



Kent and Medway
NHS and Social Care Partnership Trust

Our People Policies



Brilliant care through brilliant people

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Welcome to our KMPT People Policies

We have developed these policies in partnership with colleagues across KMPT to ensure they help us to create a culture within KMPT that is compassionate, inclusive and supportive.

These new style policies we hope are:



Simple, clear and fair



Clear on what is expected of you as an employee of KMPT



Clear on how you will be managed from the leadership at KMPT at all levels

These policies have been developed to reflect our ambition – brilliant care through brilliant people and we recognise that we will only be able to deliver those ambitions if we attract, retain and develop highly motivated, committed and inclusive people who share and live our values. We truly want to be an organisation where our people feel valued and they can bring all of themselves to work every day. These policies have been written for implementation during periods of standard functioning within KMPT. Outside of those periods (such as major incidents or national emergencies) other 'emergency' policies may be written to supersede or run alongside this policy manual.

Vision and values

We are proud of our visions and values, which were developed and agreed with our staff.

Our vision

To provide brilliant care through brilliant people.

We do this by:

- Consistently delivering outstanding quality of care
- Recruiting, retraining and developing the best staff, making KMPT a great place to work
- Placing continuous improvement at the heart of what we do
- Developing and extending our research and innovation work
- Maximising the use of digital technology
- Meeting or exceeding requirements set out in the Five Year Forward View
- Delivering financial balance and organisational sustainability
- Developing our core business and entering new markets through increased partnership working
- Ensuring success of our system-wide sustainability plans through active participation and leadership

Our values



RESPECT
We value people as individuals, we treat others as we would like to be treated



WORKING TOGETHER
We work together to make a difference to our service users



OPEN
Work in a collaborative, transparent way



INNOVATIVE
We find creative ways to run efficient, high quality services



ACCOUNTABLE
We are professional and responsible for our actions



EXCELLENCE
We listen and learn to continually improve our knowledge and ways of working

General policies



Appraisals for non-medical staff

1 | What this policy covers

This policy outlines KMPT's approach to the annual appraisal process.

Appraisals provide an opportunity to:

- Clarify job requirements and manager expectations
- Reinforce positive behaviour and discuss any concerns
- Identify any training and development needs.

While this should be an ongoing process, having a scheduled annual appraisal meeting ensures protected time for this discussion to take place and provides the opportunity for employees to prepare.

This policy applies to all non-medical KMPT employees, whether on a permanent or fixed-term basis. It does not apply to volunteers, agency staff, contractors or apprentices.

2 | Principles

- KMPT aims to ensure that performance appraisal meetings reflect its values
- Policy compliance will provide consistency across KMPT to ensure that all staff benefit from regular appraisal and development
- All employees are encouraged and supported in delivering high-quality performance and to develop to their full potential.

3 | Responsibilities

KMPT management are responsible for ensuring that:

- A culture of fairness and openness exists in applying this policy
- Managers in their areas of responsibility undertake appraisals for all their employees in a timely and appropriate manner
- Appraisers have a reasonable number of appraisals to undertake
- Appraisers and appraisees have the time, resources and support to undertake all the responsibilities set out in this policy.

Appraisers are responsible for:

- Holding annual appraisal meetings with their designated employees
- Ensuring the appraisal is a fair and honest discussion of the employee's performance and that the employee's views are considered
- Guiding discussion about performance, development and training
- Ensuring that they prepare thoroughly for the meeting and that employees have enough time to prepare
- Attending appropriate appraisal training and updates
- Facilitating completion of employees' mandatory training.

Appraisees (employees) are required to:

- Participate and actively engage in the appraisal process.
- Prepare thoroughly for the meeting, maintaining evidence of learning and development they have undertaken during the year.
- Achieve assigned objectives and demonstrate values and behaviours in line with KMPT's vision and values.

4 | Policy in practice

Preparation for the appraisal meeting

Employees should be given reasonable notice of their appraisal meeting. The appraiser should make sure employees understand the appraisal process, know what will be discussed and how they should prepare. To ensure success, the employee and their appraiser must prepare.

The appraisee should consider:

- Their main responsibilities.
- What they have achieved since their last appraisal.
- What they think they do best, and their key skills and abilities.
- Which parts of their job they find challenging and why, and what additional support they might need.
- Things they would like to do now that they do not do already.

- Their plans for their professional development/career/job role.
- Additional training or development they have undertaken in the past 12 months.

The appraiser should consider:

- How well the employee has performed since their last appraisal.
- To what extent they have completed their personal development plan and training requirements.
- What feedback should be given at the meeting.
- Factors that have affected their performance.
- What actions could be taken to improve their performance.
- What objectives might be set for the next review period.
- Personal development goals to set for the next review period.

Appraisal discussion

The appraisal system is based on the principle of 'no surprises. If there are problems with an employee's development or if there are capability issues, they should have been addressed when identified and managers should seek advice from the employee relations team as to whether the issues raised should be addressed through the KMPT Capability Policy.

Appraisal meetings should be held in a private, confidential and comfortable environment with minimal risk of interruption. Sufficient time must be set aside to undertake the appraisal and the appraiser should make sure the appraisal is cancelled or postponed only if absolutely necessary. In such cases, the meeting should be rescheduled at the earliest opportunity. The appraising manager should structure and guide the meeting, however the appraisee should be allowed to take the lead in discussions, with the appraiser listening carefully to what is said, summarising the discussion and keeping the meeting on track. Focus should be given to their performance and competence, not their character or personality. Both parties should consider the whole period since the previous appraisal, rather than just recent or isolated events.

It is up to every employee to maintain the confidentiality of their own performance appraisal discussion and form. Managerial access to performance appraisal forms should be

restricted to direct line management and the line manager's manager on a need to know basis and the contents should not be disclosed to any third party without prior agreement from the employee concerned, except for where there is dispute over the content.

Objective setting

As part of the appraisal meeting, the appraisee's objectives should be set and agreed for the next 12 months. Both the appraisee and the appraiser will agree their personal development plans.

The objectives should follow the SMART principles and be Specific, Measurable, Achievable, Realistic and Time bound.

Both the appraiser and the appraisee need to:

- Clearly understand and agree the purpose of each objective
- Agree that it is possible for the appraisee to complete
- Understand how it can be achieved
- Agree what the measure of success will be
- Set a date for when it should be completed and reviewed.

5 | Other conditions

Maternity/adoption/shared parental leave/employment breaks/long-term sickness

If an employee is due to go on any of the above periods of leave two months before their scheduled appraisal meeting, the meeting will be bought forward. If their scheduled appraisal is due later than two months, it will be conducted retrospectively as part of their return-to work process.

If an employee chooses to take a career break, an appraisal must take place within a few weeks of their return, to identify any training and development needs.

If they return to work after a period of long-term sickness, an appraisal will take place as part of their return to work.

Continued on next page ►

Probationers, employee transfers and new managers

New employees should receive a probation review meeting at the end of their six-month probation period. If the appraisal window falls within the probationary period, this should be done in addition to any probationary paperwork. The first performance appraisal for employees should concentrate mainly on reviewing their induction and integration into the job, team and service, and identification of any training needs.

The appraising manager of individuals who transfer from another KMPT service should arrange to hold a short performance appraisal briefing with that person as soon as possible after their starting date. This will facilitate matters such as the continuity of any personal skills development plans, or similar. Where appropriate, managers may also request an appraisal clarification briefing from the individual's previous manager.

Where a new manager takes over responsibility for existing employees, the new manager should ensure the continuity of performance appraisal and, so far as is possible, all relevant action plans.

6 | Appeals/disagreements

Every effort will be made to ensure that the employee and their appraiser can resolve differences of opinion during the appraisal without the need for formal procedures. Should an employee wish to appeal decisions arising from their appraisal, in the first instance review should be completed by the appraisers' line manager if not resolved then refer to the KMPT Grievance Policy, which has both informal and formal stages.

Adoption leave

Including: Surrogacy and the foster to adopt scheme

1 | What this policy covers

If you are adopting a child, you are entitled to adoption leave. This policy provides an overview of your leave entitlement and qualifying conditions, how to apply and how your pay, terms and conditions are affected during your leave.

2 | Principles

- In recognising the responsibilities and needs of adoptive parents, KMPT wants to enable employees who are adopting a child to enjoy similar benefits to those on maternity leave.
- Where a couple (including a same-sex couple) adopts a child, only one parent can take adoption leave. The other parent may be able to take maternity support leave (paternity leave).
- This policy does not apply if a child is not newly matched for adoption (e.g. when a step-parent is adopting a partner's child or children) or where there is already an established relationship with the child (e.g. if the adoptive parents have already fostered the child).

3 | Responsibilities

- KMPT will ensure that this policy is applied fairly and equally so it does not discriminate.
- Managers are responsible for actioning adoption leave requests in accordance with this policy.
- The employee relations (ER) and Payroll departments will advise on application of this policy.
- Employees wishing to apply for adoption leave should use the procedure outlined in this policy.

4 | Policy in practice

Entitlements

All employees, are entitled to 52 weeks' adoption leave. Only one period of adoption leave can be taken, irrespective of whether more than one child is placed for adoption as part of the same arrangement. There is no limit to the number of periods of adoption leave that you may take during your employment.

Eligibility

While all employees, are entitled to 52 weeks' adoption leave, certain conditions apply to some employees:

a) Fixed-term contracts

Employees on fixed-term contracts are entitled to 52 weeks adoption leave, providing their fixed-term contract expires after the week in which they are informed of the match (for this purpose weeks run Sunday to Saturday).

Employees whose fixed-term contract expires after the week they are informed of the match and who have more than 26 weeks continuous service will have their contract extended to enable them to receive their entitlement of 52 weeks adoption leave. Such employees will not have any entitlement to a role within KMPT at the end of their adoption leave unless they have been selected for another role through competitive interview.

b) Rotational contracts

If an employee works on a planned rotational contract with one or more NHS employer as part of an agreed training programme, they will retain the right to return to work in the same post or next planned post and their contract will be extended to enable them to complete the remainder of the agreed programme.

How to request adoption leave

The employee must write to their manager informing them of their intention to take adoption leave within seven days of being notified that they have been matched with

a child for adoption (or 28 days if adopting from overseas), unless this is not reasonably practicable. They must also give the date the child is expected to be placed with them. Before the employee can start adoption leave they must meet with their manager and:

- Complete the Application for Adoption Leave and Pay form (available on i-connect)
- Provide a "matching certificate" from their adoption agency as evidence of their entitlement to take adoption leave and adoption pay.
- Secondary carers must complete the A2 form, an SC4 form must also be completed. This can be found on the HMRC government website, or alternatively you can request a copy from employee relations (ER). The originals must then be forwarded to ER along with a copy of the letter from the adoption agency confirming the placement or the intent to apply for a parental order, no later than 8-weeks prior to the intended commencement of leave.

The manager will send these to ER at kmpt.hr@nhs.net

Starting adoption leave

Where an employee is adopting a newly placed child or fostering to adopt under the foster to adopt scheme or are in a surrogacy arrangement and are applying for a parental order, Adoption Pay and Leave provisions will apply. It is not available in circumstances where a child is not newly matched for adoption by an adoption agency i.e. when a step-parent is adopting a partner's child.

An employee can start their adoption leave either on the date of the child's placement (whether this is earlier or later than expected) or from a fixed date that can be up to 14 days before the expected date of placement. If the placement is delayed and adoption leave has started, it cannot be stopped and resumed at a later date. Adoption leave can start on any day of the week. The date on which the employee wishes to start their adoption leave can be amended, provided they advise their manager at least 28 days in advance (unless this is not reasonably practicable).

(Section 22C of the Children Act 1989)

Adoption leave and pay is not available to other types of foster carers.

Adoption leave and pay for dual approved prospective adopters

A dual approved prospective adopter is entitled to take adoption leave and pay no earlier than 14 days before the child is placed with the family in accordance with section 22C of the Children Act 1989 (i.e. from up to 2 weeks before the child joins the family, initially for fostering).

To be eligible for adoption leave the dual approved prospective adopter must:

- Be a local authority foster parent who has been approved as suitable to adopt the child. (they will initially foster the child).
- Have been notified by the local authority of its decision to place a child with him/her in accordance with section 22C of the Children Act 1989.
- Have notified the local authority that they agree to the placement (initially for fostering) and the date it will take place.
- Give the correct notice to their employer (this notice must be given within 7 days of the employee being notified by the local authority in accordance with section 22C, or as soon as practicable).

The amount of notice an employer will have will depend on the period of time between when the employee is notified of being matched with a child and when the child arrives – although the employee will know if they are being considered for adoption on this basis.

The adopter's partner may qualify for paternity leave and pay. In the case of joint adoptions, if both of the dual approved prospective adopters are eligible they can decide between themselves who will take the adoption leave and pay and who will take the paternity leave and pay.

If the partner of a dual approved prospective adopter, or one of the dual approved prospective adopters in the case of joint adoptions, takes paternity leave when the child is placed with the family in accordance with section 22C of the Children Act 1989 they are not entitled to an additional one or two weeks of paternity leave when the adoption process begins.

In the case of dual approved prospective adopters (i.e. prospective adopters who have

a child placed with them for fostering with a view to them adopting that child), the qualifying week is the date that the dual approved prospective adopter is notified of a match with a child. In the case of dual approved prospective adoptions 'notified of a match' means that the employee has been notified by the local authority that a child will be placed with them in accordance with section 22C of the Children Act 1989.

In addition to leave, time off with pay will be granted to the primary carer to attend up to five meetings prior to the adoption. This is subject to the production of supporting documentation. The secondary carer will be entitled to take unpaid time off for up to two appointments, but they do not have an automatic right to take further unpaid leave for any other appointments.

Where a placement by a local authority under section 22C of the Children Act 1989 does not proceed to a formal adoption, e.g. because the child or children are returned to their birth parents or will be cared for by a family member or friend, the dual approved prospective adopter's entitlement to adoption leave will end 8-weeks after the child is removed from their family or at the end of their adoption leave, whichever is earlier.

The dual approved prospective adopters' entitlement to statutory adoption pay will also end at this 8-week point, or earlier if they have already taken 39-weeks of statutory adoption pay.

6 | Surrogacy

The intended parents in a surrogacy arrangement may be eligible for adoption leave and pay where they intend to apply for (or have already obtained) a Parental Order making them the legal parents of the child. The application for a Parental Order must be made within the 6-months of the child's birth and the intended parents must expect a Parental Order to be made.

An employer can request a statutory declaration from the employee confirming that they intend to apply for a Parental Order (with the other intended parent) under section 54 of the Human Fertilisation and Embryology Act 2008 within the prescribed time limit (6-months from birth) and expect that order to be made.

A statutory declaration is a written declaration signed by the individual making it in the presence of a:

- Practising solicitor
- Notary of the Public
- Justice of the Peace
- Councillor (Scotland only)
- Any other qualified person

Only couples can apply for a Parental Order and only one of the couples will be able to take adoption leave and/or pay in relation to the child, even if both meet the eligibility requirements.

Parents who have a child with the help of a surrogate mother and who do not meet the conditions to apply for a Parental Order (this will include single parents and parents who have no genetic link to the child) or who meet the conditions but don't intend to apply for a Parental Order, aren't eligible for adoption leave and pay.

The employee must give their employer the correct notice (notice of entitlement to adoption leave must be given by the 15th week before the expected week of birth and must be in writing if the employer asks for this).

In order to qualify for statutory adoption pay, a 'Parental Order parent' must:

- Have been employed by the same employer for 26-weeks at the 'qualifying week'.
- Have earned, on average, the lower earnings level in the 8-week period leading up to the end of the 15th week before the expected week of birth.
- Have not claimed paternity pay for the child.
- Be the only Parental Order parent who claims statutory adoption pay for that child.
- Comply with the notification requirements.
- Give their employer the child's actual date of birth in writing, as soon as reasonably practicable after birth.
- In the case of Parental Order parents, the qualifying week is the end of the 15th week before the expected week of the child's birth.

If both of the Parental Order parents are potentially eligible for adoption leave and/or pay they can decide between themselves who will take the leave and/or pay and who will take paternity leave and/or pay (if they are eligible

for this). This is the parents' choice and it is irrelevant which of the parents has a genetic link to the child.

The Parental Order parents are entitled to take time off work to accompany the surrogate mother to her antenatal appointments. Both of the Parental Order parents are entitled to unpaid time off to attend up to two antenatal appointments.

Where the Parental Order parent is the biological father of the child they are only entitled to unpaid time off to attend up to two antenatal appointments (i.e. they don't have a right to additional time off because they are the father and are only entitled to time off to attend up to two appointments in total).

If the intended parents in a surrogacy arrangement are eligible for and intend to apply for a Parental Order in respect of their child (or have already obtained such an order) they may be eligible for adoption leave and/or pay, even where the surrogate mother is based overseas or where the child is born overseas. The leave and pay can be taken from the date of the child's birth (or the day after if the parent is at work on that date) even if the child has not yet entered the country (in contrast to overseas adoptions where the adoption leaves and pay can only be taken when the child comes into the country).

Where the intended parents' application for a Parental Order is refused by the court, the employee's entitlement to adoption leave will end 8-weeks later or at the end of the adoption leave, whichever is earlier.

Where the Parental Order is refused the parent is entitled to take any shared parental leave that they have booked (or taken). Any leave that hasn't been booked is no longer available.

The employee may vary the end date of a period of leave booked to reduce that period, subject to giving their employer 8-weeks' notice, or cancel a period of leave. No further notice can be given to book leave and only one variation notice may be given.

If one of the Parental Order parents is eligible for paternity leave and pay, they can take one week or two consecutive weeks of leave and pay. The leave and pay must be taken within the first 56 days of birth (i.e. before the baby is 9-weeks-old) and they must provide proof of intent to apply for a Parental Order in respect of the child (or have obtained such an order).

7 | Maternity leave and pay in surrogacy arrangements

Maternity leave and pay, and maternity allowance, are only available to women who are pregnant or who have given birth. The birth mother is entitled to take up to 52-weeks of maternity leave and up to 39-weeks of statutory maternity pay (if she eligible for pay) or maternity allowance even where she is not genetically related to the child that she is carrying.

Notification of return to work

The maximum amount of adoption leave is 52-weeks. All employees are expected to return to work on the date specified, which should be no later than 52-weeks after the start of their adoption leave (not including any annual leave taken). Employees should confirm their return to work date before they start their adoption leave, to allow for temporary cover to be arranged. However, we realise that this is not always practical, so they have the right to change their date of return if they choose, subject to giving 8-weeks' notice (unless this is not reasonably practicable).

It is the responsibility of the manager to ensure that a Staff Change Form is completed and sent through to Workforce Information before the employee is due to end their adoption leave. This should be done prior to the employee returning to work or commencing a period of annual leave at the end of their adoption leave.

The right to return to work

At the end of the adoption leave period all employees have an automatic right to return to work:

- On terms and conditions no less favourable than those that would have applied had they not been on adoption leave.
- With the same seniority, pension and other similar rights as they would have had they not been on adoption leave.

KMPT reserves the right to move an employee to an alternative role or department as long as it is the same type of work, at the same site and at the same level within the organisation. Should employees wish to change their contracted hours, they will need to put in a flexible working request.

Returning to another NHS employer

If an employee decides to return to work at another NHS Trust, they must notify KMPT of their intention. To retain full Occupational Adoption Pay (OAP – see 5.3), the employee must return within 15 months of the start date of their adoption leave.

To ensure OAP is maintained, the employee must provide a copy of their offer letter and contract of employment with another NHS employer within 15 months of the beginning of their adoption leave or within three months of the last day of their adoption leave. Otherwise the employee is liable to refund the whole of the OAP received; they will not be required to repay Statutory Adoption Pay (SAP – see 5.2) to which they are entitled.

Employees who have not been paid OAP because they did not expect to return to NHS employment but do so within 15 months, should contact ER. They will be expected to provide the documentation detailed in 4.3. Once provided, calculations for OAP will be made and paid retrospectively.

8 | Pay

Adoption leave pay

Adoption leave for employees with fewer than 26-weeks' NHS service on the date they are matched is unpaid. In these circumstances, the Payroll Department will provide a written statement explaining why they are not eligible for adoption pay, which can be used to claim other benefits if required.

Employees with more than 26-weeks' continuous NHS service on the date they are matched are eligible to take up to 39-weeks' adoption leave with pay.

Adoption leave pay is subject to PAYE income tax, National Insurance contributions (NICs) and pension contributions where appropriate.

There are two types of adoption pay:

- Statutory Adoption Pay (SAP) – paid by the government.
- Occupational Adoption Pay (OAP) – paid by KMPT.

The type of adoption pay paid is based on:

- How long they have worked for KMPT/or how much continuous NHS service they have

- Whether they have earned enough salary in the relevant period.
- Whether they intend to return to work
- Whether they have provided the correct evidence and paperwork.
- Whether this evidence has been provided within the correct timescales.

Statutory Adoption Pay (SAP)

SAP is paid to all employees, provided they have 26-weeks' service ending the week in which they are notified of having been matched.

Their earnings must also be above the lower earnings limit for National Insurance contributions (NICs). Calculations include all pay within the earnings period.

If the employee has also provided the correct notification and proof to show that they have been matched with a child, SAP is paid for 39-weeks, as detailed in the box below.

Weeks	Pay	Duration
1-39	SAP: A weekly equivalent of 90% of full pay or a set standard rate of pay agreed by the government every year*	39-weeks
4-52	Unpaid	13-weeks

*Details of this can be found by visiting www.gov.uk

NB: Salary sacrifice arrangements will impact on SAP

Occupational Adoption Pay (OAP)

OAP is paid at the same rate as Occupational Maternity Pay and will be paid to employees who:

- Have more than one years' continuous service – service from another NHS organisation will be eligible, provided there has not been a break of more than three months between the two organisations. However, the break will not count toward length of service, and
- Intend to return to work and do so for at least three months – employees must return to work for an NHS organisation for a minimum of three months following their adoption leave.

Failure to return to work will result in owing back the occupational element of the adoption pay.

Employees who change their mind about returning to work should inform KMPT as soon as possible, to avoid overpayment.

Weeks	Pay	Duration
1-8	Full pay	8-weeks
9-26	Half pay plus SAP	18-weeks
27-39	SAP	13-weeks
40-52	Unpaid	12-weeks

NB: Salary sacrifice arrangements will impact on SAP

Calculation of OAP

OAP is paid in addition to SAP to employees who qualify. It is assessed as an average of normal pay for the 8-weeks or 2-months up to the last normal pay day before the date of adoption.

For OAP purposes, normal pay will include all items for the qualifying period on which National Insurance is calculated.

In exceptional circumstances, KMPT may need to change the qualifying period if the salary cannot be determined. This will be managed in accordance with HMRC regulations.

Fixed-term contracts

Employees on fixed-term contracts may not be entitled to OAP, but may be entitled to SAP provided they meet the eligibility criteria (see 5.2).

Fixed-term employee contracts will be extended to allow them to receive SAP, but not unpaid adoption leave. This is to allow for payment to be made and will not count as service or mean the employee will accrue employment rights during this period. Employees on a fixed-term contract should apply for adoption leave in the normal way (see 4.3) and the Payroll Department will advise them of their entitlements.

Agency Employees

Agency employees should refer to their Employing Agency to establish if they are entitled to Adoption Leave and Pay through the agency.

Rotational contracts

Adoption pay will be calculated in the same way for employees on rotational contracts.

Incremental increases before and during adoption leave

If a pay award or annual increment is implemented before paid adoption leave begins, the adoption pay will be calculated as though the pay award or annual increment had applied throughout the entire adoption pay calculation period. If such a pay award was agreed retrospectively, the adoption pay will be re-calculated on the same basis.

If a pay award or annual increment is implemented during paid adoption leave, the adoption pay due from the date of the pay award or annual increment will be increased accordingly.

Sickness during the eight-week calculation period

If an employee is on half-pay or unpaid sickness absence during the whole or part of the period used for calculating average weekly earnings in accordance with SAP earnings rules, the average weekly earnings for the period of sickness absence will be calculated on the basis of full sick pay.

9 | Terms and conditions

Contractual rights

During adoption leave, all contractual rights, including accrual of annual leave and continuous service, are retained.

Annual leave and sickness on adoption leave

Any accrued annual leave outstanding in the leave year prior to adoption leave is usually taken either immediately prior to or following the adoption leave. Bank holidays are included in the annual leave entitlement and are accrued whilst on both paid and unpaid adoption leave. It is the responsibility of the manager and the individual to correctly calculate the annual leave entitlement before, during and after adoption leave and subsequently the dates of when this leave will be taken.

If an employee amends their contracted hours on their return, they should discuss how their accrual of annual leave would be managed and taken.

If an employee becomes ill while on adoption leave, they will not be entitled to sick pay or benefits and will continue to be paid as per their entitlement to adoption pay.

Sickness while on adoption leave does not need to be reported, unless it would impact on Keeping in Touch (KIT) days or return-to-work dates.

Pension contributions during adoption leave

If employees are participating in the pension scheme, contributions will continue to be deducted throughout paid adoption leave.

During any period of unpaid leave employees will not be able to pay deductions therefore missed contributions will need to be made upon return.

When employees are in receipt of Adoption Allowance, pension payments will not be able to be made throughout the adoption leave period and will need to be paid upon return.

The Pensions Department can be contacted for more information on the above.

Training

Employees on adoption leave will not be expected to attend mandatory training, however, this will need to be completed upon return to work, either during a KIT day or within the first month of return. Managers should make arrangements for employees to receive training and re-orientation where needed. This must include any changes that have occurred while the employee was on leave.

Employees on adoption leave will be made aware of formal training opportunities that are open for teams to apply for. Employees on adoption leave will not be treated any differently in the selection for such opportunities.

Keeping in Touch (KIT) days

With their manager's agreement, employees can attend work for up to 10 mutually agreed KIT days during the adoption leave period, to attend work, for example, for team meetings, conferences, training events or performance reviews. If the employee is receiving adoption pay on the KIT day they have worked, the employee will only be paid the difference between their adoption pay and their usual hourly pay rate. Employees will not be able to exceed their basic daily rate of pay.

KIT days will not affect adoption pay entitlement. Employees must discuss and agree KIT days with their manager in advance and they must be taken before the end of the Adoption leave.

Managers are responsible for ensuring the Payroll Department is instructed to pay employees for KIT days worked by completing the KIT Days Record form (available via i-connect).

Working when on adoption leave

If an employee commences employment with another employer after the 15th week prior to beginning adoption leave and they choose to return to work during their adoption leave, their adoption pay will cease from the Saturday before the week that they start work with their new employer.

Employees should inform their manager if they have another job and advise them of their intention to take adoption leave with their other employer. This information should also be completed in their Application for Adoption Leave and Pay form (available via i-connect)

If adoption ends before adoption leave

If the adoption is disrupted or ends, adoption leave and pay (if eligible) will normally continue for eight weeks (or until the end of the adopter's 39-week SAP period if that is sooner) following the end of the adoption. The employee should contact their manager and agree arrangements for return to work as early as possible.

If you have a lease car through the Trust you will need to contact Finance to discuss payment terms during your adoption leave. Please note you will be responsible for making payments during any unpaid period of Adoption Leave.

Organisational change

In the event of organisational change that would affect employees on adoption leave, this will be managed in the same way as all other affected employees for purposes of consultation and communication. They will receive written documents, letters and notifications and be required to attend KMPT for formal meetings where appropriate.

Employees made redundant while on adoption leave are entitled to receive SAP for the full 39-weeks. OAP will be paid to redundant employees until the date their contract of employment ends.

All organisational change will be managed in line with KMPT policy for Change Management and ACAS guidance and advice.

Vacancies

Employees taking adoption leave will be made aware of vacancies, opportunities for promotion or extra hours they can apply for within their area. Those on adoption leave will not be treated any differently in selection for such opportunities. Employees on adoption leave are welcome to apply for any vacancy within KMPT that is advertised externally.

The time taken to attend an interview for a vacancy will not be paid nor considered as a KIT day (unless it is part of a KIT day already arranged to complete other activities) and will not affect adoption pay or leave.

10 | Sickness preventing return to work

If an employee cannot return to work after their adoption leave because of sickness, they should inform their manager as soon as possible. This will be communicated to ER, Occupational Health and Payroll Departments as soon as possible.

In some circumstances, sickness that happens before adoption leave starts will mean that Statutory Sick Pay (SSP) is overridden by SAP (within the statutory adoption pay period). This can lead to a change in pay, and the Payroll Department will advise the employee and manager accordingly. A medical certificate will be required in line with KMPT's Sickness Management Policy.

Alcohol and drug misuse

1 | What this policy covers

The policy aims to set out KMPT's approach to substance misuse. The overall aim is to protect the health and safety of KMPT employees, Patients and Service Users and to prevent any impairment of the service that KMPT provides.

For the purposes of this policy:

- 'Alcohol misuse' is drinking alcohol so that it adversely affects work performance, conduct, attendance or normal behaviour at work.
- 'Substance misuse' is the deliberate use of illegal or prescription drugs for intoxication or any reason other than as prescribed medication.

2 | Principles

KMPT recognises that the misuse of alcohol or drugs poses a direct and significant threat to protecting the safety, health and wellbeing of its employees, patients and service users and is committed to ensuring a working environment that is free of this risk

Those who admit to having a problem with alcohol and/or drugs but engage positively in treatment for their recovery will be supported fully by KMPT.

3 | Responsibilities

- The KMPT Board is committed to providing a safe and healthy workplace for employees, patients and visitors and will ensure that all employees are treated consistently and fairly in line with this policy.
- If an employee has an alcohol or drugs-related problem they are encouraged to disclose this at the earliest opportunity to ensure support and help with treatment. They can speak to their manager, the employee relations team, Trade Union representative or Occupational Health.
- KMPT regards drug and alcohol misuse as a health problem and will treat them as such. When advised that an employee has a drug or alcohol-related problem KMPT will arrange appropriate and confidential support and agree periods of sickness absence where indicated. Wherever practicable the employee will return to their post after treatment. Where this is not possible or considered inadvisable, every effort will be made to find a suitable alternative post.
- If any employee has a problem with alcohol or substance misuse KMPT will deal with this in the strictest confidence. The assistance available is documented within this policy.
- Employee's should not consume alcohol or take illegal drugs or abuse any other substance at work.
- They should not work while under the influence of drugs and/or alcohol. They should be aware of the possible side effects of any prescription drugs they are taking and tell your manager immediately if they could affect their work performance.
- Managers must ensure that alcohol or substance misuse issues are dealt with sensitively and should seek advice from the employee relations (ER) team and Occupational Health. If a manager or supervisor suspects that an employee is unfit for work because of alcohol, drug or substance misuse, they should be sent home immediately. However, before any such action is taken, appropriate advice should be sought from ER during normal working hours or the on-call manager out of hours. The manager or supervisor must ensure that a safe method of travel home is available, including arranging a taxi where necessary. The cost of which will not be met by KMPT
- Employees have a duty to raise any concerns they have about a colleague they suspect of alcohol or substance misuse.
- Employees must inform KMPT of any alcohol/substance misuse convictions, charges or cautions.

4 | Policy in practice

Establishing the problem

Supervisors and managers should be aware that alcohol/substance misuse by an employee that may come to light in various ways, for example:

- Unauthorised absence
- Leaving work early/arriving for work late
- Higher than average sickness absence
- Increased number of accidents/incidents
- Lack of concentration/Increase in time taken to complete tasks
- Problems with remembering instructions
- Changes in emotional/mental state/Increased irritability
- Depression and anxiety
- Deterioration in working relationships with colleagues

If an alcohol and/or substance misuse problem has been identified, an initial meeting with their manager will determine whether it will be treated as a health or conduct issue. If KMPT believes that an employee's behaviour or presentation represents a risk to their own safety or the safety of others, the employee will be sent home.

Health issue

At the meeting with their manager, if the employee acknowledges that they have an alcohol and/or substance misuse problem, it may be dealt with as a health issue if the employee agrees to accept the help and support they are offered. Below is an outline of how the process is usually managed, although this can change depending upon individual circumstances.

This policy may work in conjunction with KMPT's Absence Management Policy, Performance Management Policy or Improving Conduct Policy.

Process

- A manager may refer an employee to Occupational Health if there is any suspicion/concern of an alcohol, drug or substance abuse problem. The manager should discuss the reason for the referral with the employee and should liaise with ER where necessary. Referral could result from either a single incident or from repeated incidents at work, or from concerns of colleagues
- If an employee is required to be absent from work in order to successfully participate

in and complete a treatment programme to which they have been referred by a GP, Occupational Health or any other healthcare professional, any absence from work will be in line with the KMPT's sick pay policy. Consideration may also be given to:

- Temporarily redeploying the employee to another location or role.
- Temporarily altering the employees working hours.
- Medical suspension (where this is considered it should be discussed with the ER team in the first instance)

Any such action will be with the agreement of the manager, Occupational Health and ER.

During their rehabilitation period they may be expected to attend regular appointments with Occupational Health. Progress will be reviewed and the employee will keep their manager informed. If the employee fails to attend appointments with Occupational Health or other specialist agencies without good reason, it will be considered as a rejection of support and assistance and further action may be taken such as formal disciplinary or capability procedures.

They may be required, notice will be given, to undergo medical examinations and screening, including screening to detect alcohol or drugs as necessary. These examinations will be arranged through the manager and any expenses incurred in connection with such an examination shall be met by KMPT.

Conduct issue

- If KMPT considers that an employee is at work under the influence of alcohol and/or misusing substances (or believes they have an underlying alcohol or substance misuse problem) and they refuse the support they are offered, KMPT may deal with its concerns in accordance with its Disciplinary Policy. Misuse of alcohol or substance abuse is regarded as gross misconduct and may result in dismissal. Where it is suspected that substances may have been obtained fraudulently from KMPT, cases will be referred to the Counter-Fraud Agency.
- Employees who have a conviction for illegal drug use or an alcohol related offence, or displays conduct liable to bring KMPT into disrepute may be subject to disciplinary action.

- If in the course of an investigation into such incidents, the employee acknowledges that they have an alcohol or substance misuse problem and agrees to a referral to Occupational Health, the necessity for any disciplinary proceedings will be reviewed by the manager and ER.

kca.ashford@nhs.net
 kca.thanet@nhs.net
 kca.westkent@nhs.net
 kca.canterbury@nhs.net
 kca.medway@nhs.net
 MEGCCG.miapt@nhs.net
 surreyptp@addaction.org.uk

<http://thinkaction.org.uk>
<http://addaction.org.uk/>

In addition to the above, the following services are available for medical staff:

**British Medical Association
 24 Hour Stress Counselling**

Tel: 0330 123 1245
 (24 hours a day, 7 days a week)
www.bma.org.uk/advice/worklife-support/your-wellbeing/bmacounselling-and-doctor-advisor-service

British Doctors and Dentists Group
www.bddg-london.org

The Sick Doctors Trust Helpline

Tel: 0370 444 5163
 Tel: 0370 444 5163
 Email: help@sick-doctors-trust.co.uk

5 | Support services

Staff Support Line

Tel: 03000 411411
 Email: supportline@kent.gov.uk

Alcoholics Anonymous Help Line

Tel: 0800 9177 650
 Email: help@alcoholics-anonymouse.org.uk
www.alcoholics-anonymous.org.uk

Cocaine Anonymous Help Line

Tel: 0800 612 0225
 Email: helpline@cauk.org.uk
www.cauk.org.uk/index.asp

Drinkaware and Drinkline

Tel: 0300 123 1110
www.drinkaware.co.uk/alcohol-support-services

Narcotics Anonymous

Tel: 0300 999 1212 (10am - midnight)
<http://ukna.org>

Talk to Frank

Tel: 0300 123 6600
www.talktofrank.com

Re-solv Helpline

Text: 01785 810762
 WhatsApp: 07496 959930
 Email: c4r@re-solv.org
www.re-solv.org

Tasha Foundation Helpline

Tel: 0207 118 4334
 Email: enquiries@tasha-foundation.org.uk
www.tasha-foundation.org.uk

**Think Action
 (formally KCA Mental Health Services)**

Ashford: 0300 012 0012
 Swale: 01634 298598
 Thanet: 01843 293 844
 West Kent: 0300 012 0012
 Canterbury: 0300 012 0012
 Medway: 01634 298 598
 Merton: 0203 823 9063
 Reigate: 01737 225 370
 Woking: 01483 746 900



Allegations against staff

1 | What this policy covers

KMPT is committed to safeguarding and promoting the welfare of children, young people and adults at risk of abuse or neglect.

This policy applies to those allegations where there is reason to believe a child or adult is at risk of harm from a person in a position of trust whether or not they are employed by KMPT; including volunteers, celebrities, students, agency workers, contractors etc.

This applies to allegations which might indicate the alleged source of harm is unsuitable to work with adults or children in their present position or in any future capacity.

This policy facilitates appropriate and coordinated responses to allegations made against KMPT employees and workers, both temporary and substantive and includes those engaged by KMPT in a non-remunerative capacity, students and volunteers. It also applies to concerns known about service users, or family members that are potentially a risk to children and adults at risk.

This policy is to support the management of allegations only; and is not to be used regarding concerns about the quality of care and practice, or complaints.

This policy should be read in conjunction with related KMPT policies as highlighted above:

- Safeguarding Adults Policy
- Safeguarding Children and Young People Policy
- Domestic Abuse Policy
- Civility, Dignity and Respect Policy
- Disciplinary Policy
- Freedom to Speak Up: Raising Concerns Policy
- Personal Boundaries Policy

This policy applies to all members of KMPT employees regardless of their current role or place of work, including agency professionals and others, such as patients that are in a 'Position of Trust'.

2 | Principles

This policy is to provide a framework for managing cases where allegations are made about an employee or a person in a position of trust, that indicates that children, young people or adults are alleged to have suffered, or are likely to suffer, harm.

Concerns should be raised if a person in a position of trust is behaving in a way which demonstrates unsuitability for working with children, young people or adults, in their present position, or in any capacity. The allegation or issue may arise either in the employee's/professional's work or private life.

Examples include, but are not limited to:

- Commitment of a criminal offence against or related to children, young people or adults
- Failing to work collaboratively with social care agencies when issues about care of children, young people or adults for whom they have caring responsibilities are being investigated
- Behaving towards children, young people or adults, in a manner that indicates they are unsuitable to work with children, young people or adults at risk of harm or abuse; for example, verbally/emotionally abusive, a perpetrator of domestic abuse.
- Where an allegation or concern arises about an employee relating to their private life such as a perpetrator of domestic violence, sexual offences or where inadequate steps have been taken to protect vulnerable individuals from the impact of violence or abuse for example; failing to protect own children from neglect and abuse.
- Where an allegation of abuse is made against someone closely associated with an employee, such as a partner, member of the family or other household member; this is to ensure support, recognising the impact this may have, and in instances where there may be more than one alleged perpetrator of abuse; for example, exploitation, child sexual abuse.
- Personal boundaries are broken, putting clients at risk of emotional, sexual, financial,

and physical abuse including all forms of exploitation.

- Abuse of power in the practitioner role, causing emotional harm and or abuse; for example, inappropriate restraint, wilful neglect, inappropriate use of segregation.
- The policy is focused on the management of risk and harm, robust assessment, and outcomes. Definitions of risk and harm can be found in the Safeguarding Children and Adult Policies reflecting the Children Act 1989/2004 and the Care Act 2014.
- The intended outcomes of this policy and associated procedures are:
- That the safety and welfare of children/adults must be paramount at all times.
- That employees are appropriately supported whilst investigations/enquiries are in process.
- That KMPT actively contributes to keeping children/young people/adults safe from potential abuse and neglect by a person in a position of power/trust.
- That KMPT evidences commitment to safeguarding children/young people/adults by ensuring compliance with safer workforce/recruitment guidance.
- That all employees clearly understand their duty to report any incident that would be considered to be potential abuse or neglect to a child/young person/adult by a colleague/another employee.
- That KMPT's employee's will understand the complexities of the process and have realistic expectations about the timeframes within which the allegation is managed.
- That the process is transparent.
- The alleged perpetrator and alleged victim's voice and opinions are evident.
- The process has a clear outcome.
- KMPT adhere to the law in reporting criminal case concern.

3 | Responsibilities

All employees and workers of KMPT are responsible for ensuring that any safeguarding concerns are raised and escalated in accordance with the Safeguarding Adults' Policy and Safeguarding Children and Young People Policy.

employee relations responsibilities:

- employee relations will lead on all concerns relating to employed, volunteering and contracted employees.

- Provide the investigating manager support with a named HR advisor/officer for support.
- Provide the investigating manager with the appropriate Fact Find/Improving Conduct investigation report template to complete, and template letters
- Ensure that all relevant legislation is adhered to at every stage of the investigation.
- Ensure that the employee is supported appropriately.
- Be the holders of all allegations against employees concerns to ensure a central point of information (held within one highly secure file)

Professional lead responsibilities:

- Ensure that all professional body actions have been completed by the nursing team or the professional lead, where appropriate, with evidence capture and a clear outcome.

Safeguarding team responsibilities

Safeguarding will lead on all allegations for non-employees, etc.

- Provide advice and support to employee relations and the manager via consultation
- To ensure that all allegations against staff are managed appropriately; are audible, and that relevant agencies involvement such as police etc are evident.
- To securely store all allegations for non-employees.

The Local authority designated officer (LADO) is responsible for:

- Providing advice, information and guidance to employers and voluntary organisations around allegations and concerns regarding paid and unpaid workers.
- Managing and overseeing individual cases from all partner agencies.
- Ensuring the child's voice and lived experience/adult at risk's voice is heard and that they are safeguarded.
- Ensuring there is a consistent, fair and thorough process for all adults working with children and young people against whom an allegation is made.
- Monitoring the progress of cases to ensure they are dealt with as quickly as possible.
- Recommending a referral (children's social care) and chairing the strategy or position of trust meeting in cases where the allegation requires investigation by police and/or social care.

The LADO is involved from the initial phase of the allegation through to the conclusion of the case. The LADO is available to discuss any concerns and to assist in deciding whether a referral is needed and/or take any immediate management action to protect a child.

If you are unsure if a case meets the criteria for the county LADO service you can call and request to speak with the LADO Enquiries Officer who can discuss the situation and advise on next steps. This does not require you to share member of staff or child's details and is not a referral.

4 | Policy in practice

Safer Recruitment

As an NHS service provider KMPT will do everything possible to prevent unsuitable people obtaining employment in the NHS. Please refer to the recruitment policy. This policy relates to staff that are employed.

Children and Young People

- Under Section 11 Children Act (2004), provider services are required to have clear policies in line with those of Local Safeguarding Children Partnerships (LSCP), for dealing with allegations against people who work with children (HM Govt, 2015). Such policies must make a clear distinction between an allegation, a concern about the quality of care or practice, or a complaint.
- All allegations of child abuse will be investigated, and this will be overseen by the LADO. During these investigations it is the welfare of the child that is of paramount importance. Employers and employees should therefore be mindful that there will be occasions when it will feel that the 'balance' is towards the child rather than the member of staff about whom the allegations are being made, and therefore the staff member should be appropriately informed and supported with regular contact and supervision.

Adults

- Under the Care Act (2014), Provider services are required to evidence robust policies and procedures to the Local Safeguarding Adults Board (LSAB), for dealing with allegations against people who work with adults.

- All allegations of adult abuse or neglect will be subject to a Section 42 Safeguarding Adult enquiry, in accordance with Kent and Medway's inter-agency procedures. During these enquiries it is the welfare of the adult that is of paramount importance. Employers and employees will need to be mindful that it will/may feel that the 'balance' is towards the adult at risk rather than the member of staff about whom the allegations are being made, and therefore the staff member will need to be appropriately informed and supported with regular contact and supervision.
- Allegations that have not identified actual abuse or neglect, including historical concerns may not be subject to a Section 42 enquiry, however will require robust internal investigations.

Datix

- The Datix system must be used for all allegations made against staff. This process enables key professionals to support the process and ensure robust oversight that is both safeguarding and support focused.
- To ensure that allegations are managed confidentially the following process must be followed:
- Report the incident on Datix in the usual way, including all contacts but do not add the details of the person whom the allegation is against.
- Once the record is submitted, make a note of the Datix record ID (this will be shown after you have submitted the incident), and contact the Datix Team right away. You can either do this via the telephone numbers shown on the top of the Datix incident form (office hours) or by emailing the Datix Administrator inbox (kmpt.datix.administrator@nhs.net).
- You should then tell the Datix Team the incident record ID, and the details of the person whom the allegation is against. We will need their name, job title and whether or not they are a member of NHSP (NHS Professionals).
- The Datix Team will then be able to add the details to the incident record in a way that it can only be seen by authorised members of staff. This will ensure that a high level of confidentiality is maintained.

Children and young people

The local authority designated officer (LADO) works within Children's Services and gives advice and guidance to employers, organisations and other individuals who have concerns about the behaviour of an adult who works with children and young people. Included in this group are volunteers, agency staff and foster carers as well as people who are in a position of trust and have regular contact with children such as religious leaders, recreational group leaders, political figures or school governors.

The role of the LADO is set out in the 'Working Together to Safeguard Children (2018)'

Statutory Guidance, and is governed by the Local Authorities duties under Section 11 of the Children Act (1989/2004). Managing safeguarding allegations against staff is required under the Children Act (1989/2004).

Actions

The LADO must be contacted within one working day in respect of all cases in which it is alleged that a person who works with children has met the harm threshold which is:

- behaved in a way that has harmed, or may have harmed a child
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm.

There may be up to four strands in the consideration of an allegation:

- a police investigation of a possible criminal offence
- enquiries and assessment by children's social care about whether a child/adult is in need of protection or in need of services
- The case will be reported on STEIS
- Consideration by an employer of disciplinary action in respect of the individual.

Actions for managing allegations regarding Children and Young People

Non-KMPT employees i.e. client, service user, carers, guest etc:

- Refer into children social services
- Complete a LADO referral (within 24 hours)
- Upload to RiO if a service user/client
- Complete a DATIX
- Keep information documented securely in a secure file for evidential purposes.

- Send a copy of the LADO and children social care referral to the safeguarding team

KMPT employee's including agency staff:

- Speak to your manager and share concerns regarding the member of staff, this must be kept highly confidential and on a need to know basis. Please ensure that all discussions are followed up in an email, as part of the contemporaneous, open and transparent record keeping which will contribute to the investigation. These can be uploaded onto the Datix.
- A Datix must be raised, with the safeguarding tab clicked, and the executive director of nursing and quality included.
- The manager must talk to human resources regarding the concerns to develop a plan (see appendices A). This will include identifying the lead investigator; this should be a senior experienced manager that does not have line duty responsibly for the alleged staff member.
- All child allegations require a referral into the LADO, Kent, Medway or other Local Authority within one working day/24 hours.
- If abuse is suspected or has occurred a referral into Children's Social Care must be completed in addition to the LADO referral.
- If a criminal offence has occurred or is suspected the police must be informed and the crime report number documented.
- If an abuse has not occurred however there are still concerns a plan must be developed which would include the investigating manager considering the risks to children, other's and the organisation. Developing a plan that would include liaison with the local authority designated officer, and the safeguarding team. Consider if the police need to be contacted.
- It may be necessary for client facing roles to be changed temporary, or for supervised practice until the outcome of the investigation.
- All actions must be captured and documented (Appendix A)
- A clear outcome letter is needed following any investigation/allegation that is filed on to the staff records.
- It may be necessary for a referral to be made, after the investigation, to the Disclosure and Barring Service DBS (from 2013) and/or ensure the appropriate Professional

Regulatory Body is advised by the lead nurse or the appropriate professional lead.

- All investigation outcomes must be shared with the executive director of nursing and quality prior to finalisation for formal sign off.
- The sharing of the investigation outcomes requested by the police, local authority or NHSP must be agreed by the executive director of nursing and quality.

Actions for managing allegations regarding adults

Actions to follow for non-KMPT employees i.e. client, carer etc:

- Contact the KMPT safeguarding team.
- Complete a safeguarding alert if abuse has occurred or is suspected
- Contact the police on 101 if a crime is suspected or has occurred. Call 999 if there is an immediate risk of harm
- Keep information documented securely within the client records or if not a client in a secure file for evidential purposes.

Actions relating to KMPT employees including agency staff:

- Speak to your manager and share concerns regarding the member of staff, this must be kept highly confidential and on a need to know basis. If the manager is the person of concern, contact the service lead or safeguarding team.
- The manager must talk to human resources regarding the concerns to develop a work plan based on risk analysis (see appendices A)
- If an abuse has occurred or is suspected a referral into social care (safeguarding alert) must be completed.
- A Datix must be raised, with the safeguarding tab clicked, and the executive director of nursing and quality included.
- If a criminal offence has occurred or is suspected the police must be informed and the crime report number documented.
- If an abuse has not occurred however there are concerns a plan must be developed which would include the investigating manager considering the risk to adults, other's and the organisation. This would also include; liaison with the safeguarding team and consideration of police contact.

- The staff member at the centre of the concerns must be supported, informed of the plan and what will happen, including next steps, of which may be supervised practice, of temporary role change as appropriate and proportionate to the allegation, unless unsafe to do so. (see Appendix B)
- All actions must be captured and documented (Appendix A)
- Following any investigation/allegation; an outcome letter must be issued to the staff and a copy filed on to the staff records.
- It may be necessary for a referral to be made, after the investigation, to the Disclosure and Barring Service DBS (from 2013) and/or ensure the appropriate Professional Regulatory Body is advised by the lead nurse or the appropriate professional lead.
- All investigation outcomes must be shared with the executive director of nursing and quality prior to finalisation for sign off.
- The sharing of investigation outcomes requested by the police, local authority or NHSP, must be agreed by the executive director of nursing and quality, unless relating to the Section 47 enquiry which the head of safeguarding can support.

Staff allegations, against another staff member

All allegations must be treated seriously with the above process followed; the staff member sharing the concerns must be advised that they will be identified as the source of the allegation, to ensure fair challenge from the perpetrator unless unsafe to do so. This will also prevent/reduce false allegations, whilst ensuring that staff are supported in reporting genuine safeguarding concerns. Mediation and supervision may support staff in the investigation/post investigation stages.

Why do we need to share information?

Organisations need to share safeguarding information with the right people at the right time to:

- prevent death or serious harm
- coordinate effective and efficient responses
- enable early interventions to prevent the escalation of risk
- prevent abuse and harm that may increase the need for care and support
- maintain and improve good practice in safeguarding adults

- reveal patterns of abuse that were previously undetected and that could identify
- others at risk of abuse
- identify low-level concerns that may reveal people at risk of abuse
- help people to access the right kind of support to reduce risk and promote wellbeing
- help identify people who may pose a risk to others and, where possible, work to reduce offending behaviour
- reduce organisational risk.

Each NHS organisation has appointed a Caldicott Guardian, who is responsible for safeguarding information and ensuring good practices are implemented.

