

National institute for Human Rights



HR Policy Manual

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Introduction

NIHR HR Policy Manual

This Human Resources Policy Manual is provided as a central reference for all managers, supervisors and employees and applies to staff across all locations where the Organization carries out its work.

The specific policies that follow promote the philosophy of NIHR with regard to standards of excellence; terms of employment; employee development; and employee services.

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

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

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

This Policy Manual should be read in conjunction with the Organization Staff Handbook.

Signed: _____

**Chairman / Managing Director / Chief Executive

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SECTION 1 – EMPLOYING STAFF: *Employing staff fairly and expertly, ensuring they are properly inducted, and ensuring they are aware of the required standards of work conduct including use of email and the internet.*

1. Recruitment and Selection

1. Introduction

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

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2. **Advertisements**

- 2.1 Vacancies will generally be advertised in an appropriate newspaper or journal, and will not be confined to those media which, because of their particular source of applicants, provide only or mainly applicants of a particular group.
- 2.2 Advertisements will also be notified to the local job centre.
- 2.3 All vacancies will also be posted on the Organization Intranet, and internal notice boards. NIHR is keen to facilitate internal promotions wherever possible as development opportunities for its staff.
- 2.4 NIHR may, on occasions, decide to restrict advertisement to internal candidates only. Furthermore, **junior** posts will always be advertised internally in the first instance, to provide continuous development of existing members of staff unless the Management team agrees that this is not appropriate due to the specialist skills required for the post involved.
- 2.5 Vacancies, which are restricted to internal candidates only will be clearly indicated on the advertisement. All internal candidates will be selected for interview on the same criteria as external candidates.
- 2.6 Employees on maternity leave will receive all advertisements for posts advertised in the Organization during their period of maternity leave.

3. **Application Form**

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

- 3.2 In applying for posts, all candidates will be provided with a job description, details of the appropriate conditions of service and details about the Organization. A brief statement about the appointment procedure will also be provided and, if possible, an indication of the date (or week) when interviews will be held. The job description will include a list of the main duties and responsibilities of the post, together with an outline of the qualifications and experience which candidates are expected to possess.
- 3.3 In drawing up the job description and conditions of service the Organization will ensure that no job applicant receives less favourable treatment than another on the grounds of disability, gender, race, religion or belief, age, sexual orientation, marital status, parental status, caring responsibilities or hours of work, and that no applicant is placed at a disadvantage unjustifiably by requirements or conditions which have a disproportionately adverse effect on a particular group.
- 3.4 Applicants will be asked to specify whether they have any disabilities, as defined in the Disability Discrimination Act, and whether there are any reasonable adjustments needed for them to attend an interview. All applicants with a disability who meet the essential criteria for a job will be interviewed, and considered on their merits
- 3.5 Applicants will be required to supply the names and addresses of two people from whom references can be obtained, one of which should normally be the applicant's current or most recent employer.
- 3.6 Only references for short listed candidates for interview will be obtained. References will normally be sought prior to interview, unless the candidate indicates otherwise.
- 3.7 References should normally be made in writing or email, but those received by telephone will be accepted, provided that a note of the conversation is recorded and placed on file.
- 3.8 All candidates will be asked to declare on the application form whether they have ever been convicted of any criminal offence which cannot be regarded as 'spent' in terms of the in force Rehabilitation of Offenders Act.
- 3.9 For posts that involve working with children and vulnerable adults / law enforcement / legal profession / finance work / licensing work (e.g. security), applicants will be asked to reveal details of 'spent' and 'unspent' convictions. Successful candidates for such posts will be required to provide the necessary documentation in order to complete a standard criminal records disclosure. Posts, which require such a disclosure, will be clearly indicated on the conditions of service and appointment procedure.

- 3.10 Applicants will also be required to declare if they are related to any member of staff within the Organization. Canvassing of members of the Organization is not permitted. No manager should be put into a position where he or she is asked to interview a person to whom they are related.
- 3.11 It is the Organization's policy not to communicate further with applicants other than those who are shortlisted. A note to this effect is included in the details sent out to applicants.
- 3.12 Applicants details will be recorded at the point of receipt. All information relating to the data collected in the equality and diversity recruitment monitoring form will be hidden from all those involved in the recruitment and selection process. The information collected will be solely used for the purposes of equality monitoring.
- 3.13 All completed applications forms are private and confidential and should only be made available to those directly involved in the recruitment and selection process.
- 3.14 All application forms will be collated by Human Resources Department / Organization Administrator and supplied to the appointing manager and interview panel for shortlisting purposes.
- 3.15 A shortlist of candidates will be drawn up for interview, based entirely on merit and suitability for the post but taking account of the Organization's responsibilities in relation to the Disability Discrimination and Equalities Acts. Other than in exceptional circumstances, reasonable notice will be given to ensure that candidates have sufficient time in order to prepare for and make the necessary arrangements to attend the interview.

4. Selection Methods

- 4.1 Interviews will be held by a panel comprising of ideally three persons, but a minimum of two persons, gender balanced wherever possible. The interviewers will encourage candidates to be at ease during the interview, in order that they can give a fair and accurate impression of themselves.
- 4.2 A representative from Human Resources will be present on all interviews for posts below Director level. The Organization's HR Adviser will be present on interview panels for posts of Director and above.
- 4.3 The selection and appointment of the Chief Executive will be made by members of the Board and the panel will be chaired by the Board Chairman.
- 4.4 A set of questions will be agreed by the interview panel in advance and will be developed from the current job description for the post. The panel will seek to develop questions which ask the candidates to give examples of their previous relevant experience

- 4.5 All candidates will be asked the same questions in the same order, and their responses rated between 1-10. The panel will each have a copy of the questions and will score independently of each other during the interview. Time is allocated between interviews for the panel to discuss each candidate and to award a total point score. Additional notes may be made by the panel during the interview; however, it should be noted that candidates will have access to all information should they request it.
- 4.6 It should be remembered that an interview is a two way process, and candidates will be given every opportunity to view the offices where they will work and ask questions about the Organization, to ensure that they have a full understanding of the post for which they are applying and the way the Organization operates.
- 4.7 In addition to interviews, a range of other selection techniques may be used. In such circumstances reasonable notice and relevant information will be given to ensure that candidates have sufficient time and information to prepare.
- 4.8 Candidates attending an interview will be reimbursed any reasonable expenses incurred.
- 4.9 For travelling expenses this would normally be at the appropriate second-class rail fare.
- 4.10 A candidate who withdraws or refuses an offer of appointment for reasons considered by the Organization to be inadequate will not be reimbursed his/her expenses.
- 4.11 All appointments will be made strictly on merit and related to the requirements of the job.
- 4.12 The Chief Executive has delegated powers to make appointments to posts below Director level or equivalent. For Director level posts the Chief Executive will consult with the Chairman to determine Board Members' level of involvement.
- 4.13 All interviewed candidates will be notified of the outcome of the selection process as soon as possible, either by telephone or letter.
- 4.14 All unsuccessful candidates' application forms and interview notes will be retained for one year from the date of interviews taking place. After this date they will be destroyed.

5. *Relevant Checks*

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

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

6. Probationary Period

6.1 All appointments into the Organization will be made subject to a probationary period of six calendar months. After three months a review meeting will take place between the post holder and their line manager to discuss progress. At the end of the probationary period, and subject to a satisfactory report by the appropriate head of section or line manager, employees will be notified in writing that they have successfully completed their probationary period. The probationary period can be extended by a further 3 months should the individuals line manager consider this appropriate.

7. Recruitment Monitoring

7.1 The Organization seeks to recruit employees on the basis of their ability and the requirements of the post.

7.2 The Organization wants to ensure that no applicant receives less favourable treatment than another on the grounds of disability, gender, race, religion or belief, age, sexual orientation, marital status, parental status, caring responsibilities or hours of work.

7.3 In order to meet this commitment, all candidates are asked to complete a recruitment monitoring form enclosed with the application form. All completed monitoring forms will be treated as confidential. The form will be separated from the application form on receipt and those involved in the selection process will not have access to it. The information given by candidates will be solely used for the purpose of monitoring the recruitment process.

8. Exit Interviews

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

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

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

2. Induction Policy and Checklist

1. General Policy Statement

NIHR believes that all new employees MUST be given timely induction training. This training is regarded as a vital part of staff recruitment and integration into the working environment. This policy, associated procedures and guidelines define the Organization's commitment to ensure that all staff are supported during the period of induction, to the benefit of the employee and Organization alike.

2. Aim

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

The Organization expects that the implementation of good induction practice by managers/supervisors will:

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

“NIHR believes its employees are its greatest asset and recognises its responsibility to ensure they are afforded appropriate development throughout their employment. This development begins at the Induction stage when a new employee joins.”

3. The Organization's Commitment

The Organization Human Resources Department / Head Office will:

- Issue guidelines to familiarise managers and staff with the induction process.

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

GUIDELINES FOR MANAGERS/SUPERVISORS

4. General

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

Induction has benefits for all involved in the process. Employees who settle quickly into the Organization will become productive and efficient at an early stage and in turn will experience feelings of worth and satisfaction.

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

5. Benefits of Induction

The advantages of an effective and systematic induction process are as follows:

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

6. Induction Checklist

The Induction checklist is a very useful way of ensuring that information is imparted to new employees when they are likely to be most receptive. It avoids overloading employees with information during the first weeks whilst ensuring that all areas are covered. Managers/supervisors should ensure that these matters have been properly understood whilst the checklist is being completed, perhaps in the form of a weekly chat with the new entrant. Arrangements should also be made for the employee to visit any relevant departments with which they have regular contact in the course of their duties. At the end of the process the induction checklist should be signed by the relevant parties and placed in the member of staff's personnel file.

7. First Day of Employment

Preparations should be made for the arrival of the new entrant well in advance, for example, arrangements should be made to provide desk, equipment and lockers etc.

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

- a) whether they can do the job and
- b) how they will get on with their new colleagues.

