the recruiting manager and the employee to decide if the new role is suitable.
- 8.3. Trial periods will last for 4 weeks and should only be for a longer period if there is a clear justification for this. Similarly, any extension must be for a valid reason which the employee is clear about.
- 8.4. The recruiting Manager should be clear about what they are assessing during the trial period and let the employee know.
- 8.5. The recruiting Manager should meet with the employee regularly during the trial period to provide feedback and support.
- 8.6. At the end of the trial period the recruiting manager should conduct a formal review meeting with the employee and the Service HR Business Partner to confirm the outcome of the trial
- 8.7. If the trial period has been successful from both the perspective of the recruiting Manager and the employee, the appointment should be confirmed.
- 8.8. If the trial period has been unsuccessful the employee reverts back to their original service and remains on the redeployment register for the balance of the redeployment period which is left.
- 8.9. If the recruiting Manager confirms that the trial has been successful but the employee does not and declines the post, the Council may consider that the employee has refused a suitable post. In these circumstances the employee must be informed of the consequences of declining the post.
- 8.10. The employee will remain on the redeployment register throughout the trial period and should be advised of any other suitable opportunities which arise.

9. Refusing a Suitable Post

- 9.1. Employees who are prepared to be flexible in the redeployment opportunities are more likely to be successful in securing an alternative post. It is however up to the employee to decide if they will accept the alternative post. In some situations they will wish to consider how any changes will impact on their personal and domestic circumstances.
- 9.2. Where an employee decides to reject the offer of a post which the Council considers to be suitable, they may lose entitlement to any potential redundancy payment .
- 9.3. The employee is required to outline fully in writing their reasons for refusing to accept a post that is considered as being a suitable alternative, so that the Council can consider its position with regard to redundancy.
- 9.4. The decision to withhold redundancy payments will be taken by the Strategic Director (P and P). The employee will be notified of the outcome in writing and they may submit an appeal to a member of the Councils Senior Leadership Group.

10. Notice and Termination – Where indefinite redeployment does not apply

- 10.1. In most cases formal notice will be provided at the start of the redeployment process and run concurrently with time on the redeployment register, a maximum period of 12 weeks, depending on entitlement to statutory notice and any parallel procedures. On occasion, the potential need for redeployment may be identified well in advance of this - e.g. temporary contract, during the early stages of a capability process. In these circumstances, formal notice may be given to conclude at the same time as the post will end (or the timetable for the procedure would conclude).
- 10.2. In the last week of the redeployment period the current line manager and Human Resources Adviser should arrange a final review meeting with the employee, who may wish to be accompanied by their TU representative or a colleague. The purpose of the meeting is to:

- consider any new opportunities for redeployment which may have arisen
- confirm the termination of contract and procedures to be followed
- confirm any redundancy or other payment which the employee may be entitled to receive
- allow the employee the opportunity to ask any outstanding question they have

10.3. If at the end of the notice period the Council has been unsuccessful in redeploying the employee, their contract of employment will be terminated.

11. Monitoring and Review

11.1. Both HR and Trade Union Representatives shall monitor the effectiveness of this procedure on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with the recognised trade unions

Equality Impact Assessment

Policy Name	Redeployment Procedure
Department	Human Resources
Policy Lead	Human Resources
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	



Appendix 1 - Redeployment Matching Profile

(Your line manager or a member of HR can, if required, assist you in completing this form)

1. You & Your Current Post			
Name		Current Grade	
Current Job Role		Current Salary	
Current Location		Full /Part Time/Shifts	

Part Time Staff - Please indicate your current working pattern

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Hours Per Day							

2. Current Duties:
Please describe in detail the key responsibilities of your current job role.

3. Previous Relevant Experience

Please tell us about previous jobs you have had in the Council or with another employer which would be relevant to redeployment (include any voluntary work)

4. Qualifications

Please tell us about any formal qualifications you have . (This includes vocational skills which require a certificate eg HGV driving)

5. Skills, Abilities & Knowledge

Please tell us about your key skills, abilities and knowledge which you feel could be used in another / different type of job

6. Training

Please tell us about any relevant training you have completed e.g. computer packages

7. Anything You Wish to Add?

Please tell us about anything else which you feel would be relevant to a vacancy selection process (major achievements, projects etc)

--

10. Please let us know about any adjustments you may require during the redeployment process

--

Employee Declaration

I confirm that the information on this form is correct

Signature		Date	
------------------	--	-------------	--

Line Manager Validation

I declare that to the best of my knowledge the information provided on this form is correct

Signature

Date

**Please return this form to Human Resources within
7 working days of your initial redeployment meeting**

Appendix 2 - Supporting Statement

Supporting Statement

Name	
Post Applied for	

If you wish to be considered for the above post please outline how your skills and experience meet each of the essential criteria as outlined on the person specification.