Under Section 115 Crime and Disorder Act (1998) a worker has the power (not a duty) to share information if she/he thinks a crime has been, or could be committed in the future. This information may be shared with personnel from:

- Local authority
- Health trusts
- Police
- Probation.

Supporting staff

All staff must be treated with respect. This process of investigation must not be seen to apportion blame. This process is to protect staff, clients and children to prevent harm. This must be a supportive process to ensure safe and evidenced based outcomes.

All staff that has had an allegation made against them must be informed and supported. Staff report to feeling less traumatised when the allegation has been shared, there must be consideration for the balance of openness and what to share in regard to the allegation/s, for example any staff member that is alleged to be part of a suspected paedophile ring, taking or sharing indecent images; and exploitation would require police action and the staff member must not to be informed due to risk of evidence deletion or disruption, or hindering a police investigation (see Appendix A).

For support with decision making contact the safeguarding team:

- Staff must be offered support with supervision, contact, and signposting to staff services, and must be given the opportunity to express their views; whether or not they are informed of the type of allegation.

- All staff must be given a formal investigation and outcome letter, unless there is a criminal/ active investigation. The letter if possible should be sent via an attachment to NHS.net rather than via the post.
- If staff need to have their role temporarily changed, or require supervision to enable proportionality in the balance of safeguarding and service delivery, whilst an investigation is ongoing, they must be supported in doing so, by the service manager and employee relations. Guidance from the improving conduct policy on the restriction of duties/suspension should be followed.
- The maximum time frame for investigation to completion must not exceed 20 working days without a formal review, unless there is police involvement in which case guidance will need to be sought.

Improving conduct/disciplinary processes

The improving conduct/disciplinary process may be needed during, or following an investigation:

1. Fact finding, early resolution, just and learning approach

- This is an attempt to understand a situation and prevent it from escalating without having to use the formal section of the improving conduct policy. It is important that employees are not subject to formal improving conduct/disciplinary procedures unless absolutely necessary in order to protect employees from undue pressures at work. Therefore, initial fact finding and the identification of any learning should always be the first stage of the process of dealing with potential disciplinary issues. Where improvement is required employees must be given guidance.
- If the problem escalates or is found to be more serious then the matter may be escalated to the formal improving conduct/disciplinary procedure with the advice of the employee relations team.

2. Formal action

- At all stages of the formal procedure, a fair and objective investigation must take place. The allegations against employees must be clear. The employee must be informed of the allegations in writing in advance of any investigatory meeting with them. An investigating officer should be of senior

grade to the employee being investigated and have no prior involvement with the matter. Advice should be sought from the employee relations department when appointing an investigator.

3. Storage of information:

- All information will be stored securely within the employees personnel file by the manager once the investigation is complete. If an employee moves to another job/organisation unfounded allegations (i.e. not upheld) will not be shared.



Annual leave

1 | What this policy covers

This policy aims to provide a consistent and fair approach to taking and calculating annual leave.

The policy will detail:

- How much leave employees are entitled to
- How to request leave
- How annual leave entitlement is affected by other factors such as sickness.

This policy should be read in conjunction with other KMPT's policies such as sickness management special leave, maternity and paternity leave, which can also be found in the KMPT People Policies handbook.

2 | Principles

- This policy applies to all employees who are employed on NHS terms and conditions, except agency or medical staff who have other arrangements.
- KMPT encourages its employees to have a healthy work-life balance and to take their full entitlement of annual leave within the leave year.
- Carrying over annual leave will only be authorised in exceptional circumstances.
- Applications for annual leave should be made in accordance with this policy, the rostering policy and any local departmental procedures. Failure to follow these processes could result in time taken off being considered as unauthorised absence, which may lead to deductions from pay and/or disciplinary action.

3 | Responsibilities

- KMPT must ensure, through an open and supportive culture, that applications for annual leave are dealt with consistently and fairly.
- Managers will respond in a timely manner to requests for annual leave. In reaching their decision, they will balance the wishes of the employee with service provision.

- Managers will inform employees within their areas of responsibility how to request annual leave.
- All employees should make their annual leave requests in accordance with the procedures outlined in this policy and local departmental procedures.

4 | Policy in practice

Entitlement

- Annual leave entitlement is based on the cumulative years of NHS service (please see table one below)
- The annual leave year for all employees will run from 1st April to 31st March
- The entitlement is calculated in either days or hours to ensure employees who work variable hours/shifts are not disadvantaged
- Annual leave entitlements can be calculated using the KMPT's electronic annual leave calculator which can be found on i-connect.

Annual leave entitlement	
Length of service	Annual leave and general public holidays
On appointment	27 days/202.5hrs plus public holidays
After five years' service	29 days/217.5hrs plus public holidays
After 10 years' service	33 days/247.5hrs plus public holidays

- In addition to annual leave employees are entitled to paid statutory/public holidays. Entitlement for part-time employees is pro-rata. A statutory/public holiday is a period of normal working duty that starts within the period of 24-hours from midnight to midnight.
- Generally, there are eight statutory/public holidays per leave year. However, in some years this can range from six to ten days depending on where Easter falls in any given year and annual leave entitlement will reflect these changes, for example if Easter could fall in the same annual leave, one year being in April then in the next year falling in the March.

- Employees will be given 7.5hrs of annual leave, (pro-rata for part time workers) per public holiday. Where employees are required to use more than their statutory entitlement to take a public holiday as annual leave, the additional leave will be deducted from their overall annual leave entitlement, to ensure that employees who work variable hours/shifts are not disadvantaged.
- The annual salary for an employee on a term time only contract will be based on the number of weeks actually worked and will be paid monthly in 12 equal payments, regardless of the number of weeks worked in each month. Payment is made for a pro-rata entitlement to annual leave and general public holidays, therefore it is assumed the annual leave is taken outside of term time.
- If employees change their contracted hours their annual leave entitlement will be recalculated. The year will be split into two calculations and added together, to give the full entitlement.
- If an employee reaches 5 years' service or 10 years' service part way through an annual leave year, their annual leave entitlement will be recalculated. The year will be split into two calculations and added together, to give the full entitlement.
- Employees joining or leaving KMPT part way through a leave year must have their annual leave adjusted and pro-rata accordingly. Statutory/public holiday will be pro-rata according to the number that fall within the period of time being calculated.
- If their total leave taken exceeds the total entitlement an appropriate deduction must be made from their final salary.
- Employees should aim to spread their leave out over the full annual leave year. Failure to do so may result in the manager allocating their leave on their behalf.

Requesting annual leave

- Employees should submit their annual leave requests through the eRoster or SARD rostering system as early as possible. It is generally recommended that annual leave requests are submitted at least six-weeks prior to the leave taking place. The manager will approve or decline the request based on

service need.

- Until the request has been agreed employees must not assume that they can take their leave at the requested time and should not make any bookings or enter into any financial commitments based on an agreement being given at a future date as the leave may not be granted.
- To balance the needs of all employees in the ward/department leave of more than two weeks will only be agreed in exceptional circumstances. Any leave requests for longer than 2-weeks would need to be supported by both the manager and service manager or of equivalent level within the service.
- Managers will ensure that authorisation for leave for popular times (e.g. school holidays, Christmas, New Year, etc.) must be made on a shared and equitable basis.

Carry over, purchasing and selling annual leave

- It is expected that employees will take all their annual leave during the leave year.
- Where an employee is on long-term sick leave and approaching the end of the current annual leave year and are not expected to return before the end of that leave year, employees may carry over statutory annual leave of up to a maximum of 20 days including Bank Holidays (pro-rata for part time) into the next annual leave year. The remaining annual leave outstanding will be forfeited.
- If an employee returns to work before the end of the current annual leave year they can take their annual leave at mutually agreeable times up until the end of the current leave year. Should this not be possible, the outstanding statutory annual leave of up to a maximum of 20 days including bank holidays (pro-rata for part time) may be carried forward into the next leave year and will be dependant on the length of absence. The remaining annual leave outstanding will be forfeited.
- Annual leave in the current leave year may also be used to facilitate a phased return to work; this should be reviewed in line with KMPT policy on a phased return to work.
- Should an employee leave KMPT during a period of sickness they are entitled to have

the accrued annual leave from the current leave year paid to them in their final salary. Should an employee carry forward statutory annual leave to the next leave year due to a period of sickness absence and subsequently leave during that leave year whilst absent from work, they will be entitled to receive a payment of the number of hours carried forward and a pro-rata entitlement for the current leave year. Again, this payment will be made in their final salary.

Personalised annual leave scheme definition

This is an arrangement whereby employees can “buy” or “sell” annual leave subject to minimum and maximum ceilings, with a commensurate adjustment to their salary.

Terms and conditions

Employees may reduce their entitlement by up to an equivalent of one week’s basic contracted hours, pro-rata for part time employees, or may increase their entitlement by a maximum of two weeks basic contracted hours, pro-rata for part time employees. If you “buy” annual leave your salary is reduced by the additional number of days/hours purchased and if you “sell” annual leave your salary is increased by the number of days/hours sold. This will be deducted or paid monthly with their salary consistently throughout the year.

Any change to the leave arrangements has to be agreed before the start of the annual leave year. Employees who commence employment after this time cannot avail themselves of this benefit until the following leave year. New employees will have access to this provision at the start of their first full leave year (i.e. 1st April – 31st March).

The normal rules regarding carryover of annual leave into the next annual leave year applies. Employees who have purchased additional holiday and then do not use it cannot resell the holiday or carry it over in the next year.

The application form for this scheme can be found in the Flexible Working Policy. You need to complete the form and sent to your manager for approval. If approved your managers will complete a staff change form advising the number of days’ holiday purchased/sold. This should then be sent to Workforce Information on:

kmpt.workforce.information@nhs.net, so the appropriate payments can be deducted or paid into your salary. The staff change form must be sent prior to the commencement of the leave year.

Example

Full time – salary is £25,000 per annum

Buying annual leave

The maximum holiday that can be purchased is two weeks (10 days) which is equivalent to 75 hours.

The cost of the holiday is:
 $£12.82 \times 75 \text{ hours} = £961.50$

The new salary once two weeks of holiday has been purchased would equal £24,038.50 (£25,000 – £961.50)

Selling annual leave

Maximum holiday that can be sold is one week (five days) which is equivalent to 37.5 hours.

The price of selling the holiday is:
 $£12.82 \times 37.5 \text{ hours} = £480.75$

The increased salary with one weeks holiday sold would equal £25,480.75 (£25,000 + £480.75)

Sickness during annual leave

- If an employee is sick while on annual leave, in accordance with KMPT’s supporting attendance policy, the period will be treated as sick leave, where the manager is informed at the beginning of the period of sickness that the employee is unwell and a FIT note will need to be provided. This will enable the employee to take their annual leave at another time. Retrospective requests for annual leave to be recorded as sickness will not usually be granted.
- Annual leave can be used during periods of long-term sickness. If you wish to take annual leave while you are off sick, please contact the employee relations (ER) team. You should also inform your manager prior to taking the leave.

Annual leave during suspension

Employees may take annual leave whilst

suspended from duty and this should be requested and recorded in the normal manner. Employees on suspension are expected to use their annual leave within the leave year and suspension will not be considered as a reason for the carry over of leave.

Cancelling annual leave

Leave may be cancelled and taken at a later date if mutually agreed with the manager and with reasonable notice. In exceptional circumstances the employee may be asked to cancel their leave.



Appeals procedure

1 | Introduction

This procedure covers arrangements for all appeals made by employees against any formal sanction/decision arising from the following KMPT policies:

- Improving conduct policy
- Sickness management policy
- Grievance policy
- Civility, dignity and respect policy
- Flexible working policy
- Capability policy

2 | Procedure

Employees who request an appeal hearing are expected to engage in the process. If an employee does not engage with the appeal process, they will be advised their appeal hearing will not proceed or that the appeal may be heard in their absence.

An appeal hearing will be arranged by the employee relations team at the earliest opportunity. A letter of acknowledgement of receipt of the appeal will be sent to the employee in the first instance.

The appellant must state the grounds for appeal in the initial application for appeal within five working days of receiving the original written decision. Supporting written evidence must be submitted at least 10 days prior to the hearing date.

For the appeal to take place there will need to be new information provided for the appeal panel to consider.

An appeal hearing will consist of a KMPT Manager senior to the manager who made the original decision and an HR advisor/HR business partner and the individual who is raising the appeal.

If the appellant becomes unable to attend the arranged hearing they must notify the employee relations team of the reason they are unable to attend. An alternative date will only be arranged if there are extenuating circumstances.

If it is agreed that the hearing is to be rearranged then the panel may continue in absentia if the appellant does not attend the rearranged hearing.

All appeal hearings will be conducted with reference to KMPT's procedure for conducting a formal hearing, but in the case of an appeal, the appellant will present their case first.

A record of the proceedings should be made and kept on file.

The decision of the appeal panel is final and will be confirmed to the appellant within 10 working days of the decision being made. Confirmation will be in writing.

Capability

1 | What this policy covers

This policy is designed to support employees in improving their performance so they can achieve and maintain the standards their role requires.

2 | Principles

- The policy will provide a clear, fair and consistent framework for handling performance issues.
- We understand discussions regarding an employee's performance can be stressful, so this policy seeks to balance the requirement for a comprehensive and supportive process with KMPT's need to deliver services effectively.
- Unsatisfactory work performance may be caused by numerous factors and (where possible) concerns will be dealt with through supportive discussions with their manager, before moving to formal processes.
- The standards that employees need to achieve will be realistically achievable within a specified time frame.
- In some circumstances it may be appropriate to deal with performance issues under KMPT's Sickness Management or Probation Policies. The manager should seek advice from the employee relations team (ER) before making this decision.
- Redeployment may be considered at any stage of this policy.
- In cases of serious poor performance, it may be appropriate to consider moving straight to a hearing.

3 | Responsibilities

KMPT has a responsibility to ensure that the policy is applied fairly and equitably to all employees. Managers are trained and informed about managing concerns about performance.

All employees are expected to contribute to high levels of organisational and professional performance, and to seek support, guidance

and development to ensure their individual performance is optimised.

Doctors' performance at work is addressed through the appraisal policy for all medical doctors in KMPT and The Procedure for Management Concerns about Doctors which are available on the Intranet.

Individuals engaged by independent contractors providing a contracted service to KMPT are excluded from this policy.

4 | Policy in practice

The Performance Policy has the following stages:

- Stage one – informal
- Stage two – formal
- Stage three – hearing
- Stage four – appeal

The right to be accompanied

Should they wish, the employee can be accompanied at all formal hearings by a trade union/staff representative or appropriate workplace colleague not acting in a legal capacity. Employees are responsible for choosing their representative, but they must let their manager know in advance who this will be. They will be able to participate fully at the meetings, but will not be able to answer questions on behalf of the employee. Trade union/staff representative or appropriate workplace colleagues are not permitted at meetings outside of the hearing; however, advice and support are encouraged to be sought from them throughout the process.

Stage one – informal

KMPT recognises that few employees choose to perform badly, make mistakes or fail to complete tasks. So, if the manager has concerns about their performance, they will discuss this with them at the earliest opportunity before moving to the formal stages of this policy.

The manager will explain to the employee their concerns and the standards required. The employee will be able to talk about any problems they are experiencing and what support they need to get back on track. In most

cases, more than one such discussion is required to offer and provide the employee the support they may need.

Following these discussions, in the majority of cases, most performance-related issues can be resolved promptly and informally. Any improvement that results must be maintained, so employees should talk to their manager immediately if they are having difficulties again.

There is no right to representation at this stage.

If at the end of the agreed period the standard has not been achieved, the manager has the option to:

- a) extend the monitoring period if some improvement has been made, but the standard has not yet been met;
- b) move to formal action.

Informal meeting

The aims of this initial meeting are to:

- Identify the reason for the poor performance and explore ways of supporting and improving performance
- Identify any factors which may be hindering performance
- Explain clearly the shortfall between the employee's performance and the required standard
- Obtain the employees commitment to reaching that standard.
- Agree a plan of action to support and improve performance to include:
 - the standards and/or objectives to be met;
 - a monitoring system;
 - a reasonable period for the employee to reach the required standard.
- Inform the employee what will happen if the agreed shift in performance is not achieved.
- Placing a written record of the outcome of this meeting on the personal file.
- Supervision notes may be used providing the issues are clearly identified and action plans to address any shortfalls in performance clearly documented to ensure that all parties concerned are clear about the required outcomes.

Stage two – formal

The manager should arrange a formal meeting with the employee. The manager may also wish to consult with the professional lead, if appropriate, and their HR Advisor to consider the options, check on process and seek advice on next steps.

First meeting

The aims of this meeting are the same as those described above for the initial meeting under informal action. The manager should restate that if the agreed improvement in performance is not achieved this will mean that their employment with KMPT will be put at risk. A written note of the outcome of this meeting must be made by the manager and given to the employee with a copy placed on the personal file.

Review meeting

As part of the monitoring system the manager should schedule a follow up meeting at the end of the agreed period to review the employee's performance.

If it is clear that performance is at (or above) the level required, the manager should confirm that this is the case, encourage the employee to maintain the improvement, agree future objectives and confirm the end of the formal action.

If at the end of the agreed period the standard has not been achieved there are three options:

- a) Extend the monitoring period if some improvement has been made but the standard has not yet been met in full.
- b) Consider whether redeployment is an appropriate option as a means of solving performance issues where improvement in the current job has happened;
- c) If there has been insufficient improvement in performance despite the measures implemented to facilitate and support improvement the manager will explain this to the employee, confirm that the employer has no alternative but to convene a hearing to consider their future employment position and outline what will happen next.

The employee has the right to be accompanied at the hearing by a Trade Union Representative or Workplace Colleague. N.B. If option C is the

only way forward the manager must consult with the ER Team and the relevant HR Advisor to discuss next steps.

Final review meeting

(under options A and B)

The final review meeting will be held with the employee to review performance during the extended monitoring period. If it is clear that performance is now at (or above) the level required the manager should confirm that this is the case, encourage the employee to maintain the improvement, agree future objectives and confirm the end of formal action.

If at the end of the agreed period the standard has still not been achieved the manager will explain this to the employee, confirm that the employer has no alternative but to convene a hearing to consider their future employment position and outline what will happen next.

A written note of the outcome of this meeting must be made by the manager and given to the employee with a copy placed on the personal file.

Stage three – hearing (Option C)

The hearing panel will consist of two people, including an appropriate manager who will chair the meeting and an HR representative. Before the meeting, the manager will write to them

no less than ten calendar days in advance asking them to attend. They will share with the employee:

- Why the meeting is taking place
- The date, time and venue
- Who will attend

They will also enclose any documentation to be used. If there are any documents they wish to be considered, send these to the manager at least three working days before the meeting.

At the meeting, the presenting manager will:

- Give examples of where they feel the performance is not meeting the required standard.
- Give the employee the chance to respond and identify factors they believe are affecting their ability to perform.
- Identify, through discussion, whether any measures, such as additional training, support or supervision, could improve their performance.

- Any potential sanctions that result from the above will be applied on a permanent basis and will be a contractual change. The employee's consent is not required for the change to take place.

After the meeting the manager will write to the employee within five calendar days to confirm the content and outcome of the meeting.

Dismissal

The hearing panel will consist of two people, including an appropriate manager who has the authority to dismiss who will chair the meeting and an human resources representative. Exceptional circumstances may exist in which other action short of dismissal may be more appropriate in the circumstances (individual and organisational).

In these circumstances an alternative to dismissal may include:

- Demotion with no pay protection (where the individual refuses this, dismissal may be the only option available).
- Redeployment to another role (without pay protection or excess mileage payments).
- KMPT will only be able to offer a role which is vacant.

Professional bodies

KMPT also reserves the right, if appropriate, to report the matter to the relevant professional body which may also take additional action.

After the hearing the panel's decision will be confirmed in writing to the employee within five working days. The letter will outline the reason(s) the decision was made and will:

- Give the date of termination of employment (or redeployment or downgrading as appropriate).
- Explain their right to notice pay or payment in lieu of notice.
- Confirm any annual leave owing and any deductions or repayments to be made from their final salary.
- Explain their right of appeal.

Suspension and restriction of practice

If KMPT believes it is appropriate it may decide to suspend the employee from work or restrict their practice pending further investigation or disciplinary action. Suspension and restriction are neutral acts, not a disciplinary sanction. Any period of suspension will be on full pay.

KMPT will try to keep the period of suspension as short as possible. For more information on suspension please go to the suspension process within the improving conduct policy.

Stage four – appeal

Employees have the right to appeal if they have grounds to believe:

- That the procedure at the previous stage has not been correctly adhered to or;
- There is evidence that the process has not been objective or;
- That the decisions reached were not appropriate in light of the evidence presented.
- The appeal panel will review the process but not rehear the case if there is no new evidence.

The procedure is:

- Employees who request an appeal hearing are expected to engage in the process. If an employee does not engage with the appeal process, they will be advised their Appeal Hearing will not proceed or that the appeal may be heard in their absence.
- An appeal hearing will be arranged by the employee relations team at the earliest opportunity. A letter of acknowledgement of receipt of the appeal will be sent to the employee in the first instance.
- The appellant must state the grounds for appeal in the initial application for appeal within five working days of receiving the original written decision. Supporting written evidence must be submitted at least 10 days prior to the hearing date.
- For the appeal to take place there will need to be new information provided for the appeal panel to consider.
- An appeal hearing will consist of a KMPT manager senior to the manager who made the original decision and an HR advisor/HR business partner and the individual who is raising the appeal.
- If the appellant becomes unable to attend the arranged hearing they must notify the employee relations team of the reason they are unable to attend. An alternative date will only be arranged if there are extenuating circumstances.

- If it is agreed that the hearing is to be rearranged then the panel may continue in absentia if the appellant does not attend the rearranged hearing.
- All appeal hearings will be conducted with reference to KMPT's procedure for conducting a formal hearing, but in the case of an appeal, the appellant will present their case first.
- A record of the proceedings should be made and kept on file.
- The decision of the appeal panel is final and will be confirmed to the appellant within 10 working days of the decision being made. Confirmation will be in writing.

Sickness absence during the review period

If an employee is off sick during the review period the absence management policy will apply. Through the absence process should an employee be redeployed to an alternative role, information regarding performance issues will be shared with the new manager, the performance management can continue in the new role if necessary.

Career break

1 | What this policy covers

KMPT recognises that during an employee's working life there may be times that they wish to take a substantial unpaid break. Our career break policy has been designed to facilitate unpaid absence from work for between three months and five years.

This policy aims to enable employees to balance the demands and responsibilities of their personal life with work commitments and service needs, to maintain consistent practice throughout KMPT.

This policy will support employees to understand whether they are eligible for an employment break; how to apply and it will explain the effect the break will have on their employment terms and conditions.

2 | Principles

The policy supports KMPT's commitment to improving work-life balance for all employees.

In accordance with KMPT's equality, diversity and inclusion policy, the application of this policy will not discriminate, directly or indirectly, on grounds of race, ethnic origin, colour, gender, sexual orientation, age, marital status, religion, disability or trade union membership.

Employees do not need to apply for a career break when they are entitled to be absent from work (e.g. when they are sick or on maternity leave).

3 | Responsibilities

- KMPT has overall responsibility for ensuring that this policy is applied fairly and consistently.
- KMPT managers will ensure that all requests for career breaks are given serious consideration and comply with the principles outlined above in section two.
- During a career break, employees are expected to keep in contact with their

manager as agreed and inform KMPT of any changes to their personal circumstances (e.g. change of address).

- They are expected to maintain professional links, such as membership of professional organisations and continuous professional development requirements, as well as to keep up to date with knowledge in their field.

4 | Conditions

Eligibility

To qualify to apply for an employment break employees must:

- Have been employed by KMPT, continuously on a substantive basis, for at least 12-months and
- Have demonstrated a commitment to continuing their career with KMPT.

Length of employment break

A career break normally lasts for a minimum of three months and a maximum of five years. Employees can apply for more than one career break during their employment, providing the combined length of the breaks does not exceed five years.

Once the career-break period has been agreed, returning to work earlier than the date specified can only take place in line with operational need and contractual notice periods.

Effect on employment current terms and conditions

For statutory purposes, the period of the break will count towards continuous employment, but all other terms and conditions with KMPT will be frozen. For example, the career break period will not count as reckonable service when calculating entitlement to annual leave, sick pay, contractual redundancy pay and any other benefits reliant upon length of service. Nor will there be any entitlement to any benefits such as sick pay during the break. It is the responsibility of the employee to understand whether the career break will have an impact on their pension arrangements.

Returning from a career break

For career breaks of three months to one year employees will be entitled to return to their substantive post at the end of their career break. For career breaks of between one and five years, where possible, employees will be accommodated in a post of similar nature (i.e./ band) to their post before taking their career break. If not possible, alternatives will be sought in accordance with KMPT's redeployment policy.

On return to work the employee will be placed on the salary point applicable immediately prior to the break. They may be expected to undertake training when they return to work. The content and duration will depend on the length of the break, the post and any changes in working practices, legislation or policy.

Where an employee has a career break of three years or longer, they will be required to have a satisfactory health screening/immunization update (clinical only) and a Disclosure and Barring Service (DBS) disclosure check in place if appropriate to their role prior to their return to work. If, as part of the career break the employee has travelled or worked abroad for a period of three months or longer or undertaken activities where they may have been exposed to serious communicable diseases then the health screening/immunisations check will need to be satisfactorily completed before returning to work.

Not returning from a career break

If the employee wants to resign from their employment with KMPT during their career break, they must submit their resignation to their manager in writing, giving the amount of notice specified in their employment contract.

Failure to return to work on the specified date without seeking an extension of leave will be regarded as a breach of contract. This could result in a formal hearing under the terms of KMPT's improving conduct policy and will allow the employee the opportunity to either attend in person or to offer a written submission.

In the event of organisational change KMPT reserves the right to terminate their employment on grounds of organisational change/ redundancy following the required consultation procedures, by giving the required period of notice set out in their contract of employment and in line with KMPT's change management policy.

Where employees are permitted to take an employment break immediately following maternity leave, they will be required to work for three months after completion of the employment break or repay the difference between statutory maternity pay and occupational maternity pay.

5 | Terms and conditions of a career break

Employees are not allowed to take up paid employment with another employer during a career break, except where, for example, work overseas or charitable work could broaden experience. If an employee intends to take up alternative work during their career break, they must make this explicit in the application and obtain written permission for this from their manager.

It is recommended that employees take further advice from KMPT's payroll and pension provider as a career break could adversely impact on their pension. National insurance contributions are not paid during the career break but employees can choose to continue their contributions by contacting HM Revenue and Customs.

Employees participating in the employment break scheme could be required to keep in regular contact with the workplace, this should be arranged with their manager. For this work employees will be paid the appropriate rate.

6 | Applications

Applications may be made for numerous reasons. In considering each application managers will need to take into account the impact on service delivery and effect on colleagues.

Applications will normally be approved for:

- Long-term caring responsibilities
- Extended periods of travel or voluntary services
- Personal reasons, for example, following ill health
- Undertaking further education.

Any other reason will be considered on its merit. Employees should submit their application in writing to their manager at least three months

before they want to start their career break, using the flexible working request form in the flexible working policy which is available to be downloaded on i-connect.

The manager will arrange to meet with them to discuss their application and will confirm their decision in writing to them. If agreed, the letter will confirm the start and return dates and any conditions that apply. Their manager will also complete a staff change form to ensure the employee record is updated. If the application is refused, the letter will explain why.

Participants in the employment break scheme may not work for another health care organisation or agency during the period of employment break, without prior approval. If this does occur the employee will be subject to disciplinary action and may be dismissed.

7 | Appeal

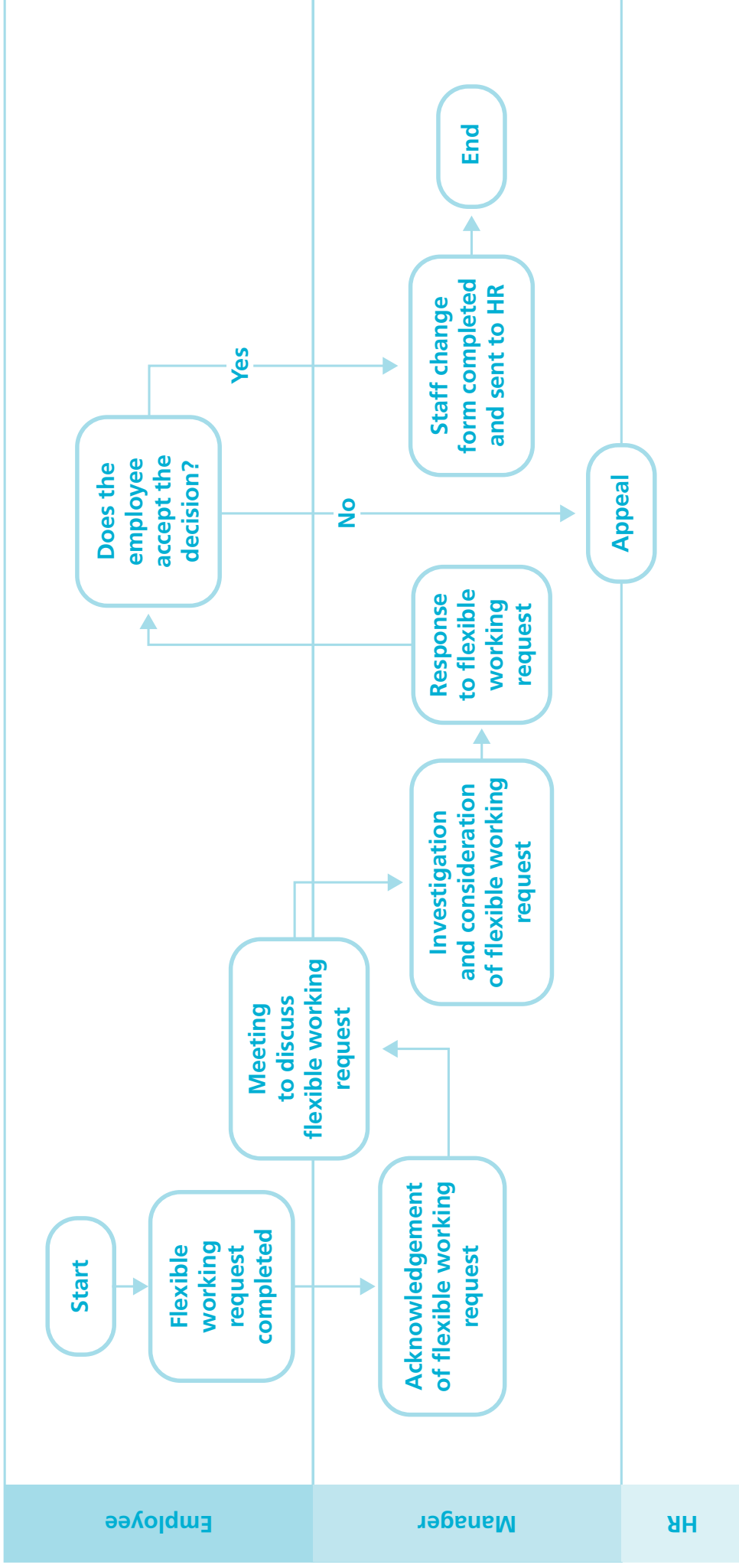
If the application for a career break is turned down, employees do not have the right to appeal this decision by:

- Employees who request an appeal hearing are expected to engage in the process. If an employee does not engage with the appeal process, they will be advised their appeal hearing will not proceed or that the appeal may be heard in their absence.
- An appeal hearing will be arranged by the employee relations team at the earliest opportunity. A letter of acknowledgement of receipt of the appeal will be sent to the employee in the first instance.
- The appellant must state the grounds for appeal in the initial application for appeal within five working days of receiving the original written decision. Supporting written evidence must be submitted at least 10 days prior to the hearing date.
- For the appeal to take place there will need to be new information provided for the appeal panel to consider.
- An appeal hearing will consist of a KMPT Manager senior to the manager who made the original decision and an HR advisor/HR business partner and the individual who is raising the appeal.

- If the appellant becomes unable to attend the arranged hearing they must notify the employee relations team of the reason they are unable to attend. An alternative date will only be arranged if there are extenuating circumstances.
- If it is agreed that the hearing is to be rearranged then the panel may continue in absentia if the appellant does not attend the rearranged hearing.
- All appeal hearings will be conducted with reference to KMPT's procedure for conducting a formal hearing, but in the case of an appeal, the appellant will present their case first.
- A record of the proceedings should be made and kept on file.
- The decision of the appeal panel is final and will be confirmed to the appellant within 10 working days of the decision being made. Confirmation will be in writing.

Continued on next page ►

8 | Flexible working request process



Change management

1 | What this policy covers

KMPT is continually striving to improve patient care and requires a challenging programme of change. The statutory and best practice framework in managing change is complex and this policy is designed to help KMPT to achieve transition and make the change as smoothly as possible.

This policy outlines the processes, responsibilities and timescales involved to give clarity and reassurance that where change is needed, it is being dealt with effectively and fairly. Information about pay protection as a result of organisational change can be found in KMPT's pay protection policy.

2 | Principles

- KMPT will strive to manage organisational change in accordance with best practice principles and processes
- The processes involved in managing change are designed to be fair and transparent, while ensuring security of employment where possible
- Where practicable, redundancy will be avoided and alternative solutions to employment found.

3 | Responsibilities

- KMPT aims to ensure that this policy is followed where organisational change is required and that managers are aware of their responsibilities.
- Managers who are leading a change process within their area of responsibility should follow the principles and processes within this policy and should seek advice from the employee relations team to develop a robust plan to undertake the change.
- The employee relations team will provide advice and support to managers and employees on the implementation of this policy where change has staffing

implications.

- Trade unions and managers will work together to ensure any change process is managed in a fair and consistent manner and in accordance with the principles and processes contained within this policy. They will also offer representation and support to employees as required.
- Employees should engage positively in the organisational change process.
- Trade unions and managers will work together to ensure any change process is managed in a fair and consistent manner

4 | Policy in practice

Rights of representation

Employees who are going through an organisational change processes do not have the right to be represented by a trade union representative or workplace colleague at the one to one consultation meetings but they can have representation (trade union representative or workplace colleague) at the initial group consultation meeting. However, this does not prevent them from taking advice from a trade union representative or workplace colleague

Process overview

To make a contractual change requires consultation with both staff side representatives and with the affected individuals. In consultations connected with redundancies there are particular actions which must be followed.

Employees must have the opportunity to feedback on the proposed changes and KMPT will respond to the feedback. In consultation connected with changes to collective agreements and employment policies, discussions will take place between management and staff side of KMPT's Joint Negotiation Forum (JNF) and Local Negotiating Committee (LNC). Any agreements reached must be ratified by the relevant KMPT authorisation committee. Once a policy has been ratified it supersedes all earlier agreements for KMPT employees.

Where organisational change is proposed, KMPT will ensure it meets its obligations under the prevailing employment legislation, all national NHS terms and conditions and local consultation requirements. Where change affects employees the recognised employee representatives for that group will be consulted with at the JNF or LNC (as appropriate). Managers must produce a consultation paper (please contact the employee relations team for the relevant template) for presentation and discussion at the JNF and/or LNC (as appropriate).

Wherever the changes are initiated by KMPT and have an impact on individuals' pay, KMPT will offer some form of compensation. Please see the pay protection policy for more details.

There will be a 30-day period of consultation unless it is likely that more than 100 employees may be affected by the change. In which case, the period of consultation will be 45 days.

Transfer of Undertakings (Protection of Employment) - (TUPE)

TUPE contains a number of legal provisions relating to employees' rights and employers' obligations when businesses (or parts of businesses) are transferred.

KMPT will inform and consult with the appropriate staff side organisations (JNF/LNC) and employees in sufficient time for meaningful consultation to take place.

Where a transfer occurs, which is covered by TUPE the relevant employees will retain continuity of employment and the contractual rights (except for certain occupational pension rights) they previously had with the transferor (previous employer).

An employee who refuses to transfer, despite being protected in this way, will have their employment statutorily terminated at the date of the transfer and will not be entitled to a redundancy payment.

Redundancy consultation **Collective consultation**

KMPT will enter into meaningful consultation for the employee group affected by the changing work situation. Consultation will take place at the earliest opportunity. KMPT will consult the Trade unions on ways to avoid dismissals, to reduce the number of employees to be dismissed and to mitigate the consequences

of any dismissal, and all relevant aspects of the change.

KMPT will also enter into consultation with each individual who may be affected. Minimum periods for collective consultation:

There is a legal obligation for establishments to notify the secretary of state for business, innovation and skills, in writing, of 20 or more potential redundancies at an establishment. Notification is conveyed to the secretary of state for business, innovation and skills, using form HR1, which is obtained from the insolvency office and returned to the redundancy payments office. A copy must also be sent to the appropriate trade union. The minimum time limits for notification and consultation are:

- i) 100 or more employees at one establishment within a 45-day period or less: 45-days before the first dismissal
- ii) 20-99 employees at one establishment within a 30-day period or less: 30-days before the first dismissal.
- iii) Where fewer than 20 employees within KMPT have been identified as being at risk of redundancy there is no legal minimum period to consult. However, consultation must be full and meaningful and commence as soon as possible. An establishment which fails to meet the notification requirements may be fined by the department for business, innovation and skills.

Individual consultation

All employees that may be affected will have the opportunity to attend a one to one consultation meeting with the appropriate manager. Co-ordination of consultation meetings will be the responsibility of the manager. The purpose of the consultation meeting will be to discuss the proposals, seek views on the proposal Its practical implementation, to have a meaningful discussion about the proposals and look at ways of avoiding unnecessary job loss, reducing the numbers of employees affected and ways of mitigating the consequences of any redundancies.

For a template paper and timescales for the submission please contact the employee relations team.

Matters affecting all occupational groups will be submitted to the JNF. Matters which only affect medical employees, or directly affect their terms

and conditions of service, will be submitted to the LNC.

Selection for redundancy

In the event of an employee being at risk of redundancy the following criteria will be amongst those taken into account:

- the type of skills and capabilities for which there is a continuing employment
- need and the individual's competence in these areas. The process for judging individual competence will be agreed on a case-by-case basis but may involve competitive selection.
- factors such as sickness and current disciplinary records.

The manager will prepare written details which will be sent to affected employees outlining how their redundancy payment and/or pension have been calculated. No advice (oral or written) will be considered binding on KMPT until redundancy pay calculations have been approved.

5 | Suitable alternatives

KMPT will make every effort to bring suitable alternative posts to the attention of those who have been selected for redundancy. The search for redeployment opportunities will commence from the date the employee is notified that they have are at risk of redundancy and continue throughout the employee's redundancy notice period. Employees can agree that the search for suitable alternative employment can commence during the consultation period. However, a trial period will only commence at the end of the formal consultation period and once formal notice of redundancy has been served, to enable the mutual assessment of the suitability/acceptability of the alternative employment of both parties.

The redeployment bureau provides individuals with assistance to find alternative work within the organisation. The posts identified will have regard for the individual's skills, status, capabilities, mobility, salary, benefits, working conditions and personal circumstances.

Individuals will be expected to show some flexibility when considering such posts and should not unreasonably reject offers of suitable

alternative employment as this could jeopardise their eligibility for redundancy pay.

Suitable alternative employment will be offered during the individual's notice period as an alternative to redundancy. If suitable alternative employment is identified, after the employee has been served notice of redundancy, individuals have a right to a four-week trial period in their formal notice period, to enable the mutual assessment of the suitability/acceptability of the alternative employment of both parties. The four-week trial period can be extended for retraining purposes by a written agreement prior to the commencement of the trial period.

For the duration of any trial period the redundancy notice period will be suspended. If the trial period is unsuccessful the redundancy notice period will resume from the point at which it was suspended.

The four-week trial period will begin after the employees existing contract has ended. This avoids confusion or disputes if the trial does not work out. Confirmation of trial periods will be sent to the employee in writing from the redeployment bureau, if selected for more than one role each role can be trialled for four weeks.

An employee who as a consequence of organisational change is redeployed to a new lower banded post will be eligible for protection arrangements in line with the pay protection policy. Redeployment to a lower banded post will only apply with the agreement of the affected employee.

If the employee works beyond the end of the trial period, or the jointly agreed trial period, any redundancy entitlement will be lost as the employee will be deemed to have accepted the new employment.

In the circumstances where no suitable alternative opportunities are identified within the redundancy notice period, the employee will be dismissed on the grounds of redundancy.

6 | Dismissal on grounds of redundancy

For dismissal under this process an employee who is dismissed will be taken to be dismissed by reason of redundancy, subject to the

exclusions set out in the paragraph relating to the non-entitlement of redundancy payments, if the dismissal is attributable wholly or mainly to:

- The fact that KMPT has ceased, or intends to cease, to carry on the activity for the purposes of which the employee was employed, or has ceased, or intends to cease, to carry on that activity in the place where the employee was employed, or
- The fact that the requirements of KMPT for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

7 | Redundancy payments

Employees who have been continuously employed within the NHS or related service for a period of two years or more will be eligible for a redundancy payment.

8 | Non-entitlement to redundancy payments

Employees will not be entitled to redundancy payments or early retirement on grounds of redundancy if:

1. they are dismissed for reasons of misconduct, with or without notice; or
2. at the date of the termination of the contract have obtained without a break, or with a break not exceeding four weeks, suitable alternative employment with the same or another NHS employer; or
3. unreasonably refuse to accept or apply for suitable alternative employment with the same or another NHS employer; or
4. leave their employment before expiry of notice, except if they are being released early; or
5. they are offered a renewal of contract (with the substitution of the new employer for the previous NHS one); or
6. their employment is transferred to another public service employer who is not an NHS employer.

9 | Redundancy during maternity/adoption leave

Rights to statutory maternity pay are determined at the 15th week before the expected week of confinement. An employee who is made redundant after this time will retain their entitlement to statutory maternity pay. Where a redundancy situation arises whilst an employee is on a period of maternity/adoption leave they should be treated in the same way as they would have been had they not been on such leave. They should have access to the support given to other employees identified as being at risk of redundancy.

If an employee is prevented from returning to their original job by reason of redundancy they are entitled to be offered any existing suitable alternative employment. This means work that is suitable and appropriate for them, on terms and conditions which are not substantially less favourable than those under her previous contract.

Where the redundancy would take effect in the period of extended maternity/adoption leave, the employee will retain their right to return to work on the notified date of return. The employee is entitled to be offered any existing suitable alternative employment at this point. Where no suitable vacancies exist, the date of the termination of employment will be the notified date of return unless mutual agreement is reached on an earlier date of termination. The relevant notice period should be on full pay (less any maternity/adoption payments).

10 | Appeals

All employees who are issued with a notice of dismissal on the grounds of redundancy will be notified of their right to appeal within KMPT by:

- Employees who request an appeal hearing are expected to engage in the process. If an employee does not engage with the appeal process, they will be advised their appeal hearing will not proceed or that the appeal may be heard in their absence.
- An appeal hearing will be arranged by the employee relations team at the earliest opportunity. A letter of acknowledgement

of receipt of the appeal will be sent to the employee in the first instance.

- The appellant must state the grounds for appeal in the initial application for appeal within five working days of receiving the original written decision. Supporting written evidence must be submitted at least 10 days prior to the hearing date.
- For the appeal to take place there will need to be new information provided for the appeal panel to consider.
- An appeal hearing will consist of a KMPT manager senior to the manager who made the original decision and an HR advisor/HR business partner and the individual who is raising the appeal.
- If the appellant becomes unable to attend the arranged hearing they must notify the employee relations team of the reason they are unable to attend. An alternative date will only be arranged if there are extenuating circumstances.
- If it is agreed that the hearing is to be rearranged then the panel may continue in absentia if the appellant does not attend the rearranged hearing.
- All appeal hearings will be conducted with reference to KMPT's procedure for conducting a formal hearing, but in the case of an appeal, the appellant will present their case first.
- A record of the proceedings should be made and kept on file.
- The decision of the appeal panel is final and will be confirmed to the appellant within 10 working days of the decision being made. Confirmation will be in writing.

Changes, payments and leavers

1 | What this policy covers

This policy aims to provide a framework for all employees including volunteers when seeking to amend their contractual arrangements with KMPT, or notify KMPT of changes to personal details and to ensure a standard, fair and consistent procedure is adhered to across KMPT for all employees when they are leaving KMPT.

This policy should be read in conjunction with other KMPT policies such as annual leave, retirement and on-call.

2 | Principles

The policy aims to provide clear guidance to managers and employees in the event of employees leaving KMPT; and also, the procedure for notifying KMPT of changes to contractual arrangements and/or personal details. It will:

- Ensure that payments for work completed are made correctly and in a fair and consistent manner
- Ensure that the information for employees leaving KMPT is processed in a timely and consistent manner to reduce risk of security breaches, loss of Trust property and overpayment.

In addition, this document sets out KMPT's procedure when processing the termination of contract for employees. This applies to all employees who are leaving the organisation through resignation, retirement, dismissal, end of fixed term contract, redundancy and death in service.

3 | Responsibilities

Managers are responsible for:

- Ensuring consistency and fairness is applied at all times when dealing with this procedure.
- Ensuring that authorisation of payroll

related documentation is undertaken by an appropriate authorising manager.

- Ensuring that all appropriate payroll related documentation is completed accurately and submitted in a timely manner to prevent an under/over-payment to employees, especially if the pay instruction relates to their final salary.
- Ensuring that all KMPT assets are returned prior to the employee leaving the organisation.

Employees are responsible for:

- Checking your payslip details to ensure your pay is accurate. If you identify an anomaly you must notify payroll clearly passing on your payroll number by emailing them on kmptmchpayroll@nhs.net. Underpayments confirmed by payroll will be corrected in the next pay cycle. Overpayments will automatically cease in the next pay cycle and confirmation requesting repayment issued. KMPT does have a duty to recover public money and normally expects repayment to be made over a set period.
- Providing timely up-dates to KMPT in respect of changes to personal details.
- Co-operating in the completion of appropriate leaver and change processes.
- Ensuring that notice of resignation is provided to their manager in a prompt and timely manner, taking account of the notice period required for the post. A verbal resignation will not be accepted.
- Honouring their contractual notice period (a reduction in contractual notice is only acceptable if mutually agreed by both the departing employee and their manager).
- Giving feedback to KMPT on their reasons for leaving and experiences as an employee through the exit interview process.
- Working in accordance with your employment up to your last day of service.

Workforce Information and Payroll are responsible for:

- Providing professional advice, guidance and support to managers and employees in relation to this policy.

- Efficiently processing all changes and leavers notified in order to ensure that correct payments are made and records accurately maintained.
- The deadline for workforce information receiving any changes is the second of the month by 10am for the changes to be actioned in the same month. Anything received later than this will be processed the following month.
- Ensuring consistency is applied at all times.
- When required, expediting death in service provisions as efficiently as possible and dealing with queries from the deceased estates executor.

work, and internal transfer of role. This form should only be used for changes within a current role, or internal transfers/ redeployment which have not gone through the recruitment process.

- Managers must send forms by email to workforce information in a timely fashion to meet payroll submission deadlines and ensure employees changes are correct in order to avoid over/under-payments. The email address is:
kmpt.workforce.information@nhs.net
- For employees with access to employee self service, personal changes will be completed using the ESR (Electronic Employees' Record) system, eliminating the need to submit forms to workforce information.

4 | Policy in practice

Claiming payment for work undertaken

E-rostering is used within KMPT. Managers are responsible for ensuring that all hours worked and unavailability's are entered onto the roster within the deadlines

Recording absence

All absences must be entered onto Health Roster and finalised within the deadlines.

Authorisation for payment of work undertaken

The authorised signatory must check that the work being claimed for has been undertaken. Where queries arise regarding work undertaken the manager must investigate as appropriate to seek evidence and assurance that hours claimed have been worked. Failure to do so may result in further investigation.

Changes to employee personal details

Employees are required to notify KMPT immediately of changes to their personal details, such as a change of name or home address. In these cases, individuals should complete and submit a staff change form. This form must then be emailed to workforce information team at kmpt.workforce.information@nhs.net

Changes to employee's employment details

- In cases when contractual changes are required for employees the manager must, in conjunction with the affected employees, complete a staff change form. Examples of contractual changes are: change to base of work, change to contractual hours of

Leaving the organisation, termination of employment by the employee

- In the event that an employee chooses to resign, a manager cannot refuse to accept the resignation, however they are under no obligation to rescind a resignation should the employee later wish to withdraw it.
- On receipt of the written resignation, the manager will acknowledge it, confirming in writing the last day of service. Managers must complete a termination form. A staff change/leavers RiO completion and clinical work hand over form must also be completed by both the employee and the manager
- All employees will be required to work their contractual period of notice, only in exceptional circumstances and at manager's discretion will this be varied.
- KMPT reserves the right to deduct from the employee's final pay any outstanding payments or overpayment.
- Employees and managers should use the annual leave calculator to determine the appropriate pro-rata annual leave entitlement.
- If the employee is retiring and is a member of the NHS Pension Scheme, it is essential that the termination form is raised to Workforce Information as soon as the employee notifies KMPT, as it can take up to six-months to process pension payments.

- In the sad circumstances of the death of an employee, whilst in service, managers should send a termination form to workforce information and follow the guidance within the death in service procedure.

Termination of employment by the KMPT

Termination of employment by KMPT for whatever reason (leaver or dismissal) the leavers procedure should be implemented immediately and arrangements made to complete the relevant termination form. Once a decision to terminate is reached, the manager should complete the termination form immediately and forward it onto the workforce information. Failure to complete the documentation in a timely manner may result in the employee being overpaid.



Civility, dignity and respect

(including bullying and harassment)

1 | What this policy covers

As an equal opportunities' employer, KMPT supports a working environment for employees in which their dignity at work is paramount. KMPT recognises that all employees have the right to be treated with consideration, civility, dignity and respect and we aim to provide a happy and fulfilling environment in which to work. KMPT is fully committed to protecting employees from being bullied, threatened or intimidated and we promote and expect the respectful treatment of all our employees. This policy also applies to the behaviour of employees outside of working hours which may impact upon work and working relationships.

This policy will:

- Help employees understand what 'bullying and harassment' means and know what behaviour can amount to bullying or harassment
- Detail the responsibilities of all employees in maintaining an environment where everyone treats each other fairly and with mutual civility, dignity and respect
- Explain how employees can get help, raise a concern or make a complaint if they feel they or another person is being bullied or harassed.

2 | Definitions of bullying and harassment

Bullying and harassment make working environments less productive and they can impact on the health, confidence, morale and performance of those affected, including those who witness or otherwise have knowledge of unwanted and unacceptable behaviour

Bullying

Bullying is persistent, offensive, abusive, intimidating or insulting behaviour, which makes people feel upset, threatened, humiliated or vulnerable. Bullying can be a form of harassment

and it can undermine someone's self-confidence and esteem.