It is therefore important to introduce them to their new workplace and colleagues at the earliest opportunity. An introductory talk will be appropriate at this time and can be combined with the provision of general information and exchanging any necessary documentation. This talk should be as brief as possible, because the employee is unlikely to be receptive to detailed information at this stage, and should be conducted by someone who is well prepared and has sufficient time available. Managers/supervisors should refer to the Induction Checklist and use it as a basis for discussion thus ensuring all documentation is complete.

A tour of the workplace should be arranged for the new entrant allowing the Organization / Division to be viewed as a whole and the recruit to see where he/she fits into the organisation.

The new entrant will want to get to know his/her colleagues and quickly become part of the team and time should be made for this process. Colleagues should be briefed on the new entrant's arrival. If possible one of the new entrants' colleagues should be nominated to ensure that he/she has every assistance in settling in quickly.

8. Induction Programmes

Induction programmes must be geared to the individual's needs. Some of the more obvious new members of staff requiring special attention are as follows:

School Leavers

For most new employees, induction is concerned with getting accustomed to a new job. For school leavers, however, it is about adjusting to a whole new way of life - the world of work. Consequently, school leavers are likely to need more support than other groups. Wherever possible, induction and subsequent training should relate to knowledge and skills which go beyond the employee's own particular job. School leavers will need guidance on wider issues, such as career planning, acquiring qualifications, coping with the routine and discipline of work and managing money.

It would also be helpful for school leavers to be introduced to an approachable person to whom they could take any queries they might have.

Graduates

Graduates tend to have a high-level knowledge but may not have the skills relevant to the job. They will want to feel that they are making a contribution from early on and to understand the organisation of the Organization and their role within it. Also, they will want to have a clear picture of future career prospects and to gain broad experience with this in mind. The Trust should provide the graduate recruit with an adviser - such as a senior manager - who can organise the necessary breadth of experience and offer advice and support in relation to career progression.

Managers

Whilst many of the points in the checklist apply equally to all new managerial staff, in most cases individual induction programmes will be necessary. These should be drawn up in consultation with new managers, taking into account their backgrounds and experience and the nature of their new roles. Priority should be given to helping new managers establish and maintain relationships with management colleagues and opportunities should be provided for them to spend time in other relevant departments to facilitate this process. This will help managers quickly to gain an understanding of the Organization's philosophies, strategic plans and work plans.

Ethnic Minorities

In some cases, it may be necessary to design induction programmes with the special needs of ethnic minorities in mind. Language problems and attitudes amongst existing staff may be areas requiring particular attention. This is preparation that should be completed before any member of staff joins the Organization. The Organization will not tolerate racist or prejudiced behaviour in any form.

Long-term Unemployed

Previously long-term unemployed people who have been recruited may have been absent from the working environment for some time so it will be helpful to recap on some of the issues relating to school leavers. These should, of course, be adapted to suit older workers, who may need to build up confidence and the induction process can be used to update knowledge of basic office technology (photocopiers, fax machines, telephone systems, etc. as well as computers).

Other Groups

Other groups that may need particular consideration include disabled employees and women returning to work after having raised a family.

These groups will also require the induction procedure as women returning to work may, like the long-term unemployed, be out of touch and lacking in confidence. Disabled employees may have all or a combination of induction needs, but these needs may be compounded by their disabilities. Part of the induction process for disabled employees will involve checking such things as wheelchair access to parts of the workplace, toilets and lifts etc. The necessary reasonable adjustments to the workplace required to accommodate the disabled individual should be completed prior to them commencing, and carried out in discussion with the individual or their adviser.

9. Completing the Induction Process

Induction can be said to end when the individual become fully integrated into the organisation. Of course, there is no set timescale within which this will happen and follow up is essential. Giving new employees the opportunity to ask questions several weeks into employment can be useful, and the induction checklist will provide this opportunity. In some areas, such as understanding wider aspects of the organisation, follow up after a number of months may be appropriate.

National Institute for Human Rights

10. Induction Programme for New Staff

DEPARTMENT

NAME OF EMPLOYEE

JOB TITLE

DATE COMMENCED

This is a checklist of information for Induction which managers / supervisors should use with new staff as part of their induction programme within the first few days, and certainly within the first two weeks of employment. Health and Safety items should be identified immediately. The new employee should be asked to tick each subject as he/she has been informed about it, and sign the end of the form. The manager / supervisor then sends the form to the Personnel Department / Head Office for inclusion in the employee's personnel file.

Not all the following subjects are applicable to all departments. Should this be the case, record N/A.

Please read the guidance notes below before completing this form.

GUIDANCE NOTES

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

Items Specific to the Following Groups of Staff:

Staff with Disabilities

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

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

Graduates and College/School Leavers

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

1. Role within the department.
2. Reporting responsibilities.
3. Allocation and prioritisation of work.

Staff Returning to Work after a Period of Absence

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

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

Managers and Professional Staff

These staff need a broader induction to put their post in context.

1. Structure and culture of department.
2. Role in relation to Department / Organization as appropriate.
3. Training course in supervisory and management skills, if required.

ITEMS TO COVER WITH EACH NEW EMPLOYEE

<i>The Department</i>	<i>Complete</i>
1. Department function	
2. Introduction to colleagues	
3. New entrant's own job	
4. Supervision	
5. General layout - entrances and exits	
6. Telephone system, bleeps and intercom systems	
<i>Conditions of Employment</i>	
1. Information on hours of work, including duty rotas, shift systems "on-call" breaks	
2. Time recording, flexi-time	
3. Bonus scheme, allowances	
4. Probationary periods of employment	
5. Organization Pension scheme and eligibility	
6. Reporting in when sick including when on leave	

7. Arrangements for requesting leave: annual leave, unpaid leave, compassionate leave	
8. Issue of uniforms, and uniform policy, protective clothing, replacement, laundry arrangements	
Health and Safety, Security, Fire	
1. Health and safety information relevant to the department	
2. Issuing of fire instructions and procedure	
3. Location of fire-fighting equipment	
4. Accident reporting	
5. First aid facilities/pre-employment health screening/role of Occupational Health / Organization Doctor	
6. Loss of personal effects	
7. Security of department/building	
8. Arrangement for keys, passes, ID Badges etc.	
9. Violence and aggressive behaviour	
10. Management of monies/valuables	
11. Major Incident procedures	
Conduct	
1. Personal presentation	
2. Disciplinary procedures	
3. Courtesy to the customer and the public	
4. Confidentiality	
5. Noise Control	
6. Acceptance of gifts	
7. Statements to the Press	
8. Local rules regarding smoking	
9. Private use of telephones	
10. Standards of Work Conduct	

Facilities	
1. Cloakroom, lockers, lavatories	
2. Canteen	
Education, Training, Promotion	
1. Study leave	
2. Means of advancement, promotion opportunities	
3. Employee appraisal, review systems	
Employee Involvement and Communication	
1. Employee or Trade Union representative	
2. Communication arrangements	
3. Information sources, e.g. notice boards, circulars etc.	
4. Food and Health Policy	
5. Handling Complaints	
Items Specific to Department	
1. Pay	
2. Notice of termination of employment	
3. Sick certificates	
4. Waste disposal	
5. Control of infection	
6. Lifting and handling	

OTHER RELEVANT ISSUES SPECIFIC TO DEPARTMENT

I have been informed about and understand the above items.

Signature: Date:

I confirm that the above Induction Programme has been completed for the above member of staff.

Signature of Head of Department/
Designated Officer: Date:

3. Standards of Work Conduct

1. Introduction

1.1 NIHR expects its staff (including temporary, agency, interim, contractor or consultant staff) to be scrupulously impartial and honest in all affairs relating to the Organization and their job within it. All staff also bear a responsibility as employees to act as ambassadors for the Organization in terms of their general conduct both within and outside the organisation. This policy outlines the responsibilities of staff working for the Organization.

You should not, directly or indirectly, engage in, or have any interest, financial or otherwise, in any other work enterprise which interferes or is likely to interfere with your independent exercise of judgement in NIHR's best interest.

1.2 The duties of an employee are embodied in Common Law and built on by Statute according to the in force laws.

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

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

1.4 United Kingdom Statute places further responsibilities on individual employees in regards to their own behaviour and their behaviour towards other employees.

2. Standard of Conduct Required by the Organization

Gifts and Hospitality

2.1 In addition to the duties placed on employees by Civil and Statute Law. The Organization requires its employees to ensure that gifts and hospitality offered by suppliers and potential suppliers of goods and services to the Organization are declined. This applies, whether the gifts or hospitality are offered within, or outside normal working hours. The only exceptions to this are trivial gifts with a nominal value of less than \$10 such as a calendar, diary, chocolates or mugs can be accepted. All other gifts must be politely refused or, if received through the post, returned to the donor with a suitably worded letter signed by the Department Manager.

Transaction of Private Work

2.2 Employees having official dealings with contractors and other suppliers of goods or services must avoid transacting any kind of private work with them by any means other than the Organization's normal commercial channels. No favour or preferences as regards price, or otherwise, which is not generally available, should be sought or accepted.

Visits to Conferences, Demonstrations etc

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

Attendance at Luncheons, Receptions etc

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

- no employee may accept an invitation without first obtaining the approval of the Department Manager;
- in exceptional circumstances, where it is not possible to seek prior approval, the facts should be reported immediately afterwards;
- if addressed personally, such an invitation may not be transferred to another employee, except with the consent and approval of a senior manager as above and with the concurrence of the party issuing the invitation;
- invitations involving attendance outside normal working hours may be accepted only on the authority of the Departmental Manager;
- as a general rule, any officer who has any doubts about the wisdom of accepting any hospitality should decline the offer.

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

2.5 Nothing more than a small, low value item such as a calendar, diary, blotter, chocolates or flowers can be accepted. All other gifts must be politely refused or, if received through the post, returned to the donor with a suitably worded letter signed by the Department Manager.

Identification

2.6 Employees should wear or carry their identity badges whilst carrying out their duties.

Confidentiality

2.7 At all times confidentiality must be maintained. No information can be released to unauthorised persons or organisations. The Chief Executive or other Senior Managers of the Organization will inform employees of those authorised to receive information.

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

Personal Relationships

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

Outside Interests and Employment

2.10 Outside interests include directorships, ownership, part ownership or material shareholdings in companies, work or consultancies likely to seek to do work with the NIHR. These should be declared to the individual's line manager as should the interests of a spouse / partner or close relative.