--	--

Signed

Date

Appendix 3 - Redeployment Action Form

To be completed by Human Resources

EMPLOYEE NAME: _____

Reason for Redeployment (Tick appropriate box)

Medical Grounds

Redundancy Situation Date of Redundancy

Restructure

Capability

Other (specify)

Type of post for consideration:

Special conditions to be aware of:

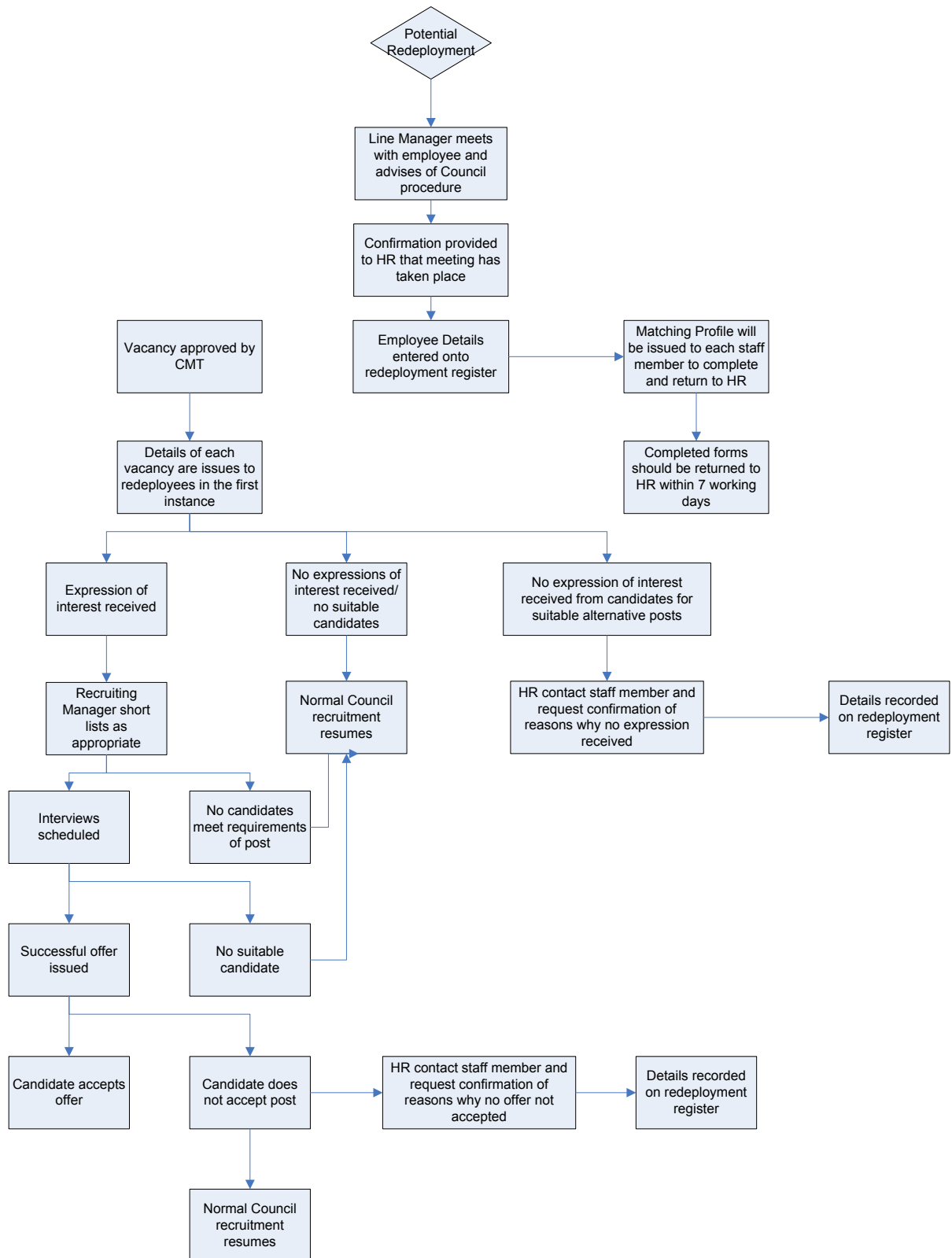
Additional Information:

Under Notice: Yes No Date Notice Expires

Completed By

Date Completed

Appendix 4 - Process Overview



Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Redeployment Procedure
Service:	Human Resources
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

--

APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy
The purpose of the policy is to enhance redeployment opportunities and ensure fair processes are in place throughout the Council.
Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?
General Equality Duty -
➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct
The procedure aims to treat all employees fairly and consistently and should assist with removing potential indirect discrimination, harassment or victimisation by providing clear guidelines and transparency to processes.
➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not
Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. The Council's redeployment procedures allow for priority access for any post to be considered for those with a disability who are on redeployment for this reason over and above even those on the register for reason of their substantive post being removed from the structure. This shows the commitment to retaining employees with disabilities wherever possible and supporting them to continue to work.
➤ Fostering good relations between people who share a protected characteristic and those who do not.
This element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular procedure.
Fairer Scotland Duty -
➤ Reducing inequalities of outcome caused by socioeconomic disadvantage

This Procedure should assist with the retention of staff, and maintaining employment can be extremely important for protected groups who have a higher level of poverty. For example, poverty rates are higher for households with a disabled adult, and the employment rate for people with a disability is significantly lower than the employment rate for people who do not have a disability. Levels of socioeconomic disadvantage are also more frequent for other protected groups including lone parents who are predominantly female, and Black, Asian or Minority Ethnic (BAME) groups.

To which of the equality groups is the policy relevant?

Protected Characteristic	Yes/No*	Explanation
Age	Yes	The Redeployment procedure covers employees being redeployed for reason of redundancy as well as ill health capability. Those on capability for health issues may be of any age but it is likely that there are a number of age related conditions due to the ageing workforce of the Council and a number of restrictions needed in the more manual roles in particular.
Disability	Yes	Staff data shows a relatively high "Prefer Not to Say" response in relation to disclosure of a disability (39.5%). At a national level, it is estimated that 1 in 10 people who are economically active have a disability or long term health condition. The approach which is outlined includes the Council's commitment to being a caring and supportive employer, which should remove or minimise disadvantages. The procedure in particular allows for those with a disability to be redeployed into a role which may be more suitable for them and be able to remain in employment.
Gender Reassignment	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of gender reassignment.
Marriage and civil partnership	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership.
Pregnancy and Maternity	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are pregnant or on maternity leave.
Race	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of race.
Religion and Belief	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of religion and belief.
Sex	Yes	There are more women than men who are employed by the Council (71.3% of staff excluding teachers are female compared to 28.7% of men). Lone parents are more frequently female and face a higher level of poverty, and this Procedure could assist with their retention, rather

		than the risk of being made redundant and having to leave the Council.
Sexual Orientation	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of sexual orientation.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, regional employment patterns, publications on poverty and income inequality, the Scottish Health Survey and statistics published by Police Scotland.

In terms of internal evidence, reference has been made to the most recently published staff equality data.

There is a high rate of staff who responded "Prefer Not to Say" in relation to whether they have a disability.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Trade Unions have been actively involved in the development of the policy.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure that this Procedure is applied fairly. These steps will include:

- Encouraging staff to disclose a disability, in order to assist with monitoring the impact of this Procedure
- Encourage staff to disclose symptoms to their line manager
- Raising awareness with managers of the need to act fairly and impartially
- Monitoring grievance data relating to the implementation of this Procedure
- Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>he evidence highlights that the introduction of this policy/procedure will have a positive impact on protected groups. The overall commitment to support employees should assist the Council in demonstrating that it has paid due regard to the General Equality Duty. The Procedure should support the retention of staff, and mitigate the potential for reduced income, which in turn complements the Council’s Fairer Scotland Duty.</p>		
Details of engagement undertaken and feedback received		
<p>This Procedure has been developed in consultation with recognised trade unions who, along with Council Management, form the Council’s Policy Group. In addition the policy/procedure will be considered by Tripartite (Elected Members, Unions and Management) It will also be reviewed, and hopefully formally adopted, by the Partnership and Performance Committee on behalf of the Council.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/recommendation is made:</p>		
Tick	Option 1: No major change	
✓	<p>The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council’s obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
<p>This assessment finds no indication that the Procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the procedure positively impacts on employees including those with a disability.</p>		
APPROVAL		
NAME	DESIGNATION	DATE