Bullying can be physical, verbal or non-verbal and it can take place inside or outside of work.

Some examples of bullying include:

- Shouting at or humiliating others
- Oppressive levels of supervision
- Offensive and/or insulting remarks
- Micro aggressions
- Excluding employees from work-related meetings, events or communications that are relevant to their role
- Physical or emotional threats

Harassment

Harassment is when someone exhibits unwanted conduct or behaviour related to a protected characteristic (see list below), which has the purpose, or effect of violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.

The relevant protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Unwanted conduct of a sexual nature, which has the purpose, or effect of violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person or being treated less favourably as a result of rejecting or submitting to unwanted conduct of a sexual nature may also be harassment.

In deciding whether conduct may amount to harassment, the perception of the person affected, the circumstances of the case and whether it is reasonable for the conduct to have caused such an effect, should be considered.

Some examples of harassment include:

- Physical conduct, ranging from touching, pushing or grabbing to punching or serious assault
- Verbal or written harassment through jokes, offensive language, defamatory remarks, gossip, threats, letters or emails
- Unwelcome behaviour, including unwanted suggestions, propositions, advances or coercion and intimidation
- Sending or displaying material that is pornographic or obscene, including emails, text messages, video clips, photographs, posters, emblems or other offensive material
- Inappropriate posts or comments on or via any social media platform
- Isolation, non-co-operation or exclusion from relevant work events
- Inappropriate personal contact, including intrusion by pestering, spying or stalking.

The impact of the behaviour is relevant, not just the motive or intention behind it.

3 | Principles

- KMPT is committed to promoting a positive working environment, with a culture of support, where no one feels harassed or bullied or is treated with incivility.
- Incivility, harassment or bullying at work in any form will not be permitted or condoned.
- Allegations will be taken seriously
- KMPT will provide supportive measures for anyone raising issues which do not promote civility, dignity and respect for themselves and colleagues.

4 | Responsibilities

- KMPT is fully committed to adopting and promoting the key principles within this policy and will ensure that any form of bullying or harassment will be dealt with promptly and effectively
- The equality, diversity and inclusion team will be responsible for being available to staff for consultation on concerns regarding equality, diversity and inclusion. Their contact details can be found on i-connect.

- KMPT's managers are responsible for ensuring practical application of this policy at a local level.
- KMPT employees are responsible for ensuring the practical application of this policy and are expected to promote high standards of civility, dignity and respect
- All employees and those acting on KMPT's behalf must adhere to this policy when undertaking their duties or representing KMPT and may use this policy to raise concerns about civility, dignity and respect, including concerns of bullying and harassment.

5 | Policy in practice

This policy sets out the appropriate channels for dealing with cases of conflict, incivility, bullying, harassment and unfair treatment. Other KMPT policies may be more appropriate for issues relating to employment.

Raising a concern

KMPT will treat seriously all concerns raised in respect of bullying and/or harassment and/or issues of incivility. There may be circumstances where issues are investigated, even where the employee affected does not wish for this to happen, to ensure that concerns are not left unaddressed. Should an employee wish to raise a concern under this policy there are a number of ways in which to do this:

- An informal discussion between the employee and the individual causing the issue
- Seeking advice and guidance from:
 - The manager
 - Freedom to speak up guardian
 - Freedom to speak up ambassadors
 - Staff networks
 - HR business partners
 - employee relations team

Response and support

There are a number of ways that KMPT can support employees with their concern including both informal and formal routes:

- Provide assistance with informal discussions
- Use of facilitated conversations, coaching and where necessary mediation to help relationships

- Investigate and undertake formal measures, where appropriate
- Referral to occupational health services where appropriate and providing advice regarding counselling and emotional support available.

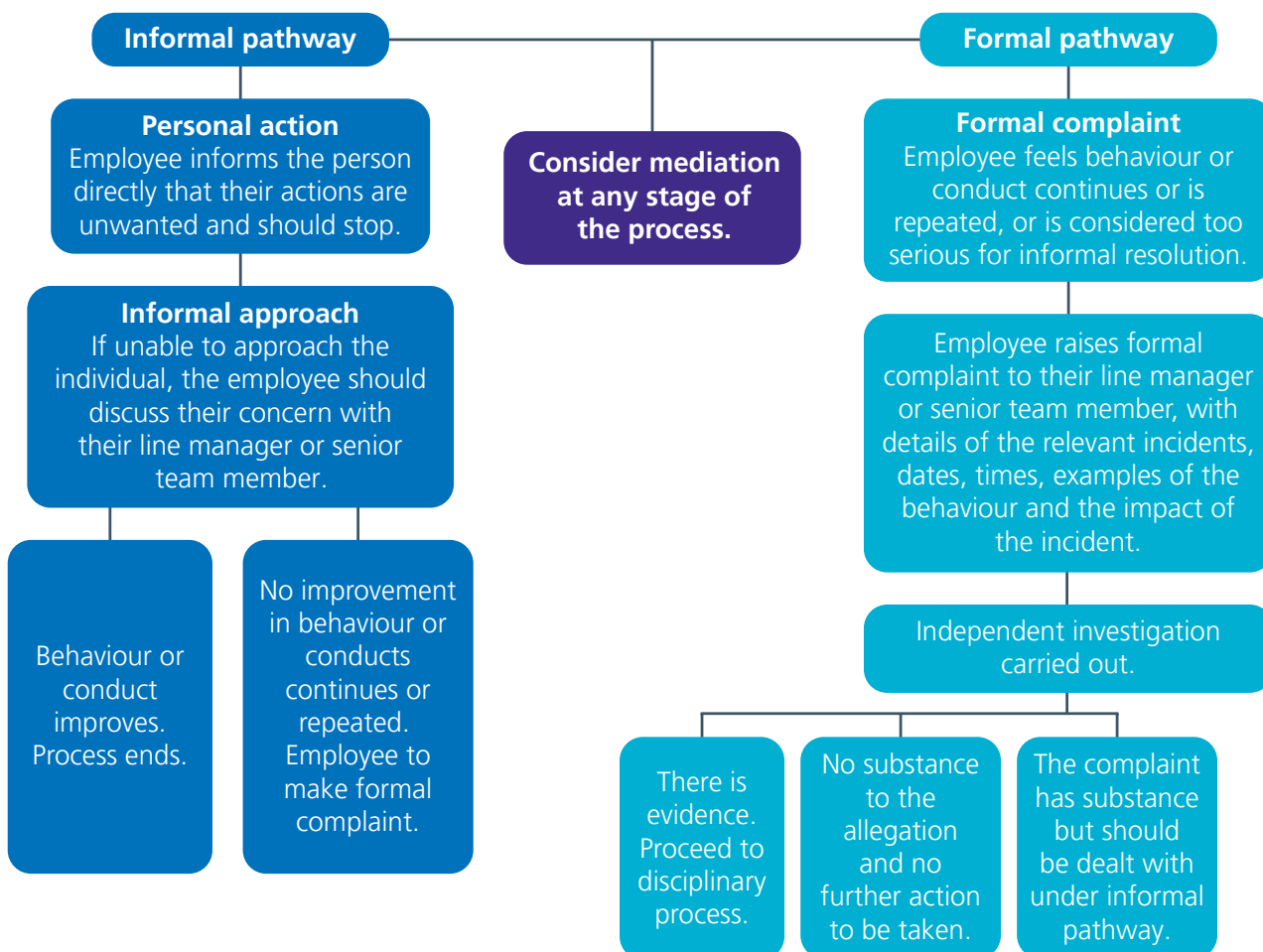
Informal process

The early resolution policy, outlines methods for dealing with concerns informally, in the first instance. Informal resolution conversations are powerful ways to resolve issues, and should be considered at the earliest opportunity. Managers will guide those involved through a discussion, providing opportunities to think about the issue, creating effective participation and identifying strategies for building solutions.

Formal process

Most cases will be appropriate to resolve informally and early resolution is always encouraged. Once informal processes have been considered, if the concerns have not been resolved, the matter may be dealt with formally, as outlined below. In some circumstances, if the concerns raised are considered sufficiently serious, the formal procedure may be used in the first instance.

- Concern raised to manager or senior manager, or an employee relations team member.
- An investigation will take place at the earliest opportunity. An investigating officer will be appointed, who will be supported by employee relations.
- The employee raising the concern will be interviewed
- The employee about whom the concern is raised will be interviewed. Any other relevant parties will be interviewed
- Consideration to a temporary transfer/ alternate management of either or both employees taking account of the nature of the concern raised
- The investigating officer will report whether or not there is a case to answer. Where the findings demonstrate there is a case of alleged bullying and/or harassment to answer, the formal disciplinary/improving conduct process will be followed.



Death in service procedure

1 | What this procedure covers

- Actions to be taken in the unfortunate event of the death of an employee.
- The procedure may be varied subject to individual circumstances and the wishes of an employee's next-of-kin

2 | Principles

This procedure applies to all KMPT employees (including those on substantive and fixed-term contracts) without exception and does not discriminate on the grounds of status, disability, gender, religion, sexual orientation or age, at any level.

3 | Responsibilities

Manager

- To endorse, support and supervise the procedure
- To take appropriate action and decisions in line with the procedure
- To work with Human Resources in the consistent application of the procedure.

Human Resources

- To advise management, employees and trade union representatives on the procedure in a fair and consistent manner
- To advise on aspects of employment practice.

4 | Sharing the news and support for employees

It is difficult to share the news that an employee has died. Below is a checklist on what to cover:

- Offer condolences to the next-of-kin and forward a sympathy card to the family on behalf of the department/KMPT.
- When sharing information with employees the information shared should be in line with what has been agreed with the family. Should members of the team be working from home, the immediate manager needs to telephone each team member individually

to share the sad news with them.

- Advise employees to be mindful of what they post on social media – this will be in terms of respecting the wishes of the family/next-of-kin; to manage the message to other employees, for example: so, they are not first informed by social media.
- Managers need to be aware that some employees may be affected by this more than others, and it may have an impact on them being able to work, so may need to give some employees time to absorb the information.
- Offer to set up a virtual meeting/s to support colleagues to have the platform to be together.
- Ensure employees have the Employee Support line number to contact, 03000 411411 and other support that is available of e.g. Chaplaincy
- Advising oth employee relations teams:
 - Head of service
 - Human resources
 - Pensions department
- Establish if the family require any support from KMPT, e.g. access to counselling.

5 | Memorials and tributes

A manager should:

- Establish the details of the funeral arrangements and whether floral tributes and the attendance of colleagues at the funeral service are welcomed.
- A floral tribute (maximum £50) to be sent to the funeral on behalf of KMPT, (subject to the family's wishes). Payment for the floral tribute is paid through the care group budget.
- Purchase and place a book of remembrance in an accessible place for employees, where appropriate.
- Where appropriate discuss with next-of-kin and close colleagues' specific cultural considerations in relation to remembrance, memorials and tributes
- The manager and colleagues may attend the funeral, subject to the family's wishes and assuming the service takes place locally.

6 | Further action to be taken

The manager should:

- Provide the family with contact details of KMPT's pensions department and pass details of next-of-kin to pensions department, who will liaise directly with the next-of-kin regarding any documents they require in order to make any payments.
- Ensure employee's termination paperwork has been completed, including payment for any annual leave outstanding, and form sent to workforce information.

7 | COVID-19 death in service

Losing a colleague at any time is devastating, but losing a colleague during the COVID-19 pandemic may feel even more traumatic. This section outlines what to do if an employee dies as a result of contracting COVID-19 and the help and support available to colleagues and next-of-kin.

- For further advice on the application of this guidance, please contact the employee relations team on kmpt.hr@nhs.net or the HR business partner for your care group. You can find their contact details on i-connect
- The clinical team managing the individual's care (likely to be the acute Trusts) will inform the family of the death.
- Once KMPT has been advised of the death of an employee due to COVID-19, a liaison person from the senior management team will be identified as early as possible – this is likely to be the relevant professional lead (e.g. director of nursing if nurse or medical director if doctor, or the head of service).
- The liaison person should make early contact and confirm boundaries of communication with the employee's family:
 - Can we share news with the manager?
 - Can we share with department?
 - Can we notify all employees?
 - There may be press interest – do they want us to manage that and who should we consult in the family?
- The liaison person notified of the death at step 2.2 above will notify the CEO and wider executive team of the employee's death. The trust chair will be updated by the

CEO in order to inform the wider Board, in confidence.

- The liaison person will ensure that the employee's immediate manager and HR business partner is aware of the news and can begin to mobilise support for colleagues and agree the approach for informing colleagues. The manager will identify colleagues not currently at work or dispersed/redeployed to other areas in order for them to be informed. We need to ensure all colleagues are considered in the notification process across all KMPT sites.
- The workforce information and payroll teams will begin the process of ensuring relevant practical issues are taken forward (including liaison with KMPT's pension officer). The Director of Workforce and OD will ensure that this is coordinated.

Sharing the news and support for employees

- Professional lead with HR business partner support to notify chaplaincy and ensure employees have the Support Line number to contact, 03000 411 411. Further information regarding other support available, including psychological support, is shown later in this guide.
- The immediate manager will advise colleagues in the home department where the employee worked and a senior manager will video call in to the team to talk to employees/listen/offer support. The immediate manager should find a private area to inform the team and make sure there is space for people to take in what has been said and express what they are feeling. The liaison person to agree with the department appropriate psychological support and liaise with psychology team as appropriate. Should members of the team be working from home, the immediate manager needs to telephone each team member individually to share the sad news with them, and ensure they have appropriate support. All employees should be given the Support Line number.
- When sharing information with employees the information shared should be in line with what has been agreed with the family.
- Advise employees to be mindful of what they post on social media – this will be in terms of respecting the wishes of the family/next-of-kin; to manage the message to other

employees (so as they are not first informed by social media for example); and to prevent unintended/uninvited media scrutiny.

- Managers need to be aware that some employees may be affected by this more than others, and it may have an impact on them being able to work, so may need to give some employees time to absorb the information.
- Offer to set up a virtual meeting/s to support colleagues to have the platform to be together.

Support for the next-of-kin

Advise the family they may be able to access the Government's Death in Service Scheme, if appropriate, and direct them to the website <https://www.nhsbsa.nhs.uk/nhs-and-social-care-coronavirus-life-assurance-scheme-2020> for the application form. KMPT will arrange for the completed benefit claim form, with certified copies of supporting documents, to be processed

Press, social media, formal communications

- Professional lead to notify the communications team who will take any appropriate action to communicate more widely in KMPT if appropriate.
- The content should reflect what has been discussed and agreed with the family/next-of-kin as per boundaries discussion at point 2.3 above.
- The workforce and OD director will liaise with the workforce and OD team and the manager to gather information about the employee to support the drafting of a personal letter to next-of-kin/family from CEO
- Employees should be advised that any press interest in relation to the death should be directed to the communications team.

- The Guardian Service provides independent, strictly confidential advice to all staff relating to any work related concern. Call 0333 733 7199 or email contact@theguardianservice.co.uk
- The Support line is available to offer support on 03000 411 411.
- Additional advice and support on coping with bereavement, grief and loss is available from NHS bereavement helpline: 0800 2600 400
- Bereavement support is also available from Hospice UK and the number is 0300 3034434. They are available from 7am to 11pm, 7 days a week.
- NHS England and Improvement are offering NHS employees free access to psychological and practical support, operated by the Samaritans. This includes:
 - A free wellbeing support helpline 0300 131 7000 available from 7am – 11pm seven days a week, providing confidential listening from trained professionals and specialist advice, including coaching, bereavement care, mental health and financial help
 - A 24/7 text alternative to the above helpline - simply text FRONTLINE to 85258
 - An online portal with peer-to-peer, team and personal resilience support <https://people.nhs.uk>

9 | Implementation including training and awareness

Managers are to ensure compliance and to follow the procedure when required to ensure effectiveness of the implementation.

8 | Additional support for colleagues

- KMPT has mental health first aiders across who will be able to offer additional support during this time, please look on i-connect for further information.
- The KMPT chaplaincy can be contacted on 01795 420044; 01622 725000; 01322 622194.

Defining employment status

1 | What this policy covers

This Policy is for use by managers when considering engaging contractors (self employed persons) off payroll. The Recruitment Policy must be followed for all budgeted posts.

This policy is to help managers make the right engagement decisions when deciding if an individual is an employee or a non-employee (i.e. an external consultant/contractor).

The issue of employee versus non-employee status presents as a challenge for employers and it is important that KMPT has a procedure for defining employment status which clearly sets out the organisation's position with specific reference to the HM Revenue and Customs (HMRC) Regulations.

2 | Principles

It is the appointing manager's duty to ensure they establish the correct employment status before engaging an individual by using the online HMRC tool

It is the responsibility of the appointing manager to obtain the necessary assurance that Income Tax and NIC obligations are met by the individual.

It is important to find people with the necessary skills, experience and qualifications to deliver the organisation's objectives. It is also crucial that appropriate employment status is applied.

Board members, both executive and non-executive directors and senior managers with significant financial responsibility must be paid through the KMPT payroll, unless there are exceptional circumstances, in which case the chief executive should approve the arrangement. Such exceptions should exist for no longer than six months. Where board members are seconded from other organisations, the chief executive must be satisfied that they are on the payroll of that organisation.

Details of exceptions authorised by the chief executive must be recorded by the Chief

Executive Office and be available for review by HM Treasury Office, if required.

3 | Engagement options

There are two basic types of engagement: Contracts of Service or Contracts for Services

Employees

Contracts of Service are more commonly referred to as Contracts of Employment. These contracts are used to engage employees on a substantive or fixed term basis. All employees are paid through the monthly payroll on NHS pay rates. Income tax and National Insurance Contributions (NICs) are deducted at source. All Contracts of Service (because of the employment relationship between KMPT and the individual) are issued by the Recruitment Department.

All substantive or fixed term appointments must be made following the recruitment process set out in the Recruitment Policy. Employment status is obvious and does not require testing.

Temporary staff

Recruiting managers must ensure NHS Professionals (NHSP) or the procurement department are involved in the engagement of an agency worker, with the exception of a medical locum, to ensure appropriate contractual arrangements are in place and in particular arrangements relating to income tax and NICs which must be included in a 'header' contract/framework agreement. The agency must also inform KMPT if the worker is engaged with them through a personal services company. If this is the case, the provisions set out in the paragraph engaged through a personal services company apply.

Managers should be aware that the Agency Worker Regulations 2010, which came into force on 01 October 2011, give agency workers the entitlement to the same basic employment and working conditions as if they had been recruited, if and when complete a qualifying period of 12 weeks in the same job.

Agency workers can access facilities eg. childcare, canteen from the first day of their

assignment. They also have the right to be told about suitable job vacancies.

After 12 weeks in the same job the agency worker acquires rights to equal pay, rest breaks, annual leave and pregnant agency workers are allowed paid time off for ante-natal appointments.

Self employed contractors

On occasion workers are engaged to provide services as self employed contractors.

Where an individual is to be engaged on a self-employed basis the following processes must be followed.

- Prior to the engagement starting the manager must establish the employment status of workers who are engaged directly (not through a limited company or other body). This will be by means of the online HMRC tool at www.hmrc.gov.uk/calcs/esi.htm to determine if the individual is classed as an employee or self employed for tax purposes. The manager will need to have the individual present to be able to complete the questions asked.
- If the individual is classed as an employee through the tools – the individual must be recruited to join NHSP. If the individual refuses to sign up to NHSP then the manager must stop discussions immediately. (See 4.1.2)
- If the individual is classed as self-employed through the tool the manager should firstly strongly encourage the individual to be recruited by NHSP so that services can be provided through the bank and Tax/NI deducted at source. For essential service provision this will be urgently actioned by NHSP. However, the manager must consider that pre-employment checks have to be completed.
- If the individual declines signing up to NHSP then the procurement policy must be followed and this may involve the completion of a single tender waiver. (See procurement policy).
- Individuals recruited to NHSP should only be used for ad-hoc assignments. Individuals should not be recruited to NHSP if the work is planned to be regular and/or long term.
- The manager must raise a call value purchase order requisition and attach a signed copy of the agreement between the contractor

and KMPT. This agreement clearly states the contractor's responsibility for providing evidence of payment of Tax and National Insurance contributions.

- After review by the procurement department the purchase order and copy of signed agreement will be sent to the contractor if they agree that this individual contractor is the sole provider of the services required, otherwise the standard procurement processes will need to be followed.

Engagements of more than 6 months for more than a daily rate of £220

If a self-employed worker is engaged for more than six months in duration, for more than a daily rate of £220, the contract must include a provision that allows KMPT to seek assurance regarding the income tax and NICs obligations of the contractor and to terminate the contract if that assurance is not provided. The recruiting manager should confirm that the worker is registered to pay tax. If the worker has been working on a self-employed basis for a number of years, they should provide the previous year business accounts and filed tax return, or if they are newly self employed, they will be able to provide form SA250 as evidence that they have registered as self employed with HMRC.

If the worker is working through a limited company or other body operating PAYE on their whole salary

Where a worker is not on KMPT's payroll, but is working through a limited company or other body on the payroll of that body, KMPT is not required to operate PAYE and National Insurance Contributions. However, where someone is working through their own limited company (a 'Personal Service Company [PSC]) the worker must consider the intermediaries' legislation known as IR35. The IR35 legislation prevents people who would be classed as an employee if the company was not in place from paying less tax by operating through a PSC rather than by being on KMPT's payroll. It says that if the relationship between the worker and KMPT would be employment if it were not for the interposition of the company, then the worker must treat the money from that contract as earnings and pay PAYE and National Insurance Contributions on the income.

Engaged by (or seconded from) a company or other organisation

If the worker is engaged through a limited company (or other organisation, e.g. a partnership or a university) and is on the payroll of that company, then the worker can provide evidence that all of the money they are paid by KMPT is put through that body and they are receiving/withdrawing it with PAYE/NICs deducted at source. This can be evidenced by the production of their payslips which will show the salary and PAYE and NICs deductions. (The company may deduct a small percentage for administrative costs). The person may be the director of the company, working for a personal service company or one of many employees. This test also applies to those on secondment whose parent organisation is reimbursed for their salary. It will be possible for the worker to provide payslips at the six month point for the previous six months.

Engaged through a personal service company

Where the worker is engaged through their own limited company (a personal service company) and not withdrawing all their income from the department under PAYE (as set out in the preceding paragraph) they will need to provide evidence of the following:

- the worker should be able to show that their service company is low risk for IR35 according to HMRC's 'business entity' tests described in HMRC guidance published in May 2012 (<http://www.hmrc.gov.uk/ir35/guidance.pdf>). This means that they are at low risk of HMRC checking whether they need to operate the IR35 legislation. The worker will be able to provide this at the six-month point. Provided the terms of the engagement remain the same, the service company will remain low risk for the duration of the contract.
- if the worker is medium or high risk according to HMRC's 'business entity' tests, but feels that they are outside the scope for IR35, then they will need to provide assurance in a different way – for example, following a contract review by HMRC's independent IR35 helpline. The worker will be able to provide evidence of a contract review to say that they are outside the scope of the IR35 legislation at the six-month point. If the terms of the contract remain the same, the assessment of the service company will not change for the duration of the contract.

- if the contract is within the scope of the IR35, the worker can provide evidence that they are operating the IR35 legislation on the payments received from the Trust. This can be evidenced by the worker providing a 'deemed calculation'. This is a calculation that requires the worker to consider all the income for the year from a particular contract that is within IR35, make a 'deemed payment' to HMRC for employers NICs and pay employee NICs and PAYE on the remainder of the income. The deemed payment calculation can be accessed online at <http://www.hmrc.gov.uk/ir35/ir35.xlt>. The legislation only requires the individual to make this payment at the end of the tax year, so it will not be possible to provide assurance until this point – the individual will need to indicate that they are intending to do this when assurance is sought and commit to meeting this requirement at an agreed later date.

If KMPT is not satisfied with the evidence they receive, they may send details to their customer relations manager or customer coordinator in HMRC to be considered alongside other intelligence to support HMRC's work to tackle non-compliance. Taxpayer confidentiality means that HMRC will not be able to share the results of any follow-up action with KMPT.

The usual and proper employment checks (e.g. DBS (formerly CRB) and appropriate qualifications) must be carried out in respect of self-employed contractors in the same way as apply to substantive employees. It is the responsibility of the engaging manager to ensure that this is done.

Managers should be aware that self employed contractors can in some circumstances acquire employment rights and also that they are entitled to many of the same statutory safeguards (e.g. health and safety and minimum wage legislation) as substantive employees. It is beyond the scope of this policy to set these rules in detail. However, managers should seek advice when considering engaging a self-employed contractor in order to ensure that all proper rules are observed. Such advice may be obtained from the employee relations department who will, if necessary consult with the legal services department in matters of doubt.

Where a self-employed contractor is engaged

a contract must be entered into in accordance with the format set out in Appendix C to this policy.

All invoices must be sent by the contractor to NHS Shared Business Services quoting the purchase order (PO) number. The contractor will obtain the purchase order number from their copy of the purchase order which will be sent to them by SBS. The manager must arrange for each invoice value to be receipted to the PO. The system will then match the PO and the receipt and the invoice will be paid by SBS. Invoices will be paid on the next available payment run date and not on a set date each month. Contractors will not be issued with a P60 by KMPT.

The HMRC provisions must be adhered to and any work or engagement that does not meet the criteria will require a contract of employment and tax and National Insurance will be deducted at source.

4 | Disputes

In the event of a dispute concerning an individual's employment status the matter will be referred to the Director of Workforce and Organisational Development, whose decision about employment status will be final.

Disclosure and barring service checks

1 | What this policy covers

This policy provides guidance on which posts require a Disclosure and Barring Service (DBS) check. It explains roles and responsibilities when obtaining and interpreting checks to make employment decisions, with the key stages of the process outlined.

Kent and Medway NHS and Social Care Partnership Trust (KMPT) fully supports the need for safe recruitment, however, KMPT is also determined to make every effort to prevent discrimination or other unfair treatment against any of its employees, potential employees or users of its services, regardless of their background, including an offending background that does not create risk to children and any regulated activity relating to adults.

2 | Principles

KMPT is committed to providing a transparent, professional, credible and equal process for handling all DBS checks by:

- Complying with KMPT's Equality, Diversity and Inclusion Policy and principles.
- Ensuring those with a criminal record are treated fairly and able to establish their suitability for the vacancy they have applied for.
- Ensuring that disclosures complement existing recruitment practice.
- Ensuring appropriate use of information, the DBS provides.
- Processing disclosures only after a conditional offer of employment is made.
- Ensuring that NHS employment standards are met.

3 | Responsibilities

- It is the duty and responsibility of the director of workforce and organisational

development in conjunction with the recruitment manager to ensure that the standards are appropriate and reviewed in response to changes in legislation, DBS Code of Practice, NHS policy, KMPT policy or good practice guidelines.

- KMPT will ensure that a standard or enhanced DBS check is conducted for all eligible positions, in line with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended) and the Police Act 1997 (Criminal Record) Regulations 2002 (as amended).
- It is the duty of the recruitment manager and the employees within the recruitment team to ensure that the standards and principles in this policy are adhered to and acted upon.
- The recruitment team will ensure the check is obtained in a professional, timely and responsive manner.
- The recruitment team will also support managers by providing fair and consistent advice regarding the process and DBS check outcomes.
- Managers will ensure that recruiting decisions are made fairly.
- Managers must complete a risk assessment if a conviction is declared and take a reasonable and pragmatic approach, seeking advice from the safeguarding team if appropriate.
- If an employee has a criminal conviction, police caution, legal reprimand or warning, they must inform their manager.

4 | Policy in practice

All selected candidates who will be working in posts with unsupervised access to children or regulated activity relating to adults will be required to have an enhanced DBS check.

This policy applies to prospective employees and all current employees regardless of their contract type, i.e. substantive, fixed-term, bank, honorary, preceptee and secondments.

DBS Code of Practice

As an organisation using the Disclosure and Barring Service to assess the suitability of applicants for positions of trust, KMPT complies fully with the DBS's Code of Practice and undertakes to treat all applicants for positions fairly and will not discriminate unfairly on the basis of conviction or other information disclosed.

The DBS Code of Practice and KMPT policy on the storage, safe handling and disposal of Disclosure certificates is available on request from the employee relations (ER) team.

Disclosure certificates

The requirement of a Disclosure certificate for posts which involve access to anyone less than 18 years of age, anyone involved in regulated activity relating to adults or any other positions of trust that fall within the Rehabilitation of Offenders Act, is highlighted in job advertisements and details are available to applicants.

The DBS will undertake criminal records checks and issue certificates on application in exchange for the appropriate fee which will be paid for by KMPT. The DBS will issue two types of certificates, each representing a different level of check. The level of each check will be determined by the appointing manager with advice from the recruitment manager following a review of the duties of the job to be advertised.

Standard Disclosure and Barring Service Certificate (SDBSC)

Standard checks can be applied for by people entering certain professions, such as members of the legal profession and accountancy professions.

A standard check contains:

- Details of all convictions, cautions, reprimands and warnings held on the Police National Computer (PNC).
- A standard check cannot reveal if a person is barred from working with children or vulnerable groups.

Enhanced Disclosure and Barring Service Certificate (EDBSC)

This is the highest level of check available to anyone working for a regulated activity provider working with children or involved in regulated activity relating to adults.

Enhanced checks contain the same information as the standard check, but also include a check of the new barred lists and any relevant and proportionate information held by the local police forces.

Exceptionally, and in a very small number of circumstances (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the counter signatory and should not be revealed to the applicant.

Applications for SDBSCs and EDBSCs will be countersigned by an authorised person within KMPT who is registered with the DBS and who is acting on behalf of KMPT. All authorised signatories will have undergone a check to confirm they are suitable people to have this responsibility.

For both levels of checks, the certificates issued will relate specifically to the employment being offered and are designed to be used only once. Certificates are issued to both the applicant and to KMPT.

The Rehabilitation of Offenders Act 1974 allows for some exceptions to the general principle that spent convictions do not have to be declared. Posts within the health sector that fall within this exception clause include all medical staff, staff nurses, community nurses, and support workers.

The NHS employment application form asks prospective employees to reveal details of all convictions, whether spent or unspent.

Overseas disclosures

The DBS cannot conduct overseas enquiries. Those countries within the European Union (EU) have systems in place that allow citizens to obtain certificates of good conduct or extracts from the criminal record to show prospective employers.

For other countries, the recruitment team will seek to do this where possible.

When recruiting from overseas, the recruitment team will carry out the necessary police checks in line with that country's justice system and UK requirements.

Where it is not possible to obtain information from an overseas workers country, a risk assessment should be completed as to whether it is safe to employ them, taking into account their role and their access to children and/or regulated activity relating to adults.

Recruitment administration procedure

If there is a requirement for a DBS Disclosure, this must be included on the Job Description and Person Specification and sent with the advert request form to the Recruitment Team.

The job description must include: "Rehabilitation of Offenders Act: This post is exempt from the Rehabilitation of Offenders Act 1974. If a post is offered, it will be subject to a criminal check from the Disclosure and Barring Service before the appointment is confirmed.

This will include details of cautions, reprimands, final warnings, as well as convictions."

The person specification must include under the heading 'circumstances': "Disclosure and Barring Service check satisfactory to KMPT."

A DBS application form will be sent out by the recruitment team immediately following the appointing manager confirming the selected candidate.

A candidate will not be allowed to commence their employment until KMPT has received a satisfactory DBS disclosure. The only exception to this is for doctors in training grades, where KMPT receives late notification of the allocation of doctors in training.

Training grade doctors

Where timescales do not allow for a DBS Disclosure to be obtained prior to a training grade doctor commencing employment, it is the responsibility of the supervising consultant to carry out a risk assessment and to ensure the junior doctor works under supervision as far as reasonably practicable until a satisfactory disclosure is received.

Failure to disclose any caution, conviction, or prosecution on the application form which is revealed on a DBS Disclosure could lead to disciplinary action including dismissal.

Following up on delayed DBS disclosures

DBS Disclosures that have not been received within six weeks of the form being submitted to the DBS will be followed up by the Recruitment Team.

Upon receipt of the disclosure

Where a satisfactory disclosure is received, the Recruitment Team will inform the appointing manager in order that a starting date may be set.

If a criminal record is disclosed the Recruitment Officer will inform the Appointing Manager who, with support from the ER Team will undertake a review of the information.

The recruitment team will update their DBS database accordingly and the information will be recorded on ESR.

What to do if a criminal record is disclosed at the application stage

Just because an applicant has disclosed an offence(s) on their application form, it should not automatically disqualify them from appointment.

The applicant should be asked at their interview to provide further information about the disclosed offence(s).

The interviewing panel should consider the nature of the caution/conviction/prosecution in relation to the post applied for, how long ago the incident took place and any pattern of incidents.

Where a criminal record is disclosed, managers should seek advice from the ER team.

Confidentiality and security

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust, KMPT complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information.

It also fully complies with its obligations under the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information and has a written policy on these matters as set out below:

Storage and Access: All disclosure information is kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling: It is a criminal offence to pass this information to anyone who is not entitled to receive it; therefore, information is only passed to those who are authorised to receive it in the course of their duties. A record of all those to whom disclosures or disclosure information has been revealed is securely maintained.

Usage: Disclosure information is only used for the specific purpose for which it was requested and for which the applicants' full consent has been given.

Retention: Once a recruitment (or other relevant) decision has been made, Disclosure information should not be kept for any longer than is necessary. This is generally for a period of up to six months to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal: Once the retention period has elapsed, any disclosure information will be immediately destroyed by secure means (i.e. shredding). While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). Photocopies or other images of the disclosure or any copy or representation of the contents of a disclosure will not be kept. However, notwithstanding the above, records of disclosures, the type of disclosure requested, the unique reference number of the disclosure will be recorded on the Electronic Staff Record (ESR).

KMPT will not accept a previously issued disclosure.

Actual or intended criminal proceedings during employment

Employees are required to notify their manager or the employee relations team if they are arrested, cautioned, charged or convicted of a criminal offence.

Retrospective DBS checks

Where changes in legislation require it KMPT will carry out retrospective DBS disclosures.



Early resolution

1 | What this policy covers

KMPT is committed to creating a just and learning culture, avoiding blame and embracing tolerance, civility, forgiveness, acceptance and accountability, alongside a commitment to learning and improving. This policy explains KMPT's expectation for early resolution when colleagues experience an issue, conflict or complaint to ensure it is dealt with quickly, fairly and constructively. Informal stages for exploring and seeking resolution are outlined. Resolution can take many forms and this policy provides guidance on the possible options available, depending on the circumstances. The policy can be used to resolve all types of issues relating to bullying and/or harassment, grievances or conduct.

2 | Principles

Together with our cultural heart and trust values, this policy outlines guidance for working jointly to resolve situations promptly, encourage open and honest discussion, focus on resolution-based outcomes and to empower our people to raise concerns. We are committed to working together to build a positive working environment and good working relationships. A positive working environment is established when people feel safe to raise concerns and believe they will be treated fairly when issues arise. We must all take responsibility for working together, openly, respectfully and with accountability, focussing on resolution and being innovative in our approach to resolving and learning from concerns.

A positive working environment can also lead to better performance, improved colleague retention and reduced stress related sickness absence. Focusing on resolution is good for our organisation, it is good for our colleagues and it is good for our service users.

The purpose of the early resolution policy is to provide an accessible, inclusive and constructive way for people to have their issues heard, or

deal with issues arising, with a view to learning, resolving or correcting any mistakes or wrong doing.

3 | Responsibilities

KMPT is responsible for leading by example in demonstrating commitment to early resolution, our cultural heart and values, ensuring that the policy is being adhered to both collectively by the management and colleagues in their area of responsibility and ensuring compliance with legislation.

Managers are responsible for ensuring the actions taken under this policy are reasonable and fair. To resolve all types of issues that they are aware of relating to bullying and/or harassment, or grievances or conduct and do this fairly, reasonably and promptly according to this procedure wherever possible.

All colleagues are required to participate and co-operate with early resolution, in ways aimed at resolving workplace issues, conflicts and complaints and to state what would be seen as a suitable outcome.

employee relations (ER) and organisational development (OD) colleagues will work with managers, trade unions and colleagues to ensure the policy is followed and complies with employment legislation. They will provide support and advice to managers, colleagues and trade union representatives. ER and OD are responsible for advising all parties on the handling and ways to ensure early resolution of a colleague's workplace issues, conflicts and complaints and may be directly involved at any stage. They will also help to maintain consistent and uniform standards throughout KMPT.

4 | Policy in practice

Issue, concern or complaint identified

Early resolution may be instigated either by a manager, responding to a concern or issue, or by an employee, if they make a request for early resolution to resolve a concern or complaint

which they have. An employee can make a request for early resolution either verbally or in writing to their manager. If an employee is uncomfortable discussing the matter with their manager, they should speak to their manager's manager (grandparent manager). They can also contact one or more of these independent people who can support them in raising their concerns with management, details of who they are and how to contact them are available on i-connect:

- Freedom to Speak Up Guardian
- Trade union representative
- employee relations team
- HR business partners

Fact finding/discussion

A fact-finding discussion should be held, as an opportunity for the manager (or another appropriate person, such as an alternative manager or as referenced above) to meet with the individual to understand more about the issue relating to bullying and/or harassment, or grievances or conduct and identify the most suitable route for resolution. A meeting should take place as soon reasonably possible, but should ideally be had within 2 weeks from the issue being raised (unless for exceptional reasons).

The fact-finding discussion can result in one (or more) courses of action:

- Agreement to enter into an early resolution method (see below)
- Agreement of other informal action to be undertaken, such as further training, increased supervision, reflective learning, support from another source. This list is not exhaustive and other options may be identified and agreed upon during the Fact-Finding discussion
- Formal procedures.

Whilst we are committed to preventing a blame culture and focussing on collective improvement and learning in response to addressing concerns in the workplace, this is not the same as accepting an uncritically tolerant culture, which would be as inexcusable as a blame culture. In instances where concerns raised are sufficiently serious in nature that early resolution would not be appropriate, issues may be addressed formally in the first instance. This should be discussed and agreed with the employee relations (ER) team.

Methods

There are a number of options which may be considered to support and reach early resolution such as:

- Resolution meeting between individuals (without a manager present)
- Informal resolution conversation between individuals facilitated by the manager
- Resolution discussion between the employee and a manager
- Informal discussion within department
- Reflective practice discussion
- Coaching
- Mediation
- Training

These options should be organised as quickly as possible, ideally within two weeks (unless for exceptional reasons).

The focus of these methods should be upon understanding what happened, the impact that it had upon those concerned and identifying learning, agreements and/or commitments with the intention of preventing the situation from re-occurring in the future. It is important that this process does not seek to place blame, but to generate mutual understanding and reflection. However, it should be noted that, in line with a just and learning culture, unfortunately it will not always be the case that potential relationships will be healed and colleagues may wish to have or remain with differing views in regard to a situation, but they must have had the opportunity to share their feelings/views and KMPT must do all it can to support all parties to an incident, in order that we can move on.

Where possible it is encouraged that misconduct will be handled informally between the employee and their manager as part of day-to-day management. The discussion should be dealt with promptly and confidentially and there should be a strong emphasis on encouraging and supporting the employee to achieve the required standards of conduct, and for the employee to demonstrate learning from what has happened so that the same event does not happen again. Wellbeing support and access to Occupational Health services should be recommended if required. The meeting with the employee should be with their manager on a one to one basis, ensuring that sufficient diary time is allocated for a meaningful discussion to take place. These informal discussions may

take place more than once. There is no right to be accompanied nor to appeal against informal outcomes. However, if an employee feels the action taken by the manager is unreasonable, the employee can consult the grievance policy. Managers must make a file note that summarises discussions. Where this happens, employees must be given a copy and another will be placed on the employee's file, dated and marked 'informal discussion'. Progress against the set objectives is reviewed, if there has been an improvement, the manager will write to confirm that the required standards have been met. However, should they decide that insufficient improvement has been made; or the required learning has not taken place, the note will remain on the file and may be considered as part of any future hearing documentation.

Formal procedures

Whilst KMPT would always encourage and promote early resolution we recognise that there are times when a more formal approach is necessary, which may be for one of the following reasons:

- Immediate progression for formal resolution: If the agreed conclusion following the resolution fact-finding discussion is that none of the early resolution options are appropriate we can progress immediately to formal resolution. This may be because the matter is sufficiently serious to warrant a formal investigation to establish the facts and could involve recourse to the KMPT improving conduct policy.
- Early resolution not resolved satisfactorily: If no resolution is achieved through the early resolution process, the colleague/manager may choose to initiate a formal procedure.

These options enable employees to be supported to resolve issues without needing to go through a formal process. If an employee feels that the early resolution undertaken has not resolved the concerns raised, they or their manager may progress to the formal policy by notifying the next level of management who will review the matter and assess the case and contact the individual regarding the proposed next steps. Progression to a formal process should ideally be requested within 5 working days (unless for exceptional reasons) of the early resolution methods being concluded.

The formal procedure for investigation should be followed in line with the appropriate policy (such as grievance, civility dignity and respect or improving conduct). The employee relations team will be available to offer advice upon which policy formal progression should be pursued under. Some instances may mean early resolution is not appropriate and will go straight to a formal process.



Employment reference requests

1 | What this policy covers

KMPT will provide employment references for all employees who are currently employed, or who have previously been employed, by KMPT.

This policy gives guidance to managers on providing employment references to highlight the responsibilities, and legal liabilities that may arise when providing references for existing or former employees.

This policy will ensure consistency within KMPT in dealing with employment references and ensure that legal and NHS obligations are met. It also outlines who is permitted to provide references, guidance on the content of references and legal considerations.

All references provided by KMPT must reflect an honest and accurate assessment of the employee's employment that could be substantiated if questioned. Refusal to provide a reference could have an adverse effect on the employee and may therefore be viewed as discriminatory. Similarly, omitting to provide the new employer with information which could cause them to suffer a loss may lead to a negligence claim against KMPT. Managers are therefore requested to provide factual references in accordance with this policy and procedure.

2 | Responsibilities

Managers only have the authority to provide references where a current employee applies for another role within KMPT or a previous employee applies for a role in KMPT in a different team to the one they left. A manager is the person who has managerial or supervisory responsibilities over the employee requesting a reference. The employee relations team can provide advice and support to employees and managers on this policy as required.

All other reference requests should be completed by the employee relations team to ensure consistency and fairness.

As a matter of courtesy, all employees should

inform their manager if they are providing their details for the purposes of a reference before the reference arrives.

Reference requests for former employees returning to KMPT should be sent to their previous manager. If that manager is no longer employed by KMPT the request should be referred to the employee relations team for completion.

3 | Policy in practice

When an employment reference request is received by the manager from an external organisation they should pass to the employee relations team to complete.

4 | Providing a reference

Although, there is no legal requirement for an employer to provide a reference for a current or past employee it is good practice to do so. Also, there is an expectation that employers will provide references and it is KMPT's policy to provide references upon written request. On a reciprocal basis, it is also KMPT's policy, in line with NHS employment standards, to receive written references for prospective employees.

All requests for references need to be received in writing from the prospective employer.

Providing references establishes goodwill between KMPT and the employee, as well as allowing the prospective employer to make use of the information during their recruitment procedure. Refusal may have an adverse effect on the employee and may therefore be viewed as discriminatory.

If an employee provides a personal character reference (i.e. as a friend) such references must not be on KMPT headed paper, or sent from an NHS e-mail or associated with KMPT in any way.

Any KMPT references provided for a current or past employee must be factually accurate and honest. If the employee requiring reference has been subject to performance review, sickness review or any type of conduct proceedings the

manager should seek advice from the employee relations team prior to completing the reference request. KMPT has a duty to provide information that is true, accurate, fair and non-discriminatory. It is therefore essential that the reference is based on facts which can be backed up by evidence if challenged. Opinions and subjective personal views which cannot be substantiated should not be included.

Where either formal or informal management procedure applies or there is a live warning, managers should speak to the employee relations team.

Telephone or verbal references

It is KMPT policy that telephone and/or verbal references are not given. If a request for one is received the caller should be advised that it is KMPT's policy only to provide written references and they should confirm their request in writing (including via email) and a response will be provided.

Mortgage, financial and rental reference requests

The manager will forward this type of request onto the employee relations team who will liaise with KMPT's payroll provider. Under no circumstances should the manager provide any bank details and under no circumstances should this type of information be given over the telephone or without prior and written consent.



Equality, diversity and inclusion

1 | What this policy covers

KMPT embraces equality and diversity in the workplace and aims to attract and retain the best talent by creating a fully inclusive place to work

This policy will:

- Help employees understand their responsibilities during recruitment to ensure that our recruitment processes are inclusive
- Inform employees what support is available for them should they feel that they have not been treated in the way that they would expect of an inclusive and supportive employer.

Types of discrimination

- **Direct discrimination:** where someone is treated less favourably than someone else is or would be on the grounds of any of protected characteristics (e.g. race, religion or belief, disability, age, sexual orientation, gender, marriage/civil partnership, gender reassignment, pregnancy/maternity.)
- **Indirect discrimination:** where someone is treated less favourably than someone else, where there is a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.
- **Harassment:** when someone exhibits unwanted conduct or behaviour related to a protected characteristic, which has the purpose, or effect of violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person. Unwanted conduct of a sexual nature, which has the purpose, or effect of violating dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person or being treated less favourably as a result of rejecting or submitting to unwanted conduct of a sexual nature may also be harassment.
- **Third party harassment:** where an employee is harassed relating to a protected characteristic by third parties such as patients, visitors or suppliers.

- **Victimisation:** when someone is treated badly because they have made a complaint about discrimination.
- **Hate crime:** Details of KMPT's hate crime policy is contained in a separate document however it is appropriate in this policy to highlight that a procedure has been developed to give assurances to employees and patients that hate crime is recognised, not tolerated, and provides framework to address and prevent hatred and discrimination across KMPT.

Major underlying factors of hatred, prejudice, harassment and abuse are as a result of fear, ignorance and lack of understanding. All employees have a responsibility to challenge, report and have a general awareness and understanding of what a hate crime or hate incident is.

2 | Principles

- Details of KMPT's recruitment procedure is contained in a separate document however it is appropriate in this policy to confirm that the procedure is intended to result in the selection of the most suitable person for the post, in a fair manner, without discrimination in relation to their protected characteristics.
- KMPT is committed to ensuring that no employee or job applicant is subject to unlawful discrimination, either directly or indirectly, on the grounds of any protected characteristics.
- Concerns relating to civility, dignity and respect, including complaints of discrimination, bullying and harassment should be raised and addressed using the civility, dignity and respect policy.
- Vacancies within KMPT will be advertised via the NHS Jobs website (www.jobs.nhs.uk) or on the KMPT intranet vacancy page, unless there are compelling reasons for not doing so; such as consideration of displaced individuals within KMPT or financial factors relating to particular posts. If employees need forms in large print or if

further assistance is required with regards to completing application forms they should contact the Recruitment Department. (01227 459371)

- Advertisements will be free from discriminatory bias and in line with the provisions of this policy. All advertisements will contain a statement confirming KMPT's commitment to equal opportunities.
- Interviews will be free from discriminatory bias and in line with the provisions of this policy. All requests for additional requirements for disabled interviewees should be made to the recruitment department so that arrangements to meet those requests are made.
- This applies to all aspects of employment, including recruitment and selection, training, promotion opportunities, terms and conditions of employment, handling of concerns, application of disciplinary/improving conduct procedures and selection for redundancy.
- KMPT will embeds equality standards in everything it does and seeks to promote the principles of equality, diversity and inclusion in all its dealings with employees, job applicants, patients, visitors, contractors, recruitment agencies and the public.
- KMPT is fully committed to adopting and promoting the key principles

3 | Responsibilities

- All employees and those who act on KMPT's behalf are required to adhere to this policy when undertaking their duties or when representing KMPT.
- Every employee has a responsibility to bring anything that could be deemed as discrimination to their manager's attention.
- KMPT's managers are responsible for ensuring practical application of this policy at a local level and they are expected to actively promote high standards of equality, diversity and inclusion. Managers should follow the civility, dignity and respect policy, for resolving any concerns raised to them.
- The equality, diversity and inclusion manager will lead on the equality, diversity and inclusion agenda for employees and will

develop, monitor and add value to KMPT's equality, diversity and inclusion strategic framework.

- The equality, diversity and inclusion team will be responsible for being available to staff for consultation on concerns regarding equality, diversity and inclusion. Their contact details can be found on i-connect.
- The employee relations department has a specific responsibility to ensure the promotion of equality, diversity and inclusion through its employment practices, policies and procedures.
- Every employee is responsible for contributing towards a working environment that promotes equality, diversity and inclusion.
- Each employee must report to an appropriate person any instances of behaviour that they are aware of that contravenes this policy's principles.
- Staff networks - communities that provide a collective voice, peer support and guidance, helping to promote innovation and create constructive channels of communication. They play a crucial role in helping KMPT to deliver its goals. KMPT is committed to supporting its staff networks with executive sponsorship and ensuring that their voices are heard at Board level.

4 | Policy in practice

This policy sets out the appropriate channels for dealing with cases of discrimination and/or behaviour that does not support the equality, diversity and inclusion principles at KMPT.

Raising a concern

KMPT treats seriously all concerns raised in respect of discrimination. Should employees wish to raise a concern under this policy there are a number of ways in which to do this:

- An informal discussion between the employee raising concerns and their manager
- Seeking advice and guidance from employee relations
- Freedom to Speak Up Guardian (FTSU) and Ambassadors
- Equality, diversity and inclusion team
- Staff networks.

Response and support

There are a number of ways that KMPT can support employees with their concerns including both informal and formal routes.

- Provide assistance with informal discussions
- Investigate and undertake formal measures.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated thoroughly and objectively, in line with the civility, dignity and respect policy. If an employee makes an allegation of discrimination which cannot be resolved informally, KMPT is committed to ensuring that employees are protected from victimisation, harassment or less favourable treatment because they have raised a concern.

Equality impact assessment (EIA)

An EIA is essential when reviewing or devising new policies, procedures or services, to ensure that no employee, patient or visitor is discriminated against or are negatively affected.

The EIA is designed to take into consideration how the policy, procedure or service is likely to impact on all people while additional focus is required to ensure equality for those with protected characteristics.

The 9 protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation.



Fixed term contracts

1 | What this policy covers

Fixed-term appointments are employment contracts that are agreed for a fixed period, i.e. they have a defined beginning and end date. Employees who have a fixed term contract (FTC) with KMPT are protected by the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the (Amendment) Regulations 2008. This regulation stipulates that fixed term employees should not be treated less favourably than comparable permanent employees on the grounds of their fixed term status, unless it can be shown that there is an objective reason to justify such treatment.

The Agenda for Change terms and conditions included in the service handbook also state that 'employees on fixed-term contracts will receive pay and conditions of service equivalent to that of a comparable permanent employee'.