Political and civic activities

2.11 It is not the intention of NIHR, or this policy, to dissuade employees from participating actively in public duties. It is important, however, that by doing so there is no suggestion to a third party that the employee is acting on behalf of, or with the support of, NIHR. To avoid any misunderstanding, no Organization employee should permit his or her organization affiliation to be noted in any outside organisation's materials or activities without the express written approval of a member of senior management.

Bribery and Corruption

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

If you bribe (or attempt to bribe) another person, intending either to obtain or retain work for the organization, or to obtain or retain an advantage in the conduct of the organization's work this will be considered gross misconduct. Similarly accepting or allowing another person to accept a bribe will be

considered gross misconduct. In these circumstances you will be subject to formal investigation under the Organization's disciplinary procedures, and disciplinary action up to and including dismissal may be applied.

General Conduct

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

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

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

4. Internet and Email Usage Policy and Guidelines

1. Introduction

- 1.1 This policy sets out the obligations and expectations on employees of the Organization including contractors and temporary staff, who use the Organization's IT facilities for internet and email purposes. IT facilities are provided to assist with day to day work. It is important that they are used responsibly, are not abused, and that individuals understand the legal professional and ethical obligations that apply to them.

2. Authorisation

"If you have access to the Organization's computers including email and access to the internet as part of your job, you must not abuse this by using these facilities for purposes unrelated to Organization business."

2.1 No person is allowed to use Organization IT facilities who has not previously been authorised to do so by the Organization IT Department / Line Manager. Unauthorised access to IT facilities is prohibited and may result in either disciplinary action or criminal prosecution.

3 Legislation

- 3.1 Commitment to all applicable national laws in a manner that is appropriate to achieve the goal of the organization and that will reach the desired goals of this policy, all users shall comply with the relevant legislation. This includes the following:

3.2 **Data protection was dealt with within Iraqi laws, especially in Article 23 of the Criminal Procedure Regulations of 1971**

Any information which the Organization holds is potentially disclosable to a requester under one of these pieces of legislation. This includes emails too.

Users need to be sure that they are not breaching any data protection when they write and send emails. This could include but is not limited to:

- Passing on personal information about an individual or third party without their consent.
- Keeping personal information longer than necessary.
- Sending personal information to a country outside

Email should where possible be avoided when transmitting personal data about a third party. Any email containing personal information about an individual may be liable to disclosure to that individual under the Data Protection Act 1998. This includes comment and opinion, as well as factual information. Therefore, this should be borne in mind when writing emails, and when keeping them.

3.3 Computer misuse was dealt with within Iraqi laws, especially in Penal Code No. 111 of 1969.

This Act makes it an offence to try and access any computer system for which authorisation has not been given.

3.4 Labour Law No. (37) of 2015

This law is considered a violation for anyone who ignored or violated its clauses as a crime.

3.5 Defamation was dealt with within Iraqi laws, especially in Penal Code No. 111 of 1969

Under this Act it is an offence to publish untrue statements which adversely affect the reputation of a person or group of persons.

3.6 Terrorism Act No. 13 of 2013

This Act has makes it a criminal offence to encourage terrorism and/or disseminate terrorist publications.

3.7 Telecommunications (Lawful Work Practice) (Interception of Communications) in force Regulations.

This allows for any organisation to monitor or record communications (telephone, internet, email, and fax) for defined work-related purposes.

4. Responsibilities

4.1 All Users are expected to act in a manner that will not cause damage to IT facilities or disrupt IT services. Any accidental damage or disruption must be reported to IT / Line Manager as soon as possible after the incident has occurred. Users are responsible for any IT activity which is initiated under their username.

4.2 Use of the Internet

Use of the Internet by employees is encouraged where such use is consistent with their work and with the goals and objectives of the Organization in mind. Reasonable personal use is permissible subject to the following:

- Users must not participate in any online activities that are likely to bring the Organization into disrepute, create or transmit material that might be defamatory or incur liability on the part of the Organization, or adversely impact on the image of the Organization.
- Users must not visit, view or download any material from an internet site which contains illegal or inappropriate material. This includes, but is not limited to, pornography (including child pornography), obscene

matter, race hate material, violence condoning messages, criminal skills, terrorism, cults, gambling and illegal drugs.

- Users must not knowingly introduce any form of computer virus into the Organization's computer network.
- Personal use of the internet must not cause an increase for significant resource demand, e.g. storage, capacity, speed or degrade system performance.
- Users must not "hack into" unauthorised areas.
- Users must not download commercial software or any copyrighted materials belonging to third parties, unless such downloads are covered or permitted under a commercial agreement or other such licence.
- Users must not use the internet for personal financial gain.
- Users must not use the Internet for illegal or criminal activities, such as, but not limited to, software and music piracy, terrorism, fraud, or the sale of illegal drugs.
- Users must not use the internet to send offensive or harassing material to other users.
- Use of the internet for personal reasons (e.g. online banking, shopping, information surfing) must be limited, reasonable and done only during non-work time such as lunch-time.
- Use of gambling sites, online auction sites and social networking sites such as, but not limited to, Facebook, LinkedIn, YouTube, Twitter, Bubo, Flickr, Myspace etc is **not** permissible.
- Staff may face disciplinary action or other sanctions (see below) if they breach this policy and/or bring embarrassment on the Organization or bring it into disrepute.

4.3 Use of Email

Emails sent or received on the email system form part of the official records of the Organization; they are not private property. The Organization does not recognise any right of employees to impose restrictions on disclosure of emails within the Organization. Emails may be disclosed under the Freedom of Information Act, as part of legal proceedings (e.g. tribunals), and as part of disciplinary proceedings. Users are responsible for all actions relating to their email account/pc username and should therefore make every effort to ensure no other person has access to their account.

When using Organization email, users must:

- ensure they do not disrupt the Organization's wider IT systems or cause an increase for significant resource demand in storage, capacity, speed or system performance e.g. by sending large attachment to a large number of internal recipients.
- ensure they do not harm the Organization's reputation, bring it into disrepute, incur liability on the part of the Organization, or adversely impact on its image.
- not seek to gain access to restricted areas of the network or other "hacking activities" is strictly forbidden

- must not use email for the creation, retention or distribution of disruptive or offensive messages, images, materials or software that include offensive or abusive comments about ethnicity or nationality, gender, disabilities, age, sexual orientation, appearance, religious beliefs and practices, political beliefs or social background. Employees who receive emails with this content from other employees of the Organization should report the matter to their line manager or supervisor.
- not send email messages that might reasonably be considered by recipients to be bullying, harassing, abusive, malicious, discriminatory, defamatory, and libellous or contain illegal or offensive material, or foul language.
- not upload, download, use, retain, distribute, or disseminate any images, text, materials, or software which might reasonably be considered indecent, obscene, pornographic, or illegal.
- not engage in any activity that is likely to
 - Corrupt or destroy other users' data or disrupt the work of other users
 - Waste staff effort or Organization resources, or engage in activities that serve to deny service to other users
 - Be outside of the scope of normal work-related duties – for example, unauthorised selling/advertising of goods and services
 - Affect or have the potential to affect the performance of damage or overload the Organization system, network, and/or external communications in any way
 - Be a breach of copyright or license provision with respect to both programs and data, including intellectual property rights
- not send chain letters or joke emails from an Organization account.

Staff who receive improper email from individuals inside or outside the Organization, should discuss the matter in the first instance with their line manager or supervisor.

Personal use of the Organization email is **not** permitted.

5 Good Practice

- 5.1 The Organization has good practice guidelines for dealing with email when staff are out of the office for longer than three days. When activating the "out of office" facility messages should name an alternative member of staff for correspondents to contact if necessary. This will ensure that any important messages are picked up and dealt with within required timescales.
- 5.2 During periods of absence when highly important emails are anticipated, the employee (or manager) should make arrangements for notification and access by another appropriate member of staff.

- 5.3 Where sensitive and confidential information needs to be sent via email for practical reasons, please be aware that email is essentially a non-confidential means of communication. Emails can easily be forwarded or archived without the original sender's knowledge. They may be read by persons other than those they are intended for.
- 5.4 Users must exercise due care when writing emails to avoid being rude or unnecessarily terse. Emails sent from the Organization may be interpreted by others as Organization statements. Users are responsible for ensuring that their content and tone is appropriate. Emails often need to be as formal and work like as other forms of written correspondence.
- 5.5 Users should delete all personal emails and attachments when they have been read and should also delete all unsolicited junk mail. In the process of archiving emails, users should ensure inappropriate material is not archived
- 5.6 The Organization provides a current and up to date automatic virus checker on all networked computers. However, caution should be used when opening any attachments or emails from unknown senders. Users must best endeavour to ensure that any file downloaded from the internet is done so from a reliable source. It is a disciplinary offence to disable the virus checker. Any concerns about external emails, including files containing attachments, should be discussed with the IT / Line Manager.

6 *Legitimate Access to Prohibited Material*

- 6.1 There may be circumstances where Users feels that the nature of their work means that they are required to access or use material prohibited under this policy. If so, this should be discussed with the Line Manager concerned. The Organization is legally responsible for the content and nature of all materials stored on/accessed from its network.

7 *Remote Users*

- 7.1 Users may sometimes need to use Organization equipment and access the Organization network while working remotely, whether from home or while travelling. The standards set out in this document apply whether or not Organization equipment and resources are being used.

8 *Monitoring*

- 8.1 All resources of the Organization, including computers, email, and voicemail are provided for legitimate use. If there are occasions where it is deemed necessary to examine data beyond that of the normal work activity of the Organization then, at any time and without prior notice, the Organization maintains the right to examine any systems and inspect and review all data recorded in those systems. This will be undertaken

by authorised staff only. Any information stored on a computer, whether the information is contained on a hard drive, USB pen or in any other manner may be subject to scrutiny by the Organization. This examination helps ensure compliance with internal policies and the law. It supports the performance of internal investigations and assists in the management of information systems.

9 *Penalties for Improper Use*

9.2 *Withdrawal of facilities*

Users in breach of these regulations may have access to Organization IT facilities restricted or withdrawn.

