



## STAFF EMPLOYMENT

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### 1. Introduction

- 1.1 This policy covers the recruitment, employment, management and training of paid staff, both permanent and temporary.
- 1.2 South Lakeland Mind follows statutory requirements and good employment practice as outlined in this policy.
- 1.3 Reference should also be made to the Equality and Diversity policy which sets out the Association's commitment to equal opportunities in employment and to the Health and Safety and Complaints and Grievance policies. The employment of volunteers is covered by the Volunteering policy.

### 2. Recruitment and Selection

- 2.1 All posts needing to be filled will be advertised locally and, if necessary, on a regional or national basis.
- 2.2 For each, a job description and person specification will be prepared and applicants will be provided with an information pack, to include information about the charity and the job description and person specification. Service User trustees will be consulted about this material and other service users may be given the opportunity to comment.
- 2.3 All applicants will be required to complete an application form and provide two references.
- 2.4 The selection process will include at least one interview by a panel selected by the Trustees to include the Chief Officer and/or Chair and one or more trustees, one of whom should, if possible, be a service user. All appointments will be formally ratified by the members of the Board of Trustees.
- 2.5 All appointees will be given a contract of employment for their signature which will set out general and particular conditions of employment.
- 2.6 All appointees will be required to serve a probationary period of at least three months, followed by an appraisal, before, subject to approval by the trustees, the contract is confirmed, the probationary period extended or the employment terminated.
- 2.7 All appointees are required to undergo an enhanced Disclosure & Disbarment Service (DBS) check prior to appointment.

### 3. Conditions of Employment

3.1 The employment contract of each member of staff will include the following general provisions:

- The right of an employee to be a member of a trade union of his/her own choice.

- Reasonable unpaid time off to carry out public duties as a justice of the peace, member of a local authority and for jury service.
- Travel and other expenses necessarily incurred, whilst on the charities business may be claimed by completing an expense form, which is available from the office. It is a condition of claiming travelling expenses that the claimant has valid insurance, that their car is roadworthy, and that it is covered by a valid MOT certificate. The scale of allowances will be made available to staff and will be reviewed by the Trustees and adjusted as necessary.
- Annual holiday entitlement is based on the requirements of the Working Time Regulations 1998, in addition to leave on Bank Holidays and the days between 25<sup>th</sup> December and the 1<sup>st</sup> January inclusive.
- Provision for absence due to illness and sick pay in accordance with the Social Security Contributions and Benefits Act 1992.
- Maternity leave and the right to return to work as laid down in the Employment Rights Act, 1996.
- Subject to a qualifying period of nine months service, paternity leave for a member of staff who is the parent or prospective parent of a newly born or newly adopted child, provided that he/she resumes work and continues to be employed by South Lakeland Mind following the period of child-care leave.
- Childcare and dependent's leave to care for sick children and other dependents.
- Compassionate leave, with or without pay or on reduced pay, subject to approval by the Trustees.

These conditions will be reviewed annually or, if changes to legislation or practice suggest it, ad hoc.

#### **4. Resignation and Retirement of Employees**

4.1 Employees leaving their post will be invited to take part in informal exit interview before they leave by the Chief Officer or a Trustee in order to review the employee's experience working for South Lakeland Mind. It will also enable him/her to make suggestions or comments and to offer advice or information for the future.

4.2 The Association respects and values the capability and experience of older workers wishing to work beyond retirement age.

4.3 The trustees may, therefore, with the agreement of the employee concerned, extend an existing contract beyond the retirement age for a period agreed by each party. Similarly, the trustees may offer a new contract to a suitable applicant beyond retirement age.

4.4 South Lakeland Mind does not operate a pension scheme

#### **5. Training**

During the probationary period, all new appointees are given an induction pack which introduces them to the Association's policies, services, accommodation, and administrative, health and safety and HR procedures, other employees, volunteers and service users and appropriate contacts. Any other, specific, induction needs of each employee will be assessed in an initial appraisal and will depend on the extent of their experience and knowledge and the requirements of the post. All new appointees are required to undertake Core Training in Safeguarding Adults, Equality & Diversity and Health & Safety, as soon as possible within one months of appointment, provided in-house or via outside provision, as determined by the Chief Officer.

- South Lakeland Mind will make opportunities available for staff to undertake in-service training in working time concerning, for example, new services, policies and projects, legislation and health services and to help employees' career and personal development.