This policy is therefore intended to provide guidance for managers and employees in order to ensure the appropriate, timely and consistent use of FTCs. It also aims to provide a summary of employment rights around FTCs.

2 | Introduction

FTCs are temporary contracts that have a pre-determined end date, or expire on occurrence or non-occurrence of a specified event. They can be a practical and effective solution to provide short-term staffing. They can be used to cover for example:

- Long-term sickness.
- Maternity leave, career breaks, secondments, training or other substantial periods of leave.
- Project work.
- To cope with increased temporary demands (for example winter peaks).
- The management of organisational change.

This policy only applies to all employees employed on an FTC or who may take up a FTC post.

3 | Objective justification

A fixed term employee must be treated no less favourably than a comparable permanent employee, unless there is an objective justification to this. Less favourable treatment can be justified if it can be shown that it is:

- To achieve a legitimate objective, for example a business objective.
- Necessary to achieve that objective.
- An appropriate way to achieve that objective. Managers should discuss whether any less favourable treatment is objectively justified on an individual basis with the employee relations team.

Comparable permanent employee

Employees on fixed term contracts can compare their treatment to the treatment of a comparable permanent employee as follows.

The comparable employee should:

- Be employed on a permanent contract.
- Work for the same employer.
- Do broadly the same, or similar work.
- Have similar skills and qualifications.

Less favourable treatment

Less favourable treatment can occur when a fixed-term employee does not get a benefit, whether it is contractual or not, that a comparable substantive employee gets, or when it is offered on less favourable terms. It could also occur should an employer fail to do something for a fixed term employee that is done for a substantive employee.

After four years' continuous successive NHS service – FTC employees are automatically deemed to be permanent employees, unless the employer can objectively justify why the contract should remain fixed term - for example, a time limited work permit or visa.

Terms and conditions of employment will remain unchanged, except that the fixed-term provisions will not apply.

These rights accumulate from the start of NHS employment, including service with most other NHS employers. For continuous service,

there must not be a break of more than a week between employments. For redundancy purposes two years' continuous service must be with KMPT (see organisational change policy).

Employees on FTCs are entitled to the same terms and conditions of employment that are not less favourable on a pro-rata basis than the terms and conditions of a comparable substantive employee. This includes entitlement to annual leave, sick pay, notice periods, pension eligibility.

Individuals should also be treated in the same way as comparable substantive employees in relation to opportunities for training where appropriate; as well as opportunities to apply for permanent positions in KMPT promotion or transfer. They should also be included in the appraisal process.

Employees on an FTC during maternity leave: if the FTC is due to end between the 11th before the estimated week of confinement (EWC) and 6 weeks after the baby is born, the employee's contract will be extended to allow for the full 52 weeks of maternity leave. See KMPT's adoption and maternity policies for more details.

Employees on an FTC during organisational change where their contract continues beyond the period of change will be managed in-line with KMPT's Organisational Change Management Policy.

Employees 'acting up': where a permanent employee is 'acting up' for a limited period, this will form an amendment/variation to contract, not an FTC in itself.

Employees on a FTC and a work permit: where an employee is subject to a sponsorship certificate a FTC will be issued to cover the duration of the certificate only.

Recruitment to a FTC

In certain situations it may be preferable to employ someone for a specified period of time. Managers should consider all options for covering this period of time, such as bank shifts, acting up, secondments, FTC's etc. Ideally an FTC should be no longer in duration than 12 months with a maximum extension up to 23 months. The following reasons would potentially justify issuing a FTC:

- The funding for a post or project is not secure in the foreseeable future.

- The funding for a post or project has a specified limit.
- To resource a time-limited, one-off task or project.
- The requirement for the post in its current form may change significantly or cease in the foreseeable future.
- The number of people required to carry out a particular role is likely to reduce in the foreseeable future.
- To provide cover for a permanent post holder (e.g. maternity leave, employment break, long term sickness).
- The type of employee required for a role may change in the foreseeable future:
- The post is a designated training post through which trainees rotate.
- To provide a development or training opportunity.
- If extended for 4 years or more it would be considered the individual is a substantive employee in that position.

Recruitment to a FTC must follow KMPT's recruitment and selection policy. In particular:

- All adverts should indicate the duration of the contract.
- FTCs should be advertised in the same way as all substantive posts, via NHS Jobs.
- If there is more than one suitable candidate shortlisted, the appointment will be subject to interview.
- In circumstances where a substantive employee has applied for a FTC consideration should be given to a secondment from their substantive post to avoid a redundancy situation at the end of the fixed term post. Further advice can be gained from the employee relations team in these circumstances.

Extension of an FTC or a transition to a permanent contract

- When considering extending a FTC managers must take account of the following employment rights legislation (refer to summary of employment rights above).
- The employee does not have to accept an extension to a FTC. If they choose not to accept the contract should be re-advertised via KMPT's recruitment policy.
- If a FTC is to be extended it should be on the same terms and conditions as the original contract, unless otherwise agreed through

both parties. Managers must complete a staff change form (which can be accessed via Internal forms on i-connect) can we insert the link for payroll purposes and send it to the workforce team.

- The contract will not become permanent if the employee cannot continue working, for example if they do not have a valid sponsorship certificate to continue working in the UK, or current professional registration.

Early termination of contract

Where it is necessary for either KMPT or the employee to terminate the contract prior to its planned end date, the normal contractual notice periods will apply.

Termination of an FTC

- Once a FTC has been extended past its initial termination date, managers should not assume that, as a FTC has a specific end date, that this releases them from an obligation to give an employee contractual notice of the termination of a FTC if the contract has such a provision. Managers are responsible to monitor the FTCs that are due to expire and, when preparing to terminate a FTC, should consider the employee's contractual notice period (if any) as well as their statutory notice entitlement, length of continuous service and the reason for termination to ensure that the following procedure is adhered to in a timely fashion prior to the end of the FTC. This can be discussed with the employee relations team.
- On the termination of a contract, the manager should complete a 'Staff termination form' (can be found on i-connect) for payroll purposes and forward this to the workforce team. The employer does not have to give notice unless the contract requires this but should write to the employee, confirming their last working day and last day of service.

4 | Procedure for expiring fixed terms contracts

1. The employee relations team are notified of fixed term contracts due to expire by workforce on a monthly basis
2. The employee relations team contact the manager advising them of fixed term end date for their employees and the process to follow for allowing contract to end, or for extending the contract, or for making the contract permanent.

Contracts to end

Manager to meet with employees before contractual notice period commences and advise that the contract will end on the originally specified date. Manager to complete leavers paperwork and inform the workforce team.

Contracts to be extended

Manager to complete a staff change form advising payroll and the workforce team of the extension to contract.

Contract to be made permanent

Manager to complete recruitment request form and submit to the recruitment scrutiny group. If permission granted for post to be made permanent the post needs to be advertised, go through normal recruitment channels and advise employees in post to make an application, whilst at the same time issuing notice to the fixed term contract coming to an end. If post does not need to be advertised (due to length of time individual has been in post) then the manager needs to meet with individual and advise them that post is being made permanent. Manager to complete a staff change form advising the workforce team. If permission for permanent recruitment is not granted, manager to follow steps outlined under either "contract to end" or "contract to be extended" boxes in this flow chart as appropriate.

Flexible working

1 | What this policy covers

In accordance with the Employment Act 2002 KMPT has a statutory responsibility to carefully consider all requests for flexible working made by substantive employees.

This policy outlines who is eligible to make a formal flexible working request, the procedure that should be followed and issues that will be considered when deciding whether to agree to the request.

2 | Principles

- KMPT has a strong commitment to improving working lives and supports employees in positively exploring ways in which they can better balance their work and personal lives.
- KMPT will make every effort to accommodate a request for flexible working.

3 | Responsibilities

- KMPT has overall responsibility for ensuring that this policy is applied in a fair and consistent way.
- KMPT managers must ensure that all employees making a request for flexible working are treated equally and fairly and will not unlawfully discriminate against any individual for any reason, with particular focus on preventing unlawful discrimination on the grounds of any protected characteristics. Managers must make every effort to accommodate a request for flexible working regardless of reason.

4 | Policy in practice

Eligibility

All employees are eligible to make a request for flexible working from day one of employment. Employees can make more than one request per year and can do so regardless of the reason for them.

Options for flexible working

There are numerous ways employees can change their current working hours and pattern, including moving to:

- **Job sharing** – the employee and one or more people share responsibility for their current role.
- **Part-time working** – (any number of hours under 37.5)
- **Voluntary reduced working time** – working fewer hours for an agreed period.
- **Annualised hours (or Average hours working patterns)** – working their contracted hours flexibly throughout the year without affecting their regular salary payment.
- **Flexi-time** – working flexible hours during the day within defined limits.
- **Compressed hours working** – contracted working hours are compressed into fewer days.
- **Job-splitting** – two part time jobs created from one full-time post without the need for continuity and communication.
- **Term time working** – concentrating their work hours within school term times to provide time off to look after children during school holidays.
- **Hybrid Working** – where all or part of their role is undertaken from home, either on a contractual or occasional ad hoc basis. (See the hybrid working policy for more information).
- **Personalised Annual Leave** - This is an arrangement whereby employees can “buy” or “sell” annual leave subject to minimum and maximum ceilings, with a commensurate adjustment to their salary. Please see the annual leave policy for more information
- **Flexible rostering** – this is where an employee may work periods of differing lengths with an agreed overall period
- **Fixed work patterns** – this is where by agreement days off can be irregular to enable, for example, access by separated parents to their children
- **Flexible retirement** – this is where an employee may choose to return by winding down, stepping down or opting out, or bank

working. More information can be found in the retirement policy.

- **Career breaks** – can be used to provide greater flexibility to employees wanting to balance their working and home life and have therefore been included within this document. For more information on career breaks, please refer to the Employment Break Policy.

Remuneration and benefits

Flexible workers will have a pro-rata entitlement to the same pay and conditions as full-time employees and will have equal access to training and career development opportunities.

It is important to note that moving to any flexible arrangement may result in changes to the annual leave and sick pay entitlements and employees should seek advice about likely impact before making a final decision.

Making an application for change

If employees wish to make an application to change their current way of working, they need to complete the flexible working application (found on the KMPT Documents page on i-connect) and once completed they must forward it to their manager. The application must state what effect, if any, the change will have on workload, colleagues and KMPT in general and how the effect could be dealt with.

After receiving the application, their manager will arrange to meet with the employee to discuss the request. This will be within 28 days of the manager receiving the application. The meeting will provide an opportunity to discuss the desired work pattern in depth and how best it might be accommodated. It will also provide an opportunity to consider other working patterns, should accommodating the desired work pattern in the application prove difficult.

Decision

After the meeting, the manager will confirm in writing, within 14 days, their decision to the employee. When deciding they will consider:

- The impact the requested change would have on service delivery.
- How the change would affect colleagues.
- What the financial impact on KMPT would be.
- Can the training needs of the employee be met/structured adequately around any reduction/change in hours.

- Will adequate supervision be available during working hours.

If the request is been agreed a letter will be sent confirming the new working arrangements and start date. Please note that if the employee agrees to the change, they will have no automatic right to return to their original pattern of work if they wish to change again in the future.

If the request has been refused a letter will be sent to the employee detailing the reason(s) why the request has been declined and provide details of the employees right of appeal and the name of the manager to appeal to.

The decision to decline a request should be made after the manager has had a discussion with the HR advisor and should only be declined due to the statutory reasons for refusal:

- the burden of additional costs
- inability to meet service demand
- inability to recruit additional employees
- risk of detrimental impact on quality or performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes
- inability to reorganise work among existing employees.

Agreement

- All forms of flexible working must comply with the European Working Time Directive (EWTD) and relevant Health and Safety Regulations
- Where the flexible working application is successful the manager should complete a change form which should be sent to Workforce Information, where applicable.
- If the total working hours have changed the manager should also recalculate the employee's Annual Leave for the remainder of the year, taking account of any leave already accrued and/or taken using the annual leave calculator (which can be found on i-connect)
- Upon agreement, managers must discuss with the employee their expectations and aspirations under the new flexible working hours contract.
- This should cover factors such as:
 - Necessity to provide cover for absent job-share partners; and

- Arrangements for attending team or training events.
- If there is a change to the employee's working environment (e.g. if hybrid or working in a lone office environment), managers must carry out a risk assessment, and the arrangement only implemented where the risks are adequately mitigated.

Trial periods

In some circumstances the manager and/or employee may have reservations about the potential success of the new arrangement. In these circumstances, the manager may agree a trial period of up to three months to assess the impact of the arrangement.

Length of arrangement

Any arrangement involving a change in annual hours will be contractual and agreed by both parties.

- Where there is an organisational need for an agreed flexible working arrangement to be changed, this may be agreed informally between the employee and the manager. Where the employee does not wish to agree informally to a change in the flexible working agreement, a formal period of consultation must be held with the employee to manage the proposed change and give the employee the right to engage with the proposal. This should be conducted in accordance with the organisational change policy.
- Where the agreement is to be terminated reasonable notice should be given, (usually at least one month's notice) to enable both parties to make appropriate transitional arrangements.
- In the case of job-sharing, if one sharer leaves, the existing job-sharer should be offered the full-time post (where accepted the manager must complete a changes form). If the existing job sharer does not want to work full-time, the vacant hours of the post must be advertised. If a suitable candidate is not found after the post has been advertised internally and externally, the department should explore alternatives such as (this list is not exhaustive):
- Re-distribution of workload

- Re-distributing hours elsewhere within the team (as appropriate)
- Re-structuring the department Any post designated for job sharing will remain as a whole-time post on the establishment. Hours and cover arrangements will be agreed between the job sharers and the manager.

5 | Appeal

Should an employee wish to appeal a decision to refuse their request they should follow the procedure:

- Employees who request an appeal hearing are expected to engage in the process. If an employee does not engage with the appeal process, they will be advised their Appeal Hearing will not proceed or that the appeal may be heard in their absence.
- An appeal hearing will be arranged by the employee relations team at the earliest opportunity. A letter of acknowledgement of receipt of the appeal will be sent to the employee in the first instance.
- The appellant must state the grounds for appeal in the initial application for appeal within five working days of receiving the original written decision. Supporting written evidence must be submitted at least 10 days prior to the hearing date.
- For the appeal to take place there will need to be new information provided for the appeal panel to consider.
- An appeal hearing will consist of a KMPT manager senior to the manager who made the original decision and an HR advisor/HR business partner and the individual who is raising the appeal.
- If the appellant becomes unable to attend the arranged hearing they must notify the employee relations team of the reason they are unable to attend. An alternative date will only be arranged if there are extenuating circumstances.
- If it is agreed that the hearing is to be rearranged then the panel may continue in absentia if the appellant does not attend the rearranged hearing.
- All appeal hearings will be conducted

with reference to KMPT's procedure for conducting a formal hearing, but in the case of an appeal, the appellant will present their case first.

- A record of the proceedings should be made and kept on file.
- The decision of the appeal panel is final and will be confirmed to the appellant within 10 working days of the decision being made. Confirmation will be in writing.



Freedom to speak up

Whistleblowing/raising concerns

1 | What this policy covers

Kent and Medway NHS and Social Care Partnership Trust (KMPT) is committed to achieving the highest possible standards of service and the highest ethical standards in public life and in all of its clinical practices. KMPT has therefore introduced this procedure to encourage freedom of speech and to enable you to raise your concerns at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving services for all patients and working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our duty of candour, our senior leaders and entire Board are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

This Freedom to Speak Up: whistleblowing policy is primarily for concerns, which are in the public interest. This means it must affect others, for example the general public, or where the interests of others, or of the organisation itself are at risk. If in doubt - raise it!

If you have concerns regarding matters relating to your employment, these should be raised using the grievance policy. If you have concerns regarding discrimination, bullying or harassment, these should be raised using the civility, dignity and respect policy.

This policy is aimed at improving the experience of whistleblowing in the NHS. It is expected that this policy will normalise the raising of concerns for the benefit of all patients.

Our local process has been integrated into the policy and provides more detail about how we will look in to a concern.

2 | Principles

This policy is intended to cover all employees of KMPT; bank staff, agency staff, all self employed NHS professionals, apprentices and trainees, or contractors working on site. The types of disclosures that qualify for protection under legislation are those which the individual reasonably believes tend to show one or more of the following:

- Unsafe patient care
- Unsafe working conditions
- Inadequate induction or training of staff
- Lack of, or poor, response to a reported patient safety incident
- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- Endangering the health and safety of any patient or individual
- Damage to the environment
- Concealment of information relating to any of the above
- Concerns about the protection of children or vulnerable adults
- Acts of fraud and bribery (suspicions of fraud can also be reported in accordance with our local anti fraud, bribery corruption policy).

We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled. The policy is not for people with concerns about their employment which only affect them – that type of concern is better suited to our Grievance Policy which can be obtained from KMPT's intranet i-connect.

3 | Responsibilities

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns, and will respond in line with them .

We are committed to listening to our staff, learning lessons and improving patient care.

On receipt the concern will be recorded and you will receive an acknowledgement within two working days. The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates and feedback.

4 | Policy in practice

Feeling safe to raise your concerns

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about.

Confidentiality

We hope you will feel comfortable raising your concerns openly, but we also appreciate that you may want to do this confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential, if that is what you want, unless required to disclose by law (for example, by the police). You can choose to raise your concern anonymously, without giving your name, but that may make it more difficult for it to be investigated thoroughly and give you feedback on the outcome. The Freedom to Speak Up guardian will share information about concerns raised with senior management and HR personnel, albeit without sharing the names of those involved, on an anonymous basis, so that the Trust can be aware of any trends that emerge from concerns raised, to identify whether there are broader problems that require support and intervention.

Who can raise a concern?

ALL employees of KMPT; bank staff, agency staff, all self-employed NHS professionals, apprentices and trainees, or contractors working on site.

How to raise your concern?

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your manager (or lead clinician). But where you do not think it is appropriate to do this, you can use any of the options set out below in the first instance.

If raising the concern with your manager (or lead clinician) does not resolve matters, or you do not feel able to raise it with them, you can contact any of the following people:

- Freedom to Speak up Guardian, this is an important role identified in the Freedom to Speak up review to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the chief executive, or if necessary, outside the organisation. The guardian for KMPT is contactable at kmpt.ftsuguardian@nhs.net.
- Medical director
- Chief nurse
- Director of therapies
- Strategic lead for allied health professionals
- The lead non-executive director for raising concerns - non-executive KMPT lead for whistleblowing, Sean Bone-Knell
- The chief executive
- The trust chair or any other non-executive director (all non-executives can be contacted via the trust secretary)
- Any director or member of the trust board. Details of all board members can be found i-connect.

You can raise your concern with any of the people listed above in person, or by phone or in writing (including email). Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

Your concern can also be raised with the Freedom to Speak Up Guardian by emailing kmpt.ftsuguardian@nhs.net or one of the KMPT Freedom to Speak Up Ambassadors. Details can be found on i-connect.

The Freedom to Speak up Guardian, is an important role identified in the Freedom to Speak up review to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the Chief Executive, or if necessary, outside the organisation.

You can also raise concerns by pressing the Green Button, this function is available on i-connect, and goes directly to the Freedom to Speak Up Guardian who can take your concerns forward and the button can be pressed anonymously if that is preferred.

Investigation

Where you have been unable to resolve the matter quickly (usually within a few days) with your manager, we will arrange for an appropriate person to carry out a proportionate investigation. We will use someone suitably independent (usually from a different part of the organisation) and properly trained. Investigations will not be undertaken by the Freedom to Speak Up Guardian.

We will ensure a conclusion is reached within a reasonable timescale (which we will notify you of). Wherever possible concerns will be explored as a single investigation. For example, where a concern is raised about a patient safety incident, usually a single investigation that looks at your concern and the wider circumstances of the incident will be undertaken.

The investigation will be objective and evidence based, and will produce a report that focuses on identifying and rectifying any issues. We will learn lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process; for example, if the complaint is relating to bullying and harassment the civility, dignity and respect policy, or if your concern is about your employment, the grievance policy. If so we will discuss that with you.

We will tell you how long we expect the investigation to take and keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others).

How will we learn from your concern?

The focus of the investigation will be improving the service we provide for patients. Where it identifies improvement that can be made, we will track them to ensure the necessary improvements are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Communication

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about.

We will tell you how long we expect investigations to take and keep you up to date with its progress. Wherever possible, we will share the full investigation report with you

(while respecting the confidentiality of others).

Raising your concerns with an outside body

Alternatively, you can raise your concern outside the organisation, you can contact:

- NHS improvement for concerns about:
 - How NHS Trusts and foundation trusts are being run
 - Other providers with an NHS provider licence
 - NHS procurement, choice and competition
 - The national tariff
- NHS England (www.england.nhs.uk) for concerns about:
 - Primary medical services
 - Primary dental services
 - Primary ophthalmic services
 - Local pharmaceutical services
- Health Education England (<https://hee.nhs.uk/about-us/how-we-work>) for education and training in the NHS
- NHS Fraud and Corruption Reporting Line 0800 028 40 60– if your concern is about fraud and corruption
- NHS Protect - <http://www.nhsbsa.nhs.uk/3350.aspx>
- Local Commissioners at West Kent CCG.
- Care Quality Commission for quality and safety concerns <http://www.cqc.org.uk/TheDepartmentofHealthfreeWhistleblowingHelplineService> on 08000 724 725.
- Your Local Counter Fraud Specialist at TIAA – 07979 645948 or email to Andrew.ede@nhs.net
- Public Concern at Work. The whistleblowing charity - telephone 0207 404 6609
- Health and Safety risks: HSE and local authority.
- The Environment Agency – 03708 506 506 or via email to enquiries@environment-agency.gov.uk
- Serious Fraud Office – tel +44 (0)20 7239 7272 or visit <https://www.sfo.gov.uk/>
- National Audit Office - <https://www.nao.org.uk/>
- Others: Certification Officer (Trade Unions), Charity Commission, Criminal Cases Review Commission, Information Commissioner's office, The Pensions Regulator.

Gender identity transitioning at work

1 | What this policy covers

This policy is designed to support employees whose gender identity does not align with the sex they were assigned at birth. The employee intends to transition to the gender they now identify with.

This policy will:

- Help employees understand the term gender identity and other terms associated with gender identity
- Detail the responsibilities of KMPT managers and others in providing a safe and supportive working environment for the person who is transitioning
- Explain how a workplace plan can support the practical elements of the transition.

2 | Principles

KMPT is committed to promoting a positive working environment with a culture of support, where individuals can thrive.

A diverse workforce leads to inclusion of more ideas and viewpoints and fosters creativity and innovation.

We want to provide employees with an understanding of transgender in the workplace and to help provide a welcoming and supportive environment for our transgender colleagues during their transition.

3 | Policy in practice

Glossary of terms

The glossary of terms can be found on i-connect on the Equality and Diversity pages. The definitions provided are not intended to label employees but rather to assist in understanding the policy and the obligations of our employees. Our employees may or may not use these terms to describe themselves. This is by no means an

exhaustive list.

Whilst definitions of gender identity and sexual orientation appear within the list this is intended to describe the differences rather than to create links between them.

Gender Recognition Act (2004)

This act allows those individuals who have changed their gender role permanently to obtain a gender recognition certificate (GRC). This means that they have their new gender status “for all purposes”. A GRC is not a required for an employee to change their name, pronouns or the way they dress at work.

Staff Wellness Passport

This is a confidential document that is intended as a commitment to engage with and support the transitioning employee at all stages. It should be reviewed regularly with the manager and the employee. The plan should include:

- Dates and details of how the employee would like to be known.
- Adjustments to dress code/uniform, ID badge, access to KMPT systems.
- Potential pension implications.
- If and how the team/department are informed of the transition.

It is the responsibility of the manager to ensure that transitioning employees are treated with care and respect during and after their transition by all who interact with them. Information must be stored appropriately and confidentially.

Grievance

1 | What this policy covers

KMPT is committed to ensuring employees are managed in a supportive, consistent, fair and effective manner. This policy is designed to support employees should they wish to raise a grievance in respect of their employment. A grievance is any concern, problem or complaint an employee may have relating to their employment. This policy should be read in conjunction with the civility, dignity and respect policy and early resolution policy.

2 | Principles

- We are committed to promoting a positive working environment with an appropriate means through which grievances can be discussed with management.
- We aim to deal with all grievances promptly and impartially, and to make every reasonable effort to achieve a satisfactory outcome.
- Where possible, grievances should be resolved informally, using the Early Resolution Policy, but where this is not possible, a formal process will be used.
- We will take steps to ensure that employees are not victimised if they raise a grievance or support someone else in raising a grievance.
- Grievances should be worded using appropriate and professional language, and untrue statements should be avoided.
- Malicious or vexatious grievances may be investigated in line with the Improving Conduct policy.

3 | Responsibilities

- The Board has overall responsibility for developing and maintaining an open, fair and consistent culture throughout KMPT, where employees can raise grievances and managers apply this policy fairly and effectively.
- employee relations are responsible for

providing professional ER advice and support to managers on the use and management of this policy and associated procedures. ER will be involved in the formal stages of addressing employee grievances.

- If a grievance is raised, managers are responsible for ensuring employees are treated in a supportive, consistent, fair and reasonable manner.
- Employees are encouraged to raise any grievances promptly and reasonably.
- All employees are required to cooperate fully with any investigation and relevant procedures.

4 | Policy in practice

Status quo

If a grievance applies to more than one employee and they are seeking a resolution as a group, they may agree to raise a collective grievance under this policy. When an employee has raised a formal grievance, the trust will consider whether it is appropriate to suspend any planned change to maintain the status quo. There will be circumstances when this is not possible or advisable, because KMPT may risk breaching statutory, mandatory or regulatory obligations, or delays might compromise service delivery. In such cases, management reserves the right to implement the change and the situation will be explained to the employee and their representative.

Stages

This grievance policy has two stages:

- The informal process
- The formal grievance hearing

Informal process

Before raising a formal grievance, employees should try to resolve the issue informally.

They may also wish to seek advice from early resolution policy, the employee relations team or their trade union representative. Their manager will arrange to meet with the employee without unreasonable delay to hear details of the grievance or dispute and agree how the issues

raised can be resolved. A written record of the discussion will be kept. There is no right to representation at this stage. In some situations, the grievance may be better addressed through the use of a neutral third party who can mediate between those in dispute to help reach a mutually agreeable resolution. The employee relations team can assist with finding a suitable person who can mediate the situation if the circumstances warrant this.

Formal grievance hearing

If the informal discussions did not give the outcome wanted and the employee feels that they have reasonable grounds for moving to the formal stage, they should submit a grievance in writing to their manager/manager's manager who is not the subject of the grievance and who has not already been involved at the informal stage. This should be raised within 14 calendar days of the end of the informal process. The letter should state clearly the details of the grievance and describe the outcome sought. On receipt of the formal grievance a meeting with the employee who raised the grievance will be arranged as soon as possible, to hear their case and review what outcomes they are looking for.

Where necessary a member of the ER team will assist the manager conducting the meeting/investigation, providing support and advice. A key principle of the procedure is that no manager involved or implicated in a formal grievance may investigate or hear the grievance thus ensuring fairness and objectivity. Consideration will be given to adjourning the meeting for any investigation that may be necessary. If an investigation is required to establish the facts this should be carried out fairly, promptly and in a timely fashion. Following the meeting/investigation the manager conducting the grievance will reconvene with the employee who has raised the grievance to feedback the outcome. This will also be confirmed in writing setting out their decision and the actions to be taken to resolve the grievance. The right of appeal under the policy will also be confirmed, including details of who an appeal should be addressed to.

Your right to be accompanied

KMPT recognises that some situations may be distressing, so, a work place colleague or Trade Union representative may accompany the employee to formal meetings if they feel they

would be a support to them and help to resolve the grievance. If so, prior to any meeting, the employee should inform the manager of their wish to be accompanied.

Where an employee has raised a grievance but has left employment before the grievance has been concluded, KMPT will still consider the grievance and provide a written outcome. In these circumstances, there will be no right of appeal.

A grievance will only be investigated within three months of the employee's last day of service.

5 | Appeal

Employees have the right to appeal if they have strong grounds to believe:

- that the procedure at the previous stage has not been correctly adhered to; or
- they have evidence that the process has not been objective; or
- that the decisions reached were not appropriate in light of the evidence presented.

The appeal panel will not rehear the case.

Immunisation policy

1 | What this policy covers

Managers are responsible for ensuring all employees comply with occupational health guidance on immunisations or undertaking a risk assessment where this is not the case. Employees are responsible for ensuring their vaccinations are up to date in accordance with the advice from occupational health.

Under the Health and Safety at Work Act (HSWA) 1974, employers, employees and the self-employed have specific duties to protect, so far as reasonably practicable, those at work and others who may be affected by their work activity, such as patients, contractors and visitors. Central to health and safety legislation is the need for employers to assess the risks to employees and others.

2 | Purpose

The purpose of this policy is to ensure that all employees identified as being at risk of acquiring an infection from their work are protected by immunisation and that all patients are protected against exposure to infection from health care workers in line with Department of Health and Public Health guidance, and best practice.

This Policy applies to:

- all at risk employees and volunteers
- employees for whom Occupational Health provide a contracted service.
- those whose activities involve clinical or regular contact with patients or with blood or other body fluids or other communicable infections in their work setting.

This may include receptionists and ward clerks, cleaners and porters where a substantial part of the working day is within a clinical environment or face-to-face/social contact with patients.

It also includes employees who handle samples of body fluids/specimens or may be exposed to such in the course of their work and employees who may be at risk of exposure to other infections due to the nature of their role, eg groundsmen.

Exposure Prone Procedures: procedures where injury to the health care worker could result in the worker's blood contaminating the patient's open tissue via bleed back.

3 | Duties

Managers

- Are required to complete the functional requirements form for all new posts and the candidate will submit this to Occupational Health as part of the recruitment process.
- Are required to ensure that all new starters have complied with Occupational Health guidance on immunisations and have attended first week vaccination reviews where this has been recommended on the Occupational Health clearance certificate.
- Are responsible for ensuring safe systems of work are in place in accordance with the outcomes of the risk assessment process and Infection control procedures.
- Are required to notify Occupational Health of new exposure threats and ensure COSHH assessments for biological agents are up to date and safe systems of work in line with the infection control policy are in place.
- Will provide occupational health with accurate and timely information for employee contact tracing in the event of an infectious exposure or outbreak incident.
- Will assess individual employees who are unable or decline to have immunisations to ensure that they are not placed at risk from their work, or present a risk to patients.
- Are required to ensure that no healthcare worker undertakes exposure prone procedure work unless they have received occupational health clearance.
- Are required to allow reasonable time for employee to attend the occupational health appointments.

Employees

- Are responsible for ensuring that their own vaccinations are maintained in line with advice from occupational health provided on an individual basis at pre employment, or on advice from their GP or Public Health England.

- All new clinical employees are required to submit information about their immunisation status and attend for reviews/updates as per occupational health recommendations.
- All new workers undertaking exposure prone procedures are required to undertake screening as per occupational health recommendations.
- Are responsible for having an annual flu vaccine where this is clinically appropriate.
- Are responsible for responding to occupational health and infection control requests in the event of an outbreak.
- Are responsible if a communicable disease is acquired to promptly seek and follow occupational health advice.
- Are required to report blood borne virus (HIV, HEP B and HEP C) exposures to occupational health.
- Are to report any adverse effects from a vaccination to occupational health in the rare cases where this may occur.

Occupational Health

- Is responsible for giving advice and providing appropriate immunisations and the necessary follow up procedures, in accordance with Department of Health Guidance and local occupational health standard operating procedures.
- Is responsible for notifying the manager when an employee is cleared for work and/ or requires an immunisation review. This may include clearance to perform exposure prone procedures.
- Is responsible for notifying the manager when employees fail to attend occupational health appointments.
- Is responsible for notifying the manager when an employee declines a vaccination so the manager can commence the risk assessment process.
- Is responsible for preserving the confidentiality of employees by keeping records and results of testing secure. Appropriate and proportional data sharing between occupational health, microbiology and infection control will occur in the event of an outbreak and under the guidance of Public Health England.
- Will provide copies of immunisation records on request and these can be accessed via the occupational health PORTAL
- Copies of records not held on the PORTAL

will only be released upon the receipt of a written, signed request from the employee indicating their name, date of birth and address to which the information is to be forwarded, or on receipt of a request from another occupational health department or interested party which bears the signed consent of the individual concerned. The transmission/release of all medical information will be in strict accordance with trust policies and data protection legislation.

4 | Policy specific information

Only vaccinations relating to relevant job risk are available. Other vaccinations, which may be due, but are not required for the job should be updated with the employee's GP Practice.

All advice/vaccinations required for (non- work) travel purposes should be sought from the employee's GP surgery or at an appropriate travel centre.

Improving conduct policy

1 | What this policy covers

KMPT expects high standards of conduct from everyone and is committed to helping people improve and learn from mistakes. This policy is designed to ensure a fair, systematic and consistent approach is taken when an employee's behaviour or action is in breach of workplace rules or falls short of the expected standards. KMPT is committed to ensuring that employees are managed in a supportive, consistent, fair and effective manner. KMPT supports the principle that conduct issues should be dealt with as soon as they become apparent and, wherever possible, resolved by informal discussions and actions between employees and their manager. However, when informal action has not resulted in the required improvements or the conduct issue is too serious to be dealt with informally, then the formal stages of this policy should be followed. This policy is designed to help and encourage employees to achieve and maintain high standards of conduct, while protecting the interests of KMPT, patients and employees. Guidance on expected standards and conduct is detailed in the standards of conduct policy and our values.

For medical staff, issues are initially investigated using the 'procedure for handling concerns about doctors policy, if there is a formal disciplinary case to answer, the case would revert to being handled in accordance with this policy and procedure.

2 | Principles

Where possible, issues of misconduct will initially be addressed informally between the employee and their manager. Formal action will only be taken if this has not led to the necessary improvement or where matters are more serious. This policy should not be seen merely as a means of imposing sanctions. The intention is that improvement cases are dealt with early on to resolve problems as quickly and fairly as possible.

3 | Responsibilities

KMPT has overall responsibility for developing and maintaining an open, fair and consistent culture throughout KMPT, where improvement issues are dealt with fairly.

The employee relations team is responsible for providing professional ER advice and support to managers on applying this policy and associated procedures. The employee relations team will be involved in all formal stages of the procedure. All employees are responsible for ensuring that they know the standards of conduct and behaviours required in their job.

Managers are responsible for ensuring their actions taken under this policy are reasonable and fair. Managers must deal with any concerns fairly, reasonably and promptly and in line with this policy. Managers must manage concerns by early and informal action with the aim of improving conduct and behaviour and supporting employees to achieve this improvement wherever possible.

Employees are responsible for cooperating with KMPT in any investigations arising from alleged breaches and other aspects of the process. To ensure they maintain appropriate standards of conduct and behaviour at all times.

4 | Suspension/restriction to duties

Pending an investigation and where possible after a fact finding process an employee may be as a last resort suspended on full pay (including average enhancements). It may be decided to restrict an employee's duties, without prejudice when:

- The action complained of requires the immediate removal of the employee from their workplace for their safety or the safety of others.
- The action complained of requires investigation and the continued presence of the employee may hinder that investigation.
- To prevent further serious or gross misconduct

In cases of suspension that all alternatives have been explored, such as redeployment and suspension is the last resort.

The period of suspension or restriction could be for the duration of the investigation. It is in the interests of all concerned that the investigation is conducted in good time. The maximum length of the investigation should ideally be no more than 12 weeks.

The employee must be told of the reasons for their suspension or restriction and this must be confirmed in writing to them. The suspension should not normally exceed 12 weeks.

If the post holder is a nurse and their role is a nursing role then the Head of Nursing should be consulted prior to the suspension. If the nurse is not aligned to a care group the Deputy Director of Nursing should be consulted instead. If the employee is working in a non-nursing role and has a valid PIN, then the suspension does not need to involve the head of nursing or the deputy director of nursing. However, the head of nursing should be notified that the suspension has taken place and be kept abreast of the investigation as the matter may still need to be shared with the NMC.

The suspension/restriction should be reviewed every 2 weeks after the initial suspension/restriction is put in place. Any extension to the time period must be agreed by the Head of Service in consultation with the employee relations team. Any extension will be confirmed in writing to the employee. If the suspension is ended there could be restrictions to duties put in place instead of suspension.

A senior review of a suspension should occur within 72 hours of the suspension. This is to ensure that the decision to suspend was the best option, this review should include either the Deputy Director of Workforce and Organisational Development, Deputy Chief Operating Officer and Deputy Head of Nursing or appropriate professional lead. The decision to suspend can be overturned and fed back to the original decision maker.

Where a Manager wishes to restrict an employee's duties during an investigation they should first consult their HR Adviser and then meet with the employee explaining the reasons for the restrictions and confirm this in writing with the employee.

In the event that fraud is suspected please speak to The Counter Fraud and Security Management Service and your HR Adviser for advice prior to suspending. Please also see Counter Fraud Policy.

Suspension without pay may be appropriate in certain circumstances, for example if an employee loses the right to work in the UK or if it were not possible to recall the employee to work for reasons outside of KMPT's control. This may occur if the employee is imprisoned or remanded in custody.

A manager separate to the investigation will be appointed as pastoral support to the individual who has been suspended/placed on restricted duties. This manager will agree and maintain regular contact with the individual throughout the period of the investigation, and provide contact at least on a weekly basis.

If the individual does return to work following a period of suspension or restricted duties, then they will be provided with a 'settling in' period to ensure they are updated on any matters and given time to re-orientate themselves with the workplace.

5 | Policy in practice

The policy has the following stages:

- Stage one – informal/early resolution
- Stage two – formal
- Stage three – appeal

Stage 1 Informal process/early resolution

Where possible it is encouraged that concerns re conduct or behaviour will be handled informally between the employee and their manager as part of day-to-day management. The aim of an informal discussion is to:

- Share with the employee the concerns relating to their conduct or behaviour.
- Confirm that the employee understands the conduct and behavioural standards KMPT expects.
- Support the employee to make the necessary changes by setting objectives/standards to be achieved within an agreed timescale.
- Agree how progress will be reviewed.
- Set out the consequences of continued concerns about conduct and behaviours

- Offer support and access to occupational health services if required.

Information will only be shared with those who have a legitimate right to be informed in accordance with Data Protection Act 2018 and the Common Law Duty of Confidentiality. Breaches of confidentiality by any party may result in disciplinary action.

The discussion should be dealt with promptly and confidentially and there should be a strong emphasis on encouraging and supporting the employee to achieve the required standards of conduct. The meeting with the employee should be with their manager on a one to one basis, ensuring that sufficient diary time is allocated for a meaningful discussion to take place. These informal discussions may take place more than once. There is no right to be accompanied nor to appeal against informal outcomes. Managers must make a file note that summarises discussions. Where this happens, employees must be given a copy and another will be placed on the employee's file, dated and marked 'informal discussion'. Progress against the set objectives is reviewed, if there has been an improvement, the manager will write to confirm that the required standards have been met. However, should they decide that insufficient improvement has been made; the note will remain on the file and may be considered as part of any future hearing documentation.

Stage 2 Formal

The investigation

For more serious incidents, including potential gross misconduct, informal discussions may not be appropriate and it will be necessary to begin formal proceedings. It may also be appropriate to move to the formal stage where previous informal discussions have not brought about the required changes in behaviour or conduct. Having determined that the formal process is necessary, the manager must initiate a formal investigation, the employee relations team will support the manager in the appointment of an investigating manager. A term of reference will be drawn up by the manager or the managers manager, and given to the appointed investigating manager.

The investigating manager must interview all parties including witnesses with relevant

information. The investigation meetings must be carried out fairly, promptly and confidentially. However, there may be situations whereby only the collation of written evidence may be sufficient. Employees should be aware that any information provided for an investigation will be shared with others (including the person that the concerns have been raised about) if the investigation leads to formal proceedings. There is no statutory right for an employee to be accompanied at a formal investigation meeting. Some employees may request to be accompanied by a second person as a reasonable adjustment for a disability as an example; this could be someone with professional knowledge of the disability and its effects. Information will only be shared with those who have a legitimate right to be informed in accordance with Data Protection Act 2018 and the Common Law Duty of Confidentiality. Breaches of confidentiality by any party may result in disciplinary action.

The investigating manager must submit a report if there is or isn't a case to answer. The employee will be informed of the outcome of the investigation in writing and within seven calendar days of the outcome of the investigation being determined. If there is a hearing this must be held where possible within 28 calendar days of the end of the investigation. The investigating manager's report and any statements collated during this process will be included in the documentation to be considered at the meeting and the employee will receive a copy. Where applicable prior to the hearing employees need to inform their work place colleague or Trade Union representative of when and where the hearing will convene.

The disciplinary hearing

The disciplinary panel will consist of a minimum of two people, including a senior manager, who will chair the hearing, and a senior member of the employee relations team. Where allegations involve professional concerns or technical issues, a senior professional from an appropriate discipline may be part of the panel. KMPT aims to ensure that Panels are diverse in representation, have appropriate seniority, knowledge, skills, and experience. If employees have any concerns in relation to diversity or possible bias of the Panel, they can raise this with ER team. Panel members will have no previous involvement in the case or any conflict

of interest that could influence decision making. A minimum of seven calendar days written notice will usually be given to allow employees to make arrangements to be accompanied and to prepare their case. This may be reduced by mutual consent.

The employee will receive a letter giving the following information:

- The nature of the concern.
- The date, time and venue for the meeting and names and job titles of the panel members.
- The names and positions of any witnesses.
- That following the meeting formal action may be taken
- The right to be accompanied at the meeting by a trade union representative, workplace colleague not acting in a legal capacity.
- Information on how to access support services such as occupational health and staff support counselling service

Hearing panels:

- Written warning and final written warning
- Line managers and above, e.g. ward managers, assistant general managers, heads of service, service managers, all managers with dismissing authority (see below)

Dismissal

If the outcome is dismissal then an adjournment and a referral would need to be made to a more senior manager to have a discussion about the case and then reconvene the meeting with a decision. Senior manager could be general managers, matrons, clinical directors, associate directors, deputy directors, medical director, director of service. Any other person reporting directly to an executive director, executive director, chief executive (please note that the chief executive is the only person in the trust who has the authority to dismiss executive directors)

The employee should provide a written statement of their case at least three calendar days before the hearing, with the names of witnesses and witness statements provided. If the employee or their representative is unable to attend for a justifiable reason, the disciplinary hearing will be rearranged once. At the second attempt, if the employee or their representative

still cannot attend, the hearing will still take place, and a decision made in their absence. At the hearing, both parties will be given an opportunity to present their case and call any witnesses. In addition to the panel members questions, both parties will be able to ask questions. At all times KMPT must consider the employee's welfare and wellbeing. Prior to the hearing, the employee will be advised of the potential outcome such as a formal warning or dismissal.

The purpose of the hearing is:

- To establish the facts of the case;
- To form a view about whether the conduct warrants formal action.
- To assess whether the investigation was reasonable.
- To consider if there are reasonable grounds to support the conclusions reached; and
- Based on the findings, determine what, if any, would be an appropriate disciplinary sanction.

After both parties have been heard, the hearing will be adjourned so the panel can reach a decision. It must decide whether disciplinary action should be taken, if so, what level of sanction should be applied. The chair of the disciplinary hearing shall seek to ensure that any disciplinary action taken is fair and reasonable in view of all the circumstances and evidence put forward. Both parties will be recalled and the chair of the panel shall inform both parties of its decision. In some circumstances, the panel may need to adjourn and need more time to reach a decision.

Disciplinary outcomes

The outcome will be determined by the severity of the offence and may take into account previous disciplinary sanctions. Warnings may run concurrently if they are for different reasons. In reaching a decision, a panel may consider previous warnings that have expired only where they are directly relevant to the case being considered and demonstrate a previous pattern of behaviour that has continued. The chair of the hearing will confirm in writing to the employee the decision reached in relation to the disciplinary sanction issued and the reasons for this decision within 14 calendar days of the hearing taking place.

KMPT will normally select one of the following sanctions:

No case to answer

Where there is no/insufficient evidence to support the concerns raised. The chair of a hearing panel may refer the case back to the manager to address under the informal stage of this policy and may impose specific targets/training that the manager will need to include. Alternatively, in appropriate cases, the chair may adjourn the hearing pending further investigation of the issues.

First written warning

A written warning will usually be used as the first step of corrective action following conduct breaches. KMPT will set out the nature of the unacceptable actions and the conduct or standards required in future. Employees will be advised in writing that failure to improve their conduct may result in further disciplinary action. The warning will be held on the employee's personal file for 12 months, after which it will no longer be considered live.

Final written warning

A final written warning is usually issued following a written warning that has not improved conduct, but it may be given after a more serious first offence. Employees will be advised in writing that failure to improve may result in dismissal. The final written warning will remain on an employee's personal file for 18 months, after which time it will no longer be considered live.

Dismissal

Dismissal occurs when employment is terminated with or without notice. Dismissal without notice is called 'summary dismissal' and it will only be used in cases of gross misconduct. Action short of dismissal KMPT reserves the right to impose a sanction short of dismissal if deemed appropriate. This may include demotion or transfer to a different post. Any such decision will be confirmed in writing once the employee has been informed of the outcome. KMPT cannot create posts to accommodate demotions or transfers and consideration of such a course of action will only be possible where a vacancy exists. Action short of dismissal will be accompanied by a final written warning (as outlined above). Additional action as a result of being issued with a disciplinary warning If a first or final written warning is issued, the employee

will not be awarded an annual pay increase on the pay step date in the 12 months after the issue of a warning. The chair of a hearing panel will ask the manager to action this.

For employees commencing NHS employment or those who moved to a higher banded role on or after 1 April 2019, if a first or final written warning is issued, the employee will not progress to the next pay step point if the warning is live on their pay step date. In those situations, the manager should initiate a pay step review meeting before the expiry of the warning and if all other requirements have been met, the employee will progress to the next pay step effective from the date after the warning expires.

Professional bodies

Depending on the allegations, KMPT also reserves the right, if appropriate, to report the matter to the relevant professional body which may also take additional action. The decision to notify a regulatory body will be made by the relevant professional lead for KMPT. Where allegations concern the safeguarding of children or vulnerable adults, KMPT's Safeguarding lead must be notified without delay. Where appropriate, investigations by the counter fraud team, other agencies such as police or social services, may be carried out separately from investigations under this procedure. KMPT will give full cooperation to try to ensure any such external investigations are carried out to a high standard. In these circumstances KMPT will only delay carrying out internal investigations and following the disciplinary procedure where absolutely necessary. Where cases include serious personal data breaches likely to result in a risk to the rights and freedoms of data subjects, KMPT has a legal duty to report such cases to the Information Commissioner's Office within 72 hours via the KMPT's Data Protection Office.

Criminal offences and offences committed outside work If an employee is charged or convicted for an offence, whether committed on or off duty, KMPT will consider whether the offence renders the employee unsuitable for continued employment and may take formal action up to and including dismissal. KMPT reserves the right to take action independently of any legal proceedings. Where the offence or police investigation relate to mistreatment

of a child or an 'at risk' adult, the manager should inform KMPT's safeguarding team who will consider whether it is necessary to make a report to the Local Authority Designated Officer (LADO). If an employee is subject of a police investigation, they are obliged to inform their manager so that the manager can consider whether any steps are required, e.g. to protect the safety of others. Where allegations that occur outside of KMPT are brought to the attention of KMPT by other agencies or professional bodies, and those allegations have the potential to bring the reputation of KMPT into disrepute or may affect the suitability of the employee to continue in KMPT's employment, KMPT will investigate as reasonably as is practical. If after a detailed investigation it is considered that the actions of the employee damage the relationship of trust and confidence with KMPT, action up to and including dismissal may be taken.

Stage Three

Appeal following the disciplinary hearing, employees may wish to appeal

- Employees who request an appeal hearing are expected to engage in the process. If an employee does not engage with the appeal process, they will be advised their Appeal Hearing will not proceed or that the appeal may be heard in their absence.
- An appeal hearing will be arranged by the employee relations team at the earliest opportunity. A letter of acknowledgement of receipt of the appeal will be sent to the employee in the first instance.
- The appellant must state the grounds for appeal in the initial application for appeal within 5 working days of receiving the original written decision. Supporting written evidence must be submitted at least 10 days prior to the hearing date.
- For the appeal to take place there will need to be new information provided for the appeal panel to consider.
- An appeal hearing will consist of a KMPT manager senior to the manager who made the original decision and an HR advisor/HR business partner and the individual who is raising the appeal.
- If the appellant becomes unable to attend the arranged hearing they must notify the employee relations team of the reason they

are unable to attend. An alternative date will only be arranged if there are extenuating circumstances.

- If it is agreed that the hearing is to be rearranged then the panel may continue in absentia if the appellant does not attend the rearranged hearing.
- All appeal hearings will be conducted with reference to KMPT's procedure for conducting a formal hearing, but in the case of an appeal, the appellant will present their case first.
- A record of the proceedings should be made and kept on file.
- The decision of the appeal panel is final and will be confirmed to the appellant within 10 working days of the decision being made. Confirmation will be in writing.

Shortened process for employees not legally entitled to work in the UK

KMPT operates a shortened disciplinary process when it is identified that an employee no longer has the legal right to work in the UK. The employee will be immediately placed on unpaid suspension until the matter draws to a conclusion. The employee will be asked to provide all documentation relating to their immigration status (this will include all correspondence in their possession from the Home Office). KMPT will also seek clarification of their immigration status from the Home Office. If evidence is provided confirming that the employee does have the legal right to work in the UK, the suspension will be lifted and the employee will be able to return to work. Unless there is clear evidence provided that the employee has the legal right to work in the UK, the outcome will be dismissal. Dismissal will be on the grounds of a statutory duty/restriction because continuing to employ the employee would break the law.

Induction and essential training

1 | What this policy covers

KMPT is committed to providing an efficient service and safe environment for our patients, employees and the general public.

A well inducted, trained and educated workforce enables organisational objectives for safety and high-quality care to be achieved in a timely and professional manner. Essential training obligations are taken seriously by:

- Ensuring employees are compliant with requirements
- Being clear that employees understand their legal responsibility to attend corporate induction and essential training for the role

This policy applies to permanent staff including apprentices, and seeks to support the above aims by:

- Setting the strategic framework and detailing the minimum content requirements for corporate and local induction
- Providing the framework arrangements for the design, planning, delivery, recording and evaluation of induction/essential training
- Outlining arrangements for monitoring attendance and following up on cases of non-attendance on induction or non-compliance with local induction and essential training
- Defining the responsibilities of relevant employee groups for ensuring compliance with this policy

2 | Principles

- All employees must attend a corporate induction on their first day of employment
- All employees must attend all the essential training that is required for their role
- All managers should ensure that all new staff are provided with a welcoming local induction

3 | Responsibilities

KMPT has a legal responsibility to provide a safe and healthy environment for all employees, patients and visitors, while ensuring that employees have the necessary competence to perform their roles.