9.3 *Disciplinary Action*

Breaches of these regulations may be dealt with under the Organization's disciplinary procedures. It may lead to termination of employment from the Organization.

9.4 *Breaches of the law*

Where appropriate, breaches of the law will be reported to the police.

SECTION 2 – MANAGING EMPLOYEE PERFORMANCE: SETTING OBJECTIVES, ASSESSING AND MANAGING EMPLOYEE PERFORMANCE INCLUDING ABSENCES, MISCONDUCT AND CAPABILITY ISSUES

5. Performance Appraisal Policy

1. **Appraisal Policy**

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

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

“The appraisal process aims to improve the effectiveness of the organisation by contributing to achieving a well-motivated and competent workforce”

2. **Core Principles of the Appraisal Policy**

1. The appraisal process aims to improve the effectiveness of the organisation by contributing to achieving a well-motivated and competent workforce.
2. Appraisal is an ongoing process with an annual formal meeting to review progress.
3. The appraisal discussion is a two-way communication exercise to ensure that both the needs of the individual, and of the organisation are being met, and will be met in the next year.
4. The appraisal discussion will review the previous year's achievement, and will set an agreed Personal Development Plan for the coming year for each member of staff.
5. All directly employed employees who have completed their probationary period are required to participate in the appraisal process.
6. The appraisal process will be used to identify the individual's development needs and support the objectives of the Training and Development Policy.
7. All staff will receive appraisal training as an appraisee, and where appropriate as an appraiser.
8. The appraisal process will provide management with valuable data to assist succession planning.

9. The appraisal process will be a fair and equitable process in line with our Equality Policy.

3. *Performance Appraisal Implementation*

Performance appraisal discussions will be held over a designated 4-week period on an annual basis. They will be arranged by the appraisee's line manager. Line managers are encouraged to provide the opportunity for an additional 6-month verbal appraisal review, mid-year and other informal reviews as necessary throughout the year.

The discussion will be held in private. Information shared during the appraisal will be shared only with senior management. The exception is training needs, that will be provided to the HR / administration for action. Confidentiality of appraisal will be respected.

The appraiser (usually the employee's line manager) will be expected to have successfully completed appraiser training, and to be familiar with the appraisee's work.

All appraisal documents should be issued to both parties prior to the discussion, in order to allow time for both parties to reflect and prepare. These will provide a framework and focus for the discussion.

A time and venue for the discussion will be advised at least one week before the meeting takes place.

4. *The Appraisal Discussion*

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

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

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

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

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

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

5. Training and Monitoring

Senior Management are responsible for the appraisal process, and he/she shall ensure that appraisers and appraisees are adequately equipped and trained to undertake the performance appraisal.

NIHR

6. Performance Appraisal & Personal Development Plan Pro Forma

Name:	Job Title:
Appraiser	Job Title:
Reviewer	Job Title:

REVIEW OF LAST YEARS OBJECTIVES

Outline:

- those of last year's objectives which were achieved successfully
- those which were partly achieved or did not meet timescales and why
- those which were not achieved and why

REVIEW OF LAST YEARS PERSONAL PERFORMANCE

Focus on recording examples of

- situations where the individual performed well / not so well – what lessons can be learned?
- where they have come across obstacles in the job situation or in their own skills that have prevented them from working effectively – if so what were they and how can they be overcome?
- where their effort was appropriately / inappropriately focused

OVERALL PERFORMANCE RATING

Superior

Fully Acceptable

Incomplete

Unsatisfactory

Reason for rating:

PERSONAL DEVELOPMENT PLAN

APPRAISERS COMMENTS

SIGNED: _____ DATE: _____

APPRAISEES COMMENTS

SIGNED: _____ DATE: _____

REVIEWERS COMMENTS

SIGNED: _____ DATE: _____

6. Controlling Absence Policy

1. Policy

It is recognised by the Organization that from time to time staff may require to be absent from their place of work due to illness. The length of time lost by employees through illness must however be monitored to ensure that each member of staff is able to do their job, effectively and without putting themselves or others at risk. It is not the intention of the Organization to penalise the genuinely sick, however it must be recognised that an employee who is medically unfit to carry out his/her contractual duties may not be able continue in that employment.

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

“NIHR values good attendance at work and is committed to improving the general wellbeing of its employees to achieve this. Although we aim to secure regular attendance, we do not expect employees to attend when they are unwell.”

Employees who become aware that they have an illness problem are encouraged to inform their manager at the earliest opportunity. All such requests will be dealt with as speedily and compassionately as possible.

2. Overview of Procedural Stages

On return from absence all employees must be interviewed by their immediate line manager. At this interview the employee and the line manager must complete a 'Return to work interview' form agreeing the reason for the absence, the period of absence and, where appropriate, what course of action is required as a result of the absence. This form must be signed by both parties before being forwarded to the employees personnel file

Stage 1

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

Stage 2

If there is no obvious improvement in the health of the employee or any sign of patterns emerging in an employee's absence then the line manager would arrange for the employee to meet the next-in-line manager who would 'formally' review the employees'

case. At this formal stage the employee must be offered the opportunity for appropriate representation by a work colleague or trade union official.

The employee must be given the outcome of this meeting in writing and where appropriate they must be given notice that their level of absence is unacceptable and a period of time to improve.

Stage 3

If the employee fails to improve in the given time scale then a formal second Review must be undertaken. If possible, a more senior manager should chair this meeting. The employee must be offered the opportunity for appropriate representation at this time.

Prior to the Meeting the employee must be seen by the Occupational Health / Organization Approved Doctor who will give his opinion on the employee's health. The employee must be given the results of this meeting in writing. Where appropriate they must be given notice that their level of absence is unacceptable and that they are given a period of time during which to reduce their level of absence. The employee must also be informed at this stage if any further absences may result in their employment being terminated due to incapacity.

Stage 4

If there is still no improvement within the laid down time scale a Review will be held with the appropriate Senior Manager / Director in the chair. The employee must be offered the opportunity for appropriate representation at this meeting. The Director / Manager will review all the available evidence including the Doctor's report.

If there are no special circumstances the employee will be dismissed on the grounds of incapacity and their inability to meet the acceptable standards of attendance required by the Organization.

4. Appeals

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

- (i) that the Policy had not been followed correctly.
- (ii) that the resulting action was inappropriate.
- (iii) that the need for action was not warranted.

Appeals against the formal stages of the Absence Procedure

An appeal should be put in writing to the appropriate Director / Senior Manager. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 7 days of receipt of the issue of a formal letter. An appeal hearing should be arranged within 7 days of receipt of the appeal letter. An appeal against Dismissal will be considered in the same way, but should be heard by a Director / senior manager who has not previously been involved in the case.

5. Procedures Check List

Stage 1

Return to Work Interview

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

- Every employee should complete a 'Return to work interview' form with their immediate line manager.
- Interviews should be carried out in an area where there will be no interruptions and where both parties may feel at ease.
- The employee should always be informed of the reason for the meeting.
- The meeting should be prefaced by an indication of concern for the employee as well as the need for the Manager to be aware of the health of his/her employees.
- The employee should be encouraged to discuss any problems they may be having with their health and to actively contribute to the solution to the problem.
- Any apparent problem or patterns of absence should be brought to the employees' attention.
- All relevant absence documentation **must** be recorded on the employees personnel file.

Counselling

As the first step in procedure it is vital that the message conveyed is clear and unambiguous.

Prior to counselling, full details of the employee's absence record along with reasons should be made available to both participants.

The employee should be made aware of the date and location of the Meeting and the reasons for it.

The employee should be given the opportunity to explain absence records and present any evidence required.

If there are medical problems it may be necessary to adjourn the Meeting for medical advice.

The Manager/Supervisor will advise the employee of the outcome of the meeting and where appropriate of the need for improvement of their current absence level. Written confirmation of the outcome of the meeting will be given to the employee and a copy recorded on their personnel files.

Stage 2

- Prior to calling a hearing, full details of absence record along with reasons should be made available to all participants.
- The employee should be made aware of the date and location of the Review and the reasons for it.
- In addition, they should be informed of the right to be represented at the Review.
- The employee should be given the opportunity to explain absence records and present any evidence required.
- If there are medical problems it may be necessary to adjourn the Meeting for medical advice.
- The Manager should set out clearly the improvements expected and the time scale over which these improvements must be achieved.
- The employee should be informed in writing of the requirements and the time scale and advised if the warning is to be recorded on his record.
- Any warning letter should be copied to the Trade Union Representative if present at the hearing. The employee must be informed of their right to appeal against this decision.
- Any warnings issued will remain on the record for 12 months.

Stage 3

- If there has been no improvement in the absence record in the period set at the first Review or there has been a further breach of policy during the lifetime of a written warning then the employee must be informed and asked to attend a Second Review. In addition, they should be informed of the right to be represented at the Review.
- Medical reports must be sought prior to the date of the Meeting and results made available to both parties.
- The employee should be given the right to present any evidence in mitigation.
- The employee should be informed of the need to improve their record and the possibility of dismissal if they do not do so. The employee must be informed of their right to appeal against this decision. (see Appeals). This should be confirmed in writing to the employee and held on their personnel file for 18 months.

Stage 4

- The employee must be given full details of the case and the possible consequences prior to attendance. The employee must also be informed of their right to representation at this meeting.
- All medical evidence should be taken and considered before a final decision is taken.

- If the decision is taken to dismiss the employee then this should be done by giving full entitlement to notice (even if sick pay is exhausted).
- The employee must be informed of their right to appeal against this decision. (see appeals).

6. Return to Work Interview Form

Name
Designation
Department
First Day of Absence
Last Day of Absence
Total number of days absent
Total number of days off work
Is absence due to an injury at work? YES/ NO
Have you seen a doctor? YES/ NO
Reason for absence (Please give a brief description of the illness or other reason for absence)
Action Taken (please give a brief description of any action taken to date)
Proposed Course of Action

I understand that if I knowingly provide inaccurate or false information regarding my absence it may result in disciplinary action

Employees Signature

Managers Signature

7. Disciplinary Procedure

1. Scope

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

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

"The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances."