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Comhairle Siorrachd
Chlach Mhanann

CORPORATE LEARNING & DEVELOPMENT POLICY

Date: November 2020

Corporate Learning and Development Policy

1.0 Introduction

- 1.1 This Policy outlines Clackmannanshire Council's approach to Corporate Learning and Development.
- 1.2 Learning and Development covers any activity which is designed to develop staff and managers, and help them become more effective in their roles. This covers a range of activities including attendance at events, conferences, on the job training, mentoring / buddying, networking and coaching.
- 1.3 This policy sets out the minimum standards managers and staff are expected to implement when considering the training and development requirements of their staff members.

2.0 Policy Statement

- 2.1 Learning and development is considered vital to transforming the Council in support of both our organisational objectives, and in order to support the development of sustainable services for our communities.
- 2.2 This policy has been developed in line with this commitment, and reflects our belief in providing a range of training opportunities to all our employees regardless of grade, role, work location, or employment basis.

Learning and development objectives

- 2.3 Corporate learning and development has the following objectives:
 - To ensure that Clackmannanshire Council has sufficient, experienced, qualified and trained employees to meet its current and future service requirements;
 - To provide training for staff which enables them to perform their current roles effectively, and which allows them to acquire skills relevant to any future roles they may be required to undertake;
 - To provide training which allows staff, and Service areas, to discharge their statutory duties effectively, safely, and responsibly;
 - To ensure value for money, and quality training opportunities which meet the learning styles of staff both now, and in the future; and
 - To provide equal access to appropriate learning opportunities for all staff.

3.0 Minimum Standards

Induction Process

- 3.1 A thorough Induction helps both new staff and those changing roles become integrated quickly and have a clear understanding of their role within the Council.
- 3.2 It is also an opportunity for the Council to establish what development activities are required to help new post holders become effective in their role. This might include on-the-job training on systems specific to the department and/or providing an overview of relevant Council policies and procedures.
- 3.3 All staff, regardless of job type or grade, are required to undertake the corporate induction process. Further information on this process can be found in the Employee Induction Handbook, and associated Managers Guide.

Learning accountability

- 3.4 All employees should be encouraged to take accountability of their own learning journey in order to achieve the outcomes as set out in our core values.
- 3.5 Managers will pro-actively encourage the development of employees via use of the Performance, Review and Development (PRD) process, and associated processes.
- 3.6 All employees will be given equal opportunities to develop their career within the Council, supported by their managers and Service leadership.

Essential training requirements

- 3.7 The following outline the basic, mandatory standard for training and development which the Council expects of all staff, regardless of grade or role.
- 3.8 These training requirements act as a foundation, and it is expected that appropriate Service training requirements will amend, or supplement the following:

Course title	Frequency	Source
Employee Induction	Completed within 3 months of joining	Induction handbook / Clacks Academy
Display Screen Equipment (DSE) Elearning	Completed annually	Clacks Academy Elearning
Display Screen Equipment (DSE) assessment	Each time a desk move takes place	DSE Assessor, or Health & Safety
Prevent	Completed every 2 years	Clacks Academy Elearning / Workshop
Fire Safety Awareness	Completed annually	Clacks Academy Elearning
An introduction to Data Protection	Completed annually	Clacks Academy Elearning
Equality & Diversity	Completed annually	Clacks Academy Elearning
Run, Hide, Tell	Completed annually	Clacks Academy Elearning
Introduction to Information Security	Completed annually	Clacks Academy Elearning

- 3.9 In addition to the standard essential training requirements, it is considered best practice for managers to undertake the following:

Course title	Frequency	Source
PRD Management Workshop	Completed initially and refreshed as required	Clacks Academy
HR Policy Briefings, including: <ul style="list-style-type: none"> - Dignity at Work - Capability Process - Disciplinary Process - Maximising Attendance 	Completed initially and refreshed as required	Human Resources
Money Laundering	Completed on commencement of role	Clacks Academy Elearning
Social Networking	Completed on commencement of role	Clacks Academy Elearning
Risk Management	Completed initially and refreshed as required	Clacks Academy Elearning

4.0 Roles and Responsibilities

Chief Officers have a responsibility to:

- Approve finalised training bids for Council Service Areas;
- Actively promote learning and development opportunities with Service Managers; and
- Ensure that all PRDs are completed annually by managers within their Service areas, in order to capture up to date training requirements.