Managers are responsible for ensuring that employees are aware of and are supported when participating in KMPT's virtual corporate induction and essential training programmes. They are also responsible for completing a local induction for their new members of staff (a local induction should be completed on all internal moves as well as for new starters).

4 | Induction

KMPT's induction programme consists of three elements – corporate induction, essential training and local induction. All new employees must attend the virtual corporate induction programme on day one of starting at KMPT

Corporate induction

Corporate inductions are delivered every two weeks on a Monday to all staff groups.

The recruitment team will notify learning and development of all new employees due to start on the fixed start dates. They will attach the training requirements form which managers will have completed when the conditional offer is sent.

New employees will be emailed a link which will take them to a KMPT webpage for new starters. This will have all the information/documents that they need. They will also be emailed the joining instructions to the corporate induction.

The corporate induction is day one of the new employee's induction programme which depending on job role can take around 4 weeks (registered clinical staff have the most and admin staff the least). All dates/timings/details are organised by the learning and development department and emailed to the new employee and manager.

5 | Essential training

Employees will be given protected paid time for essential training. Where an employee is withdrawn from training to provide clinical cover, their manager should prioritise their attendance at the next training

Local induction for permanent employees

In addition to the KMPT corporate induction programme, all permanent employees that are new in post or change to a new department must undergo a local induction. This is a detailed document to be completed by the manager/mentor with the new employee. This is included in the aforementioned webpage for new starters as well as being available to managers on the internet www.kmpt.nhs.uk/new-starters. We expect the local induction programme to be completed within one month of starting a post.

The line managers are responsible for undertaking the local induction and completing the checklist. This must be sent to the learning and development department on completion. Learning and development will then update the employees iLearn account and this will be reflected in their compliance.

Medical students

The induction of medical students is arranged by the medical education Team. The medical education team inform learning and development of any students to be booked onto the corporate induction.

Agency employees/locums

Short-term temporary employees and locums should be inducted locally. Managers must ensure that the induction process is thorough enough to cover all the essential requirements. The local induction documentation for short term employees is available on the intranet.

All permanent employees that are new in post or change to a new department will be required to undergo a planned local induction specific to their role, team and area of work.

Volunteers

Volunteers must attend a specifically planned induction and essential training courses arranged through the voluntary services manager with whom any issues of non-attendance will be raised.

All employees must do their essential training as identified in their iLearn account. This is a legal requirement and it is the employee's responsibility to keep themselves up to date.

All employees will receive training reminder emails 3 months prior to their training going out of date. The manager will be copied into all emails informing them that their employee is due to go out of date with their training.

Employees may undertake face-to-face training or e-learning, depending on the training requirement and availability.

If employees are out of date with their essential training, they may not progress through their pay band or be entitled to continuous professional development training.

The learning and development team will develop a regularly reviewed online training catalogue, bringing together all relevant information for employees on iLearn, It will also publicise the dates and timing for induction and mandatory training.

Job evaluation

KMPT is committed to achieving an equitable and robust pay structure through a comprehensive job evaluation system for all posts across the organisation, however this policy does not cover the evaluation of very senior managers this is covered by the senior salaries review or doctors which is covered within the remit of the doctors and dentists review body.

The Agenda for Change (AFC) agreement incorporates a job evaluation scheme, which has been used to determine the banding of all existing posts in the organisation, working in partnership with the trade unions, and will continue to be used in future, both for determining the banding of new posts and for reviewing the banding of existing posts. Each post will be matched to a nationally agreed profile, locally evaluated or measured by a combination of both processes.

1 | What this policy covers

This policy covers management requests for a post to be considered for banding which has arisen for the following reasons:

- New posts
- The level of responsibilities and duties of the post have significantly increased or decreased.
- Where there has been a general reorganisation of work within a team/department and this has significantly affected the job.

When a new post is required or a job role has significantly changed the manager will write/rewrite a job description and person specification and submit this along with an organisation chart and signed job evaluation request form which is available on i-connect. This should be submitted to the employee relations team.

The job evaluation panel should normally be made up of a minimum of three members, all of whom should be fully trained in the NHS job evaluation scheme. One of the panel members must be a representative from staff side in order to continue the partnership working embodied

in the Agenda for Change agreement, together with a member of the employee relations team, who will act as chair and record the outcomes of the panel. Two panel members may constitute a panel if it is not possible to appoint a third member. The panel under these circumstances must include a chair from employee relations and a staff side representative.

Panel members must be independent of the service area from where the request was made. They will not have been involved in the preparation or have given advice on the banding request.

A job evaluation panel will normally be scheduled monthly. This may change dependent on the volume of posts submitted for evaluation.

Panels will be scheduled by the employee relations team and paperwork will be prepared ready for the panel to meet.

Evaluation requests will normally be undertaken at the next nearest panel following receipt of a signed and completed job evaluation request form to the employee relations team. The grading outcome will be confirmed in writing to the manager identifying the band the post has been matched against. The effective date of any resulting re-banding will normally be the date of the job matching panel.

2 | Procedure for banding new posts

When an employee leaves KMPT the job description needs to be reviewed and managers should consider whether they wish to replace like for like, skill mix or create a new role. Completely new posts may also be created as a result of changes and developments within KMPT.

New job descriptions should be submitted to the employee relations team at kmpt.hr@nhs.net The employee relations team will be able to filter posts that do not need to progress through to job matching/evaluation process. In cases where the job description is significantly different to any previously banded jobs and the position is

vacant and needs urgent recruitment, the job description may be suitable for a “desktop” evaluation. This is where a suitably qualified and experienced job evaluation practitioner within the employee relations team may scrutinise the job description using the AFC Job Evaluation Scheme and provide a provisional banding so as not to hold up recruitment. The manager, and where possible, an employee from the sphere of work may be required to answer questions about the post so contact details need to be provided

The outcome of this desktop evaluation will form the provisional pay band for the post and it may be advertised, subject to KMPT’s recruitment procedures. The successful candidate(s) should be advised of the provisional nature of the pay banding. Where the job is significantly similar, it will be clustered with other similar jobs and given the same banding. At the earliest opportunity a properly constituted panel will confirm, or otherwise, the banding of the new post if formal matching is possible.

If the new post job description could not be matched to a national profile, or clustered with previous outcomes, then it must undergo either hybrid matching or full Job evaluation. After a reasonable period of time (6-12 months) to allow the post holder to settle and the parameters of the job to be established, the job description should be reviewed and resubmitted to a panel to check that the original banding was correct, by completing a job analysis questionnaire (JAQ), available from the employee relations team.

3 | Procedure for review of existing posts

All posts change and develop over time, but this will generally not have a significant impact on the job content and is unlikely to lead to a change of banding.

Managers have a responsibility to ensure that the job descriptions are reviewed and updated each year as part of the appraisal process. This will ensure that any changes to working practices are quickly incorporated into the job description and that it remains an accurate description of the job actually being done by the employee and will help in identifying training

needs and determining personal development plans.

Where there may be significant changes to the job content or person specification, primarily as a result of organisational change or service redesign, the revised job description and person specification should be submitted to the recruitment scrutiny panel who will evaluate the wider impact of any potential increase in banding. The recruitment scrutiny panel will either approve or reject the job description to go forward to a job evaluation panel for re-matching. Managers should give thought to the effect these changes may have on other roles across the organisation and balance what is necessary to deliver the service with budgetary control.

Where, exceptionally, an employee requests a review of their job banding outside of the annual review process, they must submit evidence to their manager of which factors of the job have changed relative to their previous job match. An increase in the volume of existing work will not normally constitute sufficient grounds for such a request

Where a manager agrees the changes to the role the revised job description and supporting evidence should be put forward to the next available recruitment scrutiny panel for consideration.

If the job description is forwarded for job matching, both the employee and the manager may be required to be available to answer questions that may arise from the panel.

Where no agreement is possible between the manager and employee of the changes to the job description the matter should be referred to the head of service, whose decision on the job content will be final. Where an employee is required to revert to the original job description following the decision of the head of service, this may require an agreed action plan and managerial support.

Should any further national job profiles be released or changed job bandings may be reviewed in light of this.

Maternity leave and new or expectant mother policy

1 | What this policy covers

This policy is a guide for both managers and employees and outlines the arrangements for the protection from adverse risk and the welfare of employees who are pregnant or breastfeeding and the statutory rights and responsibilities in relation to maternity leave.

It provides information regarding health and safety, pay and leave entitlements and how to apply for maternity leave.

2 | Principles

KMPT is committed to positively supporting employees during their pregnancy, maternity leave and a return to work, taking account of individual circumstances while continuing to deliver a high-quality service.

It is recognised that pregnancy is part of everyday life and should not be identified as ill health or a medical condition.

KMPT acknowledges and supports new mothers and pregnant employees by recognising that some work environments may pose an added risk to their health and safety and/or that of their unborn child/nursing child.

3 | Responsibilities

- KMPT is responsible for ensuring that applications for maternity leave are treated in accordance with this policy and in a way that does not discriminate.
- Managers are responsible for actioning requests for maternity leave in accordance with this policy.
- Managers are responsible for conducting a risk assessment for new and expectant mothers at work using the appropriate forms immediately after the employee has informed them that they are pregnant. The maternity risk assessment should be

reviewed at every supervision and updated as required. Managers should inform the employee relations team of the pregnancy as soon as practicable.

- Employees wishing to take maternity leave should comply with the application process and timescales specified in this policy.
- Employees are responsible for reporting any changes in their pregnancy or complications that may occur that will affect their work or ability to perform their daily tasks. They should also inform their manager of any changes to agreed leave dates in line with the notice periods outlined in this policy.

4 | Policy in practice

Entitlements

All employees have the right to take 52 weeks maternity leave regardless of their length of service. The earliest date that maternity leave can start is the eleventh week before the expected week of childbirth – 29 weeks' pregnant – except in cases of premature birth. Employees on fixed-term contracts (FTC) are entitled to 52 weeks' maternity leave providing their FTC does not expire before the Qualifying Week (i.e. eleventh week before expected week of childbirth).

Employees whose FTC expires after the Qualifying Week and who have more than 26 weeks' continuous service will have their contract extended to enable them to receive 52 weeks maternity leave.

These employees will not have any entitlement to a role within KMPT at the end of their maternity leave, unless they have been selected for another role through a competitive interview process.

Compulsory Maternity Leave

All mothers must take compulsory maternity leave (CML) of 2 weeks following the birth. However, there are restrictions on whether this will be paid and the amount of maternity pay entitlement.

Joining KMPT from another NHS employer when pregnant

If an employee starts working for KMPT during the course of their pregnancy, KMPT will take on obligations with regard to maternity entitlements from the previous NHS employer.

The same requirements for continuous NHS service and length of service will apply and pay and service from the previous NHS employer will be counted towards an employer's entitlement to maternity benefits in the same way as if they had been accrued while working for KMPT. However, the previous employer may be responsible for payment of Statutory Maternity Pay (SMP), this will not affect the employee's maternity pay.

Surrogate mothers

Provided they meet the normal eligibility criteria, pregnant surrogates are entitled to 52 weeks maternity leave and SMP (in the same way as other mothers). The surrogate mother's plans for their baby after it is born have no impact on their right to maternity leave or SMP.

Risk assessments

Once advised of the pregnancy, the manager should meet the employee as soon as possible to complete a risk assessment for new and expectant mothers at work. By assessing potential physical risks and hazards in the workplace, it determines whether there are any potential risks to the employee's health and safety that may affect the pregnancy.

Once the assessment has taken place, the manager will decide on measures that should be taken to avoid, eliminate or reduce potential risks. Advice and guidance may also be sought from the employee relations team and occupational health.

Following the risk assessment there may be a need to make a temporary adjustment to working conditions. In extreme cases, where the risk cannot be eliminated or reduced to an acceptable level, a temporary change in the type of work may be necessary.

Risk assessments should then be reviewed at every supervision meeting during the pregnancy to account for any changes over time or as needed if a change occurs.

Infectious diseases

- Certain infectious diseases pose a risk to the unborn child as well as to the pregnant

employee during pregnancy.

- Healthcare employees may be at additional risk of exposure to infectious diseases because of the nature of their work. Screening of the expectant mother's immunity to some infectious diseases is undertaken for those responsible for their midwifery care.
- Healthcare employees are screened/ vaccinated against infectious diseases in line with current Department of Health and Social Care Guidelines.
- Advice should be sought by the manager when a patient with a communicable disease is on the Ward/being seen by the team and an employee in the team is pregnant. Pregnant employees should not be asked to have contact with patients with communicable diseases. Advice is available from Occupational Health and the infection control team.
- In the event of exposure to an infectious disease the pregnant employee must contact Occupational Health and their GP immediately.

Aspects of pregnancy that may affect work

There are numerous aspects of pregnancy that may affect work (see table below). Their impact will vary during the course of the pregnancy and the effects should be kept under review.

Aspects of pregnancy	Factors in work
Morning sickness	Early shift work, exposure to nauseating smells
Backache	Standing/manual handling/posture
Varicose veins	Standing/sitting
Haemorrhoids	Working in hot conditions
Frequent visits to toilet	Difficulty in leaving job/site of work
Increasing size	Use of protective clothing, work in restricted areas, manual handling
Tiredness	Overtime/shift work
Balance	Problems of working on slippery, wet surfaces
Comfort	Problems of working in tightly fitting workspaces/uniform
Dexterity, agility and co-ordination	Speed of movement, reach, may be impaired because of increasing size

Support and occupational health

- Managers and pregnant employees should note that, in support of completing the risk assessment and in implementing an appropriate action plan, additional specialist advice may be obtained from the Health and safety adviser, directorate nominated risk assessors, the infection prevention and control team and occupational health.
- In some instances (e.g. where the pregnancy has health complications) a referral to occupational health may be considered necessary. Where this is the case a copy of the risk assessment should accompany the referral.
- It is not necessary for an employee to be routinely referred to occupational health for the reason of pregnancy alone.

Time away from work

All pregnant employees are entitled to reasonable time off with pay to attend antenatal care appointments. Employees should try to book appointments on their days off where possible. If appointments are to be taken during working hours, they should be booked at times that minimise impact on service where possible. Employees may be asked to show appointment cards to their manager and should always give as much notice as possible before appointments.

Fertility treatment

Although there is no legal right to paid time off for fertility treatment, employees may wish to take time away from work for this. KMPT will endeavour to be supportive by providing time off using annual leave or time owed in lieu, or by planning shift patterns to accommodate appointments, where this is practicable and does not adversely affect service.

All time off for fertility treatment must be pre-organised with adequate notice given for planning purposes and authorised by the employee's manager.

An employee undergoing fertility treatment is considered to be pregnant only after a fertilised embryo has been implanted. They will then have the same rights and responsibilities as other pregnant employees for two weeks from this date or until a pregnancy test is carried out. If positive, this policy will apply. If negative, this policy will cease to apply.

Sickness

Pregnancy-related sickness

Any pregnancy-related sickness must be recorded on ERoster by the manager as usual. To support and manage this all absence should be discussed with the employee through return-to-work interviews and informal meetings. The manager should seek guidance and support from the employee relations team and occupational health. A review of the risk assessment should be completed to ensure that any changes to health during the pregnancy can be identified and action taken to support the employee to be at work.

Pregnancy-related sickness after 29 weeks

If a pregnant employee is absent from work after week 29 of pregnancy because of pregnancy-related sickness, they can choose whether to start their maternity leave or take sick leave.

Pregnancy-related sickness after 36 weeks

If a pregnant employee is absent because of pregnancy-related sickness and this continues into or starts within four weeks of the expected week of childbirth, the maternity leave will start from the 5th day of sickness.

Pregnancy complications

As soon as practicable employees should inform their manager of any pregnancy complications that may affect their daily work or ability to perform their role.

Such complications will be discussed and risk assessments amended where appropriate. Managers should seek advice from the employee relations team and make a referral to Occupational Health to obtain guidance on reasonable adjustments.

Miscarriage

Sadly, if a miscarriage occurs on or before week 24 of pregnancy, time away from work will be classed as sickness absence and therefore the sickness reporting and pay procedures will apply. Please see the Sickness Management Policy.

Stillbirth

In cases of stillbirth after week 24 of pregnancy, which very sadly can happen, the maternity leave will commence from this date and maternity pay and leave will be the same as if the baby had been born alive.

Premature birth

If a baby is born prematurely, maternity leave and pay will automatically start on the day after the date of birth. Employees should inform their manager or the employee relations team who will put the correct procedures in place in their absence.

Evidence of the date of birth will need to be supplied, as well as birth certificate and MATB1 (if not already supplied).

If a baby is born before the 11th week before the expected week of childbirth, with the agreement of the manager, the employee can opt to split their 52 weeks entitlement to maternity leave between recovery from the birth of the child and the balance of leave when the child is discharged from hospital care. At least two weeks of leave must be used after the baby is born.

Procedure for requesting leave

Applications must be made at least 8 weeks before the commencement of maternity leave or as soon as practicable in cases of premature birth. They should do this by sending the following documents to the employee relations team:

- An application for maternity leave and pay form (available on i-connect).
- The original maternity certificate (MATB1), which will be provided (usually between the 21st and 26th week of pregnancy) by the midwife or doctor.
- In cases of premature birth, a certified copy of the baby's birth certificate.

Please note: all of the relevant documents should be sent together.

Before completing the application for maternity leave and pay form employees should consider whether they will be returning to work following maternity leave. This information must be shown on the form because it affects entitlement to occupational maternity pay. Forms lacking this information will not be processed and will be returned to the manager. If an employee wishes to change their maternity leave dates before they have started maternity leave they should contact their manager to discuss the reasons and to agree a new date. Reasonable notice of a change of dates should be given where possible. Normally, no fewer than 28 days notice of a change would be accepted unless in cases of ill

health or emergency. A step-by-step guide for employees to organising maternity leave is given further on in this policy.

Maternity Pay

There are three types of maternity pay:

- Statutory maternity pay (SMP)
Paid by the government.
- Occupational maternity pay (OMP)
Paid by KMPT.
- Maternity allowance (MA)
Paid by the government.

The type of maternity pay paid is based on six deciding factors:

1. How long the employee has worked at KMPT or how much continuous NHS service they have.
2. Whether the employee is still pregnant at the 11th week before the due date.
3. Whether the employee has earned enough in the relevant period.
4. Whether the employee intends to return to work.
5. Whether the employee has provided the correct evidence and paperwork.
6. Whether this evidence has been provided as notification within the correct timescales.

The flowcharts on pages 103-105 show which maternity pay will be paid. Employees will receive notification from the employee relations team to confirm their maternity pay entitlement.

Statutory maternity pay

SMP is paid to all employees (including bank employees) provided they have been continuously employed by the same employer for the 26 weeks prior to the Qualifying Week (15 weeks before the expected week of childbirth), who are pregnant at the 11th week before the expected week of childbirth, and have earnings above the lower earnings limit for National Insurance contributions. Calculations will include all pay within the earnings period.

Provided the employee has also given the correct notification and medical proof to show that they are pregnant (MATB1), SMP is paid for 39 weeks and consists of two rates:

Occupational maternity pay

OMP is paid in addition to SMP for employees who qualify. It is assessed as an average of the normal pay for eight weeks or two months up to the last normal pay day before the Saturday

of the qualifying week (15 weeks prior to the expected week of childbirth).

Statutory Maternity Pay		
Weeks	Pay	Duration
1-6	Higher rate SMP – a weekly equivalent of 90% of full pay	6 weeks
7-39	Lower rate SMP – a set weekly rate or 90% of full pay, whichever is lower. This rate changes annually –the Payroll department can provide details of the current rate of lower SMP	33 weeks
40-52	Unpaid	13 weeks

Occupational Maternity Pay		
Weeks	Pay	Duration
1-8	Full pay	8 weeks
9-26	Half pay plus lower rate SMP (this will not exceed full pay)	18 weeks
27-39	Lower rate SMP	13 weeks
40-52	Unpaid	13 weeks

For OMP purposes normal pay will include all items for the qualifying period on which National Insurance is calculated, including any arrears that would normally have been accrued during that period. It does not include expenses.

In exceptional circumstances KMPT may need to change the qualifying period if the salary cannot be determined.

This will be managed in line with HMRC regulations.

OMP will be paid to both part-time and full-time employees who:

- Have more than one year's continuous service – at the beginning of the qualifying week (11 weeks before the expected week of childbirth). Service from another NHS organisation will be included if there is a break of less than three months. However, the months that the employee was not employed (up to three months) will not be used when calculating service.
- Intend to return to work for at least three months – employees must return to work

on contracted hours for a minimum of three months following their maternity leave. If an employee does not return to work on contracted hours within this time frame they must repay the occupational element of their maternity pay. Employees who change their mind about returning to work should inform KMPT as soon as possible to avoid overpayment.

OMP will be paid for a total of 39 weeks at the rates above. Surrogate mothers will not be entitled to OMP. Please see the Adoption Leave policy and procedure.

Maternity allowance

Maternity allowance (MA) is available for employees who do not qualify for SMP (see flowcharts on pages 103-105). MA is a weekly payment paid by the Department for Work and Pensions for a maximum period of 39 weeks.

The employee relations team will inform employees if they are not entitled to OMP or SMP and the Payroll Department will provide an SMP1 form to explain why. This form should be completed and returned to the Department for Work and Pensions (via Job centre Plus) to claim MA.

Pension contributions during maternity leave

Pension contributions made by KMPT continue during the whole period of maternity leave and are based on the employee's normal salary before the start of the leave. For information on employee pension contributions during maternity leave employees should contact the KMPT payroll department.

Fixed-term contracts

Employees who are contracted for a fixed term and do not qualify for OMP may qualify for SMP if their contract expires after the 15th week before the expected week of childbirth, but before the 14th week after the expected week of childbirth.

In this case, an employee's contract will be extended to allow them to receive SMP, but not unpaid maternity leave. This extension is solely to allow for payment to be made and will not count as service or mean the employee will accrue employment rights during this period. Employees on a fixed-term contract should apply for maternity leave in the normal way and the payroll department will advise them of their entitlements.

Agency employees

Agency employees should refer to their employing agency to establish if they are entitled to maternity leave and pay through the agency.

Rotational contracts

Maternity pay will be calculated in the same way for those on a rotational contract as for other employees.

Incremental increases before and during leave

In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay will be calculated as though the pay award or annual increment had effect throughout the entire SMP calculation period. If such a pay award was agreed retrospectively, the maternity pay will be re-calculated on the same basis.

If a pay award or annual increment is implemented during paid maternity leave, the maternity pay due from the date of the pay award or annual increment will be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay will be recalculated on the same basis. SMP will be uplifted from the beginning of maternity leave.

Sickness during the eight week calculation period

If an employee is on half-pay or unpaid sickness absence during the whole or part of the qualifying period (i.e. period used to calculate average weekly earnings to pay OMP), the average weekly earnings for the period of sickness absence will be calculated using full sick pay as a basis.

5 | Return to work

The right to return to work

At the end of maternity leave all employees have an automatic right to return to work:

- On terms and conditions no less favourable than those which would have applied had they not been on maternity leave.
- With the same seniority, pension rights and similar rights as they would have been had they not been on maternity leave.

KMPT may move an individual to work in another employee relations team or ward as long as the new role is the same type of work, at the

same location and at the same level within the organisation with the same pay.

Notification of return to work

The earliest any employee can return to work is after CMP of two weeks, taken immediately after the birth.

The maximum amount of maternity leave is 52 weeks.

Employees are encouraged to confirm their return to work date before they start maternity leave. However, it is acknowledged that this is not always practicable and the employee has the right to change their date of return.

Employees should return the form as soon as possible to allow for any changes to be made to the arrangements to cover the work.

If an employee wishes to change the return date originally agreed, a minimum of 28 days notice must be given in writing.

All employees are expected to return to work on the date they have specified, which should be no later than 52 weeks after starting their maternity leave (this may not necessarily include any annual leave taken).

If an employee does not return to work, they will be contacted by their manager to find out the reasons why, and they will be managed in line with maternity policy. All employees who return to work and are paid through the OMP scheme must complete three months service to retain this entitlement. Employees who are paid OMP but do not work for three months will be asked to repay the OMP in accordance with the normal KMPT processes for reclaiming overpayments.

If an employee notifies KMPT of their intention to return to work but does not, they will be liable to repay the whole of the OMP received, but they will not be required to repay SMP to which they are entitled.

Returning to another NHS employer

If an employee decides to return to work at another NHS trust, they must notify KMPT of their intention. To retain full OMP, the employee must return within 15 months of their maternity leave start date.

To ensure OMP is maintained, the employee must provide a copy of their offer letter and contract of employment with another NHS employing body within 15 months of the

beginning of their maternity leave or within three months of the final day of their maternity leave. Failure to do so will mean that the employee must refund the whole of the OMP received, they will not be required to repay SMP to which they are entitled.

Employees who have not been paid OMP because they expected not to return to NHS employment, but return within 15 months, should contact KMPT and will be expected to provide the above documentation.

Once provided, calculations for OMP will be made and paid retrospectively.

Returning to work when breastfeeding

If an employee chooses to continue breastfeeding after returning to work, they will need to let their manager know they are breastfeeding. If possible, this should be before they return to work, so necessary arrangements can be made.

Upon receipt of this information, the manager will carry out a risk assessment to ensure that the employee is not exposed to risks that could damage their health and safety or that of the child for as long as they continue to breastfeed.

If an employee chooses to continue breastfeeding after their return to work KMPT will:

- Allow rest periods and access to a private room.
- Provide access to a refrigerator.
- Ensure there are no health and safety risks that could affect the employee or the baby.

Managers must complete the Returning to Work Risk Assessment form with employees who are continuing to breastfeed upon return to work.

Sickness preventing a return to work

If an employee cannot return to work after their maternity leave because of sickness, they should inform their manager as soon as practicable. This information will be communicated to the ER, Occupational Health and Payroll Departments straight away.

In some circumstances, sickness preceding maternity leave will mean Statutory Sick Pay (SSP) is overridden by Statutory Maternity Pay (within the SMP period), which can lead to a change in pay. The Payroll Department will advise the employee and manager accordingly. In such situations, medical certification will be

required inline with KMPT Sickness Management Policy.

Rotational contracts

If an employee works on a planned rotational contract with one or more NHS employers as part of an agreed training programme, they will retain the right to return to work in the same post or next planned post and their contract will be extended to enable them to complete the remainder of the agreed programme.

This agreement is irrespective of whether the contract would have otherwise ended.

Contractual rights

During the period of maternity leave, all contractual rights including accrual of annual leave and continuous service are retained (with the exception of remuneration).

Organisational change

In the event of organisational change employees on maternity leave will be managed in the same way as all other employees when it comes to consultation and communication. They will receive written documents, letters and notifications and will be required to attend formal meetings where appropriate.

Pregnant women (not yet on maternity leave) who are made redundant may still qualify for SMP if they: have been employed for at least 26 weeks' leading up to the 15th week before their baby is due (the 'qualifying week'); remain employed during all or part of the qualifying week; and earn at least the lower earnings limit on average in the eight weeks before the end of the qualifying week.

Employees made redundant while on maternity leave will be entitled to receive SMP for the full 39 weeks if they qualify for SMP. Those on maternity leave do not need the normal two years' qualifying service to receive redundancy pay. OMP will be paid to redundant employees until the date that their contract of employment ends if they qualify for OMP.

All organisational change will be managed in line with KMPT's Change Management Policy.

Training and KIT days

Employees on maternity leave are not expected to attend mandatory training, however, they must complete it within one month of returning to work. Managers should arrange for employees to receive training and re-orientation

where needed. This should include any changes that have occurred while the employee was on leave.

Employees on maternity leave will be made aware of substantial training opportunities that are open for teams to apply for. Managers will ensure that this is communicated to employees via telephone and/or email. Employees will not be treated any differently in selection for such opportunities.

Employees are allowed to work up to 10 KIT days during their maternity leave without affecting or bringing their leave or pay to an end. KIT days can only be taken by agreement between the employee and KMPT and can be used for any purpose including training events, attending meetings, conferences, aiding entry back to work, etc.

KIT days are paid at the employee's usual basic pay rate. Where only part of a day is worked this will still be counted as a whole day.

KIT days will be recorded using the KIT Day Form available on the KMPT Intranet.

KIT days can only be taken in the maternity leave period and cannot be taken during any period of annual leave that may be added to the end of maternity leave.

Vacancies

Employees on maternity leave will be made aware of vacancies, opportunities for promotion or extra hours within their area by their manager if they request to be updated and should apply through the normal recruitment procedure.

The manager will ensure that details of such vacancies are communicated to employees as appropriate and with enough time for the employee to apply. Employees will not be treated any differently in the selection for such opportunities.

Time taken to attend a KMPT interview will not be counted as a KIT day (unless it is part of a KIT day already arranged to complete other activities) and will not affect maternity pay or leave. Employees on maternity leave are welcome to apply for any vacancy within KMPT that is advertised.

Maternity abbreviations and terms	
AML	Additional Maternity Leave – the second 26 weeks maternity leave is classified as AML
Childbirth	Resulting in a child after 24 weeks of pregnancy, either alive or stillborn
CML	Compulsory Maternity Leave – the first two weeks after the baby is born when the mother cannot return to work
EWC	Expected Week of Childbirth – the week the child is expected to be born
KIT Days	Keeping in Touch Days – the option of up to 10 days to attend work for training and keeping up to date with work without losing the right to maternity benefits
MAT B1	The maternity certificate issued by the GP or midwife to confirm the pregnancy and EDD
OML	Ordinary Maternity Leave – the first 26 weeks maternity leave is classified as OML
OMP	The NHS Occupational Maternity Pay scheme paid to eligible employees
QW	Qualifying Week – the 15th week before the EWC
SMP	Statutory Maternity Pay – paid by the government to eligible employees
TQW	Trust Qualifying Week – the 11th week before the EWC

Continued on next page ►

Step-by-step guide for new mothers for organising their maternity leave

Maternity pay for employees NOT planning to return to work after maternity leave

Has the employee been employed for at least 26 weeks up to and including the fifteenth week before EWC?
And do the employees' average earnings qualify for NI Contributions?

Is the employee still pregnant at the 11th week before the due date?

Does the employee meet the lower earnings limit?

Does the employee intend to return to work?

Has the employee provided the correct evidence and paperwork?

Has this evidence been provided as notification within the correct timescales?

YES
→

Pay SMP

The greater of:

Six weeks at 90% pay

OR

Six weeks' lower rate SMP (which ever is lower)

+

33 weeks' lower rate SMP set annually by the government

NO
↓

Does the employee have less than 26 weeks' continuous service?

YES
→

No entitlement to SMP or OMP

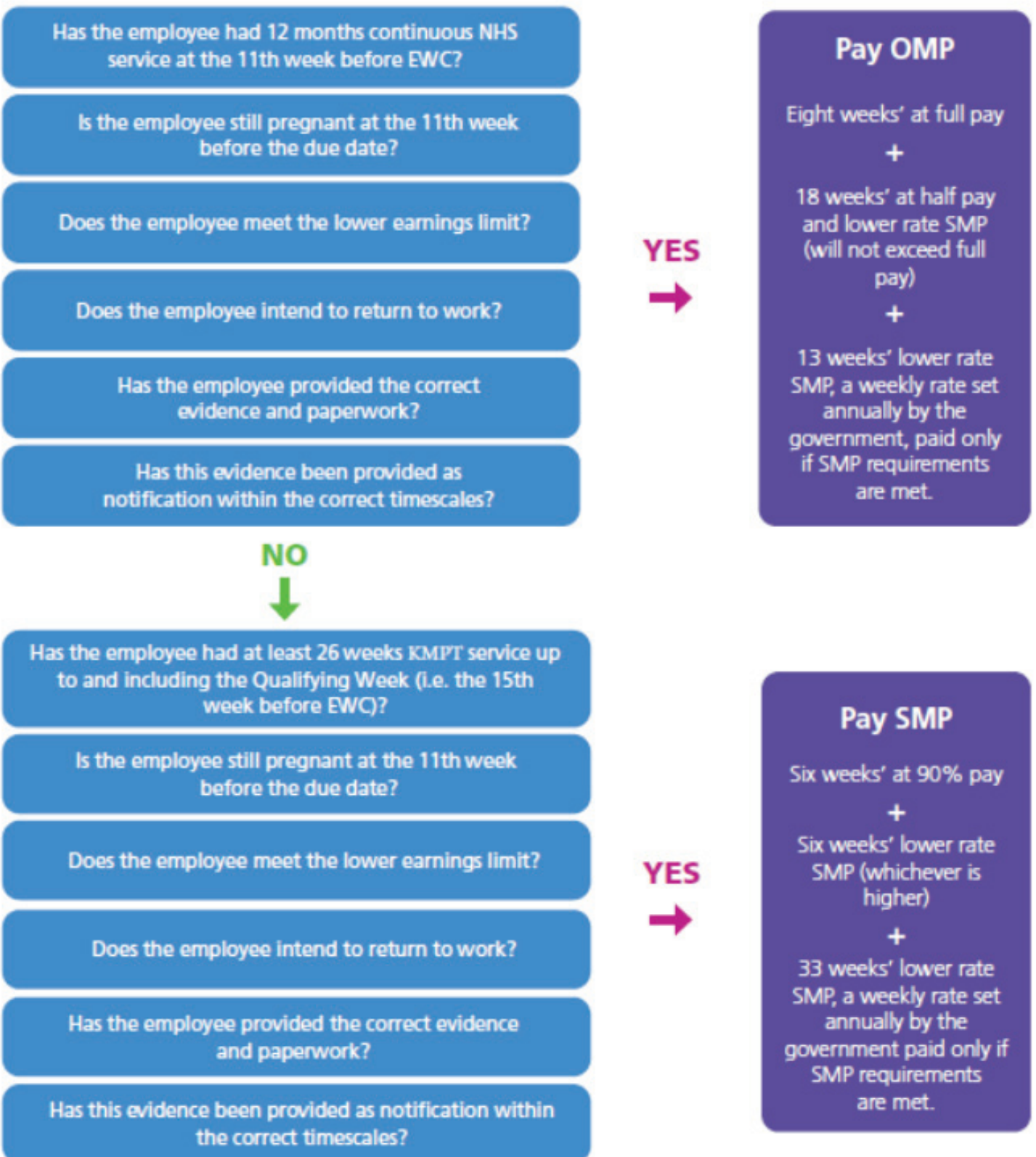
May be eligible for Maternity Allowance and can take 52 weeks' unpaid leave.

A minimum of two weeks' unpaid maternity leave must be taken.

Payroll Department will issue SMP1 form

NB Employees who choose to keep their options open are treated as above. If they return to work for more than three months, they receive the difference between the above (SMP) and KMPT's OMP.

Maternity pay for employees returning to work for at least three months following maternity leave



NO
↓

Does the employee have less than 26 weeks' continuous service?

YES
→

No entitlement to SMP or OMP

May be eligible for Maternity Allowance and can take 52 weeks' unpaid leave.

A minimum of 2 weeks' unpaid maternity leave must be taken.

NO
↓

Has the employee had 12 months' continuous NHS service at the 11th week before EWC?

Is the employee still pregnant at the 11th week before the due date?

Does the employee meet the lower earnings limit?

Does the employee intend to return to work?

Has the employee provided the correct evidence and paperwork?

Has this evidence been provided as notification within the correct timescales?

YES
→

Pay OMP

Eight weeks' at full pay

+

18 weeks' at half pay and lower rate SMP (will not exceed full pay)

+

13 weeks' lower rate SMP, a weekly rate set annually by the government, paid only if SMP requirements are met.

Payroll department to issue SMP1 form

Maternity leave managers and employee checklist		Date completed	Signed by manager	Signed by employee
Before maternity leave commences	<p>Risk assessment is completed and signed</p> <ul style="list-style-type: none"> The risk assessment is Appendix E in the maternity leave policy. The original assessment should be put onto the personal file. A copy should be sent to the trust maternity lead. If necessary, contact the health and safety team, to discuss further hazards or control measures. 			
	<p>Complete the M1 form with employee and sign. (Available via the trust documents page on the KMPT intranet)</p> <ul style="list-style-type: none"> The manager is to calculate the annual leave to be used before maternity leave, and the maternity leave that will be accrued whilst on maternity leave. 			
	<p>The original M1 form and the original MATB-1 form should be sent to employee relations.</p> <ul style="list-style-type: none"> The original forms should be sent to the Trust maternity lead. The MATB-1 form is issued by either the midwife or by the GP. 			
	<p>The keeping in touch checklist to be completed. (Available via the trust documents page on the KMPT intranet)</p> <ul style="list-style-type: none"> It is the responsibility of both the employee and then the manager to ensure that this is being followed. If management changes, during the employee's maternity leave, this needs to be handed over to the new manager. This is appendix F in the maternity leave policy. The original checklist should be placed onto the employee's personal file. 			
	<p>The keeping in touch days form to be completed. (Available via the trust documents page on the KMPT intranet)</p> <ul style="list-style-type: none"> This must be sent to the payroll team, either when all KIT days have been used, or when the maternity leave period has ended, whichever comes first. 			
	<p>Manager to update MAPS</p> <ul style="list-style-type: none"> The manager is required to update MAPS, inclusive of the dates that the employee is on maternity leave and accrued annual leave. 			
	<p>KIT checklist and KIT days are utilised</p> <ul style="list-style-type: none"> The checklist and the KIT days should be used, as discussed 			

Maternity leave managers and employee checklist		Date completed	Signed by manager	Signed by employee
During maternity leave period	<p>Discussion surrounding flexible working to take place</p> <ul style="list-style-type: none"> Discuss any changes that may be necessary upon the employee returning to work, these should be in accordance with the Flexible Working Policy. 			
	<p>A staff change form to be completed. (Available via the trust documents page on the KMPT intranet)</p> <ul style="list-style-type: none"> A staff change form needs to be completed and sent to the workforce information team, this is to state that the maternity leave has ended, and the annual leave has commenced. Alternatively, if the employee decides to not return to the trust, a termination form needs to be completed and sent to the workforce information team. 			
After maternity leave	<p>Flexible working. A staff change form to be completed to reflect the change in hours. (Available via the trust documents page on the KMPT intranet)</p> <ul style="list-style-type: none"> A change form should also be reflective of any changes to hours worked. Please note changes in contracted hours should take effect after taking accrued annual leave. This needs to be done on a separate change form. Alternatively, if the employee decides to not return to the trust, a termination form needs to be completed and sent to the workforce information team. 			
	<p>Annual leave calculation to be completed</p> <ul style="list-style-type: none"> An annual leave calculation needs to be completed to calculate what leave the employee is entitled to upon returning to work. 			



Occupational health policy

1 | What this policy covers

Occupational Health provides services to:

- Protect the physical and psychological health of employees whilst at work.
- Assess and advise on fitness for work.
- Ensure that health issues are effectively managed.

This policy provides an overview of the services available through Occupational Health.

2 | Principles

Understanding the relationship between health and the workplace is fundamental to the success of any organisation; it therefore makes sense to take care of employees – not just to comply with legislation, but to inspire greater commitment, efficiency and productivity. KMPT's range of Occupational Health services is ideally placed to meet these needs. Access to the service offers employees the opportunity to explore any concerns about the effect of work on health and of health on work.

3 | Range of services

Work health assessments (pre-employment health questionnaires) The purpose of the work health assessment is to:

- Ensure that the prospective employee is fit for the proposed employment.
- Advise on any reasonable adjustments/adaptations/accommodations/restrictions that may be required.
- Advise on disability legislation – the Equality Act 2010.
- Ensure necessary immunisations are up to date.
- Ensure necessary pathology reports are provided.
- Advise on fitness to undertake Exposure Prone Procedures.
- Comply with the Department of Health and Social Care guidance on health clearance for health care employees.

Periodic health surveillance

- Managers and employees across KMPT will conduct local risk assessments as required which may identify the need for any regular health observations. Local managers are responsible for informing Occupational Health of risks that may affect the health and wellbeing of employees and identifying any necessary health surveillance.
- Periodic health surveillance will be undertaken by Occupational Health as requested and identified by risk assessment.
- Health surveillance includes audiometric testing, spirometry, skin surveillance, night worker health assessments, DSE/Keystone testing, serology for viral load of HIV; Hepatitis B and Hepatitis C where identified.
- Employees are responsible for keeping records of when health surveillance is due and ensuring that the employee attends – except in the case of monitoring blood-borne viruses where an Occupational Health Physician will manage the process.

Management referral

- Management referrals are primarily in line with KMPT's Sickness Management Policy. However, there may be other reasons for referral such as welfare/wellbeing concerns. There does not have to be an absence for an employee to be referred to Occupational Health.
- The referring manager is responsible for ensuring that the employee fully understands the reason for the referral to Occupational Health and ensures that the employee gives their written consent; an appointment will then be arranged (usually via telephone).
- Following the appointment, a report will be sent to the manager, the employee and the employee relations team with the employee's informed consent.
- The employee is entitled to withdraw consent to engage in the process at any time. If this were the case, the manager will be advised and they will then need to manage the case without any Occupational Health input.
- Joint case conferences with managers and the employee relations team are recommended where there are complex

issues.

Self-referral

- Employees are unable to self-refer to Occupational Health.
- Employees are encouraged to discuss with their manager first and, if there are workplace issues that need addressing, a management referral should be requested as this will open up the communication channels between Occupational Health and their manager in order for appropriate support measures to be recommended.

Employees who would like to be seen by Occupational Health, but do not want a management referral, should discuss their circumstances with the HR Officer for their care group, who will be able to support and advise on the best way forward. Contact details for the HR Officers can be found on i-connect.

Psychological support line

- Support Line is an independent professional counselling service provided for employees as part of KMPT's commitment to employee care.
- The support line provides free, confidential information, support and counselling away from the workplace.
- For immediate advice and support, or to arrange an appointment for a structured counselling session, employees can call the helpline on 03000 411 411 between 8:30am and 5:00pm Monday to Friday.
- The support line makes the following quality commitments to you:
 - Affiliate counsellors will contact you within two working days of your call.
 - The face to face sessions normally take place within seven days.
 - Affiliate counsellors' premises will be a maximum of 15 miles from your home or workplace, unless there are circumstances that prevent this.
 - All face to face counselling clients are provided with an opportunity to feedback using a free post envelope.
- Employees must contact direct, as this service is provided separately to Occupational Health

Mental Health First Aiders

- If you would like to talk about what is worrying you and learn more about all the support available to you, KMPT's mental health first aiders are ready to offer immediate help and care.
- Just having a conversation with one of these colleagues, trained in an internationally-recognised programme that's the mental health equivalent of physical first aid, might make the difference.
- Your conversation will remain completely confidential unless there is a safeguarding issue or if anyone is at risk. The MHFA will explain to you if they need to take this further.
- Contact details for our Mental Health First Aiders can be found on i-connect.
- Mental Health First Aid (MHFA) England provides the training programme for our first aiders



Overpayments policy

Salary and expenses overpayment recovery policy

1 | What this policy covers

This policy details the process for the recovery of overpayments made to employees in the course of processing the Payroll. Overpayments occur for a variety of reasons but predominantly because of the submission of late paperwork to Payroll for pay effecting changes (such as reduction in hours, commencement of maternity leave, sick leave, or late notification of someone leaving). This policy applies to all employees of KMPT.

2 | Principles

It is the policy of KMPT to seek repayment of any salary/expenses overpayment to any employee, this is in accordance with the Wages Act 1986 and the Employment Act.

All KMPT employment contracts contain a clause that allows KMPT to make deductions from pay to recover any overpayments made.

KMPT is duty bound by the Public Accounts Committee to recover all overpayments.

Overpayments can occur for a variety of reasons. Some common causes of overpayments include:

- The late completion/submission of leavers paperwork
- Late or no notification of sickness absence.
- Employees not returning from maternity leave.
- The late completion/submission of changes forms notifying of a reduction in hours of work

It is the employee's responsibility to ensure that the correct pay is received each month by checking their payslips and highlighting any discrepancies to their manager promptly. Managers also have a responsibility to ensure that they regularly check their budgets and highlight quickly if they identify any erroneous payments to their employees.

This policy details the process for recovery of any overpayments made and ensures there is a consistent approach across KMPT.

3 | Responsibilities

Employees are responsible for:

- Being familiar with and adhering to this policy and procedure.
- Ensuring timely and accurate submission of claims using the correct paper or electronic forms and obtaining appropriate authorisation from their manager.
- Checking payslips to ensure that correct payments have been made and notify their manager immediately if they believe an erroneous payment has been made.
- Putting money paid in error aside so it can be repaid promptly at KMPT's request. Overpaid monies should not be spent.
- Ensuring co-operation with the recovery of an overpayment in line with this policy.
- Ensuring that KMPT assets are returned prior to leaving the organisation.

Managers are responsible for:

- Ensuring they understand and correctly deploy this procedure equally, fairly and consistently to all employees and that their employees are fully aware of this policy and procedure.
- Ensuring that pay related documentation (i.e. change form, leavers form, absence returns, claim form, etc) are completed and submitted promptly. Particular attention should be given to Payroll cut-off dates when submitting documentation that will result in a pay reduction.
- Ensuring they regularly check their budgets to ensure erroneous payments are identified and acted upon quickly.
- Acting promptly if an overpayment is identified, either by the individual or via budget information. Raising any potential overpayment to the Payroll team immediately in writing.
- Ensuring that employees co-operate with the recovery of an overpayment in line with this policy and that individuals are clear that KMPT has a public duty to recover any monies paid in error from public funds.

- Ensuring that KMPT assets are returned prior to the employee leaving the organisation.

Budget holders are responsible for:

- Establishing why internal controls did not prevent the overpayment
- Identifying whether the person responsible for managing the area needs training.

The Workforce and Organisational Development team is responsible for:

- Providing advice and support to employees and managers on this policy as required.
- Ensuring managers are applying this policy and procedure fairly and equitably to their employees.
- Monitoring overpayment reports to identify departments which have frequent overpayments and taking action to reduce these.

In cases involving employee relation issues the Workforce and Organisational Development team may wish to make representations to finance with regards to the recovery period. The nominated Workforce and OD Lead has authority to recommend a variation of the overpayment and may request the temporary suspension of recovery action in exceptional circumstances.

The Payroll Department is responsible for:

- Calculating all overpayments.
- Notifying employees in writing of the amount overpaid as soon as possible following identification of the overpayment.
- Ensuring overpayments are dealt with in a consistent manner.
- Taking account of personal circumstances to ensure recovery is set at a level that will not cause undue hardship. In cases of claimed hardship the level of recovery will be agreed between the employee and finance.
- Investigating all overpayments to ensure that adequate controls are in place to prevent re-occurrence.

If the overpayment satisfies the following criteria the Payroll Department is responsible for notifying details of the overpayment to KMPT's Local Counter Fraud Specialist:

- a. Was not notified by the employee, and
- b. Has occurred over a period of at least 3 months, and
- c. Exceeds £2000 for salary or £300 for expenses, and

- d. The monthly overpayment rate is equivalent to at least 10% of the employee's net monthly pay (not applicable for expense overpayments).

A letter will not be raised by Payroll Services until the matter has been investigated by KMPT's Local Counter Fraud Specialist.

Where the period of overpayment extends for more than one year the amount recovered will normally be limited to the overpayment for one year prior to the date of discovery/notification except in cases of expense overpayment and cases that have been referred to the Local Counter Fraud Specialist, where any decision to write off part of the overpayment will be made following the conclusion of any investigation.

The Local Counter Fraud Specialist is responsible for:

- Investigating matters that may involve fraud.
- Determining if any criminal offences have been committed.
- Liaising with Payroll Services, Finance and Workforce and OD to determine if all or part of the overpayment should be recovered.

The Finance Department is responsible for:

- Raising invoices in respect of overpayment of salaries to individuals who have left KMPT's employment.
- Agreeing repayment plans and methods for individuals who have left KMPT's employment.
- Following up with debt collection.
- Referring to counter fraud/taking court action as required.

4 | Overpayment recovery procedures

When Retro-pay produces a negative amount due to late notifications of changes such as hours, grade or allowances, the following should be applied:

- If the reduction in gross pay is less than 10% this should be left to process automatically but a notification letter will be sent.
- If the reduction in gross pay is between 10% and 50% the employee will be given a temporary pay advance of approximately 65% of the net amount due and the advance will be recovered in two equal

- instalments over the following two months.
- If the reduction in gross pay is more than 50% the employee will be given a temporary advance of up to 80% of the net amount due and the advance will be recovered over the subsequent months. The advance and recovery period will be agreed by the Payroll Services Manager and will not exceed the period in notification of the change.
- In all cases a letter of notification will be sent to employee advising them of the pay adjustment before pay day.

In the case of a current employee they will be notified of the gross amount overpaid by payroll as adjustments of Income Tax, National Insurance and Pension (if applicable) will be made as the deductions from pay are recovered. Repayment should be via deductions from pay, this may be a one off deduction or a series of deductions for an agreed number of months dependent on circumstances. This is by far the most straightforward method in administering the recovery as the adjustments to National Insurance, Tax and Pension can be made at the time the deduction from pay is made. The signed deduction sheet, completed by current employees paying by instalments from their salary, states that; 'if an employee leaves the Trust we will deduct any balance outstanding from their final salary'. If a single payment by cheque for the gross amount is received the Accounts Receivable Department will notify payroll and the necessary payroll entries will be made to generate refunds of tax and national insurance.

For former employees who have left the organisation, the overpayment will be processed through the payroll system and this will generate refunds of statutory deductions and the resulting net overpayment will be invoiced.

Details of the overpayment will be set out in a standard letter, issued by the Payroll Department, giving a full explanation of how the overpayment has arisen. The letter will be passed to the Accounts Receivable Department who will raise an invoice for the amount due and despatch immediately. All correspondence must be clearly marked as Private and Confidential.

Terms for the repayment will be suggested in line with the Department of Health guidelines (e.g. Recovery of an overpayment will normally

be made over the same time period as that over which the overpayment occurred).

Repayment terms will be set out in a standard repayment agreement issued by payroll and sent with the letter, this agreement must be signed and returned to the Payroll Department for action and retention.

If the employee raises a query regarding the calculation of the overpayment, the Payroll Department will be responsible for investigating and replying to the query within 10 working days and will notify the Accounts Receivable Department by telephone if follow up action should be delayed. A copy of any letter and response must be sent to the Accounts Receivable Department.

In situations where employees have left the Organisation they may be allowed to repay by standing order. The necessary paperwork will be arranged by the Accounts Receivable Department.

If the employee is unable/unwilling to agree to repayment within the suggested timescale any negotiation to extend the repayment period must be referred to the designated finance officer.