2. Suspension

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

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

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

3. Counselling

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

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

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

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

4. Procedure for Formal Investigation

1. Formal investigations should be carried out by the most appropriate manager who is not directly involved with the incident being investigated. This manager may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.
2. A report should be prepared which outlines the facts of the case. This should be submitted to the appropriate senior manager / Director who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.
3. In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate Senior Manager / Director, who would be accompanied by another manager. The investigating manager would be asked to present his/her findings in the presence of the employee who has been investigated. Witnesses should be called at this stage, and the employee (or their representative) allowed to question these witnesses. The employee has a right of representation at this hearing.
4. Following the full presentation of the facts, and the opportunity afforded to the employee to state his side of the case, the hearing should be adjourned, and everyone would leave the room except the senior manager / Director hearing the case, and the other manager. They would discuss the case and decide which of the following option was appropriate:
 - take no further action against the employee
 - recommend counselling for the employee
 - proceed to a disciplinary hearing
5. All parties should be brought back, and informed as to which option has been chosen. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:
 - the employee has been informed by letter that the investigation may turn into a disciplinary hearing, and that he has the right of representation

- he has been told in advance what the nature of the complaint is, and had time to consult with a representative
 - all the facts have been produced at the investigatory hearing, and the manager / Director is in a position to decide on disciplinary action.
 - the manager should inform the employee and their representative that the hearing would now become a formal disciplinary hearing, and invite them to say anything further in relation to the case.
6. It may be appropriate at this point to adjourn proceedings, whilst necessary arrangements are made for a representative to attend the hearing at the request of the employee.
 7. Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.

5. Warnings

Examples of Minor Misconduct

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

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

Verbal Warning

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

First Written Warning

A First Written Warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.

- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

Examples of Gross – Misconduct

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

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

Final Written Warning

A Final Written Warning is appropriate when:

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

Downgrading or Transfer to another Post

This action is appropriate when:

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

Dismissal

Dismissal is appropriate when

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

Time Scales for the expiry of Warnings

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

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

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

6. Letter of Warning

All Warnings must contain the following information

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

The letter confirming dismissal will contain the following information:

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

7. Appeals

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

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

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

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

Appeals against Verbal and First Warnings

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

Appeals against Downgrading, Final Warnings and Dismissal

The hearing and determining of appeals against final warnings and dismissal will be heard by the appropriate Director or Chief Executive. They may also involve another senior manager / Director not previously involved with the case.

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

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

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

8. Capability Procedure

1. Introduction

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

“NIHR places great importance on maintaining levels of performance at an acceptable standard and the capability procedure provides a fair and objective process to enable managers to ensure that those standards are met.”

Definition

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

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

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

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

2. Procedure

Stage 1 - Informal Procedure:

Where an employee of the Organization exhibits an inability to perform their duties satisfactorily, the Organization will attempt to resolve the matter informally via a

meeting between the Line Manager and the member of staff. The nature and date of the meeting will be recorded and a letter sent to the member of staff indicating the nature of their unsatisfactory performance and how such performance can be improved to the satisfaction of the Line Manager. The member of staff should be informed that they may be accompanied at any meetings by a trade union representative or work colleague.

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

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

Stage 2 - Formal Procedure - Information Collection:

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

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

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

The report should be given to the member of staff concerned and to the Line Manager. Both may record in writing any comments on the observations contained within the report.

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

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

Stage 3 - Capability Hearing

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

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

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

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

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

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

Stage 4 - Second Capability Hearing:

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

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

The letter confirming the decision as well as covering the points made at Stage 3, should clearly state that if an improvement is not forthcoming, the Organization will

convene a final meeting at which it will consider terminating the contract of the member of staff involved on the grounds of capability.

Stage 5 - Third Capability Hearing:

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

3. *Appeals*

An appeal against any decision to terminate the employee's contract of employment on the grounds of capability may be made in writing to the HR Department / Head Office within 14 days of the decision. The employee's appeal will be heard by the appropriate Director. Decisions made on appeal shall be final.

4. *Long-Term/Persistent Illness*

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

SECTION 3 - DEALING WITH EMPLOYEE CONCERNS: *Hearing Grievances, Dealing with Bullying & Harassment, and making provisions for “Whistleblowing”*

9. Grievance Procedure

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

In the event of a member of staff wishing to raise a grievance, it is preferable for the grievance to be satisfactorily resolved as close to the individual and their line manager as possible. It is understood however that this is not always possible and that a formal procedure is required to ensure the swift and fair resolution of matters which aggrieve the Organization's employees.

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

This procedure is not intended to deal with:

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

1. Stage 1

An employee who has a grievance, should raise the matter with his line manager / supervisor immediately either verbally or in writing. If the matter itself concerns the employee's immediate manager, then the grievance should be taken to their superior.

If the manager is unable to resolve the matter at that time then a formal written grievance form should be submitted (see appendix 1). The manager should then respond within **2 working days** (i.e. the managers normal working days) to the grievance unless an extended period of time is agreed upon by both parties. The response will give a full written explanation of the managers decision and who to appeal to if still aggrieved.

2. Stage 2

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

The appeal, to the manager next in line, must be made within ten working days of the original response to the employees' grievance. The appeal must be in writing (see appendix 2) and contain the original formal Grievance form. This manager will attempt to resolve the grievance. A formal response and full explanation will be given in writing,

“The grievance procedure is intended as the tool by which a member of staff may formally have a grievance, regarding any condition of their employment, heard by management.”

as will the name of the person to whom they can appeal if still aggrieved, **within 7 days**.

Where the 'next in line' manager at this stage is the Director with responsibility for the employees' function, then the grievance should immediately progress to stage 3.

3. Stage 3

If the employee remains aggrieved there will be a final level of appeal to the Director responsible for the employees' function. This appeal must be made in writing (see appendix 3), enclosing a copy of the original Formal Grievance form, to the Director within ten working days of receipt of the Stage 2 response. This Director will arrange and hear the appeal with another management representative and respond formally with a full explanation **within 20 working days**.

Where a grievance is raised against a Director then the grievance will be heard by the Chief Executive.

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

4. Using mediation

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

NIHR will seek to identify employees who have been trained and accredited by an external mediation service who can act as internal mediators in addition to their day jobs. When this is not appropriate the Organization will source an external mediation provider. Mediators will work individually or in pairs as co-mediators.

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

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

Mediation is not part of NIHR's formal grievance procedure. However, if both parties agree to mediation, then the grievance procedure can be suspended in an attempt to

resolve the grievance through that route. If mediation is not successful, then the grievance procedure can be re-commenced.

5. Appendices

Appendix 1

To:

From:

Dept:

Date:

Immediate Superior:

Dear

I wish to take a formal grievance out against:

in line with the Organization Grievance Procedure. The details of my grievance are shown below:

Yours sincerely,

(Manager should respond to this formal written grievance within 2 working days unless an extended period for response is mutually agreed)

Appendix 2

To

From

Dept

Date

Immediate Superior

Dear

On (within 10 days of the response to the initial formal grievance) my grievance against was heard by

I am not satisfied with the outcome of this meeting and would like to appeal to yourself for a further hearing of my grievance, in line with the Organization Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

(Manager should respond to this formal written grievance within 7 days unless an extended period for response is mutually agreed)

Appendix 3

To (Director):

From:

Dept:

Date:

Immediate Superior:

Dear

On (within 10 days of the response to the second stage of the formal grievance) I appealed to against the decision made at my initial grievance against

I remain dissatisfied with the outcome of this meeting and would like to appeal to you for a further hearing of my grievance, in line with the Organization Grievance Procedure.

I enclose a copy of the original letter regarding this matter and other correspondence and information related to it.

Yours sincerely

(Director should respond to this formal written grievance within 20 working days unless an extended period for response is mutually agreed)

10. Prevention of Bullying and Harassment at Work

1. **Statement of Policy**

1. NIHR is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best. Everyone in the Organization and those who have dealings with the Organization has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by the Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.
2. The Organization's policy applies to all staff working within the organisation and to all employees working off the premises. It extends to include non-permanent workers such as secondees, contractors, agency, temporary staff, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.
3. The Organization has a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

The Organization believes that the working environment should at all times be supportive of the dignity and respect of individuals. If a complaint of harassment is brought to the attention of management, it will be investigated promptly and appropriate action will be taken.

2. **Key Principles**

4. The Organization will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the Organization must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.
5. Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of

bullying or harassment which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Managers should also make themselves aware of their responsibility.

6. Harassment may be defined as any conduct which is:
 - unwanted by the recipient
 - is considered objectionable
 - causes humiliation, offence, distress or other detrimental effect.

7. Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:
 - Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
 - Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
 - Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

8. Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:
 - Conduct which is intimidating, physically abusive or threatening
 - Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
 - Humiliating an individual in front of colleagues
 - Picking on one person when there is a common problem
 - Shouting at an individual to get things done
 - Consistently undermining someone and their ability to do the job
 - Setting unrealistic targets or excessive workloads
 - “cyber bullying” i.e. bullying via e-mail. (This should be borne in mind where employees are working remotely and are managed by e-mail. Care and sensitivity should be practised with regard to the choice of context and language).
 - Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

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

9. Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with their line manager or with

Human Resources, provided that they feel able to do so. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought.

10. When a complaint of Harassment or Bullying is brought to the attention of a manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under the Organization's Disciplinary Policy and Procedure.
11. If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then as a matter of principle the Organization will normally remove the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case and advice from Human Resources to the relevant manager. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.
12. All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.
13. No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.
14. All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to Human Resources for recording in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.
15. This policy and procedure will be reviewed periodically giving due consideration to legislative changes.

APPENDIX

3. Procedure

1. Informal Resolution

- 1.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 1.2 Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.
- 1.3 If the complainant feels unable to approach the alleged harasser, a work colleague, or Trade Union representative could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to Human Resources.
- 1.4 An individual who is made aware that their behaviour is unacceptable should: -
 - Listen carefully to the complaints and the particular concerns raised;
 - Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;
 - Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
 - Agree the aspects of behaviour that will change;
 - Review their general conduct/behaviour at work and with workplace colleagues.