South Lakeland Mind may, in particular cases, contribute to the cost of training which is directly relevant to their duties.

- 5.1 Employees will be expected to take advantage of training offered, especially if it is proposed to rectify performance issues. This will be discussed with them as need or opportunities arise or through the annual appraisal.

## **6. Supervision and Appraisal**

- 6.1 All employees will be responsible to the Chief Officer and will be expected to respond positively to instruction and advice. If appropriate, the Chief Officer may delegate day to day supervision to another member of staff.
- 6.2 Supervision and appraisal are carried out with the aims of motivating staff, giving personal support, evaluating their progress and future planning. Objectives include identifying and solving problems, setting priorities and key tasks and identifying training and personal development needs.
- 6.3 Each employee will be given continuing supervision by the Chief Officer or other employee or trustee with opportunity for feedback and discussion of any issues arising. The Chair will hold review meetings with the Chief Officer every three months or as often as necessary.
- 6.4 All staff will be given annual appraisals by the Chief Officer or in his/her case, the Chair.
- 6.5 Appraisals should refer to performance, individual learning, future training needs and scope for personal development and implications for organisational development. They may make use of sources including feedback on work performance by Trustees, other staff and service users, evaluation sheets, the complaints file and supervision notes. The employee will also be given the opportunity to engage in self-appraisal and inform and shape the appraisal process. The results will be recorded by the Chief Officer using a standard form and a copy provided to the member of staff or volunteer if requested.
- 6.6 Equally important, appraisals must provide an opportunity for the employee to raise any concerns or suggestions they may have, for example, about the organisation and its services, working conditions the support they receive and to appraise their supervising manager's work in relation to their own.
- 6.7 If supervision and appraisals are to aid development rather than appear threatening and/or judgemental, they need to be undertaken in an atmosphere of transparency, trust and co-operation. To achieve this, South Lakeland Mind aims to ensure that the system is set up in consultation with staff; that procedures and forms are simple and easy to understand; and written records are kept and made available to the employee.

## **7. Employees' Health**

- 7.1 South Lakeland Mind recognizes that it has a duty of care towards its employees. This extends beyond statutory requirements, particularly if it concerns their mental well-being.
- 7.2 Staff are therefore encouraged to raise any concerns about stress with the Chief Officer or a Trustee and their well-being will be monitored via annual appraisal and day to day supervision.
- 7.3 In the event of an employee undergoing stress one of the following measures will be considered:
- Discussion, counselling or other support.
  - A review of duties, support or working practice
  - A period of sick leave or a temporary reduction in hours, without loss of pay.

7.4 If the stress is the result of harassment or conflict with another person in the organisation, the Complaints and Grievance may be initiated if the employee wishes.

## 8. Employees' Obligations

8.1 All employees are expected to be acquainted with the Association's policies on all relevant policies and to abide them. They should also display:

- An appreciation of mental health issues and a genuine desire to support people who experience mental distress and to help and encourage them in their efforts to improve their condition and live fulfilling lives in the community.
- Warmth, understanding, sensitivity and a willingness to listen. In working with service users at support sessions it is important to help people feel welcome and safe in an informal, friendly environment in which they will feel encouraged to attend.
- The ability to be supportive and non-judgmental regardless of service users' age, race, sexuality, religion or disability.

8.2 There are also particular responsibilities:

- To respect client confidentiality with colleagues, volunteers, service users and others outside.
- To maintain safe working boundaries when working with clients.
- To adhere to the policies and procedures of South Lakeland Mind and to be aware in particular of those relating to Confidentiality, Volunteering and Health and Safety.
- To feedback regularly on progress and any concerns relating to work with service users.

## 9. Disciplinary Policy

9.1 South Lakeland Mind seeks to support its staff and volunteers and to address issues of discipline or professional competence through employee/volunteer supervision and the appraisal process. The Association will, therefore, always attempt to deal with any staff issues of performance or conduct by discussion and agreement.

9.2 If an employee's performance is judged to be inadequate for his or her assigned duties, the Chief Officer or a trustee will initiate an assessment in order to identify the reasons and issues involved. Every effort will be made to support the employee in improvement through training, support, or changes in working practices and conditions.

9.3 However, priority must be given to the need to maintain effective services and, as a last resort, the Association's disciplinary procedures will apply to cases of misconduct or inadequate performance, as set out in the Appendix to this policy.