The following debt collection timeline will be applied:

- A first follow up letter will be sent out after 7 working days of an invoice being raised unless a query has been raised and notification to hold has been received from payroll.
- A second follow up will be sent out after 14 working days unless a query has been raised and notification to hold has been received from payroll.
- Current employees - After 19 working days a letter will be sent to the employee's manager stating that a response is required within 7 working days, if there is still no response after 26 working days the debt will be referred to a debt collection agency.
- Leavers - After 19 working days the debt will be referred to a debt collection agency.

Parental leave

1 | What this policy covers

KMPT recognises that working parents may need to take additional unpaid leave from work to care for their children. This policy explains who qualifies and how to request parental leave.

It also sets out how and when the leave can be taken, provides information on your contractual rights and your right to return to work following parental leave.

2 | Principles

While KMPT supports the principle of parental leave, decisions in respect of when the leave can be taken must take account of service demands and should be used primarily for spending time with or caring for their child.

3 | Responsibilities

- KMPT aims to ensure that applications for parental leave are treated in accordance with this policy and in a way that does not discriminate.
- Managers are responsible for actioning requests for parental leave in accordance with this policy.
- Employees wishing to take parental leave should inform their managers within the timescales specified in this policy.

4 | Policy in practice

Qualifying conditions

To qualify for parental leave employees must have responsibility for the child and be one of the following:

- The biological parent of the child.
- The child's adoptive parent.
- Have legal responsibility for the child (e.g. be the child's legal guardian).

Employees should confirm that the requested leave is intended for spending time with or caring for the child.

Entitlements

If employees meet the qualifying conditions, they are entitled to:

- A maximum of 18 weeks unpaid parental leave for each child up to their 18th birthday.
- Employees can only take a maximum of four weeks a year for each child (unless agreed by the service manager otherwise).

Contractual benefits during parental leave

Employees are entitled to their normal terms and conditions of employment, with the exception of pay, while on parental leave. Periods of parental leave will not affect continuity of service. To discuss your pension contributions during any period of unpaid leave please contact the pensions team on 01227 812329.

Procedure

If employees meet the qualifying conditions detailed above they are required to give their manager a minimum of 28 calendar days notice, in writing, of the request to take parental leave. This notice should be given by completing the Paid or Unpaid Leave Request Form (available via the Trust Documents page on i-connect)

If an employee intends to take parental leave immediately after paternity leave, they must give a minimum of 28 days notice from the beginning of the expected week of childbirth or placement.

Returning to work after parental leave

Employees are entitled to return to work following parental leave to the same position they held before commencing their leave. Their terms of employment will remain unchanged upon their return from parental leave.

If their parental leave has been combined with a period of maternity, adoption or paternity leave of more than four consecutive weeks, and it is not reasonably practicable for them to return to the same position they held before commencing leave, KMPT will offer suitable alternative employment.

Paternity leave

1 | What this policy covers

This policy has been designed to outline employees' rights and responsibilities in relation to paternity leave.

2 | Principles

KMPT recognises that employees need to take time away from work to bring up their family and is committed to supporting all employees in a consistent, fair and effective way with regards to applying for time away from work in such circumstances.

3 | Responsibilities

- KMPT aims to ensure that the application of this policy is fair, equal and is not discriminatory.
- Managers are responsible for actioning requests for paternity leave in accordance with this policy.
- The employee relations team and Payroll Department will provide advice on applying this policy.
- Employees wishing to apply for paternity leave should do so using the procedure outlined in the policy.

4 | Policy in practice

Eligibility

To qualify for up to two weeks paternity leave (not including pay) employees must:

- Be the biological parent or adoptive parent or/other parent's partner (including same-sex partner or civil partner). A partner is someone who lives with the parent of the baby in an enduring family relationship.
- Have or expect to have responsibility for the baby.

In addition, employees should:

- Have at least 26 weeks continuous employment ending with the 15th week

(qualifying week) before the Expected Week of Childbirth (EWC) or the week they are notified of the match in the case of adoption

- Be working from the Qualifying Week (QW – the 15th week before the EWC) up to the date of birth or date of placement in the case of adoption.
- Intend to take the time off to support the parent and/or care for the baby.

If the baby is born earlier than the 14th week before the EWC and if the baby had not been born early the employee would have been employed continuously for 26 weeks the employee will be deemed to have met the length of service requirement.

Fixed-term contracts

If an employee's contract ends before the birth the employee does not qualify for paternity leave unless they go on to work for another NHS employer. If their contract ends after the birth they retain their right to paternity leave. In such cases the Payroll Department will advise.

Rotational contracts

If an employee works on a planned rotational contract with one or more NHS employers as part of an agreed training programme they will retain the right to return to work in the same post or next planned post and their contract will be extended to enable them to complete the remainder of the agreed programme.

This agreement is irrespective of whether the contract would have otherwise ended.

Procedure for requesting paternity leave

To qualify for paternity, leave an employee should notify their manager that they are to be the parent of a new baby no later than the end of the 15th week before the EWC – or as soon as is reasonably possible.

They should inform their manager of:

- The expected date of the baby's birth.
- Whether they wish to take one week or two weeks' leave.
- When they want their paternity leave to start.

An employee adopting a child should notify their manager as soon as reasonably possible but for:

- Leave – no later than seven days of their co-adopter or partner being matched with a child and
- Pay – 28 days before they want their pay to start.

For overseas adoptions, the form and notice period may be different and advice will be provided by the employee relations team.

Employees should then meet with their manager to complete an Application for Paternity Leave and Pay form, (available via the Trust Documents page on Paternity Leave Policy (kmpt.nhs.uk). This should be sent to the employee relations team as soon as possible to ensure correct payment.

The manager or employee must complete a staff change form and send a copy of the MATB1 with their application form and SC3 form to the employee relations team.

It is recognised that the dates agreed may need to be changed nearer the time to coincide with the exact date of birth and discharge home. Employees who do not qualify for paternity leave are entitled to ask for unpaid leave or to take annual leave.

Duration and timing of paternity leave

An employee cannot start their paternity leave until the birth of the baby or date of adoption. Employees can choose to take one or two whole weeks only. Odd days or non-consecutive days or weeks cannot be taken.

Paternity leave must be completed before the 8th week after the baby is born or child is adopted and can start on any day of the week.

An employee can choose to start their leave:

- On the actual date of the baby's birth (whether earlier or later than expected).
- On a date (which the employee has notified in advance) falling a specified number of days after the actual birth date (whether earlier or later than expected).

Still Birth

In the sad event that an employee's partner gives birth to a stillborn baby after 24 weeks of pregnancy they will be entitled to full paternity leave and pay. Similarly, if the baby is born alive but then dies the employee will be entitled to

paternity leave and appropriate pay. They will also be entitled to take compassionate leave, please refer to the special leave policy for further guidance.

Attending antenatal appointments

Partners of a pregnant employee are entitled to take unpaid time off work to accompany them to antenatal appointments. "Partner" includes the spouse or civil partner of the pregnant person (of either sex) in a long-term relationship with them. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a parental order for the child born through that arrangement.

KMPT will not require any evidence of the antenatal appointments. However, the employee will be asked to complete the Paid and Unpaid Leave Request Form to request unpaid leave to attend antenatal appointments (available via - Paid and Unpaid Time off Work Policy and Procedures (kmpt.nhs.uk)

In some cases employees may choose instead to take annual leave or to arrange their working pattern to enable attendance at antenatal appointments outside of their scheduled work time.

5 | Pay during paternity leave

To qualify for Occupational Paternity Pay (OPP) employees will need to have over one year's continuous NHS service at the beginning of the 11th week before the EWC and wish to return to the NHS. OPP will be paid at the employee's basic wage (not including supplements or enhancements) for the weeks taken.

Occupational paternity pay		
Weeks	Pay	Duration
1-2	Full pay	1-2 weeks

Employees who do not have one year's continuous NHS service at the beginning of the 11th week before the EWC but have been employed for 26 weeks at the 15th week before the EWC will be paid Statutory Paternity Ppay (SSP), at the current rate of SSP (details can be found at the HMRC website). Tax, National Insurance contributions and pension contributions will be payable as normal in all cases.

Statutory paternity pay		
Weeks	Pay	Duration
1-2	SPP	1-2 weeks

Employees who have less than 26 weeks service with KMPT at the beginning of the 15th week before the expected week of childbirth are not eligible for SPP and will be provided with an SPP1 form from Payroll.

Employees not wishing to return to the NHS following their period of paternity leave will only be entitled to SPP (if eligible).

6 | Employment terms and conditions

Contractual rights

During the period of paternity leave, all contractual rights are retained.

The right to return to work

At the end of the paternity leave period all substantive employees have an automatic right to return to work in a comparable job to the one they were doing.

Organisational change

In the event of organisational change employees on paternity leave will be managed in the same way as all other employees for the purposes of consultation and communication. They will be sent written documents, letters and notifications and will be invited to attend formal meetings where appropriate. All organisational change will be managed in line with KMPT's Organisational Change Policy.

Vacancies

Employees on paternity leave will be advised of vacancies and opportunities for promotion that are advertised through expression of interest or internal advertisements in addition to any posts advertised externally, by their manager if they request to be updated and should apply through the normal recruitment procedure. Employees will not be treated any differently in the selection for such opportunities.

Pay protection

1 | What this policy covers

This policy outlines the pay protection arrangements for employees whose pay would be adversely affected by an organisational change initiated by KMPT. It should be read in conjunction with KMPT's Change Management Policy.

This policy does not apply where pay is affected as a result of changes:

- Requested by the individual(s) or their representative(s).
- Made by mutual agreement between an individual and their manager.
- As a result of either employee competence concerns or disciplinary action.
- As a result of redeployment because of ill health where the reason has been recognised as work related under the provisions of Agenda for Change.
- That are part of a negotiated settlement (e.g. the introduction of a new job-evaluation system).
- For employees who are in 'Acting Up' or in 'Secondment' positions when that arrangement ends.

In the exceptional circumstances that consideration is given to pay protection in respect of any of the above excluded circumstances, this must be discussed with the manager, the employee relations team, employee and agreed by the Deputy Director of Workforce and Organisational Development and the Head of Service or directors of service.

2 | Definitions

Basic pay protection applies to an employee who, as a consequence of organisational change, is required by management to move to a new post and who, as a result, is faced with reduced basic salary.

Other pay protection applies to an employee who is required by management to change their existing working pattern while retaining the same number of total contracted hours

and who, as a result, is faced with reduced contracted pay.

Basic salary is the pensionable salary earned by the employee performing their contracted hours and is calculated over 12 months and based on current rates. Contracted pay means earnings payable per annum to the employee in respect of their contracted hours according to their terms and conditions of employment, including special duty payments and shift enhancements, but excluding non-contractual overtime, "acting up" and all other earnings.

Period of protection means the length of service during which pay will be protected.

Redeployment date means the date on which the employee starts employment in the new post under these arrangements.

Length of service means the period of continuous employment within KMPT up to the date on which contractual notice is effective.

"Reckonable Service", which is calculated on the basis of service up to the date of the change means continuous full-time or part-time employment with KMPT or any previous NHS employer.

There are a number of qualifications to this:

- where there has been a break in service of twelve months or less the period of employment prior to the break will count as reckonable service;
- periods of employment as a trainee with a General Medical Practitioner in accordance with the provisions of the Trainee Practitioner Scheme will count as service.

The following will not count as reckonable service:

- employment which has been taken into account for the purposes of a previous redundancy or loss of office payment by an NHS employer;
- where the employee has previously been given pension benefits, any employment which has been taken into account for the purposes of those pension benefits.
- "Basic wage or salary" is the weekly or monthly sum due in respect of basic hours

worked by the individual concerned within the standard working week. It excludes, for example, any payments made in respect of acting up, overtime, work outside normal hours payments, recruitment and retention premia, standby or on-call duty.

- “Week’s pay” means whichever is the more beneficial of the following calculations:
 - an amount calculated in accordance with the provisions of Section 221 to 229 of the Employment Rights Act 1996;
 - an amount equal to 7/365ths of the annual salary in payment at the date of termination of employment.

“Earnings in the New Post” mean the sum of the basic wage or salary and of any remuneration in respect of overtime, shift work and other additional duties.

“Protectable earnings” is the basic wage or salary plus the monthly average over the three months immediately preceding the first day of employment in the new post. This will need to be recalculated and any arrears due paid if a retrospective pay award is subsequently notified. The following payments should be included in the computation of the 3 month average only if they are a regular requirement of the job:

- overtime
- work outside normal hours
- on-call
- standby
- extended service cover.

If an employee has been on maternity leave or long-term absence which pre-dates the 3 months average the calculation period will be derived from the average pay preceding the first day of maternity leave or long-term absence.

“Reduction in earnings” occurs where the new post, irrespective of grade title, carries an hourly rate or a salary scale with a maximum point, lower than that applying to the post held previously, or lower than that of the personal grade held in the previous post.

“An increase in earnings” is a post which carries an hourly rate or a salary scale with a maximum point higher than that applying to the new post, or any subsequent post to which an employee may have moved.

“Basic salary is the pensionable salary earned by

the employee performing their contracted hours, calculated over 12 months and based on current rates”

3 | Principles

The protection arrangements in this policy aim to support the management of change by helping to obtain a balance between the need to:

- Achieve the business plans and contractual obligations of KMPT within available resources.
- Retain the skills, commitment and expertise of employees.
- Take account of the aspirations of employees, their wellbeing and domestic commitments.
- Treat employees fairly and reasonably. In operating this policy KMPT requires employees to be adaptable, which may mean: taking on a new role; a variation in role or responsibilities; changing working team or location; changing hours of work; and, in some cases, having to re-train.

KMPT will try to redeploy and re-train employees for new roles that match the level of skills and responsibilities used in their current post, although this may not always be possible. Throughout the process, employees will be supported with training and guidance to ensure they can contribute to service needs in the most effective way and to their full capacity.

Employees affected by organisational change who do not secure a post at their substantive band within the new structure are expected to actively consider posts at a lower band.

4 | Responsibilities

KMPT is responsible for ensuring that managers are aware of their responsibilities under this policy.

Managers are responsible for following the principles and processes in this policy while ensuring the appropriate paperwork is completed and that the Payroll Department is notified of the employee’s pay protection arrangements.

5 | Policy in practice

This agreement applies to any employee who, as a consequence of organisational change, is required by management to move to a new post or suffers a reduction in basic hours worked within the standard working week. It provides:

- short-term protection of earnings, whether or not downgrading is involved
- long-term protection of basic wage or salary where downgrading is involved.

Protection of earnings

Short Term Protection of Earnings

For short term payments eligibility for protection the following payments are to be included in the computation of the three month average used to determine the level of protectable earnings:

- Regular overtime where there is a reasonable expectation that this will continue
- Night duty payments
- Weekend enhancements
- Bank holiday enhancements
- Unsocial hours allowance
- Stand-by and on call duty payments
- Sleeping in allowance.

Where this agreement applies to an employee they are entitled to have protectable earnings in the former post protected on a mark-time basis in accordance with the following table:

Reckonable service	Protection period
4-12 months	1 month
1-2 years	2 months
2-4 years	3 months
4-6 years	6 months
6-10 years	9 months
10 years +	12 months

Earnings in the new post will be offset against protectable earnings. If for any particular pay period the earnings in the new post exceed the protectable earnings, protection of earnings is extinguished and earnings in the new post are paid in full for that particular pay period. N.B. Pay increased in the new post will also be offset against protectable earnings.

When calculating earnings in the new post, the rates used for calculating payments in respect of overtime, shift work and other additional duties shall be those applicable to the new post.

Long term protection of earnings (basic wage or salary)

An employee to whom these arrangements apply will be entitled to receive protection of basic pay on a mark-time basis in accordance with the schedule below:

Reckonable service	Protection period
4-12 months	2 months
1-2 years	6 months
2-3 years	12 months
3-4 years	18 months
4-5 years	24 months
5 years +	36 months

Any increments or pay awards due will be applied to the earnings in the new post. An employee, with a right to protection of basic pay, will also have initially a concurrent right to protected earnings.

Interaction between short term and long-term protection

An employee with a right to long-term marked-time protection as above may also have initially a concurrent right to short-term marked-time earnings protection. Until the short-term protection expires, the employee shall be paid on this basis. Thereafter, payment is on the basis of the ongoing entitlement to long-term protection.

Where actual earnings exceed protected earnings, these will be paid in full for the particular pay period.

Protection conditions

Full protection of earnings is conditional on the employee undertaking any shift work or other additional duties which may be required up to the level at which earnings in the new post equal the protected earnings.

Full protection of earnings is also conditional on the employee accepting any subsequent offer of another suitable post which attracts a basic wage or salary in excess of the basic wage or salary applying to the new post.

Protection of earnings or salary will cease if the employee declines an opportunity to apply for or accept a suitable alternative post with a maximum salary equal to or greater than the protected salary. When a reduction of earnings is involved the employee must give an

undertaking that they must not unreasonably refuse to apply for or accept a more senior post.

Protection of earnings or salary only apply to the post that the employee is required to move to. For any voluntary subsequent moves in the same grade protection arrangements will cease to apply.

Continuity of employment is not affected by acceptance of another suitable post. KMPT is committed to the retraining of employees to facilitate transfer to new posts where this can be achieved within a reasonable timescale.

Arrangements upon expiry of protection

Upon the expiry of the timescales outlined above, the salary/wage of the member of employees concerned will revert to that of the new post.

Protection of other terms and conditions

Hours and Annual Leave

An employee who as a result of organisational change agrees to accept a post working less than their original contracted hours will work and be paid for the hours applicable to the new post. Annual leave will be based on the hours actually worked.

Part time employees

When a part time employee is moved to a new post and a reduction in earnings and the hours in the new post are the same as before, protection entitlement is assessed on the basis of actual hours worked in the new post, paid at the hourly rate applicable to the previous post. If the hours in the new post exceed hours worked previously, the additional hours in the new post are paid at the rate applicable to the new post. If the hours of the new post are less than the original contracted hours and the employee agrees to accept a post working less than their original contracted hours they will work and be paid for the hours applicable to the new post.

Any additional earnings derived from work in the new post will be remunerated at the rate appropriate to the new post.

Preservation of pension benefits

Employees who belong to the NHS Pension Scheme whose pay is reduced when the protection arrangements cease can choose to preserve their benefits earned on the higher pay if they suffer a reduction in pay through no fault of their own and have at least two years qualifying service.

The employee concerned must apply, in writing, to the Payroll Manager within one month of the reduction in pay asking for their benefits to be preserved. The Payroll Manager will then forward the request to the Pension Branch with any necessary supporting documentation.

Employees considering this option may wish to obtain further advice as once the option to preserve benefits at the previous rate has been exercised, this cannot be reversed.

Excess travel expenses

Eligibility for excess travel expenses

Excess travel is paid to employees when their official base is moved for the needs of the Service rather than the individual, and results in a longer journey to work. This may be on a temporary basis, e.g. to cover long term sickness, or on a permanent basis following relocation. The entitlement is for four years or the length of the temporary period and mileage is reimbursed at the Reserve Rate or Lease Car Rate if applicable. Payment is made on the difference between the mileage from the employee's home address to their old base and their home address to the new base, this includes employees who travel by public transport, only the difference is reimbursed.

The excess mileage agreement needs to be outlined to the employee in writing including their entitlement length and the date the entitlement ceases and retained on their personal file.

If the employee's home address changes then a re-calculation is required. If a further relocation takes place, the calculation will need to be re-assessed. If the employee Voluntarily relocates to another location or accepts a different, permanent post in a new location, entitlement to excess travel ceases.

Payment

Employees who are entitled to claim business mileage or are a lease car holder will need to claim their excess travel as part of their monthly mileage claim.

All other employees who do not claim business mileage will need to submit a travel claim form on a monthly basis.

Income Tax Liability

KMPT is required to inform the Inland Revenue of all such benefits and payments to employees. Informal guidance may be obtained from the

Payroll Department but employees will be advised to contact their Tax Office to assess their liability for income tax.

For lease car drivers the tax rules state that where an employer pays for fuel for private mileage in a company/lease car, there is a taxable 'car fuel benefit' for the employee. The definition of private mileage includes excess travel allowance following a change of base. Lease car drivers are strongly advised to seek advice from a qualified tax advisor as the financial effect of the tax charge may be significantly more than the amount received in excess mileage.

Employee's may be able to liaise with HMRC regarding obtaining a refund of tax and National Insurance if the change of base is for less than 24 months. HMRC advise that any change of base lasting six months or more would not be considered a temporary change. Employees should contact the tax office themselves regarding this. This relates to non-lease car drivers only.

Subsequent changes of post

Each subsequent change of post due to an organisational change covered by this agreement shall attract protection in its own right.

Personal boundaries policy

1 | What this policy covers

This policy outlines KMPT's expectation for employees maintaining appropriate professional relationships and professional boundaries with service users.

Employees and workers working within KMPT's services have a responsibility to provide safe, effective and caring services to service users within their care. Whilst it is recognised that employees must establish a rapport with service users and provide friendly and accessible services, they are responsible for establishing and maintaining appropriate professional boundaries between themselves and service users. The rights and needs of service users should be respected at all times. Owing to the nature of the illness/disability of service users, within the KMPT, the relationship between the service user and worker is not one of equal power balance. Employees and workers must recognise and understand that they are in a position of trust. This trust must not be abused at any time. It is essential, that all interactions between service users and employees must be seen in terms of a professional relationship. Employees must have a clear framework within which to carry out therapeutic interactions.

Due to the potential for positions of power to be abused and professional boundaries overstepped KMPT makes it clear that it is the responsibility of individuals to maintain professional boundaries. Failure to meet this responsibility may lead to formal action being taken against them. This duty extends beyond the period of time that the service user is under the care of KMPT and applies to all current and ex-service users, whether they are or have been under the direct care of the individual employee or not.

Employees and workers must ensure that working relationships are not misread or confused with friendship or other personal relationships. This is essential in order to protect service users at a time when they may be vulnerable. It is also to protect employees from any risk of potential allegations.

This policy clarifies the role of employees providing direct or indirect care to service users and the division of boundaries between service users and employees/workers to enable consistent approaches to service users.

2 | Responsibilities

This policy is written regarding all service users who are either currently receiving care or treatment or who have had past care or treatment and for all employees providing direct or indirect treatment irrespective of grade or discipline.

It also covers all areas of service, whether on a ward, in a residential service, day service or in the community.

It is the responsibility of all employees and workers, to have a full understanding of this policy and ensure that the requirements are adhered to.

It is the responsibility of managers to ensure their employees aware of this policy, to educate and ensure their teams are working within this policy and to make this policy available to their employees where requested.

3 | Definitions

Therapeutic relationships

A therapeutic relationship is a professional relationship between the service user and the employee/worker in which the latter has a responsibility for ensuring that objectivity is achieved at all times.

Boundary

When the 'line' between the professional and personal relationship is crossed and the relationship between the service user and the employee/worker moves from being objective to subjective. An indication of this can be found in the list in Section 6, which identifies some types of unacceptable behaviour (this is not an exhaustive list).

Service user

A service user is someone in receipt of care and

also known as a patient, client or resident. A service user can:

- Be directly receiving care from the employee
- Previously have received care from the employee
- Be receiving care from another service and have no direct contact with the employee/worker.

Worker

This is anyone who is employed by KMPT or seconded in a professional capacity who provides direct or indirect care including volunteers, students, agency, NHS Professional (NHSP) workers or contractors.

4 | Policy in practice

- When an employee/worker thinks there is a risk of a potential breakdown of their professional boundaries they must immediately bring it to the attention of the manager.
- If employees feel a colleague is at risk of potential breakdown of professional boundaries they have a duty to protect both service user and worker and should inform their manager of the concerns.
- Employees/workers must alert their manager if they have personal knowledge of a service user who comes under their care, as either the service user or the employee may need to be temporarily moved.
- If an employee/worker is aware, or becomes aware, that they are related or have a personal relationship with a service user this should be brought to the immediate attention of the manager, regardless of whether they are responsible for their care.

5 | Unacceptable practices/behaviour

Sexual contact

- Sexual acts
- Requests for/suggestion of sexual acts
- Physical contact which could be construed as sexually suggestive.
- Flirtation, sexual innuendo and/or insinuation.
- Discussion of sexual matters outside of a therapeutic requirement.

Some examples of more subtle inappropriate behaviour may include the following:

- Inappropriate dress.
- Inappropriate use of body or verbal language i.e. language which is used to satisfy the need of the worker concerned and is not likely to have any therapeutic benefits for the service user.
- Asking the service user inappropriate questions regarding their sexual habits.

Acceptance of gifts and hospitality

Employees/workers must not accept personal gifts, favours or hospitality from current or ex-service users of KMPT. This may be interpreted as being given by the service user in return for preferential treatment, under a sense of obligation, or them having been coerced by the employee. Where it is difficult to refuse a gift, then employees must discuss this with their manager and act in line with the Managing Conflicts Policy

Giving of gifts to service users

Under no circumstances should employees/workers give a gift of any kind, whether or not this is money or any other type of gift, to a current or ex-service user of KMPT.

Inappropriate personal disclosure

At times it may be appropriate to disclose some personal information as part of the therapeutic relationship. Inappropriate personal disclosure might include:

- Personal information such as debt/personal relationships.
- Discussion about other employees or service users

Provision of substances to service users which are not prescribed

All medication must be administered in accordance with the Policies for the Control and Administration of Medicines.

Misuse of money/property

- Employees must adhere to the Policy for handling of service users' money and property.

Employees should refrain from loaning their personal property to service users as this can be deemed as favouritism towards service users and therefore conflict with personal boundaries, trust and dependency issues and could also be discriminating against other service users.

Misuse of service users facilities and property

Employees must not use service users' facilities or property for their own use. Examples of these are as follows:

- Washing machines/ironing boards/dryers etc.
- Cooking facilities.
- Television/videos (except for education and information purposes and where it is part of the care plan).
- Eating service users' personal food.

Discrimination

This can take the form of subjective comments, which can be either written or verbal about service users:

- Culture or race
- Gender
- Sexual orientation
- Age
- Physical characteristics, not necessarily disability i.e. large nose etc
- Disability
- Religious belief
- Any other personal aspects

Treatment and other forms of care

It is not acceptable for the worker to carry out treatment or give other care when:

- It is not part of the service users care plan
- The worker is not qualified to do so
- When it has not been agreed with the team.

Some examples of these are as follows:

- Taking images, audio or visual recordings without the permission of the service user.
- Hair cuts
- Massage
- Alternative therapies
- Religious rituals
- Providing pay to the service user in exchange for jobs/work/chores

Abuse of power/creating dependence

Employees have a responsibility to discourage over-reliance of the service user on one worker and to encourage and enable the service user towards independence. Some examples of abuse of power and the potential for creating dependence are as follows:

- Inviting service users to the worker's home
- Socialising outside the therapeutic relationship
- Encouraging the service user to rely on one worker

- Using the service user for the worker's emotional needs

Supervision

Employees must actively seek regular supervision which is used constructively in the area of disclosing any feeling that they may be developing for the service user. These disclosures will be kept confidential unless the situation remains unresolved and the relationship develops into a personal one, in which case the supervisor will be responsible for seeking further advice on this. If the employee feels that their relationship with the service user has moved away from a therapeutic relationship they should immediately seek supervision from their manager to discuss the matter and an appropriate plan of action put in place.

Service user involvement

Employees/workers are expected to explain the relationship between them and the service user in a sensitive manner and where appropriate form a contract of care with the service user.

6 | Managers

Service user information

Managers must ensure that the service users have access to up to date information about services and service philosophies.

Adult protection/child protection

If it is decided that a vulnerable adult's or a service users' child has been exploited in any way, then an adult protection or protection of children alert must be raised as per local policy.

Probation

1 | What this policy covers

This policy provides an overview of KMPT's process for reviewing and supporting new employees during their initial months in post.

During the probation period, if it becomes apparent that the employee is not suited to the position, this policy enables either party to end the contract of employment.

2 | Principles

- KMPT is committed to ensuring that all new employees understand the expected standards of performance, conduct and attendance and that they are provided with timely and effective support to settle into their new job.
- This policy applies to all KMPT employees commencing substantive or fixed-term employment
- During the probation period the Improving Conduct Capability and Sickness Management policies will be followed. However, following one of these policies does not take precedence over the probation policy.

3 | Responsibilities

Managers have a responsibility to:

- Ensure this policy is applied consistently and in a way that does not discriminate.
- Meet with the employee to discuss the job description and person specification and to identify key areas of the role to ensure the employee understands what is expected of them and what their performance will be measured against.
- Provide local induction training and support to achieve expected standards and document the role's key areas as a part of the induction process and ensure sign off when completed.
- Outline what support and guidance will be provided to help the new employee meet the expected standards.

- Take necessary supportive action at the earliest opportunity if required standards are not being met.

New employees should ensure that they:

- Fully understand the standards of performance, conduct and attendance expected of them during their probation period and beyond.
- Discuss with their manager any concerns they may have in relation to meeting these standards.
- Are fully prepared for their performance review meetings

4 | Policy in practice

Probation period

New employees joining KMPT will be required to complete a six-month probation period. The probation period for new employees on a fixed-term contract of less than six months will be the length of the contract.

Probation review meetings

Formal monitoring of performance is an integral element of the probationary period. In order to help in the continual review of each new employee, the Probationary Review Record Form (available on the internal form section of i-connect) should be used during supervision. Ideally these will be held every four to six weeks and a copy will be provided to the employee for their records.

A probation review meeting will take place in accordance with the following principles:

- The timing of meetings may be bought forward and/or additional review meeting(s) during the probation period may be required as determined by the manager.
- The meetings will be a two-way confidential discussion to identify where there are areas of both positive performance and any areas of concern or areas that require additional attention to reach a satisfactory standard.
- Managers should provide all possible support to their new team members to give them a fair opportunity to become fully integrated and productive employee.

If the employee's performance is satisfactory the manager will inform the employee that they will continue with their probationary period or continue with their employment for the period specified in their employment contract (at the six months' review meeting). The manager will also send a letter to the employee to congratulate them on the satisfactory completion of the induction and probation period.

Dealing with unsatisfactory performance

At any point during the probationary period, where a serious or continued failure to meet the required standards has been identified, the employee may fail the probationary period.

Where concerns involve clinical practice, patient safety, professional capability or issues of gross misconduct the probation period may be deemed as unsuccessful and employment will cease (as per Stage 3 outlined below in 4.7). Co-operation with any investigations will be expected and referrals may be made to professional bodies where concerns are significant following full investigation.

During the first week of employment a meeting will be held between the manager and employee to set and agree objectives on the Probationary Period assessment. This is in addition to the three main objectives.

Objectives should be SMART:

- **Specific**
What will the behaviour or outcome be
- **Measurable**
How much/how many/how will you know when it is accomplished
- **Achievable**
Within the abilities of the employee, unless it is a 'stretching' objective
- **Relevant**
Appropriate to the role of the individual, and supporting the team/service
- **Time bound**
With a clear end date, and interim milestone dates where applicable.

This process will run parallel with preceptorship for any newly qualified registered professional who is subject to preceptorship in their first year of practice. Achievements of professionally led objectives are monitored through preceptorship and will support the evidence for probationary period.

Review meeting (in month 3)

The manager should carry out a review during month 3. This should measure performance and the objectives set at the first meeting and provide an opportunity for the manager to clearly identify any shortfalls in performance. This should be recorded on the Probationary Period Assessment form and the Record of Probation Form should also be completed and signed by the manager and the employee

Informal Action – Stage 1

Managers must address poor performance immediately and not wait until the next scheduled review meeting.

Where problems with meeting the appropriate standard(s) are highlighted and/or needs for training are identified, positive action and support must be taken immediately to improve performance. It is essential that every effort is made to help the individual to achieve the required standards. This is best achieved by:

- Advising the new employee that performance is below standard and explaining the improvements required.
- Providing support and learning to enable improvements to be made.
- Giving the new employee the opportunity to demonstrate improvements, for example through timely objective setting.
- Explaining the possible consequences of continued failure to improve. A record of all informal actions must be maintained.

Formal review meeting – Stage 2

Where continued failure to achieve the required standards of performance and/or conduct have been identified the matter will escalate to stage 2 of this policy (Note: Managers can move directly to Stage 2 of this policy for serious issues of concern without utilising Stage 1).

The manager will invite the employee to a formal meeting to review their performance. Please note, this meeting should take place no later than four months after the employee's start date, if there are concerns after this period please contact the ER team for further advice and support. The invite letter will outline the purpose, date and time of the meeting, their right of representation by a Trade Union Representative or a workplace colleague. A member of the employee relations team will also be present at this meeting. During the meeting the manager should provide

feedback to the employee on their performance following the last review meeting. This will include clear examples and evidence of where their performance continues to be below standard, ensuring that appropriate opportunities for learning and development have been provided. The employee will be given an opportunity to respond and provide any other evidence relevant to the circumstances.

The manager must then agree clear objectives with the employee with specific timescales for achievement before the end of their probation period.

The manager must advise the employee that if their performance does not improve by the end of their six-month probationary period and they fail to meet the agreed objectives, a final meeting must be held which may result in their probation period being deemed as unsuccessful which could result in their dismissal from KMPT.

If a decision is made that the probationary period should be extended the manager must advise the employee of the duration of the extension, which will not exceed three months, as part of the formal review meeting.

The outcome of this meeting must be confirmed in writing, as soon as practical after the meeting (Outcome of Formal Review Meeting Template Letter is available on the Policies and guidelines page on i-connect). The letter will outline the areas of concern and agreed actions from the meeting. The letter will also advise the employee that failure to complete the agreed objectives may result in their probation period being deemed as unsuccessful which could result in their dismissal from KMPT.

If the employee fully completes their set objectives and their performance has clearly improved to an acceptable standard, the manager will then pass the employee through their probation period (Probation Successful Letter Template available on the Policies and Guidelines page on i-connect).

Final formal meeting – Stage 3 (dismissal)

Where it is clear during the probationary period that the new employee is not able to meet the requirements of the job and has failed to meet the objectives set at the formal review meeting, a final formal meeting will be convened.

The final formal meeting will be held by the manager with the authority to dismiss,

accompanied by a member of the employee relations team and the manager (if this person does not have dismissal authority).

The employee must be sent an invite letter which will outline the purpose, date and time of the meeting, their right of representation by a Trade Union Representative or a workplace colleague.

At the meeting the manager should summarise the nature of the performance/conduct problems, go through the support and training provided to assist the employee to improve to a satisfactory level and go through the written evidence that supports this collated throughout the process.

The employee and their representative must have the opportunity to respond and put forward any other information they feel relevant to the situation. A decision must then be made by the dismissing manager (this may also be the manager) on the outcome for the employee and whether or not their probationary period has been unsuccessful. This may result in the dismissal of the employee from KMPT.

The outcome of this meeting will be confirmed in writing and the employee will be notified of their right to appeal this decision. Should the outcome of the meeting be dismissal, the employee will receive a week's pay in lieu of notice

Appeal against dismissal

Employees dismissed under this policy have the right to appeal. The employee should submit their appeal in writing to the Director of Workforce and OD within 14 calendar days of the dismissal letter. The appeal letter must state clearly the grounds for their appeal. There are three possible grounds for appeal:

- the procedure followed was not fair and reasonable;
- the decision taken by the manager was not fair and reasonable in all the circumstances;
- new evidence has come to light and the original decision should be reconsidered.

The appeal will take place as soon as is reasonably practicable and will be heard by a senior manager (who has dismissing authority), not previously involved in the case, assisted by a member of the employee relations team.

An invite to the appeal hearing will be sent to the employee outlining the purpose, date

and time of the meeting, as well as their right of Trade Union representation or workplace colleague. All relevant documentation relating to the case will be provided at least five days in advance of the appeal hearing taking place.

The employee should also provide the chair of the appeal hearing with any additional documents which they intend to rely on at the meeting, including an appeal statement, at least three working days before the meeting.

The appeal hearing will be conducted using the procedure:

- Employees who request an appeal hearing are expected to engage in the process. If an employee does not engage with the appeal process, they will be advised their Appeal Hearing will not proceed or that the appeal may be heard in their absence.
- An appeal hearing will be arranged by the employee relations team at the earliest opportunity. A letter of acknowledgement of receipt of the appeal will be sent to the employee in the first instance.
- The appellant must state the grounds for appeal in the initial application for appeal within 5 working days of receiving the original written decision. Supporting written evidence must be submitted at least 10 days prior to the hearing date.
- For the appeal to take place there will need to be new information provided for the appeal panel to consider.
- An Appeal Hearing will consist of a KMPT manager senior to the manager who made the original decision and a HR advisor/HR business partner and the individual who is raising the appeal.
- If the appellant becomes unable to attend the arranged hearing they must notify the ER team of the reason they are unable to attend. An alternative date will only be arranged if there are extenuating circumstances.
- If it is agreed that the hearing is to be rearranged then the panel may continue in absentia if the appellant does not attend the rearranged hearing.
- All Appeal Hearings will be conducted with reference to KMPT's Procedure for Conducting a Formal Hearing, but in the case of an appeal, the appellant will present

their case first.

- A record of the proceedings should be made and kept on file.
- The decision of the appeal panel is final and will be confirmed to the appellant within 10 working days of the decision being made. Confirmation will be in writing.



Recruitment

1 | Introduction

This policy provides an overview of the processes and procedures applicable to the recruitment and appointment of all employees into the Kent and Medway NHS and Social Care Partnership Trust (KMPT). It covers all aspects of procedure that all managers are expected to adhere to, and the duties and responsibilities of the hiring managers, director, Recruitment department, and the Workforce directorate.

2 | Purpose

KMPT is committed to the delivery of a safe and effective recruitment and selection process which is free from bias and discrimination, to ensure recruitment of high calibre employees. The policy is aimed at guiding managers through various stages of the recruitment processes and to ensure all recruitment activities are conducted consistently in accordance to relevant employment legislations and good practice guidelines.

3 | Duties

Hiring manager

It is the hiring manager's duty to ensure they familiarise themselves with this policy. The hiring manager has key responsibility for ensuring any new employee recruited is fully compliance of all pre-employment checks and cleared by the Recruitment team to start work.

Director of Workforce and Organisational Development

It is the duty and responsibility of the Director of Workforce and Organisational Development in conjunction with the recruitment manager to ensure that the standards are appropriate and reviewed on an annual basis in response to changes in legislation, NHS policy, Trust policy or good practice guidelines.

Recruitment team s – medical and non-medical

It is the duty of the recruitment manager and the medical staffing manager and their teams to ensure that the standard of performance

of hiring managers is monitored and that any exceptions to the standards described are identified and acted upon. The Recruitment team s will work in partnership with the Hiring managers to provide a customer focused recruitment service including:

- Advice on best practice, selection techniques and attraction initiatives include support with hard to fill roles and skill shortage areas
- Provide expert advice and ensure all relevant legislation is adhered to at every stage of the recruitment and selection process.
- Support appropriate training delivery for employees involved in recruitment and selection process.
- Provide recruitment administration and co-ordinate pre-employment checks in line with the NHS Employer Pre-employment Check Standard, within agreed timeframe.
- Produce data to support effectiveness and performance of the recruitment process
- Providing notification to the hiring manager and candidate as to whether the candidate is medically suitable to commence in the role.

Occupational Health team

The Occupational Health team provides a service to the Trust as part of the required pre-employment clearances. This service is provided by a third party organisation. They are responsible for the following:

- Reviewing the Work Health Questionnaires (Appendix C – OH Functional requirement form Pre-Placement-Assessment)
- Providing notification to the Recruitment team , hiring manager and candidate as to whether the candidate is medically suitable to commence in the role

4 | Policy in practice

Effective recruitment is crucial to the success of the KMPT. It is important to attract candidates with the necessary skills, experience and qualifications to deliver organisational objectives and that they possess the ability to make a positive contribution to our values and objectives.

Recruitment and selection activities within the KMPT will proceed in accordance with this policy

in order to ensure a consistent, transparent, effective and efficient recruitment process in line with current equality legislation.

Recruitment and selection training will include practices to eliminate discrimination, promote equal opportunities under the Equality Act 2010 and ensure that all candidates are selected on their ability to do the job and the contribution they can make towards organisational effectiveness.

Vacancies will be advertised internally or externally. Both are open to internal applicants in order to allow opportunities for development of existing employees.

Interview panels will consist of minimum 2 member interview panel, at least one member must have attended KMPT approved recruitment and selection training within the last three years. Where applicable and possible KMPT encourage BAME representative at interviews.

KMPT follows the NHS Employers' Code of Practice for the international recruitment of healthcare professionals, which includes not actively recruiting healthcare professionals from the list of developing countries as detailed in the Code of Practice; no fees of any kind being charged and ensuring that suitably qualified candidates have the appropriate level of proficiency in English (both written language and spoken) to enable them to undertake their role effectively and meet the registration requirements of the appropriate regulatory body.

5 | Recruitment process

Recruitment checklist

Recruitment checklist for managers' available on the Trust intranet provides practical step by step advice on all aspects of the recruitment process. It must be read in conjunction with this policy. All recruitment activities will be managed using NHS jobs, TRAC systems and Electronic Staff Record (ESR) and the bi-directional interface between the two systems unless specified.

TRAC System

- KMPT uses the TRAC application management system for recruitment purposes includes vacancy authorisation and from when application is received through to pre-employment checking and booking a start date. Trust induction is booked through KMPT organisational development team and

details will be sent to new starters by email.

- TRAC system is designed to safeguard KMPT, to heighten fair and consistent recruitment process by ensuring that all personal details are hidden during the shortlisting process thereby ensuring applicants are shortlisted against set criteria in the application form.
- TRAC system enables the Recruitment team to monitor progress of each recruitment episode more efficiently in timely manner. Hiring Managers will receive regular updates detailing progress of their vacancies and applicants in the recruitment pipeline, while prompting action such as reviewing references.

Vacancy identification

Prior to commencing recruitment authorisation for identified vacancy, hiring managers must:

- Review the content of the vacancy considering changes to the organisation while the person has been in post, and any future changes likely to affect the role.
- Consider options for reallocation or re-design of post, as well as the use of genuine occupational requirement or positive action. Refer to the Trust's Equality and Diversity Policy for more information.
- If this is a new role requirement – funding and an applicable job description will need to be in place before the recruitment process can be authorised. Managers should seek advice from HR Business Partners and their Finance Business Partners to put these elements into place.

Job description and person specification

The job description must be on the approved Trust standard template and up to date reflecting the purpose and responsibilities of the post.

- The person specification must detail necessary qualifications, skills, experience and other qualities required by the applicant to undertake the duties of the post. This must include detailed essential criteria which are essential requirements for satisfactory performance of the job and desirable criteria which are not essential but could enhance effective work performance must be clearly stated
- The job description and person specification must be current and accurate for the role requirements – If job descriptions are out of date, this may need amending and realigning

for the post. Once updated should be forwarded to the job evaluation team for review and approval.

Job evaluation

Where new job description has been created or an existing job description updated with significant changes it must be submitted for job evaluation, prior to the vacancy being advertised.

Vacancy approval

Approval for recruiting into a post should be sought using the TRAC Candidate Management System. Once the TRAC online vacancy authorisation form is fully completed, job description, person specification, functional requirements form and Justification form must be uploaded to the TRAC system. It is essential that the Shortlisting criteria are specified at this time with essential and desirable criteria. Relevant authorisers are required to be listed on the form and this would normally be:

- Budget holder
- Care group director
- Finance
- AHP lead (if required)
- Vacancy control panel.

Redeployment

- The Trust employee relations team manages redeployment functions while the Recruitment team provide information and details of opportunities to anyone on the redeployment register by matching their needs with vacancies as they arise. Reason for redeployment registration may be due to ill health, reorganisation, performance management or maternity reasons.
- All authorised vacancies will be reviewed against candidates in the redeployment pool and candidates will be given priority consideration for vacancies before they are advertised internally or externally. If a match is identified the Recruitment team will contact the hiring manager to discuss potential match. Full information can be found in the redeployment guidelines

Advertising

The hiring manager is responsible for writing the advert using the job description and person specification and submitting this as part of the vacancy authorisation process in TRAC. The recruitment manager can assist with the writing of advert.

- The Recruitment team will proof read adverts and reserves the right to alter the wording of an advert as appropriate. If required details are missing in the advert text, the post will not be advertised until this information is supplied.
- Approved vacancies must be advertised either internally and/or externally except if vacancy is identified as suitable alternative employment for redeployment purposes. All authorised vacancies are advertised in line with the KMPT Equality, Diversity and Inclusion Policy on NHS jobs, and TRAC. External vacancies are usually advertised for 2 weeks but minimum of 7 days. Medical Consultant vacancies must be advertised for minimum 3 weeks.
- Hiring managers must specify in the TRAC system whether they wish to advertise a vacancy internally or externally. If unspecified, vacancies will automatically be advertised externally and internally
- External advertising: Advertising externally in a publication or online may be required for certain types of specialist and hard to fill roles. The recruiting manager will agree the correct publication or website to be used and the fee will be charged to the recruiting manager's budget via raising a purchase order.

Shortlisting

- Internal and external applicants must be assessed objectively and consistently against selection criteria outlined in the person specification.
- Shortlisting applications done online in TRAC and undertaken by the hiring managers based on the criteria set out within the job description and person specification. It is best practice for shortlisting to be completed by minimum two people and independently scored consistently. It is highly recommended to add notes to each application to justify scoring.
- KMPT maintains commitment to Disability Confident Scheme, and operate a guaranteed interview scheme for people who have declared themselves disabled (as defined by the Equality Act 2010), and meet the essential short listing criteria. TRAC will highlight candidates who have declared a disability when the lead shortlister finalises the shortlisting. The recruiting/line manager

is responsible for ensuring all reasonable adjustments are made to ensure they can attend for interview. Further advice can be sought from the Recruitment team.

Interviewing

- Interview panels are required to be made up of a minimum of two people, one of which must be the hiring manager.
- The hiring manager must inform the Recruitment team of the date and times for interview and must book a suitable room for the interview to take place
- All interviews for the same vacancy must follow the same format and consist of at least one consistent panel member. The Trust values questions are mandatory for all interviews, and these are sent to the hiring manager prior to interview.
- Trust Declarations (for roles requiring a DBS check) and Identity Document Checks must be completed at interview stage and these templates are contained in the interview pack for managers sent prior to interview.
- Once the interviews are concluded and a panel decision is reached, lead interviewer must provide interview outcome update via the TRAC system to the Recruitment team , identifying the successful candidate/s and any which may be held in reserve.

Interview decision

- Decision regarding outcome of the interview must not be made until all interviews have been completed. Interview outcome decision must be based on only information obtained from the application form, the interview and any test/assessment used.
- Each panel member should assess the candidate's suitability based on the assessment and a robust scoring system using the KMPT assessment outcome and Interview notes taken. The interview template includes Trust value-based questions and scoring indicators which enhances consistency and fairness.
- Each interviewing manager must fully complete assessment sheet and interview note for each candidate interviewed.
- The interview panel chair must complete the interview decision form (Appendix F and G) for both successful and unsuccessful candidate confirming the panel's joint view and assessment against the person specification and the reasons for the selection decision.

- Section A of the form should be completed for the unsuccessful. All sections must be completed for the successful candidate includes copies of all relevant documents signed with original seen, their full name, date and signature. The job details section on the interview decision form for the successful candidate must be fully completed as this information forms the basis of their Main Statement of Terms and Conditions of employment.
- Initial ID checks will be carried out at the interview stage. Candidates must supply at least three forms of ID which is specified in NHS Employers guidance. All documents must be valid, current and original. An ID appointment can be arranged with the successful candidate following the interview by the Recruitment team if the ID presented at interview does not meet the NHS Employers requirements.
- All ID documentation will be checked and verified by the hiring manager upon interview. All documents provided along with completed interview decision form must be photocopied, scanned and uploaded into TRAC immediately following the interview. The person uploading the documents must adhere to section 5.14 above.

Reasonable adjustment

- Where successful candidate is confirmed as having a disability, reasonable adjustments may need to be considered depends on their disability.
- The Trust has a duty of care to consider what reasonable adjustments can be made to working practices for disabled employee.
- Where it is agreed that reasonable adjustments need to be made this should be discussed with the Occupational Health team, employee relations team and the hiring manager to finalise required adjustments.

6 | Offer of employment

- Offers of employment are subject to satisfactory pre-employment checks.
- The hiring manager is responsible for contacting the successful applicants, where possible, to verbally offer the position 'subject to satisfactory pre-employment checks.' Start dates must not be arranged at this point.

- Candidates should not be advised to hand in their notice until they have been advised by the Recruitment team that their pre-employment checks have successfully been completed. Start dates can only be offered by the Recruitment team once all the pre-employment checks are completed. This applies to both internal and external candidates.

7 | Pre-employment checks

Pre-employment checks form an important part of the recruitment process and particular care should be taken to ensure that they are completed appropriately and at the right time following the guidance issued by NHS Employers. Hiring Managers have full visibility of this process via the TRAC system. The hiring manager has a responsibility to ensure that all candidates/employees are suitably screened before confirmation of employment is made

There are six main standards from NHS Employers Employment Check Standards (<https://www.nhsemployers.org/your-workforce/recruit/employment-check>) that the Trust must adhere to in the recruitment of employees. This includes permanent employees, employees on fixed-term contracts, volunteers, students, trainees, contractors, honorary candidates highly mobile employees, temporary workers (including locum doctors), those working on the Trust Bank, and other workers supplied by third party agencies.

- Identity checks
- Eligibility to work checks
- Employment history and reference checks
- Registration and qualification checks
- Work health assessment (occupational health) checks
- Disclosure and Barring Service (DBS) check (applicable to eligible posts both Standard and Enhanced) – refer to the DBS policy prior to commencing the recruitment process.

Disclosure and Barring Service (DBS) Check

- DBS policy outlines the circumstances in which candidates must have had a completed DBS check before their appointment can commence and the level of DBS required (refer to KMPT DBS policy on i-connect)
- DBS Risk Assessments: In cases where all other recruitment checks are completed

satisfactorily and the DBS is delayed, a risk assessment may be undertaken by the recruiting manager to commence a candidate prior to receipt of the DBS. This must be discussed with the Recruitment manager and Head of Service. DBS Risk Assessment must be completed by the recruiting manager to confirm that the candidate will not have unsupervised patient contact.

Fit and Proper Persons Test

The Trust is required to take proper steps to ensure Directors (both Executive and Non-Executive) are fit and proper for the role and will, therefore carry out all necessary checks to confirm that persons appointed to these roles:

- Are of good character
- Have the appropriate qualifications
- Are competent and skilled
- Have the relevant experience and ability
- Exhibit appropriate personal behaviour and business practices
- Have not been responsible for, or knowingly contributed to or facilitated, any serious misconduct or mismanagement in carrying out regulated activity.

Alert Register

Where the successful candidate is a registered health professional the Recruitment team will check the 'Alert Register' to ensure that no alert letter by the Healthcare Professional Alert Notices has been issued in relation to the candidate.