2. Formal Resolution

- 2.1 If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally with the employer.
- 2.2 Normally, the employer's representative will be the employee's line manager. However, if the employee feels unable to do this, they should submit the complaint in writing to a more senior manager within their Department or Directorate. In exceptional circumstances, allegations may be raised directly with the relevant Director, who will with other appropriate senior managers, arrange for the matter to be progressed in accordance with this policy and procedure.
- 2.3 When dealing with a complaint of harassment under the Formal Resolution Procedure, the relevant manager should:
 - a Take full details of the incidents in writing from the complainant and their representative (if appropriate);

- b Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
 - c Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them.
 - d Keep all parties informed of expected timescales.
 - e Inform all parties in writing of the outcome and any action that may be required.
- 2.4 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with established disciplinary procedure) or transferred temporarily pending the outcome of the inquiry to another Department.
- 2.5 Should there be a case to answer against the alleged harasser, the manager who has dealt with the complaint will communicate this to an impartial manager who will conduct a separate disciplinary investigation. The normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account: -
- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
 - If the complainant is required to attend, they are entitled to be accompanied by either a Trade Union representative or work colleague and have any questions directed through that person.
- 2.6 If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to: -
- Dismissal
 - A formal warning
 - A recommendation of redeployment of the harasser, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
 - Implementation of other sanctions as detailed in the Organization's Disciplinary Policy.
 - Making arrangements for both parties to work as separately as possible within the same workplace.

- 2.7 In addition to the above, the harasser may be required to attend any training courses as deemed necessary by the Organization.
- 2.8 It should also be noted that the complainant may wish to move Department/section depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided to the complainant.
- 2.9 With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in the Organization's Disciplinary Policy.

3. Appeals

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

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

4. Records

Where the complaint is informal and resolved at this stage, no record will be kept on personal files.

Following formal investigation, where the complaint is not substantiated, no records will be retained.

Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.

Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

11. "Whistleblowing" Policy

(Making a Disclosure in the Public Interest)

1. Introduction

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

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

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

“...this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Organization...”

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

2. Scope of Policy

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

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour

- Attempts to conceal any of these

3. Safeguards

i. Protection

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

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

ii. Confidentiality

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

iii. Anonymous Allegations

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

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

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

iv. Untrue Allegations

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

4. Procedures for Making a Disclosure

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

- Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be passed to the Chief Executive for referral.
- In the case of a complaint, which is any way connected with but not against the Director, the Chief Executive will nominate a Senior Manager to act as the alternative investigating officer.
- Complaints against the Chief Executive should be passed to the Chairman who will nominate an appropriate investigating officer.
- The complainant has the right to bypass the line management structure and take their complaint direct to the Chairman. The Chairman has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated and trained as independent points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

1 _____

2 _____

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

5. Timescales

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

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

complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

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

6. *Investigating Procedure*

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained.
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- The investigating officer should consider the involvement of the Organization auditors and the Police at this stage and should consult with the Chairman / Chief Executive
- The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
- A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Executive or Chairman as appropriate.
- The Chief Executive / Chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Organization procedures.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
- If appropriate, a copy of the outcomes will be passed to the Organization Auditors to enable a review of the procedures.

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

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

SECTION 4 – SUPPORTING OUR STAFF IN THE WORKPLACE: *By ensuring Equality and Fairness in all aspects of Employment; dealing with Alcohol and Drug issues, and ensuring their Health & Safety is properly guarded.*

12. Equality Policy

1. Policy Statement

1. NIHR recognises that discrimination and victimisation is unacceptable and that it is in the interests of the Organization and its employees to utilise the skills of the total workforce. It is the aim of the Organization to ensure that no employee or job applicant receives less favourable facilities or treatment (either directly or indirectly) in recruitment or employment on grounds of age, disability, gender / gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, or sexual orientation (the **protected characteristics**).
2. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.
3. We oppose all forms of unlawful and unfair discrimination or victimisation. To that end the purpose of this policy is to provide equality and fairness for all in our employment.
4. All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.
5. Our staff will not discriminate directly or indirectly, or harass customers or clients because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision of the Organization's goods and services.
6. This policy and the associated arrangements shall operate in accordance with statutory requirements. In addition, full account will be taken of any guidance or Codes of Practice issued by the Equality and Human Rights Commission, any Government Departments, and any other statutory bodies.

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

2. Our Commitment

- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.

- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- To promote equality in the workplace which we believe is good management practice and makes sound work sense.
- We will review all our employment practices and procedures to ensure fairness.
- Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.
- This policy is fully supported by senior management and has been agreed with trade unions and/or employee representatives.
- The policy will be monitored and reviewed annually

3. *Responsibilities of Management*

Responsibility for ensuring the effective implementation and operation of the arrangements will rest with the Chief Executive. Directors / Managers will ensure that they and their staff operate within this policy and arrangements, and that all reasonable and practical steps are taken to avoid discrimination. Each manager will ensure that:

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

Human Resources / Head Office will be responsible for monitoring the operation of the policy in respect of employees and job applicants, including periodic departmental audits.

4. *Responsibilities of Staff*

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

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

5. *Third Parties*

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

6. *Related Policies and Arrangements*

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

7. *Rights of Disabled People*

The Organization attaches particular importance to the needs of disabled people.

Under the terms of this policy, managers are required to:

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

8. *Equality Training*

A series of regular briefing sessions will be held for staff on equality issues. These will be repeated as necessary. Equality information is also included in induction programmes.

Training will be provided for managers on this policy and the associated arrangements. All managers who have an involvement in the recruitment and selection process will receive specialist training.

9. **Monitoring**

- The Organization deems it appropriate to state its intention not to discriminate and assumes that this will be translated into practice consistently across the organisation as a whole. Accordingly, a monitoring system will be introduced to measure the effectiveness of the policy and arrangements.
- The system will involve the routine collection and analysis of information on employees by gender, marital status, ethnic origin, sexual orientation, religion / beliefs, grade and length of service in current grade. Information regarding the number of staff who declare themselves as disabled will also be maintained.
- There will also be regular assessments to measure the extent to which recruitment to first appointment, internal promotion and access to training/development opportunities affect equal opportunities for all groups.
- We will maintain information on staff who have been involved in certain key policies: Disciplinary, Grievance and Bullying & Harassment.
- Where appropriate **equality impact assessments** will be carried out on the results of monitoring to ascertain the effect of the Organization policies and our services / products may have on those who experience them.
- The information collected for monitoring purposes will be treated as confidential and it will not be used for any other purpose.
- If monitoring shows that the Organization, or areas within it, are not representative, or that sections of our workforce are not progressing properly within the Organization, then an action plan will be developed to address these issues. This will include a review of recruitment and selection procedures, Organization policies and practices as well as consideration of taking legal Positive Action.

10. **Grievances/Discipline**

Employees have a right to pursue a complaint concerning discrimination or victimisation via the Organization Grievance or Harassment Procedures.

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

11. **Review**

The effectiveness of this policy and associated arrangements will be reviewed annually under the direct supervision of the Organization Chief Executive.

13. Drug and Alcohol Abuse Policy

1. Introduction

1. NIHR recognises that alcohol and drug abuse related problems are an area of health and social concern. It also recognises that a member of staff with such problems needs help and support from his / her employer.
2. The Organization also recognises that alcohol and drug abuse problems can have a detrimental effect on work performance and behaviour. The Organization has a responsibility to its employees and customers to ensure that this risk is minimised.
3. Accordingly, Organization policy involves two approaches
 - Providing reasonable assistance to the member of staff with an alcohol or drug abuse problem who is willing to co-operate in treatment for that problem.
 - Disciplinary rules, enforced through disciplinary procedures, where use of alcohol or drugs (other than on prescription) affects performance or behaviour at work, and where either (1) an alcohol or drug dependency problem does not exist or (2) where treatment is not possible or has not succeeded.
4. The Organization has not the internal resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by GPs, hospitals and other agencies. Through this policy the Organization will seek both to assist a member of staff in obtaining such specialist help, and to protect his/her employment.

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

2. Assistance for a Member of Staff

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

2. The Organization's assistance will depend upon the following conditions being met:
 - The Occupational Health Service / Organization Approved Doctor diagnoses an alcohol or drug dependency related problem.
 - The member of staff recognises that he/she is suffering from an alcohol or drug abuse problem and is prepared to co-operate fully in referral and treatment from appropriate sources.
3. The Organization and its employees must recognise the following limits to the assistance the Organization can provide:
 - Where a member of staff fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the Disciplinary Procedure.
 - If the process of referral and treatment is completed but is not successful, and failure in work performance or behaviour occurs, these will be dealt with through the Disciplinary Procedure.
 - A member of staff's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of the Organization at that time.

3. ***Disciplinary Action***

1. In line with the Organization's disciplinary rules, the following will be regarded as serious misconduct:
 - a) Attending work and/or carrying out duties under the influence of alcohol or drugs.
 - b) Consumption of alcohol or drugs whilst on duty (other than where prescribed or approval has been given).

Breach of these rules will normally result in summary dismissal, and only in exceptional cases will either notice or the reduced disciplinary action of a final written warning be applied.

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

4. ***Procedures***

Nature of the Procedures

1. The procedures define management responsibilities and provide guidelines on:
 - a) Where assistance to a member of staff should be provided and the nature of and limits to such assistance.
 - b) The application of the Organization's Disciplinary Procedure.

2. Through the Occupational Health Service / Approved Organization Doctor the Organization will provide:
 - a) Advice and support to managers on
 - i) Whether an alcohol or drug related problem exists
 - ii) progress in treatment
 - iii) re-establishment or continuation at work of a member of staff or other appropriate arrangements.
 - b) Assistance to members of staff with alcohol or drug abuse related problems.

3. This does not include directly providing treatment or specialist help which is the responsibility of GPs, hospitals and other agencies working in the field. The Occupational Health Service / Organization Approved Doctor, in close liaison with these persons and agencies, will assist staff referred in the following ways:
 - a) through counselling encourage them to come to a better understanding of their problem and the benefits of seeking treatment or help;
 - b) providing advice and direction regarding obtaining treatment and specialist help;
 - c) assisting in continuing at or achieving a return to work.