Senior Managers have a responsibility to:

- Act as budget holder for their Services' allocation of the Corporate Training budget;
- Maintain an overview of spend and commitments within their allocation of the Corporate Training budget;
- Collate and submit responses to the annual Training Needs Analysis process;
- Promote attendance at L&D courses; and
- Promote a learning culture within their Service areas in line with the Council's organisational values through use of the PRD process and learning interventions accessible both internally and externally.

Managers have a responsibility to:

- Ensure equality of opportunity for training amongst staff members
- Evaluate, develop and motivate their staff through the PRD process;
- Agree and submit training requirements on an annual basis;
- Ensure agreed training activities are relevant to Service and Council objectives;
- Provide every new member of staff with an induction;
- Provide every staff member changing role with an induction;
- Discuss L&D needs with staff as part of the PRD process;
- Ensure staff attend pre-arranged training events;
- Evaluate the effectiveness of training events through the PRD process; and
- Make use of alternative low cost L&D models such as Elearning.

Staff have a responsibility to:

- Be aware of their own job-related development needs and communicate these through the PRD process;
- Ensure they actively and meaningfully participate in the PRD process; and
- Evaluate the effectiveness of approved training events, and discuss this with Line Management.

The Council's HR Service has a responsibility to:

- Drive and pro-actively develop L&D within the Council;
- Provide a low cost, high impact L&D Service to all staff of all grades within the Council;
- Promote and monitor attendance at learning events;
- Assist Managers with the collation of training requirements on an annual basis;
- Oversee the Council's Learning and Development budget, including general oversight of Service allocations and the Corporate Training fund;
- Ensure that learning opportunities are in line with corporate priorities, and workforce planning and business planning strategies; and
- Review and revise this policy as required.

Union Learning Reps have a responsibility to:

- support the learning of all employees by providing advice and guidance on any learning issue;
- encourage and support staff to take up learning to help with professional and personal development; and
- ensure that members of staff have equal opportunities to learn.

5.0 Evaluation and Monitoring

- 5.1 The HR Team will evaluate and report on the effectiveness of corporate training events on a regular basis. This will drive the continual development of courses and resources which are offered to staff.

6.0 Processing of Personal Data

- 6.1 The Council processes personal data collected as part of the Corporate Learning and Development Policy in accordance with its Data Protection Policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this policy.

7.0 Monitoring and Review

- 7.1 Both HR and Trade Union Representatives shall monitor the effectiveness of this policy on an ongoing basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation. Revisions and updates will be implemented by the Council following consultation with the recognised trade unions

Policy name	Corporate Learning and Development Policy
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes No X
*If no please provide rationale	
Date full EQAI complete	N/A
Date Approved	
Review Date	





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CORPORATE LEARNING & DEVELOPMENT PROCEDURE

Date: November 2020

Corporate Learning and Development Procedure

1.0 Delegated budget holders

- 1.1 Each directorate within the Council will nominate a budget holder, usually the Senior Manager, who will hold responsibility for training funds allocation. A list of budget holders will be held and updated via the Council's intranet site.
- 1.2 The Senior Manager will hold responsibility for management of their service area's training allocation, providing assurance of training spend, and oversight of any over or underspends.

2.0 Training Needs Analysis

- 2.1 Each directorate of the Council will be required to complete a training needs analysis prior to the start of each new financial year.
- 2.2 It is the responsibility of the Senior Manager to submit training needs analysis on time, no later than the commencement of the new financial year. Failure to submit training needs analysis may result in no training allocation being made.

Evidencing training requirements

- 2.3 All training needs analysis should be fully evidenced to provide assurance of the requirement for training, and the proposed cost to the Council.
- 2.4 Corporate Learning and Development may request more information/evidence about specific training requirements where required.

Allocation of funds

- 2.5 Allocation of training funds will be made on a priority basis, with legislative requirements being considered initially. Only once the required legislative funds have been exhausted will a proportional allocation for non-legislative funds be made to each Service area.
- 2.6 Final allocation of funds will be approved by the Council's Strategic Leadership Group prior to, or on the commencement of the new financial year.
- 2.7 There is a clear expectation that where legislative training requirements are approved, these are fully met within the financial year.