Internal Offer

Where existing employee is successfully offered a new role within KMPT, the Recruitment team will check the employee' current file and advise of which checks will be required in order to ensure that the checks in place meet current NHS Employment Check standards and at the right level for the new role.

Unsatisfactory Pre-employment checks

In circumstances where any of the pre-employment checks fail to satisfy the checking arrangements, the individual circumstances will be reviewed by the Hiring Manager in conjunction with an HR Advisor. The nature of the job for which the applicant is being considered should be risk assessed and a decision taken as to whether or not the offer of employment should be withdrawn. In the event of disagreement or uncertainty, the final decision on whether or not to proceed to an

appointment will be taken by the Care Group Director. If fraudulent activity is discovered during checks the counter fraud process would be initiated by contacting the Local Counter Fraud Specialist (LCFS). Details can be found on the Trust intranet.

8 | Sponsorship licence system, work permits or visas

The sponsorship licence system was introduced as part of the new provisions that came into force from 29 February 2008 and replaces the use of work permits for migrant workers issued by Work Permits (UK). If the Trust recruits foreign nationals from outside the UK/EEA, or who wish to extend the employment of an individual with a work permit when their visa expires, the Trust must apply for a sponsorship licence for tier 2, and issue a certificate of sponsorship (CoS) to migrants they wish to employ. It is the responsibility of the appointed individual to obtain and meet the cost of any visa required. Further information on whether the individual needs to apply can be obtained from www.ukvisas.gov.uk

Refugees

- NHS Employers is working closely with the Department of Health and Social Care (DHSC) and Non-Government Organisations (NGO's) to help place skilled refugee healthcare professionals back into employment.
- A refugee is a person who has had a positive decision on their claim for asylum under the 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention) and has been granted leave to remain in the UK.
- Individuals who do not meet the Refugee Convention's criteria for refugee status may qualify either for Humanitarian Protection (granted for 5 years) or Discretionary Leave (granted for up to 30 months, other than in exceptional circumstances).
- People who have been granted Humanitarian Protection or Discretionary Leave are not technically refugees, but they do have permission to live and work in the UK.

Further information can be found on www.nhsemployers.org/your-workforce/recruit/

employer-led-recruitment/refugee-healthcare-professionals

Asylum seekers

An asylum seeker is a person who has applied for recognition as a refugee under the Refugee Convention and is awaiting a decision on their asylum claim. Since 2003, asylum seekers do not have the right to work in the UK.

9 | External agency

For short term assignments, temporary nursing cover should be obtained via NHS Professionals. The contract with NHS Professionals stipulates that all staff provided under the contract are subject to appropriate employment checks under the GPS Framework. The Trust takes assurances from this Contract that appropriate checks are in place and an audit of personal files is undertaken

In all other circumstances, agencies used by the Trust should be Crown Commercial Services (CCS) approved. The Contract stipulates that all staff provided under the framework are subject to appropriate employment checks in accordance with NHS Employment Check Standards prior to them being supplied to the Trust. CCS undertakes audits, both planned and unplanned. The Trust takes assurances from the CCS Contract that is in place and requests reports on a quarterly basis from CCS that demonstrate that appropriate professional checks have been carried out.

In exceptional circumstances where NHS Professionals cannot fulfil the request for temporary staffing, then the Hiring Manager has a responsibility to assure themselves that the appropriate employment checks and professional registration checks have been undertaken and that they are satisfied that the member of staff should be working.

Should an occasion arise where a temporary staff member of staff from a non-CCS Approved Agency does not have the appropriate employment checks and professional registration in place, then the contract with that agency will be suspended pending an investigation and where necessary terminated.

Any agency staff (including but not limited to locum doctors, nursing staff, managerial or administrative staff) should have the same employment checks as staff employed by KMPT.

On agency staff arrival at work, the person in charge of the shift will need to check the identity and where applicable the professional registration of the agency worker. Only once their identity has been confirmed will the agency worker be allowed to commence work.

If there are any doubts about authenticity of documentation provided, the Local Counter Fraud Specialist (LCFS) must be notified. Details can be found on the Trust intranet.

10 | Appointment of locum medical staff

When hiring locum medical staff, the NHS Employment Check Standards need to be met. Please refer to the Locum Medical Staff Policy and the Medical HR department for further information. The policy can be found on <http://i-connect.kmpt.nhs.uk/downloads/hr-policies/Appointment%20of%20Locum%20Medical%20Staff.pdf>

11 | Bribery act

Any request, acceptance or receipt of a bribe or improper inducement during the recruitment and selection process will be investigated and could, if the case is found, lead to dismissal and criminal prosecution in accordance with the Bribery Act 2010.

12 | Implementation including training and awareness

All Managers who are required to recruit employees as part of their responsibilities will be expected to undertake training in this area. The training will be identified in the Training Prospectus for the Trust and will be one of the key areas of development within the Human Resources portfolio.

13 | Data collection and evidence

All recruitment data is monitored on an annual basis to ensure equality of service, that discrimination is eliminated and that there is

fair and equal treatment for all applicants, shortlisted candidates and successfully appointed employee.

14 | Medical recruitment documentation

All recruitment documentation resulting from an AAC will be kept in line with the Corporate Records Policy, please refer to the Medical HR department for further information. The policy can be found on <http://i-connect.kmpt.nhs.uk/downloads/it-policies/CorporateRecordsProcedureKMPT.InfG.039.07.pdf>

15 | Stakeholder, carer and user involvement

KMPT acknowledge the benefits of user involvement in our service redesign and other business practices such as recruitment. Within some of our clinical areas it is appropriate for us to involve a patient/service-user in the interview and selection process. Dependent upon the nature of the vacant post and the service in which the vacancy is, arrangements will be made to involve patients or people who access our services in the recruitment process.

The involvement of stakeholders, carers and users is predominantly confined to the involvement on recruitment panels of service users and carers for posts at band 7 and above. In these cases, appropriate training will be made available for those stakeholders who have responsibility for recruitment.

16 | Exceptions

These guidelines will not cover the recruitment of employees via an external agency such as NHS Professionals, or from a private sector provider of temporary staff.

These guidelines do not apply in full where there are alternative guidelines for the appointment of particular groups of employee i.e. Consultant/Medical appointments. In these circumstances, the appropriate guidelines will be followed.

In exceptional circumstances, guidance may be sought from the Deputy Director of Workforce and OD about any deviations from the guidelines.

Redeployment

1 | What this policy covers

This policy outlines the circumstances which may result in an employee being considered for redeployment, the procedure that should be followed and the potential outcomes. It should be read in conjunction with the recruitment, sickness management, improving conduct, capability and change management policies

2 | Principles

The purpose of redeployment is primarily to find alternative work for employees who cannot continue in their current job for reasons such as redundancy (Organisational change), sickness, capability or as an outcome of a conduct sanction. It is a commitment from KMPT to maintaining people in employment and seeks to retain key talent.

The Redeployment process exists to ensure that any employee, who find themselves in the position of being unable to continue to work in their current position, will have access to all vacant positions before they are released for general advertisement.

3 | Responsibilities

- KMPT has overall responsibility for ensuring that this policy is applied in a fair and consistent way.
- Managers are responsible for ensuring that employees are treated in a fair and equitable manner, they should seek to offer support throughout what can be a daunting process maintaining communication, reviewing progress and offering support. The line manager initiating the process will remain responsible for the employee through the entirety of the process until after the completion of the trial period.
- employee relations team will offer support to Managers in establishing whether redeployment status is applicable in any given circumstance.

- Employees are responsible for actively engaging with and being committed to the process, they are expected to search for alternative positions via trac (nhs jobs) on a regular basis.
- Recruitment team is responsible for the administration of the job matching process and in addition will assist the manager and the employee relations team in supporting the redeployee.

4 | Policy in practice

Redeployment – the process

Identifying the need for redeployment and initial meeting. The line manager will arrange a meeting with the employee to be redeployed in consultation with the employee relations team. The employee will be given the opportunity to be accompanied by a union representative or work place colleague except when redeployment is due to reorganisation and is covered by the Change Management Policy. In this instance the 1:1 consultation meeting will be with the line manager.

The purpose of the meeting is to:

- Explain the need for redeployment and the employee's status within it (e.g. length of time, if eligible to protection etc.)
- Explain the purpose and procedure, answering any questions/queries
- Review and book any in-house training courses that may be appropriate to aid redeployment
- Support the employee and offer advice
- Identify the date of registration (usually date registration form is completed)
- Complete the redeployment registration form which is used to match to vacant posts
- Determine length of redeployment period which will be discussed with the employee relations team and will be commensurate with the circumstances and related to contractual entitlements.
- Arrange and book first review meeting
- Clarify redeployee's role and commitment during the process

- Clarify line manager's role and commitment to the process
- Clarify the role of the Recruitment and employee relations team during the process

It is imperative that once the registration form is completed and has all necessary signatures, it is sent to Recruitment and copied to the employee relations team without delay in order that the matching process may start immediately.

Registration

Once the completed registration form is received by recruitment a letter/email confirmation is sent to the redeployee along with a copy of this policy.

The Matching Process

When any request for advertising a post are received by recruitment the redeployee register will be reviewed prior to publication of the vacancy to ascertain if there are any potential candidates within the redeployment process. Recruitment will notify the redeployee/relevant line managers/ employee relations team of any potential matches.

Matched posts will be held for a maximum of seven days (includes weekends) before being returned to the Recruitment team for advertising.

Should a redeployee become aware of a vacant post via other channels, they should contact their line manager/ employee relations team as soon as possible. A post/vacancy can be put on hold if a suitable redeployee becomes available at any time before an offer of employment is made through the normal recruitment process.

Employees cannot be redeployed into a position which attracts a higher band than their substantive position with the exception of employees who are looking for redeployment as a reasonable adjustment as advised by the Occupational Health provider who are deemed Disabled for the purposes of the Equality Act 2010.

Redeployees who unreasonably refuse offers of suitable alternative employment may lose their entitlement to either redundancy compensation or in some cases, the redeployment opportunity itself.

When a post is matched

When a redeployee expresses interest in a post, the process is as follows:

- Redeployee contacts line manager/ employee relations team to express interest
- Redeployee may also wish to contact appointing manager to determine their suitability for the post (the essential criteria, as identified in the person specification must be met)
- employee relations team contacts the appointing manager to inform them of redeployee's interest in their post and coordinates arrangements for a redeployment job chat to take place
- employee relations team will send appointing manager redeployee's CV/career history details to assist in the redeployment job chat
- In the case of medical redeployment confirmation from Occupational Health is not required prior to the redeployment job chat which should go ahead in order to prevent any delay. However, the redeployee would be unable to start in the post until OH clearance/clearance with adjustments has been received.

Where more than one redeployee is matched to a post, a selection interview will take place in line with the usual recruitment process and an offer will be made to the successful candidate.

After the redeployment interview

Following the redeployment interview/job chat the appointing manager will contact the current line manager and the employee relations team to arrange a start date for the redeployee or to commence a trial period (if applicable).

The employee relations team will contact recruitment to finalise the process as per the normal recruitment processes following successful selection.

If the redeployment interview/job chat is unsuccessful, the interviewing manager must discuss their decision in full with the employee relations team.

Trial periods

All redeployees matched to a post are entitled to a 4 week trial period in the new post.

A supportive development plan with relevant smart objectives should be implemented at the start of the trial period. The line manager and the employee should meet at regular intervals to discuss and review progress

Should either party feel the trial period is not working then the employee relations team should be contacted to help ascertain the reasons and suitability of the post.

When a Redeployee successfully completes their trial period, the appointing manager will confirm this with the redeployee, the original line manager and inform the employee relations team.

The appointing manager will complete a change form which will become the addendum to the employment contract.

Ill-health redeployment

Ill-health redeployment can often involve employees who meet the definition of disability contained in the Equality Act – they have a mental or physical impairment that has a substantial and long-term adverse effect on their ability to carry out their normal day-to-day activities. It is therefore important to ensure that decisions about the medical redeployment of employees, who may come within this definition, are taken with proper occupational health and employee relations advice.

Medical redeployment should only be considered after reasonable adjustments to the current work/workplace have been fully considered and explored and found not possible. The matter then may be expected to be resolved by redeploying the employee to work that they are fit to do.

Medical redeployment may be permanent or temporary.

Pay protection

Pay protection may apply when redeployment is due to organisational change under the Organisational Change and Pay Protection Policy.

Pay protection will not apply when redeployment is due to capability or ill-health reasons however where redeployment is a result of an accident or injury at work, the Temporary Injury Allowance will be paid where applicable.

Excess travel

Excess travel will only apply when redeployment is due to organisational change under the Organisational Change and Pay Protection Policy.

Individuals who are on maternity, adoption or additional paternity leave.

If an employee is on maternity, adoption or additional paternity leave during a period of organisational change and their post is redundant, KMPT will comply with its obligation to offer suitable alternative employment.

Redeployees in this position will be given priority for suitable posts. This means that if a vacancy is suitable for the employee exists they must be offered it even if this means they are treated more favourably than colleagues who are also at risk of redundancy. This is the case even if the colleague is better qualified for the position.

No redeployment opportunities

If no suitable redeployment opportunities have been identified during the redeployment period there may be no other alternative other than to consider grounds for dismissal. Contact should be made with the employee relations team for support and guidance with regard to proceeding to a formal dismissal.

Retirement

1 | What this policy covers

KMPT recognises that employees no longer have to retire at a specific age. This policy applies to all employees and enables KMPT to manage their retirement, while helping employees to better understand their options should they wish to retire.

This policy reflects ACAS best practice guidance, following removal of the Default Retirement Age (DRA) in October 2011.

2 | Principles

- KMPT is committed to creating a positive and inclusive environment, offering brilliant care through brilliant people, and ensuring all our employees have the perfect day at work. We respect equality and diversity, and encourage good relations between people of all ages.
- KMPT recognises the valuable contribution made by employees of all ages and will work towards eliminating prejudice and discrimination irrespective of age.
- Unless it has been agreed otherwise, employees wishing to retire will be expected to work their contracted notice periods.

3 | Responsibilities

- KMPT has overall responsibility for ensuring this policy is applied fairly and consistently
- KMPT managers are responsible for ensuring the practical application of this policy
- Employees considering retirement should ensure they understand the associated processes and financial implications before submitting their formal notice.
- Employees should be aware that it can take up to six months to process their pension request through NHS Pensions.

4 | Policy in practice

When an employee decides they wish to retire or wishes to explore retirement and return they

should take the following steps:

- The employee should discuss this with their manager and the pension department and give notice of their intention to retire. This must be done at least six months prior to their planned retirement date or date they wish their flexible retirement option to commence.
- The manager will meet with the employee to discuss and complete the Flexible working form/termination Form. Once complete the manager will send a copy to the Workforce Information Department.
- For employees retiring, complete a termination form as soon as possible to ensure that NHS Pensions Agency has sufficient time to process the pension prior to the employee leaving employment (minimum of six months)
- For employees choosing a flexible retirement option, complete the documentation as specified in the flexible retirement section of this policy.
- Employees will often have considerable knowledge of their role and responsibilities. Therefore, prior to retiring, the manager and employee will need to decide what would be helpful for the employee to do to ensure a smooth transition when they retire. This may include some of the following:
 - Provide full written details of the status of work projects and future steps.
 - Support their manager to produce an updated job description (where appropriate)
 - Ensure a smooth handover of work
 - Assist in training any successor

KMPT offers pre-retirement training at no cost to the employee. Details of this training are available from the Learning and Development Department. Managers should ensure that employees are given time off work to attend such courses.

KMPT seeks to retain the best talent, including older employees. Discussions with managers are an opportunity for both the employee and their manager to plan jointly for the future.

Employees should consider their pension provisions and financial impacts of both

retirement and flexible retirement options and should seek independent financial advice as necessary

Members of the NHS Pension Scheme

Many employees will be a member of the NHS Pension scheme. From 2015 there have been three sections of the scheme which have quite distinct differences. A summary of the key differences can be found by visiting <https://www.nhsbsa.nhs.uk> and searching for NHS Pension Schemes – An Overview.

The period used to calculate pension entitlement upon retirement is as follows:

- 1995 section – final salary based on the best of the last three years pensionable pay
- 2008 section – final salary based on the average of the best three consecutive years in the last 10 years
- 2015 section – career average re-valued earnings based on a proportion of pensionable earnings in each year of membership

Members of the NHS Pension Scheme will receive retirement benefits, which consist of an annual pension paid for life and a tax-free lump sum. The amount received depends on the individual's pensionable pay, the length of their membership in the scheme and various other factors that may or may not have impacted their pension.

Some members may be in multiple sections of the NHS Pension Scheme due to length of service. Advice on the impact of this should be sought from the NHS Pensions Agency. All employees can access their Total Reward Statement each year through ESR. This will provide an NHS Pension estimate.

Employees can also see what they will receive in respect of their Government pension by accessing the Government Gateway on <http://www.gateway.gov.uk>

Some employees may fall into a special class under the NHS Pension Scheme which means employees can retire at age 55 without a reduction in their pension benefit. This would be if the employee has agreed Mental Health Officer (MHO) status in which the employee and KMPT have confirmed in writing.

From April 2012 there were tax changes in relation to pensions. Higher paid employees, or employees who have multiple pensions,

may wish to pay particular attention to this information and consider the 'opt out' option outlined in the flexible retirement section below.

Flexible retirement

Flexible retirement can be considered; however, service need must always be at the forefront of management decision making and flexible retirement options will only be agreed if they can be accommodated within the service and ultimately do not negatively impact on service delivery. There are various flexible retirement options that can be considered and these are detailed below:

- **Wind down**
This is where an employee reduces their working hours within the post that they currently work. For this option the manager would need to complete a Staff Change Form and the employee would be paid for the hours they work.
- **Step down**
This is where an employee takes on a less demanding, lower paid role. The manager, if agreeing to the request, would need to complete a Staff Change form.
- **Opting out**
This is where an employee, who has reached the maximum amount that they can pay into their pension, opts out of paying any further NHS pension contributions. The employee should complete an SD502 pension opt out form (hard copy only) which can be downloaded from the NHS Pensions Agency website.
- **Bank working**
Employees wishing to choose this option should contact NHSP in advance of retiring from KMPT if they are not already working for them.
- **Retire and return**
This is where an employee retires from their role and returns either on the same hours or reduced hours, after a break in service. This should be requested on the Flexible Working form and the request made at the same time as submitting the request to retire. The manager should consider the request in line with the Flexible Working policy and advise the employee of their decision.

If agreed there must be a break in service of at least two weeks between retiring and returning to work. There are also implications regarding pensions if employees work over

16 hours a week in the first month following their retirement. If flexible retirement options are to be considered, it will be the employee's responsibility to check with the pensions department that the hours they are requesting to work are allowed under the NHS pension scheme rules.

The manager should complete a termination form showing the agreed date of leaving and also a New Starter Form and send them both to the Workforce Information Department. The manager should write on the New Starter form 'please transfer across all L and D records' to ensure the employee does not have to redo their essential training for the role.

Retirement party

Employees who have over ten years of service may apply for up to £100 towards catering for a retirement party. The money will come from the manager's local budget. Employees wishing to have a party must notify your Manager that they wish to have a party and their manager will make the arrangements.

The form to apply for the £100 towards catering can be found on i-connect on the Internal Forms page. The form should be completed and forwarded to the employee relations team, who will confirm the employee's length of service. Catering can be purchased from your local KMPT canteen or an outside provider using a Purchasing Card. Please discuss this with your Finance Business Partner to fully understand any budget implications

Employees wishing to return to a lower banded role following retirement

If an employee wishes to come back in a different role and they are a qualified nurse, then they should advise their manager. The individual should review Trac/NHS jobs to see whether there are any lower banded roles they could be considered for. The existing manager will liaise with the recruiting manager to advise of their employee's interest in the role.

The recruiting manager will arrange an interview to discuss the role with the employee, and if the employee is offered the role then a fast track recruitment process will be followed.

The employee will be expected to retire and take at least a two week break before commencing in their new role.

Roster management

1 | Introduction

Kent and Medway NHS and Social Care Partnership Trust (KMPT) recognises the value of its workforce and is committed to supporting employees to provide high quality patient care. Whilst acknowledging the need to balance the effective provision of service with supporting employees to achieve an appropriate work life balance, it is recognised that the organisation needs to be able to respond to changing service requirements. A flexible, efficient and robust rostering system is key to achieving this objective.

This policy principally covers all employees of Kent and Medway NHS and Social Care Partnership Trust (KMPT) who work on a 24/7 shift rotation. Conditions within this policy will also apply to all other employees as relevant to their particular departments working pattern.

2 | Purpose

The purpose of this policy is to ensure the effective utilisation of the Nursing and Therapeutic workforce through effective rostering by:

- Improving the utilisation of existing staff and reducing bank and agency spend by giving managers clear visibility of staff contracted hours
- Ensuring that rosters are fair, consistent and fit for purpose, with the appropriate skill mix, in order to ensure safe, high quality standards of care
- Providing accurate management information regarding the establishment thereby driving efficiencies in the workforce across wards/ departments
- Improving the monitoring and management of sickness and absence by department and/or individual, generating comparisons, identifying trends and priorities for action
- Improving the planning of non-clinical working days (unavailability), e.g. Annual and Study Leave

- Enabling the requirements of the European Working Time Directive to be balanced with the needs of service delivery
- Providing a mechanism for reporting against Key Performance Indicators (KPIs)
- Facilitating the payment of employees through data being entered at source

3 | Duties/responsibilities

Employees are responsible for:

- Attending work as per their duty roster
- Adhering to the requirements set out by the roster policy
- Being responsible and flexible with their roster requests and being considerate to their colleagues within the rules set out by the organisation
- Participate in full range of shifts
- Notifying the manager of changes to a planned or worked shift
- Notifying the manager of changes to personal details e.g. address, telephone number etc...
- Requesting shifts and annual leave using Employee on Line (EOL)
- Ensuring that personal details are kept up to date on Employee on Line (EOL) and ESR

Managers are responsible for:

- Ensuring that a quality roster is produced, maintained and finalised in line with Key Performance Indicators
- Ensuring that their expenditure does not exceed the allocated budget for the ward/ unit
- The Safe Staffing of the ward/unit, even if they do not directly undertake the task of producing the duty roster
- The Level 1 Approval of each roster using the Roster Analyser
- Nominating a Roster Creator and Deputy and ensuring that these staff are appropriately trained
- Ensuring that there are enough employees in the right place at the right time, based

on the agreed and funded skill mix, with required skills to meet the needs of the service

- The fair and equitable allocation of annual leave and study leave
- Considering all roster requests from employees, ensuring fairness and equality in working patterns
- Ensuring that all employees are aware of the local and organisation wide policies for rostering
- The implementation of intervention and recovery plans for ward/unit failing to meet KPIs

Roster creators are responsible for:

- The creation of all rosters ensuring compliance with
 - Unit staffing requirements
 - Roster policy requirements
 - KPIs
 - Associated HR policies
- In their absence the designated deputy is responsible for the roster creation
- Maintaining rosters on a weekly basis, ensuring the maintenance of an accurate governance record

Modern matrons/service managers are responsible for:

- Monitoring and approving the ward/unit duty roster on completion of the Level 2 approval using roster analyser, and in line with KPIs, rejecting rosters that do not comply.
- Approving all shifts where temporary staff are requested
- Approving all shifts where additional duties are required
- Providing guidance and support to managers or designated others in the creation of duty rosters, using KPIs as a reference
- Notifying finance of any additional hours agreed above the required staffing resource
- The implementation of intervention and recovery plans for wards/units failing to meet KPIs

eRoster administrators/workforce information department are responsible for:

- Producing and distribution of the organisation wide roster calendar each year

- Monitoring rosters on completion and reporting against KPIs, feeding back to the appropriate managers and senior managers where better rostering could improve the utilisation of the workforce
- Ensuring the HealthRoster system remains appropriately configured
- Providing support and ongoing training to the HealthRoster users
- Liaising with the HealthRoster Support Team to resolve system issues as required
- Ensuring data and interfaces between HealthRoster and ESR are aligned and functioning at an optimum to enable accurate payment of the workforce

Finance accountants are responsible for:

- Monitoring compliance within the organisation's headroom allowance
- Working with managers and the workforce information department in monitoring and reporting on KPIs in relation to temporary staff spend
- Working with managers and the workforce information department to manage, monitor and update on funded establishment changes affecting staff rostering

Director of workforce and organisational development has the overall responsible for:

- Delivering the eRostering vision and strategy
- Leading the performance management of rostering, against KPIs, to improve staff utilisation, reporting through performance mechanisms to the Board and providing assurance to the Board that benefits are being realised from the use of HealthRoster
- Reviewing KPI audits and ensuring the development and implementation of appropriate action plans
- Ensuring the implementation of intervention and recovery plans for wards/units failing to meet KPIs, escalating to the wider executive team as required
- Monitoring staff demand profile and temporary staffing usage against ward/unit establishments and safe staffing data.

4 | Policy in practice

Producing rosters

- All rosters must commence on the same day of the week, usually a Monday
- Rosters must be completed at least 12 weeks in advance of the start date for inpatient units and 6 weeks in advance for non-inpatient services using HealthRoster utilising the auto-roster function. This will enable employees to better manage their personal arrangements and by using the NHS Professionals (NHSP) interface to send vacant shifts to NHSP at the earliest opportunity to enable sufficient time to fill shifts
- All rosters should be composed to adequately cover 24 hours (or agreed set hours) utilising permanent employees proportionally across all shifts
- Shifts given a high priority on HealthRoster must be filled first i.e. nights and weekends. The use of bank, agency and overtime for nights and weekends should be avoided wherever possible
- If any employees are working non-standard shifts such as late starts, this should be entered to avoid misinterpretation
- All other therapeutic staff should also be entered where appropriate
- Quick roster guides are available on the eRoster webpage on the KMPT intranet site.

Validation and approval of rosters

- A completed roster must be reviewed by the manager and the service manager prior to being published
- The manager undertakes the Level 1 validation and approval checking the roster analyser information. The manager approves the roster and informs the modern matron/service manager that it is ready for review
- The modern matron/service manager completes the Level 2 validation and approval process and will finally approve the roster if it meets the defined parameters. This needs to be completed 12 weeks prior to the roster start date.
- If a roster is rejected an email should be sent to the roster creator and manager indicating why it was rejected, adding a note to the roster bar for reference. All rejected rosters must be reviewed and amended and must be

subject to a further approval process

Performance management

- Baseline assessments of the following KPIs should be reviewed annually by the organisation for each ward/unit
- Key Performance Indicators and Parameters will be set and monitored, using analysis reports by the organisation. The indicators monitored will include:
 - Fairness of roster
 - Efficiency of roster
 - Effectiveness of roster
 - Safety of roster

*Definitions are stated within the checklist for validating and approving rosters in the appendix

Changes to published rosters

- Whilst it is acknowledged that this task may be delegated, it is the responsibility of the manager to ensure that rosters are amended and kept up to date with additional shifts and non-clinical shifts (unavailability) i.e. sickness, no shows, study leave etc.
- All changes made after the roster has been approved must be recorded for audit purposes and if this has an impact on the booking of temporary staff, immediately communicated to NHSP
- Shift changes should be kept to the minimum. Staff are responsible for negotiating their own changes once the roster is completed. These changes must be approved by the manager
- All changes should be made with an equal grade and with consideration for the overall skill mix of all shifts changed. The skill mix and patient dependency factors must be taken into consideration. If an equivalent pay band is not available, then the shift change must be agreed with the modern matron/service manager prior to its approval
- All updates to roster must be made as soon as practically possible after occurrence, taking into consideration. Payroll deadlines/cut offs (this includes changes to shifts, times of attendance, late finishes, sickness and holidays). The actual worked roster must be verified by the manager by 8am every Monday for the previous week. It is the manager's responsibility to ensure appropriate staff have access and are trained to make these changes.

5 | Skill mixing and staffing

Skill mix

- An agreed and funded staffing baseline is essential to delivering high quality care. Each ward/unit should have an agreed total number of employees and skill mix for each shift, approved by the chief nurse, service manager, modern matron and manager
- The skill mix and establishment should be reviewed at least annually with the budget setting and workforce planning process. Skill mix and establishment reviews may happen more frequently if a need/risk is identified
- In areas where the workload is known to vary according to the day of the week staff numbers and skill mix should reflect this
- Each area should have an agreed level of employees with specific competencies on each shift, to enable appropriate cover e.g. taking charge, giving medication, ability to perform assessments and observations etc.
- The off duty for senior staff must be compatible with their commitment to any on call periods
- There must be a dedicated person in charge for each shift who has been identified as having the required skills for a co-ordinating role
- To achieve a balance of skills across all shifts senior staff should work opposite shifts
- Managers should routinely work Monday – Friday and not weekends. However, it is recognised that there will be occasions where this will be necessary. Managers should not work nights without prior approval from modern matron/service manager

Flexible working

KMPT will seriously consider requests for flexible working in line with the Flexible Working Policy, but may on occasion be unable to agree to requests of individual staff, if their proposed working pattern cannot be accommodated within service needs. Service needs will take priority when creating a roster and achieving safe staffing numbers and an appropriate skill mix is essential.

Requests

- Each department will use HealthRoster/Employee on Line (EoL) systems for

employees to make requests for all types of leave

- A comment must be provided indicating whether the request is high priority or low priority
- Requests will be calculated according to individual's hours of work and will be pro-rata'd for part time staff
- All requests will be considered in the light of service needs and the ward/unit manager will endeavour, as far as possible, to meet individual requests. However, it cannot be assumed that the roster will be developed to accommodate all requests, including high priority requests, as service needs will take priority
- The manager is responsible for approving all requests
- Personal patterns are not to be considered as requests
- Fairness in the allocation of requests will be monitored using the appropriate league tables

Shift patterns

- Employees will be required to work a variety of shifts and shift patterns as agreed by their manager. All shift patterns must include shifts with 7.5 hours working time or ten hours working time.
- This is an example of the timings for a shift pattern covering a 24/7 service:

	Shift model 1		
	Early	Late	Night
Start time	7am	1.10pm	8.35pm
Finish time	2.50pm	9pm	7.35am
Handover	40 mins		
Shift duration	7hrs 50 mins	7hrs 30 mins	11 hours
Unpaid break	20 mins		60 mins
Working time	7hrs 30 mins	7hrs 30 mins	10 hours

Shift start and end times are examples. Services/departments may choose to begin shifts at alternative times but duration of shifts must remain consistent. Therefore, if for example the early shift begins at 6.30am, then it must end at 2.20pm (if the unpaid break is to be 20 minutes' duration) with the late shift beginning at 1.40pm in this example, and so on.

- Allowable shift combinations. For all employees no two shifts are to begin on the same calendar day, or to overlap.

	Break between shifts	Allowable under Working Time Directive?
Early followed by late	23hrs 20 mins	YES
Early followed by night	30hrs 30 mins	YES
Late followed by early*	9hrs	NO
Late followed by night	23hrs 20 mins	YES
Night followed by early	23hrs 20 mins	YES
Night followed by late	7hrs 10 mins	NO

*The most obvious solution to this would be to complete shifts in blocks of same shifts, e.g. a week of earlies etc. The issue of early following a late shift only occurs if shifts are split and varied during the working week. The solution to this issue will be for local determination at a departmental level.

- Employees may work long shifts, short shifts or a combination of both in order to meet the service requirements
- Variations to these shifts may be worked but must be agreed with the manager. A written record of the shift agreement (personal patterns) will be kept for all variations in shifts and will be reviewed regularly
- Employees may have a minimum of one weekend off per 4-week roster, in normal circumstances (unless they specifically request not to have a weekend off). Additional weekends off can be rostered if the service needs allow
- The number of consecutive standard day shifts recommended for employees to work is 5. Employees may work more than this (to a maximum of 7) if they specifically request to
- The number of consecutive 12-hour shift (Long Day) recommended for employees to work is 2. Employees may work more than

this (to a maximum of 3) if they specifically request to

- Night Duty should not exceed a maximum of 4 consecutive shifts
- All employees should have 11-hour rest before their next shift. Where short shifts are the norm, a late to early shift pattern should be avoided
- All employees must have a 24 hours' rest in every 7 days OR 48 hours' rest in every 14 days
- Under the European Working Time Directive (WTD) employees must not work more than an average of 48 hours per week over a 17-week period

Breaks during shifts

- All shifts of 6 hours or more (up to 12 hours) must include a minimum of 20-minute unpaid break and a 40-minute unpaid break for shifts of 12 hours or more in accordance with Agenda for Change and the European Working Time Directive
- Night shifts must include a 60-minute unpaid break
- The manager or person in charge and the employee are responsible for ensuring breaks are taken. If breaks are unable to be taken at an agreed time due to clinical need, they should be taken as soon after this point as possible
- Breaks should not be taken at the end of the shift, as their purpose is to provide rest time during the shift
- Sleep within clinical and public areas on KMPT premises on any shift is not allowed. Employees may rest in designated rooms within their break period, but must return to their clinical area to work at the set time

Redeployment of employees

During employee shortages it is accepted that employees may be required to work in other clinical areas to provide a safe and efficient service. The Modern Matron/Service Manager or other designated person for each area is responsible for the redeployment of employees within the locality to meet service needs.

6 | Non-clinical days and unavailability

Annual leave

- Annual leave is allocated in hours for all employees
- The manager is responsible for approving all annual leave, in accordance with KMPT's Annual Leave Policy
- Every employee is responsible for booking their annual leave in accordance with KMPT's Annual Leave Policy
- Fifty per cent of annual leave including time allowed for bank holiday should, where possible, be booked by the 31st May and the remainder by the 31st October.
- Annual leave must not be booked over the Christmas and New Year period until the Manager is satisfied it is not going to require cover with temporary staff.
- Staff must not undertake any work for KMPT during any period of annual leave up to and including 28 days (5.6 weeks) pro-rata. Nor should they work for any other employer during this period of annual leave. This is inclusive of Bank Holidays.
- Therefore, for a full time employee with ten years' service, of their entitlement to 33 days plus the usual eight days Bank Holiday (total 41 days), 28 days should be used solely for the purpose of annual leave.
- Employees should not make more than six requests within a 28-day roster period pro-rata (see table below) for part time unless there are exceptional circumstances. Managers should endeavour to comply with all reasonable requests; however, this should not require the use of agency staff. All staff must have equal access to requests for particular shifts/time off.

Contracted hours	Number of requests per roster period
0 – 7.5	2
Over 7.5 up to 15	3
Over 15 up to 22.5	4
Over 22.5 up to 30	5
Over 30 up to 37.5	6

Study leave

- Study Leave will be assigned in line with Mandatory and Statutory requirements and the Study Leave Policy
- The manager should:
 - Utilise the available number of study leave days in each roster
 - Prioritise essential training for the role which may include induction, updates etc...
 - Produce rosters ensuring employees have the required essential training for the role

Time off in lieu

- Any time worked by employees over and above their contracted hours should be sanctioned by the manager and recorded on the roster
- Any time claimed back, via time owing must be recorded and signed by the manager. These shifts should be allocated on the roster as "Day Off"
- However, employees who, for operational reasons, are unable to take time off in lieu within 3 months must be paid in accordance with Agenda for Change terms and conditions

Unavailability rules

Unavailability rules will be set within HealthRoster to support the manager in managing leave more effectively. This will include Annual Leave, Sick Leave and Study Leave rules

7 | Unplanned system failure

- In the event of a system failure and to enable business continuity, it is necessary that the roster is printed after each update and that all previous versions removed. This will ensure that each department always has hard-copy access to the most up to date version of the roster.
- In the unlikely event that employees are unable to access HealthRoster the hard copy roster will be updated by hand until such a time as the system is available.
- eRoster helpdesk administrators will liaise with system providers in ensuring any system failure is being dealt with and will be

responsible for notifying all managers when the system is fixed

8 | Quick guide to producing a roster

- **Week 1 – Open e-requests period using Employee Online**
Request period available for staff to complete, with a stated closing date
- **Week 3 – Produce roster**
Close requests, print staff hours' report, produce roster, using all available hours and filling most expensive and undesirable shifts (nights and weekends) first
- **Week 4 – Analyse, approve and publish roster**
Analyse roster to assess effectiveness, make relevant changes to ensure within defined parameters e.g. unavailability and approve. Pass Roster approved by Ward/Unit Manager to Modern Matron/Service Manager for 2nd Level approval.
- **Week 4-8 – Lead time**
Fill shortfalls – Send vacant shifts to be filled by Bank (NHSP). Enter all approved changes to planned roster e.g. swaps, late leave requests etc...
- **Week 9-12 – Work and manage roster**
Enter changes on to HealthRoster as they occur e.g. swaps, sickness, leave and time owing

*All user guides including a copy of the current Roster Production Calendar can be found on i-connect.

Secondary employment

1 | What this policy covers

This policy provides guidance on how additional employment can be undertaken whilst being a KMPT employee. It is designed to ensure that employees can maintain a high-quality professional service when working for KMPT, while being able to take on other work without it impacting negatively on their role. This policy will also help to prevent employees or KMPT contravening legislation on working time, including the total hours worked, breaks between work periods and annual leave. Some employees have contracts of employment detailing more specific provisions about secondary employment.

In such cases, these apply in addition to this Policy's provisions.

Definitions

In this policy, the term 'secondary employment' covers:

- any additional employment within KMPT over and above your contracted hours
- external bank, locum or agency work
- paid employment inside and outside of KMPT including on-call service provision to other services
- work you may undertake as a self-employed person
- private practice.

2 | Principles

- In most situations, it is accepted that secondary employment will not constitute a conflict of interest in relation to your work for KMPT. However, to avoid any doubt, it is important that there is total transparency about these arrangements, so there is no appearance or accusation of such a conflict.
- While KMPT recognises that for career progression or financial reasons you may wish to undertake secondary employment, it has a duty to ensure that you do not engage in other paid or unpaid work that

may conflict with the interests of, or affect your performance or attendance under your contract of employment with KMPT.

3 | Responsibilities

- All employees must adhere to the terms of this Policy. Failure to comply, or ignoring the refusal of a request, may result in further action being taken under the Improving Conduct Policy.
- The Medical Director is responsible for ensuring time spent on private practice by medical staff is reviewed each year as part of the job-planning process to ensure it is being undertaken either outside of NHS paid time or the equivalent time is paid back to the NHS. (See Job Planning Policy for Consultants)
- Managers are responsible for ensuring employees are made aware of this Policy, and that the process to notify KMPT of any secondary employment is followed by their team.
- Where you are undertaking secondary employment, it is the employee's responsibility to ensure that their performance in their primary post is not affected.
- It is also their responsibility to notify their manager immediately if their secondary employment ceases or substantially changes (e.g. the number of hours worked or pattern of shifts). In most situations, secondary employment will not constitute a conflict of interest in relation to your work for KMPT. However, to avoid any doubt, it is important that there is total transparency.

4 | Policy in practice

Conditions

You are permitted to undertake additional work, providing KMPT is satisfied that this does not conflict with:

- National terms of conditions of employment and/or your own contract of employment.

- The reputation of KMPT, or bring KMPT into disrepute.
- The performance in the employee's KMPT role.
- The employee's wellbeing and levels of sickness absence.

Notification of secondary employment - pre-employment

Those offered jobs with KMPT will be asked to disclose any secondary employment they intend to continue after starting employment with KMPT, using the Secondary Employment Notification form. The Recruitment Team will tell the relevant manager about any such disclosures, who will then consider whether the secondary employment must be discussed with the potential employee and parameters established to ensure there is no adverse impact on their KMPT role. In the case of new starters, this discussion will take place before their job offer is progressed. If a secondary employment declaration is not acceptable and the appointee wishes to continue with their conditional offer of employment, they must confirm in writing they will have ceased secondary employment prior to taking up employment with KMPT.

During employment If employees are considering taking up secondary employment, including bank, locum and agency work, they must declare their intention by completing the Secondary Employment Notification form. On receipt of the form, the manager must meet with them to discuss the secondary employment and potential impact on their current primary job, paying particular attention to performance and attendance.

Having considered all the factors, they will decide whether the secondary employment would be detrimental or not. Part 2 of the Secondary Employment Notification form should be completed, stating the manager's decision, with a copy retained on their personal file. Withdrawing permission If the manager can clearly demonstrate that any secondary employment is having an adverse impact on the employee's performance, attendance or time-keeping, they will ask them to cease their secondary employment. If you decline, your manager will investigate. The findings of the investigation will be shared with you and your manager and employee relations will advise on the appropriate next steps. If a secondary

employment declaration is not acceptable and the appointee wishes to continue with their conditional offer of employment, they must confirm in writing they will have ceased secondary employment prior to taking up employment with KMPT.

5 | Disputes

If an employee wishes to dispute the decision of the manager to decline an application for secondary employment, the employee should do so using KMPT's Grievance Policy.

6 | Medical and dental employees

Doctors must adhere to the conditions set out in their terms and conditions of employment and the Department of Health Code of Conduct for Private Practice with regard to private practice and fee-paying services. Doctors and Dentists may undertake private practice or work for outside agencies, providing they have declared it and they do not do so within KMPT contracted time.

7 | Sickness

Employees must inform their manager, who will seek guidance from employee relations and Occupational Health regarding the prospect of the employee continuing any secondary employment where you are unfit for KMPT work. Employees are normally required to refrain from secondary employment while on sick leave. Working elsewhere while on paid sick leave from KMPT, without having obtained permission from KMPT beforehand, could be regarded as fraud, and/or a conduct issue, which will be dealt with under KMPT's Anti-Fraud, Bribery and Corruption Policy. However, if you have two different types of work that enables the employee to work in one post while sick in another, they will not be entitled to Statutory Sick Pay, but they may be eligible to receive Occupational Sick Pay for the post they are unable to perform, if approved by the Occupational Health Department.

8 | Attendance and time-keeping

Any adverse impact on attendance and/or time-keeping as a result of secondary employment will be investigated.

9 | Working time regulations

KMPT must ensure that employees comply with the Working Time Regulations, and if they have secondary employment and regularly work more than 48 combined hours per week, the employee must sign a Working Time Regulations “opt out” form. This is available on the Policies and guidelines page on the KMPT intranet.

Secondment and acting-up (non-medical)

1 | What this policy covers

This policy outlines a clear procedure for employees directly employed by KMPT wishing to undertake a secondment or acting up opportunity. Employees on fixed term contracts of more than two years may apply for secondment opportunities. All employees must have completed their probationary period in order to be eligible.

A secondment or acting-up may be to develop and enhance their skills, knowledge and experiences, to assist in understanding different perspectives and challenges and/or to develop networking opportunities and a wider pool of working relationships with external Trusts/ companies.

This policy is for:

- Employees seeking secondment or acting-up opportunities (except medical employees).
- Managers wishing to create a secondment or acting-up opportunity.

2 | Principles

KMPT acknowledges and supports employees wishing to pursue their career development and recognises secondment and acting up opportunities can provide employees with valuable opportunities to consolidate existing skills and experiences or to gain further skills, experience, knowledge and abilities that may not exist within their current post. It is also a means by which KMPT can use individuals' skills most effectively by assigning appropriately qualified and experienced employees to key areas, such as special projects, which require specific skills.

3 | Responsibilities

KMPT has a responsibility to ensure that this policy and procedure is applied fairly and equitably to all employees. The employee relations team can provide advice and support

on this policy and procedure as required.

Managers have a responsibility to:

- Ensure they understand and correctly implement this policy and procedure equally, fairly and consistently to all employees.
- Ensure all secondment or acting up opportunities are advertised and filled in line with this policy and procedure.
- Ensure that 'Change Forms' are processed in a timely manner and ensure that correct notice is given at the end of secondment and acting-up arrangements as per this policy and procedure.

4 | Policy in practice

Internal secondments

Secondments occur when an employee or employees temporarily transfer to work in another NHS organisation or a different part of KMPT for a specific purpose and a specific period of time. Part-time secondments, for example one day a week, may also be appropriate to work on particular projects, again these will be for a specific time period.

Secondment periods can be extended with agreement from all parties. Secondments can be ended early following discussion and agreement with all parties concerned and one months' notice should be given.

All secondment opportunities, regardless of length, must be advertised internally in accordance with KMPT's Recruitment and Selection Policy. The only exception to open competition is where employees are considered 'at risk'.

Employees wishing to be considered for an advertised secondment opportunity must discuss their request with their manager prior to making an application. All applications must be supported by the manager.

The personal development plan process will also assist in identifying suitable secondment opportunities. Other factors that should be considered include training needs during and following a period of secondment. The manager

will take into consideration the impact on service delivery and patient experience as well as the development needs and development potential of the employee, and the wider benefit to KMPT in the secondment going ahead.

There may be service requirements which mean that the employee cannot be released from their post to take on a secondment. If the manager decides that it is not possible to release the employee on secondment they will be required to provide objectively justifiable reasons for the decision. The manager's decision is final and there is no right of appeal.

Managers that are able to authorise a secondment opportunity should contact the Recruitment team, who will issue a secondment agreement. The agreement should be signed by all parties involved in the secondment. The salary of the individual undertaking the temporary arrangements will be adjusted accordingly, if required, in line with Agenda for Change pay scales.

External secondments

Substantive employees may apply for any external secondment opportunity. Before making any application employees must discuss the opportunity with their manager. Employees will need to agree with their manager whether this can be accommodated, how their existing post will be filled in their absence, the duration of the secondment and whether they will be able to return to their existing post or another suitable alternative post at the end of the secondment.

Requests for such secondment opportunities should not be unreasonably refused. The manager agreeing to the secondment is responsible for negotiating with and notifying the external organisation of the salary to be reimbursed. This should cover all employment costs including employer contributions to National Insurance and Pension, plus an administration fee to cover back office and administration overheads.

The agreement must be in writing and confirm that KMPT will not indemnify the external organisation for any loss or damage caused as a result of any action or omission of the individual. In this situation KMPT will remain as the employer of the individual throughout the secondment. Employees who have been in a

secondment position will need to apply for the position when it is advertised as a substantive post, following the KMPT Recruitment and Selection Policy.

If, during the term of the secondment, organisational change results in the original post being substantively altered or made redundant, the employee will be consulted with regarding this change managed under KMPT's Change Management Policy.

End of a secondment

At least four weeks prior to the end of the secondment the seconding manager will write to the employee advising that the secondment will end and arrangements for their return to their substantive post will be made.

Discussions should take place with the appropriate manager to ensure a smooth return. The substantive post's manager is responsible for completing and submitting a 'Change Form' to the Workforce Information team to meet monthly payroll deadlines. Should the secondment finish early, it is the secondment manager's responsibility to liaise with the substantive manager and provide objectively justifiable reasons for the secondment finishing early. At least four weeks' notice should be given to the substantive manager.

Once the secondment has ended and the employee has returned to their former or alternative role a review of the secondment experience should be undertaken with their original manager.

Acting-up

From time to time it will be necessary for employees to cover the duties of another employee. Such temporary allocation of duties within an employee's competence is a normal part of work and will include duties at the same or differing levels and in the same or a different capacity.

Acting-up arrangements are designed to cover an extended absence from work of the original post holder or on a short-term basis, whilst a post is being either reviewed or the recruitment process is underway. For example, to cover maternity leave, long term absence or other temporary absences (e.g. secondment, extended leave or undertake short term projects). These should not exceed six months unless in exceptional circumstances and should be with

agreed by the Head of Service.

The salary of the individual undertaking the temporary promotion arrangements will be adjusted accordingly in line with Agenda for Change pay scales.

Full agreement between the employee and their manager must be reached regarding the duration and start/end dates for the appointment.

Before acting-up

It is the responsibility of the relevant manager to identify a requirement for a temporary acting-up opportunity, by consulting with the senior management team, the employee relations team and the Finance Department as appropriate. An offer of acting-up should not be made until these discussions have taken place and authorisation for the post has been given. Should an acting-up opportunity be likely to continue for a period longer than six months the manager may feel it be more appropriate to offer it as a secondment.

Selection

Where there is a designated deputy for the post, that individual should be offered the opportunity to act-up into the post providing they are qualified to do so.

- Where there is no designated deputy or the post is new, the manager must ensure that the acting-up opportunity is opened up to all employees within the work area that would be eligible for the acting up opportunity.
- If more than one person puts themselves forward for the acting-up opportunity, then a competitive selection process (usually interview) will be arranged and the strongest candidate will be offered the acting-up opportunity as per normal recruitment practice.
- If there is no suitable candidate within the work area the post should be advertised internally following KMPT's Recruitment and Selection Policy.

End of acting-up

The post holder is entitled to return to their substantive post on the same Terms and Conditions following the end of the acting-up provided no change management process has been undertaken. At least four weeks prior to the end of the acting-up period, the employee will be written to by their substantive

manager advising that the acting-up will end and arrangements for their return to their substantive post will be made. Discussions should take place with the appropriate manager to ensure a smooth return.

The manager is responsible for completing and submitting a Change Form to the Workforce Information Department within usual monthly payroll deadlines. Should the acting-up finish early, it is the manager's responsibility to provide objectively justifiable reasons for the acting-up finishing early. At least four weeks' notice should be given. Employees who have been in an acting-up position will need to apply for the position if it is advertised as a substantive post, following KMPT Recruitment and Selection Policy.

Once the acting-up has ended and the individual has returned to their former or alternative role a review of the acting-up experience should be undertaken with the manager as part of their appraisal.

Shared parental leave

1 | What this policy covers

Shared parental leave enables eligible parents to choose how to share the care of their child during the first year of life or adoption.

All eligible employees have a statutory right to take Shared Parental Leave (SPL). There may also be an entitlement to some Shared Parental Pay (ShPP).

This policy provides an overview of the statutory rights and explains the notification process and what the statutory ShPP entitlements are.

2 | Principles

While KMPT recognises its statutory responsibilities and supports the principle of SPL, decisions in respect of when the leave is taken will need to take account of service demands.

Leave granted in respect of this policy must be used for caring for the employee's child. Use for any other purpose and fraudulent claims could result in disciplinary and criminal action being taken against the employee.

3 | Responsibilities

- KMPT aims to ensure that applications for SPL are treated appropriately in accordance with this policy and in a way that does not discriminate.
- Managers are responsible for actioning requests for SPL in accordance with this policy.
- Employees wishing to take SPL should comply with the procedures and timescales outlined in this policy.
- The employee relations team can advise managers and employees about the various KMPT policies and options available for childcare.

4 | Policy in practice

Eligibility for SPL

To qualify for SPL employees must share responsibility for the child with one of the following:

- the husband, wife, civil partner or joint adopter
- the child's other parent
- the employee's partner (if they live with them and the child).

In addition, each of the following criteria must be met:

- The employee or their partner must be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance.
- The employee must have worked continuously for the same employer for at least 26 weeks by the end of the 15th week before the due date (or by the date they are matched with their adopted child).
- Employees must stay with KMPT whilst they take SPL. During the 66 weeks before the expected week of childbirth (or the week they are matched with their adopted child) the person with whom they wish to take your SPL with must:
 - Have been working for at least 26 weeks (the weeks do not need to be continuous) and do not necessarily need to be working at the date of birth/adoption or when they start SPL or ShPP
 - Have earned at least £390* in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row).