4. Alcohol or drug abuse related problems can come to the notice of management through:
 - a) Failures in work performance or behaviour necessitating use of the Disciplinary Procedure. In such situations the procedure described above should be followed.
 - b) Other means, where a member of staff seeks or agrees to accept assistance on a voluntary basis. In such situations, the procedures described above should be followed.

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

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

alcohol or drugs is a possible cause.

2. The immediate line manager will be responsible for responding to such situations, carrying out either counselling or disciplinary investigations and interviews, supported as appropriate by a more senior Manager.
3. In such interviews the possible existence of an alcohol or drug abuse problem should be explored. The line manager is not required to diagnose the existence of an alcohol or drug abuse problem, merely to assess whether such abuse is a possible factor.
4. Any requirements of the Disciplinary Procedure regarding allowing the member of staff representation will be observed.

6. *Diagnosing the existence of an alcohol or drug abuse problem.*

1. Should the interviews lead to the conclusion that an alcohol or drug abuse problem might exist and the member of staff accepts referral, the manager should refer the matter to the Occupational Health / Organization Approved Doctor, who will be responsible for establishing whether or not a diagnosis of alcoholism or drug dependence can be made.
2. Disciplinary action should be suspended until diagnostic advice is obtained. Where appropriate, suspension arrangements in the Disciplinary Procedure should be followed.
3. If the interview fails to lead to the conclusion that an alcohol or drug abuse problem exists, or the member of staff rejects, or fails to co-operate in referral, disciplinary action should be continued, where and as the situation justifies.

7. *Confirmation that a problem exists and treatment arrangements.*

1. If a positive diagnosis of an alcohol or drug abuse problem is made, and the member of staff agrees to co-operate in treatment, treatment arrangements should commence.
2. Where necessary, the Occupational Health Service / Organization Approved Doctor will advise the member of staff regarding treatment and will be responsible for monitoring progress with treatment and advising the manager concerned. This advice should be available at least monthly following commencement of treatment and thereafter as appropriate. (Disciplinary action should be discontinued unless the member of staff fails to co-operate on the treatment arranged.) Should a diagnosis of alcoholism or drug dependence not be confirmed or should the member of staff refuse to co-operate in treatment, disciplinary action should be continued.
3. The Occupational Health Service / Organization Approved Doctor will advise on whether a situation has been reached where there is a lack of progress with treatment or lack of co-operation by the member of staff. Managers must review the facts and consider whether or not there needs to be a return to the use of Disciplinary Procedures.

4. Where medical certificates are submitted, sick leave should be given. Should the employee continue to be fit for work during the period of treatment, he/she should be permitted to continue in his/her post or alternative work unless such an arrangement would have an adverse effect on Organization services. In such circumstances, annual or unpaid leave should be approved or, exceptionally, suspension arranged.
5. If a member of staff has been off work during the period of treatment, before returning to duty, he/she will be seen by the Occupational Health Service / Organization Approved Doctor who will advise management regarding capability for continuation in his/her own post and whether any special supervision or other arrangements are required.
6. Every effort should be made to comply with the advice provided by the Occupational Health Service / Organization Approved Doctor. If it is not reasonably practicable to do so, and as a result, the member of staff is not able to resume duty, employment may be terminated on the grounds of incapacity (ill health).
7. If a member of staff is again involved in disciplinary situations resulting from alcohol or drug abuse related problems, a second referral to the Occupational Health Service / Organization Approved Doctor and suspension of the disciplinary procedure may be appropriate. If they advise positively on the possibilities of further treatment or help and the willingness of the member of staff to co-operate, the disciplinary procedure may be suspended again to permit treatment and help to be undertaken. This second referral will not apply if the further disciplinary problems involve serious misconduct. Third and subsequent referrals are not permissible.

8. *Situations where a Disciplinary Situation does not exist*

1. There may be situations where the possible existence of alcohol or drug abuse problems affecting a member of staff comes to a manager's attention, although there is, or has been, no discernible effect on work performance or behaviour. This could arise if a member of staff confides in his/her manager about an alcohol or drug abuse problem, or a manager could see a need to approach a member of staff after observing possible "indicators" of an alcohol or drug abuse problem (i.e.) an absence pattern, information provided by the member of staff's colleagues, etc.
2. In such situations, the Organization would wish staff to feel they could seek help from their employer (in complete confidence) without worry that their job security would be in jeopardy. Accordingly, if managers should be faced with a situation of this type they should:
 - a) seek the advice of the Occupational Health Service / Organization Approved Doctor regarding whether and how the matter could be dealt with;
 - b) counsel the member of staff and, if appropriate, arrange

for the member of staff to be interviewed by the Occupational Health Service / Organization Approved Doctor.

- c) as in the procedure described above, the Occupational Health Service / Organization Approved Doctor will play a facilitating role (i.e.) seeking to establish whether a problem exists, advising and directing the member of staff towards appropriate forms of treatment and help.
3. These steps cannot be taken without the co-operation of the member of staff. If the member of staff does not wish to co-operate, no further action should be taken.
4. Should a member of staff take up the opportunity of assistance on this voluntary basis there need be no further formal involvement of management in terms of action or the right to learn of progress with treatment. It may be however that the member of staff would wish, or agree to, further involvement of management as a means of assisting progress with treatment.
5. Use of the disciplinary procedures and/or the application of the approach described above would only be appropriate if subsequently, the member of staff is involved in a breach of disciplinary rules.
6. Should the problems of the member of staff develop to an extent that his/her continuation in post or employment became impossible, it may be necessary to identify alternative work or arrange for termination, on the same basis as the Organization operates for staff with problems of incapacity due to ill health.

Additional Section -----

9. Drug /Alcohol Testing

1. NIHR will ensure that all its employees work within the laws of the land. The UK laws on use of drugs and alcohol are clear:
 - It is a criminal offence for certain workers, such as drivers or operators of public transport systems, to be unfit for their work due to taking drugs or alcohol.
 - It is a criminal offence to be unfit to drive, attempt to drive or be in charge of a motor vehicle when under the influence of drugs or alcohol.
 - The possession, supply or production of controlled drugs is unlawful except for in special circumstances (e.g. when they have been prescribed by a doctor).
 - Employees are also legally required to take reasonable care of themselves and to behave in a way that does not pose risks to the health and safety of themselves or others in the workplace. This includes consideration of the effects that

intoxication through taking alcohol or drugs may have.

2. In order to ensure compliance with the law, NIHR will undertake drug / alcohol testing for certain key jobs within the Organization. These will be carried out pre-employment, as part of a random testing scheme or as a result of an incident. These jobs are:
 - Individuals in these posts will be asked to agree to testing as part of their contract of employment.
3. To ensure the testing is legal and safe the following arrangements will apply:
 - Testing only to be carried out as a part of this policy, and only by trained staff who will carry out the test in a non-invasive way – usually by urine sample or exhalation;
 - Samples to be collected under supervised conditions but respecting human dignity. Two identical samples are taken either on site or split in the test laboratory;
 - Samples to be kept under “Chain of Custody” at all
 - Screening test for alcohol / common drugs to be carried out on one sample with either positive or negative results;
 - Any positive results from screening to be confirmed by approved scientific techniques;
 - Results to be reviewed by an expert and reported back;
 - Second sample to be kept for further analysis as part of any appeal by the employee;
 - Confidentiality will be maintained at all times.
4. NIHR believes that effective workplace drug and alcohol policies are a better way of achieving results than drug/alcohol testing and that providing an environment where employees can discuss any drug/alcohol problems they have, with the prospect of gaining help and support will be more effective than a testing regime. Therefore, the undertaking of drug / alcohol testing in the workplace will be minimal and used only where the Organization has a reasonable belief that abuse is taking place.

14. Health and Safety Policy

1. **Statement of General Policy**

The Organization fully accepts the obligations placed upon it by the various Acts of Parliament covering health and safety. The Organization requires its Chief Executive to ensure that the following policy is implemented and to report annually on its effectiveness.

2. **Management Organisation and Arrangements**

This policy has been prepared and published under the requirements of Health & Safety at Work legislation. The purpose of the policy is to establish general standards for health and safety at work and to distribute responsibility for their achievement to all managers, supervisors, and other employees through the normal line management processes.

“NIHR recognises and accepts its responsibility as an employer to maintain, so far as is reasonably practicable, the safety and health of its employees, and of other persons who may be affected by its’ activities.”

3. **Management Responsibilities**

Chief Executive

The Chief Executive has overall responsibility for the implementation of the Organization's policy. In particular he is responsible for ensuring that the policy is widely communicated and that its effectiveness is monitored.

Directors and Senior Managers

These managers are wholly accountable to the Chief Executive for the implementation and monitoring of the policy within the area of their specified responsibility.

Safety Officer

The Safety Officer is a nominated manager responsible for co-ordinating effective health and safety policies and controls across the organisation.

The Safety Officer is responsible for:

- the production and maintenance of the Organization's policy and ensuring that Department Guidelines are consistent with policy;
- its application;
- monitoring and reporting on the effectiveness of the policy;
- the provision of general advice about the implication of the law;
- the identification of health and safety training needs. The safety officer also acts on behalf of the Chief Executive, as the Organization's formal link with

- the Health and Safety Executive, Environment Health Departments and other external agencies;
- the production and maintenance of Health and Safety Codes of Practice for each aspect of the services within the Organization.

Responsibilities for Specific Workplaces

WORKPLACE	SENIOR MANAGER	ACCOUNTABLE TO THE SENIOR MANAGER FOR HEALTH AND SAFETY IN THEIR DEPARTMENTS
Xxxxx Department etc	Director of Xxxxx	All Xxxxx Department Managers are accountable to the Director of Xxxxx for their respective areas

4. Health and Safety Management Process

The Organization believes that consideration of the health, safety and welfare of staff is an integral part of the management process. The provision of the Health and Safety at Work etc Act, associated Codes of Practice and E.C. Directives will be adopted as required standards within the Organization. Responsibility for health and safety matters shall be explicitly stated in management job descriptions.