Contract Standing Orders

- 2.8 Budget holders and wider Service Management must remain aware of and comply with the Council's Contract Standing Order at all times.

3.0 Training expenses and time off to attend training

Time off duties allocation

- 3.1 Employees will be given time off from their usual duties, within working hours, to attend training relevant to their job roles and which has been approved as part of the service area's training needs analysis.
- 3.2 The number of hours / days off required for the purpose of training should be agreed in advance with the employee's Line Manager.
- 3.3 Employees will be granted time off within working hours to complete Elearning modules in the same regard as any other type of training event. This includes the use of alternative locations where no PC access is available in the normal course of the employee's duties.

Attendance at Courses

- 3.4 Attendance at a full day course will be classed as a standard working day, and half day courses classed as a standard working half day.
- 3.5 Where travel is required, flexi or toil updates will be granted to the employee for the time to and from the training event, outside of normal working hours.
- 3.6 Where blended learning (e.g. Elearning) is offered as a pre-requisite requirement of a course, Line Managers are asked to recognise and facilitate the time off from duties to allow completion as part of normal course attendance.

Travel Expenses

- 3.7 It is expected that directorates will fund travel expenses for attending training where deemed reasonable, in the line with relevant Council policies.
- 3.8 Both employees and managers have a responsibility to ensure that travel expenses are cost effective and assures value for money for the Council.

Overnight Stays

3.9 Where an overnight stay is required, reasonable costs for accommodation and subsistence will be paid in line with the relevant Council policy. In consideration of costs, both staff and managers must assure value for money for the Council.

4.0 Failure to attend training (Expense-Offsets)

4.1 Where an employee fails to attend a pre-arranged 'in house' training event without prior notice, Corporate Learning and Development reserves the right to issue a chargeback (or 'expense offset') to the employee's directorate.

4.2 Chargebacks will only be used in exceptional circumstances where repeat non attendance is noted without reasonable explanation, or where there is an unjustifiable cost incurred to Corporate Learning and Development.

4.3 Chargebacks will be used in order to recoup a proportion of the cost lost in administering and delivering courses in house, or a proportion of the cost lost in procuring training from an external provider.

4.4 Chargebacks will be raised according to the proportional per head cost of the training (if procured externally) or at a flat rate if administered and delivered in house.

4.5 Chargebacks will be calculated on the following basis:

- Notification to L&D on the day of the event – Full delegate charge
- Failure to attend without prior notification to L&D – Full delegate charge
- Notification to L&D 1-4 working days prior – Full delegate charge if no replacement found
- Notification to L&D up to and including 5 working days prior – No charge

4.6 Use of chargebacks will be reviewed on an annual basis and reported to SLG as part of quarterly Corporate L&D updates.

5.0 Financial assistance

5.1 As a condition of financial assistance, employees may be required to sign up to an agreement whereby they repay a portion of expenses incurred if they leave the Council within a period of three years after completing training. Details of the circumstances in which this may be required will be made clear before any commitment to training is made, and further information can be found in the Council's *Continuing and Further Education Policy*.

6.0 Reimbursement of professional fees

6.1 In the course of normal business Corporate Learning and Development will not pay for professional subscriptions or fees required in the undertaking of an individual's role.

7.0 Processing of Personal Data

7.1 The Council processes personal data collected as part of this procedure in accordance with its data protection policy. In particular, data collected as part of this process is held securely and accessed by and disclosed to individuals only for the purposes necessary to action and manage this procedure.

7.2 The processing of personal data will be in line with the Council's privacy statement.

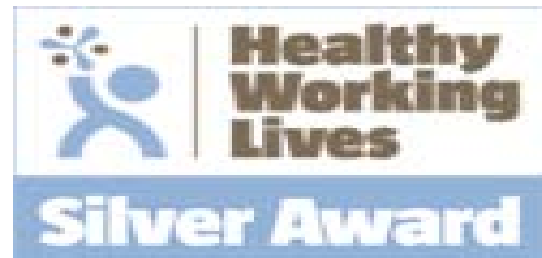
8.0 Implementation and Review

8.1 Both HR and Trade Union representatives shall monitor the effectiveness of the procedures on an on-going basis. Changes may result from employee, management and union feedback and/or from changes in employment legislation.