## 10. Gifts

10.1 From time to time, staff and volunteers may be offered gifts by service users or carers in response to support or assistance received or in friendship. While gifts of this kind should not be encouraged, they may be received, provided they are offered in good faith without condition, and are of a minor nature. However, any gift or gratuity to a value of more than £10, should be politely declined.

10.2 If a staff member or volunteer has any doubt about receiving a gift, he/she should consult the Chief Officer.

## Appendix: Staff Disciplinary Procedures

These procedures apply where the Board of Directors of South Lakeland Mind has reasonable grounds for considering that an employee's or volunteer's work, conduct or omission is such as to warrant disciplinary action.

They are based on three principles:

- Full investigation of facts and circumstances
- The right of staff involved to state their case and be represented or accompanied at any hearings by a colleague, friend or trade union representative.
- The right to appeal against a disciplinary penalty.

Disciplinary action will proceed through some or all of the following stages:

### Stage 1

Following an initial investigation by the Chief Officer or, if appropriate, another staff member or Trustee, a verbal warning will be issued, recorded and reported to the Board. In the case of very minor infringements, two verbal warnings may be issued before the case need proceed to Stage 2. This stage will not apply in cases of gross misconduct (see below).

### Stage 2

If, following a verbal warning, further breaches of discipline occur the Chief Officer will consult the Chair or other Trustee and will interview the person concerned and any other parties directly or indirectly involved. If necessary a formal written warning will be issued including the reasons and a note that, if no improvement takes place within an agreed period that does not exceed 8 weeks, stage 3 action may be taken. The warning will be recorded and reported to the Trustees.

Provided there have been no further warnings, formal warnings will be expunged as follows:

- Warnings for timekeeping or unauthorised absence – after 6 months from last warning.
- Warnings for other infringements (not final warnings) – after 12 months from last warning.
- Final warnings – after a period of 2 years

### Stage 3, Dismissal or other action

If a further disciplinary breach takes place the Chief Officer (or Chair) will report to the Board of Trustees who will decide the appropriate action. This may involve demotion, transfer to other duties, loss of seniority or dismissal.

### Gross Misconduct

This includes:

- Theft, fraud, deliberate falsification of records.
- Fighting, assault, physical or verbal abuse or harassment.
- Deliberate damage to the property or equipment owned or used by South Lakeland Mind.
- Serious incapability due to substance abuse.
- One or more serious acts of insubordination.
- Violation of policies

The Chief Officer or Chair may suspend the person concerned on full pay with immediate effect while the case is investigated. He/she will then report to the Board of Trustees who will decide the appropriate disciplinary action: this will normally be dismissal. In extreme cases, the Chief Officer or Chair may, in consultation with other trustees, invoke immediate dismissal.

## Appeals

If, at any stage of procedures, the employee wishes to appeal against a disciplinary action, the following procedure will be followed:

- He/she must send a request for reconsideration in writing to the Chair within 14 days of receipt of receiving notification of the original decision.
- The Chair will immediately convene a panel of trustees who will arrange a date for the appeal to be heard. This should take place within 14 working days of the appeal notification. The Chief Officer, or other appropriate officer or trustee, will prepare a report.
- The employee will be invited to attend the proposed hearing and given a minimum of 7 days' notice of the date, time and place. They will be informed of their right to be accompanied by a colleague/friend.
- The Sub-Committee will review the circumstances in the light of the hearing and take a decision: this may amend or cancel the original action but may not increase it. The results of the appeal will be confirmed to the employee and any other parties involved in writing.
- Should a disciplinary enquiry or appeal determine that the employee was not at fault, all written references will be removed from the employee's record and any monies to which they have been entitled if it were not for the suspension, will be repaid.

These disciplinary procedures do not apply to notice given where an employee on probation is dismissed as a result of their unsuitability for the post.

*This policy is intended as a statement of intent and does not constitute a binding contractual or personal agreement. But it will be monitored and revised in the light of service user, staff or volunteer experience or comments and any operational changes and legislative or other external considerations. Interpretation and any matters not specifically covered by the policy will be decided by the Chief Officer and / or Trustees.*

Policy Approved by Board of Trustees: 10<sup>th</sup> December 2009

Revision(s) approved: 14<sup>th</sup> August 2014

Review Date: September 2015

*If at any time it seems appropriate to review the policy sooner than the review date, such as through a change in the law, then this should be done without delay.*