The Organization requires managers to approach health and safety in a systematic way, by identifying hazards and problems, planning improvements, taking executive action and monitoring results so that the majority of health and safety needs will be met from locally held budgets as part of day-to-day management, although many health and safety problems can be rectified at little additional cost. For major additional expenditure, cases of need will be submitted by Directors to the Chief Executive.

If unpredictable health and safety issues arise during the year, the Chief Executive must assess the degree of risk, in deciding the necessary resources and actions to commit to addressing these issues.

5. Health, Safety and Welfare Guidelines

It is the policy of the Organization to require departmental managers to produce appropriate health and safety policies or guidelines. These should embody the minimum standards for health and safety for the department and the work organised within it.

It shall be the responsibility of the manager to bring to the attention of all members of his or her staff, the provisions of the guidelines, and to consult with appropriate Health and Safety Representatives about the updating of these guidelines. The model contents of a guideline are:

- a clear statement of the role of the department;
- regulations governing the work of the department;
- clear reference to safe methods of working, for example nursing procedures, manufacturers' manuals;
- information about immediate matters of health and safety concern, such as fire drills, fire exits, first aid;
- training standards;
- the role and identity of the Health and Safety Representative;
- names of specialist advisers who can be approached about the work of the department;
- the manager responsible for organisation and control of work;
- accident reporting procedures;
- departmental safety rules;
- fire procedures;
- policies agreed by the Organization.

6. Identification of Health and Safety Hazards

- ANNUAL AUDIT AND REGULAR RISK ASSESSMENTS

It is the policy of the Organization to require a thorough examination of health and safety performance against established standards in each department, at least annually. The technique to be adopted for such examinations will be the 'Safety Audit'. The Audit requires review of:

- standards laid down in the policy;
- departmental guidelines;
- relevant regulations;
- environmental factors;
- staff attitudes;
- staff instructions;
- methods of work;
- contingency plans;
- recording and provision of information about accidents and hazards and the assessment of risk.

The information obtained by the Audit will be used to form the basis of the plan for the department for the following year. Audits must be completed by July of each year.

The responsibility for ensuring that audit activity is carried out as part of this policy rests with the Chief Executive and will be carried out by the Safety Officer. Although the Audit remains a management responsibility, managers are required as part of this policy to seek the involvement of the appropriate Health and Safety Representative in the conduct of the Audit.

It is the management's responsibility to ensure that any deficiencies highlighted in the Audit are dealt with as speedily as possible.

In addition to carrying out Safety Audits, it is the responsibility of the department manager to check, at least quarterly, all portable equipment, including electrical appliances, in their area, and to ensure that all problems are immediately dealt with. Managers have a continual responsibility for the elimination of hazards in order to maintain a safe working environment and will also be expected to carry out regular **risk assessments** in line with the Health and Safety Executive Guidelines; that is follow the 5 steps:

1. Identify the hazards
2. Decide who might be harmed and how
3. Evaluate the Risks and decide on precautions
4. Record the findings and implement the precautions
5. Review the assessment and update when necessary

7. Safety Representatives

The Organization will support Safety Representatives in carrying out their role and give all reasonable assistance. Safety Representatives will be encouraged to discuss specific health and safety issues with the relevant Head of Department. They may also formally report hazardous or unsafe circumstances to the Head of Department and will be formally notified of the remedial action taken or be given a reason why the action cannot be taken.

8. Training

Health and Safety training shall be incorporated within annual training programmes, as part of the development of a systematic training plan. Health and Safety training needs will, therefore, be identified and planned for in the same manner as other training needs.

Four areas of need shall be given special priority:

- training for managers, to equip them with an understanding of the manager's responsibilities under this policy, and the role and purpose of safety representatives;
- training for safety representatives to enable them to discharge their function;
- training for all members of staff to acquaint them with the main provisions of the law and its practical implication, the main features of this policy and key safety rules;
- induction and in-service training for staff at all levels to acquaint them fully with new requirements and hazards.

9. *Records, Statistics and Monitoring*

The Organization will operate systems for recording, analysis and presentation of information about accidents, hazard situations and untoward occurrences. Advice on systems will be provided by the Safety Officer, in conjunction, where appropriate with specialist advisory bodies for example local Environmental Health Departments, and the responsibility for the operation of these systems rests with managers and supervisors at all levels. Information obtained from the analysis of accident statistics must be acted upon and, where necessary, bids for additional expenditure made to the Chief Executive.

10. *Reports to the Health and Safety Executive*

The responsibility for meeting the requirements of the Reporting of Injuries, Diseases and Dangerous Occurrences in force Regulations to the Health and Safety Executive, shall rest with the Chief Executive as delegated to the Safety Officer.

11. *Specialist Advisory Bodies*

Certain bodies and the individual members of those bodies, have always had a Health and Safety role, most notably, the Health & Safety executive, or local Environmental Health Departments. If further specialist advice is required, this may be obtained by Managers from expert individuals or bodies outside the Organization.

12. *The Occupational Health Service*

It is the policy of the Organization to provide Occupational Health Services. Such services are provided confidentially to the individual employee and include counselling on health and associated matters, investigation of hazards and accidents, environment studies, health interviews and employment medicals.

13. *First Aid*

It is the policy of the Organization to make provision for First Aid and the training of 'First Aiders' in accordance with the First Aid in force Regulations. The Safety Officer is responsible for ensuring the Regulations are implemented and for identifying training needs.

14. *Fire*

The Chief Executive is responsible for ensuring that the staff receive adequate fire training, and that nominated fire officers are designated in all Organization premises. The Chief Executive delegates these responsibilities to the Directors.

In addition the Organization will nominate a Fire Officer (this may be the Safety Officer or someone external to the Organization)

- report and advise on the standard of fire safety in the Organization's premises and the standard of fire training of its staff;
- undertake overall responsibility for fire training;
- assist in the investigation of all fires in the Organization's premises and to submit reports of such incidents.

15. *Condemnation and Disposal of Equipment*

Procedures for the, condemnation and disposal of equipment are set out in the Organization's Standing Financial Instructions. Managers introducing new equipment should have new equipment checked by the Safety Officer.

16. *Food Hygiene*

Those Managers who have responsibility for food acquisition, storage, processing and serving, and staff induction and training, are responsible for ensuring that these functions are undertaken to the necessary legal standards. Any suspected outbreak of food poisoning or other unexplained and possibly food related incidents must be reported to the Safety Officer

17. *Lifting and Handling*

Managers are responsible for informing staff of safe lifting techniques. The Safety Officer will identify specific training needs. The HR Office / Head Office will ensure training in lifting and handling is provided to staff who require it.

18. *Non-Smoking on Organization Premises*

The Organization has agreed that there will be no smoking in its buildings. The overall aim is to reduce smoking and so save life, reduce risk of fire, prevent unnecessary illness and chronic disability. The rules relating to smoking on Organization premises are available from the HR Department / Head Office.

19. *Control of Substances Hazardous to Health*

The Control of Substances Hazardous to Health Regulations (COSHH) require the Organization to identify those substances which are in use and which are hazardous to health (as legally defined) and to assess the risk of those substances. The Organization must also provide and use controls to prevent exposure to substances hazardous to health; maintain controls by monitoring exposure, or by health surveillance of employees; and provide information, instruction and training for

employees on all these matters. The Safety Officer is responsible for implementing these Regulations.

20. *Computer Installations and Visual Display Units*

All new computer installations must adhere to the British Standard Specifications and comply with the Health and Safety (Display Screen Equipment) Regulations. All new employees operating VDUs are issued with a copy of the Health and Safety Executive Booklet entitled 'Working with VDUs'. New employees who regularly use VDUs will be required to undergo sight screening.

21. *Control of Working Time*

The Organization is committed to the principles of the Working Time Regulations. No member of staff is expected to work more than 48 hours per week (including overtime) unless there are exceptional circumstances. Similarly, all other requirements of the regulations e.g. in relation to breaks, night workers etc. will be complied with.

22. *Health and Safety and the Individual Employee*

The Health and Safety at Work Act requires each employee 'to take reasonable care for the Health and Safety of himself and of other persons who may be affected by their acts and omissions' and co-operate with management to enable management to carry out their responsibilities under the Act. Employees have equal responsibility with the Organization for Health and Safety at Work.

The refusal of any employee to meet their obligations will be regarded as a matter to be dealt with under the Disciplinary Procedure. In normal circumstances counselling of the employee should be sufficient. With a continuing problem, or where an employee leaves themselves or other employees open to risk or injury, it may be necessary to implement the formal stages of the Disciplinary Procedure.

23. *People Working on Organization Premises Not Employed by The Organization*

Persons working in the Organization premises who are employed by other organisations are expected to follow Organization Health and Safety Policies with regard to the safety of Organization employees, their own personal safety (and that of other parties such as the general public if appropriate) and their method of work. This responsibility will be included in contracts or working arrangements. Similarly, seconded Organization employees working in other host premises will be expected to follow the host employers Health and Safety Policy.

24. *Visitors and Members of the Public*

The Organization wishes to ensure that as far as is reasonably practicable, the Health, Safety and Welfare of visitors to Organization establishments will be of the highest standard.

Any member of staff who notices persons acting in a way which would endanger other staff, should normally inform their Head of Department. If the danger is immediate, common sense must be used to give warning, call for assistance or give aid as necessary. It is equally important not to over-react to a situation.

25. Contractors

The Organization wishes to ensure that as far as is reasonably practicable, the Health, Safety and Welfare of Contractors working in the Organization's establishments will be of the highest standards. In addition, Contractors and their employees have an obligation so far as is reasonably practicable to ensure all equipment, materials and premises under their control are safe and without risks to health.

Contractors must also observe the Organization's Fire Safety Procedures. These obligations will be drawn to the attention of the Contractors in the contract document issued to them. In addition, an Organization Manager will be identified in the contract as having authority to stop the work of Contractors who are placing themselves, other staff, or visitors at risk. Any member of staff who judges there is a risk where contractors are working, should inform their Manager immediately.

In tendering, Contractors will be asked to confirm they have a written Health, Safety and Welfare Policy. The Organization's Manager letting the Contract will be responsible for monitoring the Health and Safety performance of the Contractor and the Contractor's performance will be a factor in deciding whether or not to invite the Contractor to tender again.