8.2 Revisions and updates will be implemented by the Council following consultation with recognised Trade Unions.

9.0 Equality Impact Assessment

Policy Name	Corporate Learning & Development Procedure
Department	HR
Policy Lead	HR
Equality Impact Assessment	
Full EQIA required	Yes <input checked="" type="checkbox"/> No* <input type="checkbox"/>
* In no please provide rationale	
Date Full EQIA complete	
Date Approved	
Review Date	



Equality and Fairer Scotland Impact Assessment - Screening

Title of Policy:	Corporate Learning & Development Policy & Procedure
Service:	Human Resources
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

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APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

Purpose of the proposed policy or changes to established policy		
This policy sets out the minimum standard managers and staff are expected to implement when considering the training and development requirements of their staff members. The policy has been updated to remove reference to a no longer running management training programme, as well as the procedure being updated to generalise the training needs analysis process (thereby maintaining the relevance of the procedure for a greater period of time, should the approach to the training needs analysis change).		
Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?		
General Equality Duty -		
➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct		
The policy outlines a minimum standard of training which every member of Council staff should undertake – this includes equality and diversity training. Provision of this training may lessen instances of discrimination, harassment and victimisation by educating staff on appropriate workplace behaviours.		
➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not		
Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. The establishment of minimum standards for corporate training, and definition of roles and responsibilities for ensuring equality of opportunity, should assist with minimising disadvantages for employees who share protected characteristics. It is recognised that for some categories of staff such as teaching staff/ those in manual jobs it will likely not be possible to access all training which falls under the corporate training calendar (i.e. due to shift working practices and school times). However, this does not amount to discrimination as it is classed as a proportionate means of achieving a legitimate aim i.e. the contractual requirement for those staff to be in attendance during school time.		
➤ Fostering good relations between people who share a protected characteristic and those who do not.		
The Policy and Procedure promotes equality of opportunity with regards to training provision across all Council services. Therefore, courses are likely to be attended by those who share a protected characteristic and those who do not. This may result in the fostering of positive working relationships between staff from across all Council directorates.		
Fairer Scotland Duty -		
➤ Reducing inequalities of outcome caused by socioeconomic disadvantage		
Clackmannanshire Council employs a proportion of its staff from the local area. As such, providing access to appropriate training will assist with the outcomes as defined within the Clackmannanshire Local Outcomes Improvement Plan (LOIP).		
To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation

Age	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of age.
Disability	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of disability.
Gender Reassignment	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of gender reassignment
Marriage and civil partnership	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership.
Pregnancy and Maternity	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of pregnancy/ maternity leave.
Race	No	It is submitted that this protected characteristic is not directly relevant to this policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of race.
Religion and Belief	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of religion and belief.
Sex	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people on the grounds of sex.
Sexual Orientation	No	It is submitted that this protected characteristic is not directly relevant to this Policy and Procedure and it is not anticipated that there could be any differential impact on people related to their sexual orientation.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes reference to the Clackmannanshire Local Outcomes Improvement Plan.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Union engagement has been undertaken in the formation of this policy and procedure.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure that this Policy and Procedure is applied fairly. These steps will include:

- Raising awareness with managers of the need to act fairly and impartially in relation learning and development of staff members
- Monitoring grievance data relating to the implementation of this Policy and Procedure
- Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The evidence shows that provision of corporate and learning interventions should assist with minimising disadvantages faced by protected groups.</p> <p>The overall commitment to support employees, via provision of corporate training, should also assist the Council in demonstrating that it has paid due regard to the General Equality Duty.</p>		
Details of engagement undertaken and feedback received		
<p>This Policy and Procedure has been developed in consultation with recognised trade unions as part of its Policy Group, In addition it will be reviewed by Tripartite and thereafter, if agreed, considered by the Partnership and Performance Committee for formal adoption.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:</p>		
Tick	Option 1: No major change	
✓	<p>The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	Option 2: Adjust the policy	
	<p>– this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.</p>	
	Option 3: Continue the policy	
	<p>– this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council’s obligations under the duty.</p>	
	Option 4: Stop and remove the policy	
	<p>– if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.</p>	
Justification for decision		
<p>This assessment finds no indication that the Policy and Procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the Policy and Procedure conscientiously takes into account diverse needs and circumstances. Steps to monitor the equality impact have been agreed, along with practice to promote fair use.</p>		
APPROVAL		
NAME	DESIGNATION	DATE