*Please note that this rate may change.

Notifying KMPT

Employees who are entitled and intend to take SPL must notify their manager of their entitlement and intention to take to SPL at least eight weeks before the intended leave. Use the Shared Parental Leave Notification form (available via KMPT's Documents page on i-connect). This should be sent to their manager with a completed entitlement questionnaire

(available at www.gov.uk/pay-leave-for-parents) and then sent onto the employee relations team for processing.

Requesting further evidence of eligibility

Within 14 days of the SPL entitlement notification being given KMPT may request:

- The name and business address of their partner's employer (if the employee's partner is no longer employed or is self-employed their contact details must be given instead).
- In the case of biological parents, a copy of the child's birth certificate (or where one has not been issued, a declaration of the time and place of birth).
- In cases of adoption, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
- To take SPL, the employee must produce this information within 14 days of the employer's request.

Booking and taking SPL

Employees can only start SPL or receive ShPP once the child has been born or placed for adoption. The mother (or the person getting adoption leave or pay) must do one of the following:

- End any maternity or adoption leave by returning to work with her employer.
- Give the employer "binding notice" (i.e. a decision that can't normally be changed) of the date when they plan to end any maternity or adoption leave.
- End any maternity pay, Maternity Allowance or adoption pay.

The mother or adopter must give at least 8 weeks notice to the employer (for maternity or adoption pay) or to Jobcentre Plus (for Maternity Allowance) if they have not returned to work.

Employees can start SPL or ShPP while their partner is still on maternity or adoption leave and pay as long as they have given binding notice to end it.

A mother cannot return to work before the end of the compulsory two weeks of maternity leave following the birth. If you are adopting, the person claiming adoption pay must take at least two weeks of adoption leave.

Example one

A mother and her partner are both eligible for SPL. The mother goes on maternity leave two weeks before her baby is born. She gives notice to her employer that she will take 16 weeks of maternity leave.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as her partner has given at least eight weeks' notice to their employer).

Booking blocks of leave

Employees can book up to three separate blocks of SPL ("discontinuous leave") instead of taking it all in one go ("continuous leave"), even if they are not sharing the leave with their partner.

If their partner is also eligible for SPL they can take up to three blocks of leave each. They can take leave at different times or both at the same time.

Employees must inform KMPT about their plans for leave when they apply for SPL. Employees can change these plans later but they must give KMPT at least eight weeks notice before they want to begin a block of leave.

Splitting blocks of leave

If KMPT agrees employees can split blocks into shorter periods of at least a week.

Cancelling decisions to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- The planned end date has not passed and
- They have not already returned to work.

One of the following must also apply:

- The employee finds out during the eight week notice period that neither of them is eligible for SPL or ShPP, thereby necessitating an earlier return to work.
- The mother or adopter's partner has died.
- The mother informs her employer less than six weeks after the birth (and she gave notice that she was going to return before the birth).

Discussions regarding SPL

If employees are considering or taking SPL they should contact their manager to arrange a discussion as early as possible regarding their potential entitlement and to discuss their plans.

Upon receiving a notification of entitlement to take SPL where the leave is to be continuous, the manager should meet with the employee to discuss the detailed arrangements. However, the leave will be agreed, because it is a statutory entitlement and the SPL dates will be confirmed to the employee in writing within 14 days of notification.

Where the request is for discontinuous leave, if this can be agreed without further discussion, a meeting may not be necessary and the SPL dates will be confirmed to the employee in writing within 14 days of notification. However, in some circumstances it may be necessary for a meeting to be held with the employee relations team and the manager to discuss how the leave proposal could be mutually agreed.

Example two

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who is also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December. She gives her employer notice that she will go on leave again in February – this is her second block of SPL. Her employer agrees to a work pattern of 2-weeks-on, 2-weeks-off, during the block.

All requests for discontinuous leave will be carefully considered case by case, weighing up the potential benefits to the employee and KMPT against any adverse impact to service delivery. Agreeing to one request will not set a precedent.

If the original proposal for discontinuous leave or other options cannot be agreed, this will be confirmed in writing within 14 days after which employees can request to take continuous leave.

Variations to arranged SPL

Each variation or cancellation notification made

by the employee, including notice to return to work early, will usually count as a new notification and be counted against the three notifications to which employees are entitled. However, a change as a result of a child being born early, or as a result of KMPT requesting it be changed and the employee agreeing, will not count as further notification and therefore will not affect their overall entitlement of three. KMPT will confirm any variation in writing.

Statutory ShPP

Employees will receive ShPP if one of the following applies:

- They are eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP).
- They are eligible for Statutory Paternity Pay (SPP) and their partner is eligible for SMP, Maternity Allowance (MA) or SAP.

If the employee is eligible and they or their partner end maternity or adoption leave and pay (or MA) early, they cannot take the rest of the 52 weeks of maternity or adoption leave as SPL.

Employees should take the rest of the 39 weeks of maternity or adoption pay (or MA) as Statutory ShPP.

How much pay you will receive

ShPP is paid at the current rate of statutory shared parental leave pay (details can be found at the HMRC website) or 90 per cent of your average weekly earnings, whichever is lower. This is the same as SMP, except that during the first six weeks, SMP is paid at 90 per cent of whatever they earn (with no maximum).

Example three

A mother decides to start her maternity leave four weeks before the due date and gives notice that she will start SPL 10 weeks after the birth (taking a total of 14 weeks maternity leave). She normally earns £200 a week.

She is paid £180 (90 per cent of her average weekly earnings) as SMP for the first six weeks of maternity leave, then £139.58 a week for the next eight weeks. Once she goes onto SPL, she is still paid £139.58 a week.

Terms and conditions during SPL

During the period of SPL, your contract of employment continues without change and you are entitled to receive all your contractual benefits, except for salary.

Pension contributions will continue to be made during any period when employees are receiving ShPP, but not during any period of unpaid SPL. Their employee contributions will be based on actual pay, while KMPT's contributions will be based on the salary that the employee would have received had they not been taking SPL.

Annual leave

SPL is granted in addition to the normal annual holiday entitlement.

Contact during SPL

Before your SPL begins your manager will discuss arrangements for you to keep in touch during your leave. KMPT reserves the right to maintain reasonable contact with you from time to time during your SPL.

This may be to discuss the plans to return to work, ensure that employees on SPL are aware of any possible promotion opportunities, talk about any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

SPL In Touch days

Employees can agree to work at KMPT (or attend training) for up to 20 days during SPL without bringing the period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as 'SPL In Touch' or 'SPLIT' days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

KMPT has no right to require employees to carry out any work and is under no obligation to offer employees any work during their SPL.

Any work undertaken is a matter for agreement between the employee and KMPT. If they undertake a SPLIT day, they will receive full pay for any day worked. If a SPLIT day occurs during a week when they are receiving ShPP, this will be effectively "topped up" so that they receive full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

Employees may with the agreement of KMPT use SPLIT days to work part of a week during

SPL. SPLIT days may also be used to affect a gradual return-to-work towards the end of a long period of SPL or to trial a possible flexible working pattern.

Returning to work after SPL

Employees will have been formally advised in writing by the employee relations team of the end date of any period of SPL. They are expected to return on the next working day after this date, unless they notify KMPT otherwise. If the employee is unable to attend work because of sickness or injury, normal arrangements for sickness absence will apply.

On returning to work after SPL employees are entitled to return to the same role and terms and conditions if their aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.

The same role is the one they performed immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL.

On returning from SPL they are entitled to return to the same or similar role on no less favourable terms of employment.

Sickness management

1 | What this policy covers

This policy seeks to ensure that employees who are genuinely unwell are treated fairly and consistently, while minimising the impact of their sickness absence on KMPT.

This policy also explains how sickness absence should be reported, the effects of sickness on employees' pay and annual leave, and how KMPT manages short-term and long-term absence. For the purpose of this policy the following definitions apply:

- **Short-term sickness absence:** absence of fewer than four consecutive weeks – usually odd days or a few days at a time – throughout the year.
- **Long-term sickness absence:** long-term absence through illness or injury because of serious or significant illness or a disability which lasts (or is expected to last) for more than four consecutive weeks.
- **Underlying health condition:** an illness or injury that has the potential to influence daily living or attendance, but may be mitigated through medical treatment, adaptation/management by the employee and reasonable adjustment by KMPT if necessary.
- **Disability:** according to the Equality Act 2010: 'A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. Long-term means that the condition must last, or be likely to last, for more than 12 months, or is likely to last for the rest of the person's life. Individuals with cancer, multiple sclerosis or HIV/AIDS are defined as disabled from the date of diagnosis regardless of the impact the illness is having on their life at the time of diagnosis.

Although sickness can be categorised as short-term or long-term all absence will be counted equally towards triggers in this policy.

2 | Principles

KMPT's management of sickness is based on the following principles:

- If an employee does not have an underlying medical condition they are expected to maintain as close to full attendance as possible.
- If an employee has an underlying medical condition they are expected to maintain as close to full attendance as possible. However, reasonable adjustments will be considered in line with advice from Occupational Health and the employee relations team.
- Each case will be judged on its individual circumstances and the procedure may be varied as appropriate.
- Throughout the stages of the policy (with the exception of dismissal) an opportunity to improve will be given and appropriate steps to secure an improvement in attendance will be agreed with the employee.
- All sickness absence should be reported and recorded.

3 | Responsibilities

- KMPT will aim to ensure that the management of sickness is fair, consistent and effective, encouraging and supporting employees to maintain attendance.
- Managers should monitor and manage levels of sickness absence appropriately and, as this policy is applied, should ensure employees are treated in a supportive, consistent, fair and reasonable manner.
- The employee relations team is responsible for providing professional ER advice and support to managers on the use of this policy to reduce levels of sickness absence and support employees to remain at work.
- Occupational Health is responsible for providing impartial professional advice to employees and managers about the interaction of health, work and wellbeing.
- Employees are responsible for alerting their manager at the earliest opportunity if they

are aware of changes to their health and wellbeing that may impact their ability to do their job.

- Employees are responsible for attending occupational health appointments and case conferences and meetings with management associated with managing their attendance.

4 | Policy in practice

Notification of sickness

- Unless there are exceptional circumstances, employees should contact their manager (or appropriate nominated deputy) at least 30 minutes before a shift starts to notify them that they will be absent due to sickness. The employee should advise their manager of the nature of their sickness (highly sensitive and personal information does not need disclosing), the estimated time they will be absent, if known and whether they intend to see a GP.
- Employees are expected to keep trying to contact their manager (or nominated deputy) until they speak to them directly.
- Employees need to agree with their manager how they will update them of their progress and how they can contact them if need be.
- So that KMPT can support their wellbeing while ensuring service delivery, the manager or nominated deputy may contact the employee later in the day or later in their sickness absence for an update on how they are feeling and when they expect to be able to return to work.
- Employees must inform their manager if their sickness absence is related to a workplace incident.
- Diarrhoea and vomiting related sickness requires an employee to be symptom-free for 48 hours before returning to work.

Sickness absence certification requirements

Certification must be provided regularly and promptly to the manager to cover all periods of sickness absence.

The certification required is as follows:

- **For absences of up to seven calendar days (including non-working days):** A Return to work and self-certification form (available on the Policies and guidelines page on i-connect) must be completed.

- **For absences of eight calendar days or more (including non-working days):** Employees must provide their manager with a medical certificate from their GP/hospital doctor (also known as a "Statement of Fitness to Work") covering the employee from the eighth day of sickness absence. The employee must send this form to their manager without delay. On their return to work they must meet with their manager for a return to work interview and sign a Return to Work and Self-Certification form. Employees may return to work before their medical certificate expires, providing they have been deemed fit for work by their GP or Occupational Health.

Effects of sickness on your terms and conditions of employment

- Sick pay: pay during sickness absence will be paid in accordance with the contract of employment and current national/local terms and conditions. To ensure employees receive their entitlements they must follow the reporting and certification procedures outlined in this policy.
- Annual leave: if the employee is sick immediately before commencing a period of scheduled annual leave they must inform their manager so that this time can be recorded as sick leave. If an employee is sick while on annual leave, they should wherever possible, inform their manager on the first day of their sickness and then provide a medical certificate to cover the period of sickness, in which case the annual leave will be given back and the absence will be recorded as sick leave.

Employees will continue to accrue annual leave during periods of long-term sickness absence.

- If an employee returns to work before the end of the current annual leave year they can take their annual leave at mutually agreeable times up until the end of the current leave year.
- If an employee returns to work after the start of a new annual leave year, leave of up to a maximum of 20 days, from the previous year, which was accrued but unable to be taken due to sickness, can be carried forward into the new annual leave year.
- In line with NHS Terms and Conditions, employees will not be entitled to the bank holiday hours off if they are sick on a

statutory holiday. When an employee is sick on a bank holiday, the bank holiday annual leave entitlement should be deducted from the employee's total annual leave amount for that leave year.

- If an employee leaves KMPT during a period of sickness they are entitled to have the accrued annual leave from the current leave year paid.
- If an employee carries forward annual leave to the next leave year due to a period of sickness absence and subsequently leaves during that leave year whilst absent from work they will be entitled to receive a payment of the number of hours carried forward and a pro-rata entitlement for the current leave year.

If an employee is on long-term sickness absence and wishes to take annual leave they may do so. This should be discussed and agreed with the manager and the relevant period will be recorded as annual leave. Taking annual leave in such circumstances does not break the period of absence.

Working/training during absence

- It is not anticipated that staff will undertake any paid, or unpaid work whilst absent from the Trust, unless agreed (irrespective of the hours worked). Any evidence found of this will result in investigation and possible disciplinary action in line with the Trust's Disciplinary Policy.
- It is acknowledged that sickness absence from work, may not impact on a staff member's ability to attend non-vocational activities and therefore any member of staff planning to attend training whilst absent from the Trust should discuss this with their immediate line manager. These requests should not be unreasonably refused. In instances where permission has not been sought then this could result in investigation and possible action in line with the Trust's Improving Conduct Policy.

5 | Sickness management procedure

Health triggers

The following triggers are used to initiate the sickness management process:

Short-term sickness

- Three episodes in a six month rolling period
- 14 days absence in a six month rolling period, either as one continuous episode or as several episodes accumulated
- or a pattern of sickness absence where sickness absence occurs in a visible pattern or sequence e.g. before or after days off/ planned leave, on public holidays, on set days of the week etc.

Long-term sickness

- Absence that exceeds four continuous weeks (or as soon as their manager is aware the sickness is likely to last more than this).

Medical Capability

- Where a member of staff is not absent from work but has advised or been assessed by Occupational Health as no longer being fit for their substantive role, then the sickness management procedure should be followed to ensure appropriate support can be identified.

Return to work interviews

Following any period of sickness absence, the manager will ask the employee to attend a short return-to-work meeting. The purpose is to welcome the employee back to work and better understand the reason for their sickness absence and find out whether it was work-related or if there are any underlying problems. The manager will complete the Return to Work Review form and if appropriate collect any medical certificates outstanding. The return to work interview will review;

- The dates and cause of the most recent episode of sickness absence and whether any support or adjustments are required on the employees return to work.
- The dates, frequency and pattern of absence in the past six months and ensure that the employee is aware of their overall level of sickness absence.
- Discuss any recurring reasons for absence, including whether there are any underlying problems and discuss ways these may be resolved.
- Consider what support could be put in place to help improve their attendance, including whether a referral to Occupational Health may be required. Staff Support should also be offered, if appropriate, and flexible working could be considered. The employee

would also need to contribute to their improvement by agreeing to seek GP support when appropriate and by taking care of their own wellbeing.

If a trigger for absence review has been met, the manager may hold a Stage 1 Informal meeting. The informal meeting may be conducted either at the same time, or as a separate discussion to the return to work interview.

Stage 1: Informal monitoring

- The stage 1 informal meeting will be arranged once an employee reaches one of the health triggers. As an informal meeting, there is no right to representation at this stage.
- The manager and employee will discuss whether a referral to Occupational Health is necessary. Occupational health advice may be sought before or after the informal meeting.
- The employee and the manager will discuss the reasons for absence, consider any support and workplace adjustments that can be agreed to help improve attendance, review any occupational health recommendations and advice and agree an Improvement Plan and measure. When setting an Improvement Plan the manager must consider known disabilities and make reasonable adjustments accordingly.
- The Improvement Plan will be confirmed in writing and a copy of the letter given to the employee and a copy will be placed on their personal file.
- A monitoring period will be set, usually for a period of 6-12 weeks, and the manager will continue to monitor attendance during the review period. The manager will review the absence and decide if informal monitoring can be concluded, where desired level of improvement in attendance has been achieved, or if it should progress to the next stage where attendance has not been improved.

Stage 2: Formal monitoring

- Where informal monitoring has not been successful in improving attendance, a Stage 2 Formal meeting will be arranged. The manager will invite the employee to the meeting, providing a minimum of 5 working

days' notice in writing, unless an earlier date is mutually agreed.

- The employee will have the right to be accompanied by either a workplace colleague or trade union representative not acting in a legal capacity. A member of the employee relations team will attend to provide advice and support. Where an employee's representative is unable to attend on the proposed date, then the meeting will be re-arranged, but must not be unreasonably delayed.
- The meeting will explore further the individual circumstances in a supportive and sensitive manner and discuss the options of support, which include adjustments, phased return to work and Occupational Health recommendations.
- A monitoring period, improvement plan and measure will be set, usually for a period of 6-12 weeks. The manager, with HR advice, will review the absence and decide:
 - where desired level of improvement in attendance has been achieved, the absence monitoring process can be concluded or;
 - where the desired level of improvement in attendance has not been achieved, whether a further monitoring period should be set, or if it should progress to the next stage of the process.
- Where attendance has not improved, and only when the manager has explored all options of support and allowed appropriate time for attendance to improve, the employee should be advised the next stage of the process will be a Sickness Hearing and that one of the potential outcomes could be termination of employment.
- The outcome of the Stage 2 Formal Meeting will be confirmed in writing to the employee.

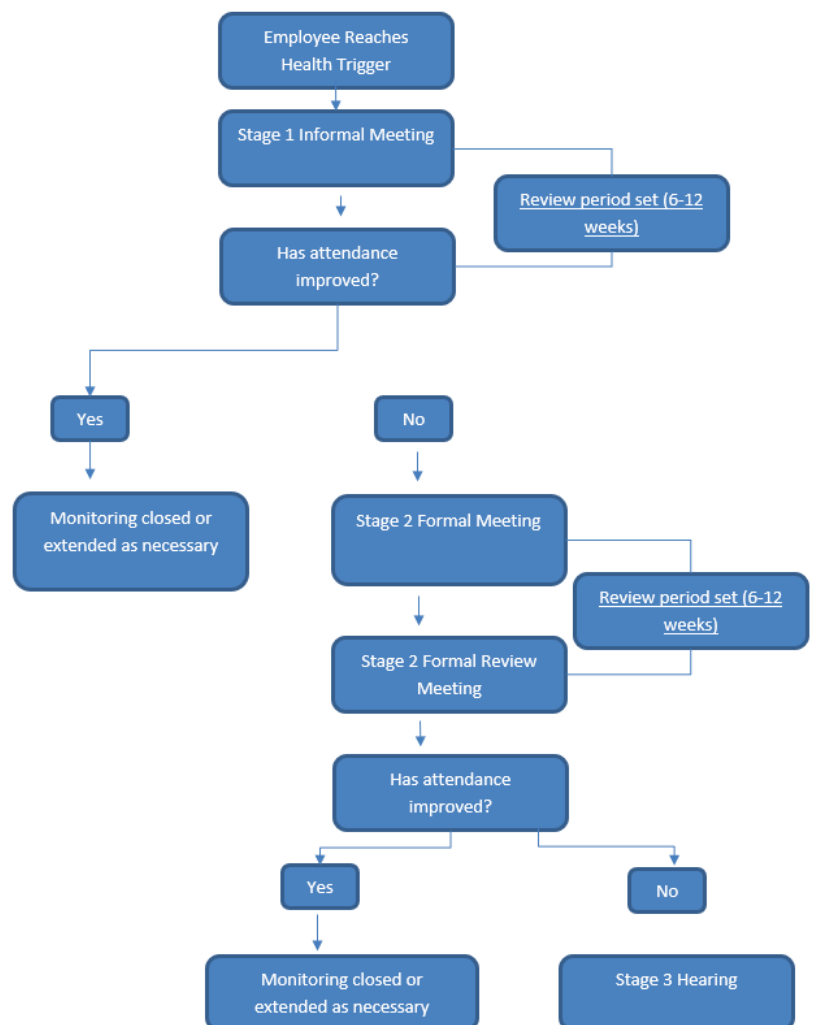
Stage 3: Formal hearing

- Where an employee's attendance at work has not improved and all options of support have been explored, a Stage 3 Hearing will be convened to consider the termination of an employee's contract on the grounds of ill-health.
- An appropriate manager will chair the formal Sickness Hearing, and an HR representative will be present.

- The line manager will prepare a management statement of case, clearly outlining the steps taken, in line with this policy, to support the employee. This will include a summary of the absence records, copies of reports from Occupational Health and details of previous meetings and discussions.
- Employees must be given a minimum of five days' written notice of the hearing and provided a copy of the management statement of case. They must be reminded of their right to be accompanied by a trade union representative or work colleague.
- Where an employee's representative is unable to attend on the proposed date, then the hearing will be re-arranged, but must not be unreasonably delayed. If the employee's representative is unable to attend on a further occasion, the employee will be requested to find alternative support to attend the meeting.
- If an employee does not attend the hearing, and does not provide an explanation for not attending, then the hearing may proceed in their absence and a decision made based on the information available to the panel on the day.
- The employee will have the opportunity to submit any supporting evidence they wish the panel to consider. This must be submitted in advance of the hearing for all attendees to have sight of, usually no later than three working days prior to the hearing.
- At the hearing, the manager will present the management statement of case. The employee and/or their representative will then have the opportunity to present their case and any supporting information.
- The panel will consider whether:
 - The policy has been followed fairly
 - The employee has been given the opportunity to state their case and this has been properly considered.
 - Whether there is any reasonable support, adjustments or other interventions that could be further considered which

are likely to improve the employee's attendance.

- There is enough evidence to reasonably believe that KMPT cannot support their levels of sickness absence
- There are any mitigating circumstances that affect the decision
- The action is reasonable in the circumstances.
- Whether a return to work is likely to occur in the near future.
- The chair of the panel may consider the following outcomes:
 - recommend a further review, with any necessary support, specifying the monitoring period and review date.
 - make a decision to dismiss the employee on the grounds of capability. Termination of the employee's contract may occur prior to the expiry of sick pay entitlement. If the decision is to terminate employment on the grounds of impaired capability due to ill health, the employee will be informed of their right of appeal against the dismissal. The dismissal date will be the employee's last



day of service. The contractual notice period and any accrued annual leave will be paid in lieu.

Stage of entering the procedure

Normally the procedure will follow the sequence explained previously. However, there may be circumstances when it is appropriate to modify the outlined sequence.

If attendance deteriorates within 3-6 months following the closure of formal monitoring of sickness, the manager has the ability to re-enter the formal stages of the process at any point without the requirement to begin again at the informal stage. A manager can also bring a review meeting forward where there remains a concern following further absence in the review period and where it is known that the attendance level cannot improve to a sufficient level in the remaining period.

If it is clear that a member of staff will not be able to return to their substantive post, the Sickness Management procedure can be modified with the ability to progress to certain stages without following the sequence outlined. This should be discussed and agreed with the staff member and their representative at the outset.

Management action for new employees

Employees who are still in their probationary period will be managed in line with the KMPT Probation Policy.

Long-term sickness management

Throughout a prolonged period of sickness absence, the employee and their manager must maintain contact on a regular basis (usually fortnightly). The manager must be kept up to date at all times and made aware of any significant changes to their health. Regular contact should continue, in addition to the Stage 1, 2 and 3 meetings previously outlined. Arrangements for an employee to return to work from sickness may be made during the informal/formal meetings or during routine informal discussions.

Referral to Occupational Health

An employee may be asked to attend the Occupational Health Department if:

- They have been (or are likely to be) off sick because of illness or injury for four consecutive weeks or more or if a date of return has not been indicated.

- They have suffered an illness or injury or have been diagnosed as having a medical condition that may permanently affect their ability to perform their duties.
- The employee, their medical practitioner or their manager requests consideration of change of duties on medical grounds.
- The employee wishes to be considered for permanent ill health retirement.
- An assessment is required following an injury sustained at work. Occupational Health may provide recommendations of changes to their workplace, working pattern or work practice to help them return to work or improve their attendance. All recommendations will be considered taking account of impact on service delivery and other team members. Occupational Health may ask them for consent to contact their GP or specialist for a medical report if necessary. Confidentiality will be maintained in line with the consent provided.

Stress/anxiety/depression related sickness

When an employee has been absent due to stress/anxiety or depression then a stress assessment should be completed. When an employee has been absent due to stress/anxiety or depression for two weeks, a referral to Occupational Health should be made.

Phased return to work

Occupational Health may suggest a period of adjusted duties or temporary reduction to working hours. Any phased return which suggests a temporary reduction in hours will be supported for up to four weeks at full pay. If the temporary reduction of hours is required to be for longer than four weeks, the employee will either be expected to use annual leave to make up their hours or contractually reduce their hours to reflect those hours worked during the phased return period.

Outcomes following Occupational Health advice

On receipt of the Occupational Health report, the employee will usually be invited to attend an informal meeting with their manager to discuss the content, which the employee will have received prior to the meeting. As part of the agreed communication plan the employee and their manager will continue to review the employee's health and their manager will keep an updated record of progress to include:

- The date their sickness started.
- Dates and key points of any meetings.
- Their sick pay entitlement.
- Consideration given to any permanent or temporary adaptation to their duties.
- Their eligibility for retirement on grounds of ill health.
- Whether their medical condition meets the definition of the disability section of the Equality Act 2010.
- The feasibility and cost of temporary cover.
- How long their post can be kept open taking account of sick pay entitlements, prognosis and the effect of their absence on service delivery.

Redeployment

Where there is an underlying medical condition and the employee is unable to fulfil the full requirements of the post, the manager, in liaison with the employee relations team and Occupational Health, should explore the possibility of redeployment to a suitable alternative post within KMPT. Redeployment is a joint activity and there is no guarantee of an opportunity being found. The redeployment bureau guidelines will be followed. Each situation will be assessed on a case by case basis. A search for redeployment opportunities will be for a maximum of four weeks.

Ill health retirement

If the employee is a member of the NHS Pension Scheme with at least two years' service and they are judged unlikely to be able to return to work, they may wish to consider applying for retirement on grounds of ill health. The decision as to whether the application is granted rests with the NHS Pensions Agency and employees can access advice about the process from ER, Occupational Health, their Trade Union representative or KMPT's Pensions Manager.

Medical suspension

In rare circumstances staff can be suspended on health grounds if there is reasonable belief that someone's health poses a serious risk to themselves, patients or colleagues. Medical advice should be sought either via the employee's GP or Occupational Health.

Employees excluded for this reason are entitled to be paid as standard, if they are not currently under a Fit Note and have not unreasonably

refused an offer of suitable alternative work that has been deemed appropriate.

Occupational Health will provide advice and support in relation to the employee's fitness to return to work following medical suspension.

Advice should be sought from the employee relations team prior to medical suspension.

6 | Management of injuries and diseases

If an employee has been injured because of an accident at work or an incident while on duty, or if they have contracted a disease in the course of their KMPT employment or developed a condition attributable to their work, this should be recorded on an incident form. Such sickness absence must be recorded in the normal way and will be investigated to determine, depending on individual circumstances, whether this should be taken into consideration when managing sickness absence. Accidents at work may also be reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (1995) (RIDDOR). If an employee is involved in an accident linked to their work (including an act of physical violence), they must tell their manager as soon as possible. The manager must ensure that RIDDOR reports are completed via Clinical Governance regarding death, major injury, injuries resulting in more than seven days' absence and for reportable diseases, because these must be reported to the Health and Safety Executive (HSE) without delay. For injuries resulting in absence of more than three days, records must still be kept. If the manager determines that the disease is attributable to work, the episode will still be recorded as sickness absence and sick pay will be paid as appropriate, however, the work-related nature of the absence will be taken into consideration as mitigation when managing absence under this policy.

Further advice and information for both the employee and their manager on the process can be obtained from employee relations, Clinical Governance and Occupational Health.

Injury allowance

Employees working under the NHS terms and conditions of service can apply for Injury Allowance. The following guidance is taken

from NHS Employers: "Injury Allowance is a top-up payment and tops up sick pay, or reduced earnings when on a phased return to work, to 85 per cent of pay for up to 12 months. Injury Allowance is payable when an employee is on authorised sickness absence or on a phased return to work with reduced pay or no pay due to an injury, disease or other health condition that is wholly or mainly attributable to their NHS employment. Injury Allowance cannot be considered where:

- A person is injured on a normal journey travelling to and from work
- A person is on sickness absence as a result of disputes relating to employment matters such as investigations or disciplinary action
- A person sustains an injury or disease aggravated by the claimant's own negligence or misconduct.

If an employee is eligible and must change jobs permanently to a position on lower pay because of a work-related injury, disease or other health condition, they are entitled to receive a period of protected pay in line with KMPT's Pay Protection Policy. If an employee thinks they are eligible for Injury Allowance, please read the detailed guidance and complete the application form found on the Policies and guidelines page on the KMPT intranet. The employee will need to submit supporting evidence with their application form and KMPT will make a decision regarding their eligibility and inform them of the outcome within a reasonable time frame.

Special leave

1 | What this policy covers

The purpose of this policy is to ensure that when employees are genuinely in need of time off to deal with an emergency or to carry out a public or civic duty, they are treated fairly and consistently.

This policy sets out common reasons for needing special leave, informs employees how much time they can take off and explains the reporting processes and pay arrangements.

2 | Definitions

For the purposes of this policy a dependant is:

- A person who may reasonably rely on you for care or arrangements for the provision of care.

3 | Principles

KMPT is sensitive to employee commitments and responsibilities and will try to maintain flexible working arrangements and help employees to balance their work and personal lives to optimise their work attendance.

This policy attempts to balance the requirements of delivering a brilliant service with employees' needs to find the most effective way to support those with carer responsibilities, as part of a wider NHS commitment to improve working life quality.

4 | Responsibilities

KMPT will aim to ensure that employees in need of time off to deal with an emergency are treated fairly and consistently, while minimising impact on service delivery.

- Managers will treat all requests made by employees under this policy fairly and equally, giving due consideration to the particular circumstances of each request.

- Employees wishing to apply for special leave should follow the procedures explained within this policy, giving the maximum possible notice. They must inform their manager as soon as possible of their unavailability for work, the reason for it and how long they expect to be away from work.

Please note: Applications for special leave cannot be applied for during annual leave/scheduled days off. For instance, an employee who has planned annual leave and finds themselves unexpectedly having to look after a dependent during their leave cannot request for the annual leave to be changed to special leave. Special leave is for periods when the employee is scheduled to work.

5 | Policy in practice

When considering requests for special leave managers will judge each case on its own merits and consider: the urgency of problem/issue; the nature of the crisis and; the impact on the employee. The amount of annual leave remaining and the number of special leave days granted within the last 12 months will also be taken into account.

Listed below are common circumstances where special leave is requested. If the request does not fall into any of these categories, please discuss the matter with the manager who will, if necessary, seek advice from the employee relations team.

Applications for special leave should be made using the Special Leave Application form (available on i-connect). It is recognised that in some circumstances the form may need to be completed retrospectively.

Bereavement/compassionate leave

In all cases of bereavement leave the individual circumstances should be taken into account and handled sensitively. Employees' managers may approve up to four days (30 hours) compassionate leave in the event of the death or serious unexpected illness of a relation. These four days (30 hours) may be taken at one time or on separate dates.

Up to an additional two days (15 hours) may be authorised by the Head of Service. Additional leave may be taken as time off in lieu, annual leave or unpaid leave by agreement.

Emergencies in carer responsibilities

In the event that a child, partner or dependant is taken ill or there is a need to accompany them to an emergency medical appointment or in order to deal with unforeseen matters, such as an unexpected breakdown in planned care arrangements, an employee can request time off. This will be up to three days paid leave in any 12-month period (pro-rata for part time employees) and must be agreed by the manager prior to being taken. In exceptional circumstances the manager may grant a further period of leave, which would be either unpaid leave, time owing to be made up as agreed by the manager, or annual leave.

Civic/public duties

The Employment Rights Act 1996 requires that employers must give employees who hold certain public positions reasonable unpaid time off to perform the duties associated with them. The amount of time off to be permitted should take into account the amount of leave required to perform the public duty, and any specific occasions when such leave will be necessary.

This covers:

- A magistrate (also known as a justice of the peace)
- Local councillor
- School governor
- Member of a police authority
- Member of any statutory tribunal (e.g. an employment tribunal)
- Member of the managing or governing body of an educational establishment
- Member of a health authority
- Member of the General Teaching Councils for England and Wales
- Member of the Environment Agency
- Member of the prison independent monitoring boards (England or Wales)
- Member of a Water Customer Consultation Panel
- Trade Union member (for Trade Union duties and activities)

Time off for Trade Union representative duties and activities is covered by the Partnership Agreement.

Disability leave

Disability leave is time when an employee is able to work and is present at work (is not absent due to sickness or ill health), but needs to be absent from work for a disability-related reason. Disability leave is considered a reasonable adjustment under the Equality Act. All disabled employees are able to request disability leave for specific reasons, such as appointments, treatment or tests. Some examples of disability leave include (but are not limited to):

- Hospital, doctor, or other health practitioners' appointments.
- Hospital treatment or follow up appointments as an outpatient.
- Medical or related assessments.
- Hearing aid tests.
- Training with guide, hearing or assistance dog
- Counselling/therapeutic treatment.
- Recovery time after blood transfusion or dialysis treatment.
- Physiotherapy (sessional or residential).

Managers are authorised to grant up to 37.5 hours paid leave (pro-rata for part time employees) of absence in an annual leave year.

A doctor's note or appointment letter may be required. This leave of absence will not impact on annual leave entitlements or other special leave requests.

Disability leave is agreed in advance once the date for the appointment is known. It may be taken as a number of separate occasions each year. Typically, this would be for treatment, rehabilitation or assessment related to a disability. It may also be a block of time needed for a specific reason. The employee should give as much notice as possible of the appointment, although it is recognised that there may be circumstances when this is not possible. Disability leave cannot be taken retrospectively, and needs to be agreed by a manager in advance.

Recording disability leave

All Disability leave should be recorded on Health Roster. To record Disability leave, add a period of absence to the roster for the individual concerned of the type 'Other Leave', selecting 'Disability leave' as the reason for absence. Disability leave can be taken as part of a day (e.g. two hours) or as whole individual or consecutive days. Taking and recording Disability

leave on Health Roster will not affect annual leave, pay, pension or any other entitlements and will not be recorded as sickness absence.

Time spent on Disability leave is counted as continuous service for all contractual benefits, including accruing annual leave, sick leave and pension rights.

Disability leave will not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, or any other similar issues.

Disability leave and sickness absence

Disability leave is distinct from sickness absence, and applies to employees who are at work. If an employee is absent from work due to ill health related to their disability, this will continue to be counted as sickness absence and Disability leave will not apply.

Jury and witness service

Any employee that is summoned to attend jury service must inform their manager at the earliest opportunity. A juror is normally summoned for a two-week period but in some cases, this may be longer.

Although there is no statutory entitlement to pay, KMPT will grant up to two continuous weeks paid leave to fulfil the requirement to attend court on the conditions that:

- Evidence of the court jury summons is shown to the manager
- That the employee makes no claim to the court for loss of earnings
- If the employee is not required to attend on any days or part days during the jury service period, they attend work as normal.

Employees who need to attend Court as the Plaintiff are not covered by this Policy. Annual leave or unpaid leave may be used by agreement.

If employees are required to undertake jury service for a case that they are advised will last more than two weeks they will be required to make claims to the court for loss of earnings.

Where it is possible for KMPT to obtain exclusions from Jury Service, employees will be required to take annual leave should they still choose to attend.

On return from jury service the employee must provide their manager with evidence of payment made by HMCS and the manager will then

notify Payroll of this amount which will then be deducted from their pay for that month or the following month. Apart from payment, all terms and conditions of service, including annual leave, remain unaffected whilst an employee is on jury service.

An employee may be asked to give evidence in court or at a tribunal as a witness. Although the employee has no contractual right to be released for such a purpose, managers must release the employee if they have been served with a witness summons/subpoena requiring them to attend court/tribunal as a witness or attending on behalf of KMPT. In general, unpaid special leave will be granted (on completion of a 'Special leave and other leave request form'), and either the employee's manager or the Payroll Department will be required to supply the court with salary details, to enable them to pay the employee. However, where an employee receives special payment to be an expert witness in a court case (e.g. clinicians), annual leave should be taken to cover these purposes.

Reserve forces

Reservists can be mobilised into full-time service with the regular forces to assist in military operations. This is the process for employees in the event of a compulsory or voluntary mobilisation and in the cases of training whilst a reservist.

Payment during call-up and training

Reservists receive financial assistance during their period of mobilisation from the MoD, to cover any shortfall between civilian pay and their service pay. Leave during call-up would therefore be on an unpaid basis.

Time off with basic pay will be granted subject to needs of the service for reserved forces training at a maximum of ten working days per year. The notification document from the Territorial Service must be produced when making the request.

Mobilisation

Mobilisation is the process of calling reservist employees into full-time service with the Regular Forces, in order to make them available for military or humanitarian operations. All reservists are liable to be mobilised at any time, if required. In most cases, this will be voluntary; however compulsory mobilisation will be used when required.

Should an employee reservist wish to apply for

voluntary mobilisation, prior agreement must be sought from their line manager before making such an application. There is no statutory requirement for the Services to give notice of mobilisation, but in practice they aim to give both employers and employees 28 days' notice of call out. The Ministry of Defence will issue the Reservist with a mobilisation pack, containing details of the date and anticipated duration of mobilisation. A copy of the mobilisation pack will also be provided to KMPT as the Reservist's employer. Once a mobilisation has been agreed, the manager should write to the employee confirming acceptance of the mobilisation.

Mobilisation will normally last for between three and 12 months. During the time of the mobilisation, the employee will be placed on unpaid authorised leave. They will receive pay in lieu of their usual monthly salary from the Ministry of Defence (MOD). The issued mobilisation pack should contain all relevant forms for completion by KMPT. Upon completion the MOD will contact KMPT to make arrangements for the payment of the NHS Pension contributions paid by the Reservist and MOD during mobilisation. Pension contributions are paid to the NHS Pensions Agency by KMPT. Further queries concerning pensions should be directed to the Pension Department by telephoning the number 01227 812380. Managers and employees have a joint responsibility for keeping in touch on a regular basis and to ensure that the employee is kept up to date with relevant departmental information during any periods of mobilisation.

Where the mobilisation of an employee results in additional costs, such as having to pay overtime to use other employees to cover the work, or advertising for a temporary replacement, then KMPT may be able to claim financial assistance from the Ministry of Defence. Details of how to make any such claim, along with a form for this purpose will be contained within the mobilisation pack. Any claim must be logged with the MOD no later than four weeks from the date of Reservist and Cadet Instructor Training and Mobilisation demobilisation.

In the event of a compulsory mobilisation of any employee, KMPT may consider applying for an exemption or deferral. However the grounds for seeking exemption or deferral are extremely limited and KMPT would have to demonstrate

serious harm to the ability to provide patient care if the employee were to be mobilised at that time. Therefore such an application will only be made in exceptional circumstances.

Returning to work following demobilisation

Following any period of mobilisation, reservists will be entitled to a period of leave from the MOD (and funded by the MOD) of up to one month. During this time any employee who has been mobilised will be required to contact their manager to arrange a date for returning to work. Demobilisation can be a difficult time, with a Reservist returning to work after a potentially challenging period in deployment. It is therefore important to ensure a smooth reintegration into the team, including the provision of a local re-induction, including an update on changes and developments within both their immediate team and the wider organisation; this can help to prevent any feeling of dislocation.

Any essential training should also be planned to take place as soon as possible after the employee returns from active duty in order to ensure a timely update or refresher training as necessary. Where the job role or duties have changed since mobilisation a period of skills training may be required in order to assist them with any new or amended aspects of their role.

Reservists managers must contact Occupational Health to arrange for a health assessment upon demobilisation for support and to ensure the protection of themselves and the Trust (e.g. Tuberculosis contact) There should also be the offer of support from Staff Care Support who can be reached on 0330 165 0600 or the Wellbeing Hub on www.kentandmedwayccg.nhs.uk/staff-wellbeing-support

Continuity of employment and other terms and conditions

A reservist's contract is effectively suspended during any period of military service until an application is made for reinstatement. The Trust has an obligation to re-employ reservists, and this right applies for six months following the end of military service. Re-employment will, wherever possible, be in the same job and on terms and conditions no less favourable than those that would have been applied if there had been no call-up, and the employee will have the benefit of any pay rise had they not been mobilised.

For postings that are less than 12 months, the Trust will, wherever possible, fill the vacant post on a secondment or fixed term basis to allow the reservist, where possible, to return to their original role. Providing an employee is re-employed within six months of the end of their military service, their employment will be considered continuous. The employee will not be permitted to take holiday they would have accrued while they are away, as reservists are entitled to a period of "post tour" leave, which accrues at the rate of 2.5 days per month of permanent service, and will be taken prior to their return to their job with the Trust. Instances where a reservist is injured on active duty will be dealt with on an individual basis.

Unpaid leave

Requests for unpaid leave should be considered by an employee's manager on an individual basis. Unpaid leave should not normally be granted to employees until paid annual leave has been exhausted; however there may be exceptional circumstances where a manager thinks it appropriate to grant unpaid leave without exhausting annual leave e.g. looking after a terminally ill relative, where a holiday is planned/will be needed later in the year, (in these circumstances details should be given to the manager in writing and agreed leave will be confirmed in writing).

The maximum amount of unpaid leave that would normally be granted in any one leave year is four weeks. Additional unpaid leave in excess of four weeks in any one leave year will be at the discretion of the relevant Head of Service or Service Director.

Unpaid leave can be granted for the following reasons:

- Nursing sick relatives.

- In the case of staff wishing to visit relatives in other countries at intervals of not less than two years.
- For newly appointed staff joining the Trust within the present leave year who have leave commitments and not sufficient annual leave entitlement.

Unpaid leave up to 10 days per annum or two working weeks in the above categories can be authorised by managers. Once approval has been given, managers must ensure that leave details are notified by completing a change form and sending to Workforce Information so that the necessary adjustment to pay can be made.

Applications for unpaid leave and not in the above categories, must be authorised by the Head of Service or Service Director or Assistant Executive Director

The decision should be notified to the employee and, in cases where an application has been approved, the payroll team must be notified accordingly.

Where unpaid leave is approved for periods of more than four weeks, annual leave will not accrue during the unpaid leave period in excess of four weeks.

Standards of conduct

1 | What this policy covers

This policy is intended to set the standards in relation to the more common questions of conduct and to make clear that failure to meet these standards will normally lead to disciplinary action being taken, in line with the Improving Conduct policy.

2 | Principles and responsibilities

KMPT expects high standards of general conduct from employees at all times. All employees are expected to combine prompt and efficient service with concern and respect for the feelings of other people.

All employees should follow the reasonable instructions of their supervisors and managers and carry out their assigned duties.

3 | Policy in practice

Attendance for work

Employees are expected to attend for duty at the correct time and work their contracted hours. Unauthorised absence will be dealt in accordance with the Improving Conduct Policy. Leave should be arranged in accordance with local procedures. Absence including sickness absence should be reported, authorised, recorded and managed according to local procedures and KMPT's policies.

Attendance for mandatory appointments/training sessions

It is the responsibility of the employee to undertake essential training for the role e.g. staff induction, fire lectures, moving and handling training. All employees are also expected to attend Occupational Health appointments at KMPT's request.

Smoking on duty

KMPT prohibits smoking on KMPT premises i.e. buildings, grounds and KMPT vehicles.

Use of equipment or resources

Employees should ensure they take appropriate

care and treat with respect KMPT's equipment and resources and according to any local rules and procedures on their safe and appropriate use.

Private business

Conducting private business arrangements for personal financial gain in KMPT paid time is forbidden unless agreed otherwise as part of normal contractual arrangements or with the permission of the Executive Director responsible for the department.

Security

Employees should comply with KMPT's security management policy at all times.

Confidentiality

The nature of all health service work, especially information about patients and employees, is highly confidential. Information should not normally be given to any unauthorised person or agency without prior permission. If employees are ever in doubt they should seek advice from their manager.

Information Technology (IT)/Information Governance (IG) policies and procedures

Employees should ensure they familiarise themselves and comply with KMPT's IT and IG policies and procedures.

Health and safety and infection control

All employees should comply with infection control measures to ensure the health and safety of patients, the public, employees or contractors working on KMPT premises. Employees are expected to familiarise themselves with and observe any reasonable instructions issued by KMPT or the Health and Safety Executive on the safe performance of their work.

Discrimination, bullying and harassment

All employees should treat other employees, visitors and patients with dignity and respect at all times. Action will be taken against employees whose behaviour is discriminatory, abusive, bullying or which constitutes racial, sexual, or any other form of harassment.

Relationship with colleagues

Employees should endeavour to maintain a harmonious working relationship with other employees at all times.

Professional registration

Employees requiring professional registration in order to carry out their job should ensure their registration is maintained and up to date at all times.

Compliance with other KMPT policies and procedures

Employees are expected to familiarise themselves and comply with KMPT's policies and procedures.

A serious breach of any KMPT policy or professional requirement could constitute gross misconduct. The following offences (detailed in points below) are amongst those regarded as very serious and may lead to dismissal after following the Improving Conduct Policy procedures. Where the conduct amounts to gross misconduct this may result in summary dismissal, which means dismissal without notice and without pay in lieu of notice.

General standards

Any breach of the general standards of conduct which is so serious that it justifies dismissal without warning.

Serious breaches of infection control and health and safety measures

Serious breaches of infection control and health and safety requirements where employees, patients or visitors are put at significant risk.

Theft and unauthorised removal or use of property

Any instance of theft or unauthorised removal or use of property from KMPT, or from patients, visitors, or other employees on Health Service premises. Health Service property must not be removed from Health Service premises for personal use, or used for private purposes within the premises without prior written approval of the appropriate manager.

Fraud

Any deliberate attempt to defraud KMPT, members of the public, another employee or a patient in the course of official duties. This includes the misrepresentation of entitlement to expenses, allowances, or payment from KMPT or falsification, or misrepresentation of attendance, absence, pay or expenses claims

Corruption

The receipt of money, goods, favours, or excessive hospitality in respect of services

rendered e.g. from contractors in anticipation, or recognition of receiving orders for goods, or services. This does not include trivial articles clearly intended for advertising (e.g. note pads, diaries). In any case of doubt, the advice of the manager should be sought. See KMPT's 'Managing Conflicts, Interests, Gifts, Hospitality, and Sponsorship Policy and Procedure'. Any cash given by a patient must be paid into the appropriate office as quickly as possible in accordance with KMPT's Standing Financial Instructions.

Failure to disclose a personal financial interest

Failure to declare any personal financial interest in outside companies, firms or other agencies with which KMPT deals in accordance with KMPT's policy.

Assault and fighting

Any assault upon a patient, a member of the public or another employee that is associated in any way with KMPT business.

Malicious damage or complaints

Malicious damage to Health Service property, the property of patients, visitors, or employees or malicious and unfounded complaints about patients, visitors or employees.

Being unfit for duty

Incapacity at work through the use of drink, drugs, or substances (see KMPT's 'Alcohol and substance Misuse Policy')

Misrepresentation

Making a false or deliberately misleading statement in a job application, health declaration or other employment context. Deliberate falsification of records Deliberately falsifying or entering misleading information on KMPT reporting, recording or information systems.

Serious breaches of IT policies and procedures include:

- Copying, acquiring or using illegal software on KMPT's computer system
- Using another individuals' password or sharing own
- Accessing data or software that is not necessary for completion of duties
- Deliberately accessing internet sites containing pornographic, offensive or obscene material
- Serious abuse of internet privileges
- Serious misuse of email.

Serious breach of KMPT IG policy and procedure

Employees should adhere to the KMPT IG policies and procedures; serious breaches could result in dismissal with or without notice.

Current or spent convictions

Employees should not withhold information about current or spent criminal convictions or cautions on appointment to post or arising during the course of employment.

Offences committed whilst off duty

An employee who commits an offence outside of work which results in them being arrested, charged or convicted may be subject to disciplinary proceedings at work in relation to the offence, in line with the Trust Improving Conduct policy.

Legal right to work in the UK

Employees with immigration restrictions in place should ensure that their legal right to work in the UK is maintained at all times. Failure to do so will result in dismissal for the reason of Statutory Duty/Restriction as it would break to law if KMPT continued employment.

This document is not intended to provide an exhaustive list of conduct issues that could be considered by a disciplinary panel and possible dismissal from KMPT.



Stress management

1 | What this policy covers

KMPT seeks to maintain a positive and supportive working environment for all its employees. It recognises that excessive or prolonged pressure in the workplace can impact negatively on KMPT and its employees and that appropriate action by individuals and their managers can alleviate this. This policy aims to establish standards for managers and employees for the prevention and management of work-related stress. It provides guidance to managers to facilitate the implementation of these standards, as well as information on sources of support available to those experiencing stress.

2 | Definitions

For this policy, KMPT has adopted the definition of stress used by the Health and Safety Executive (i.e. “the adverse reaction people have to excessive pressures or other types of demand placed on them”). There is a difference between ‘challenge’ and ‘stress’. Challenge can be motivating and positive; it is often essential in a job and improves performance. However, stress means the negative response to too great a challenge or pressure, or too many demands, with which the person finds it difficult to cope. Stress can be caused by pressures at home, work or both. Stress is a state, not an illness, and where stress lasts for only a short time there is usually no lasting effect. However, if the stress is sustained over a longer period, it can have a significant impact on physical and mental health, work performance and morale. Therefore, reducing and preventing work-related stress brings clear benefits to employees and the employer.

3 | Principles

- KMPT seeks to have an organisational culture that is both supportive and empowering with a management style that reflects this culture.

- KMPT supports the Health and Safety Executive (HSE) view that anyone can in principle experience stress and that work-related stress exists where people feel they cannot cope with what is being asked of them.

4 | Responsibilities

KMPT recognises that it has a duty of care towards its employees and a legal obligation to provide a safe working environment. Managers play an important role in facilitating and supporting employees to carry out their jobs effectively and to contribute to the success of their department and KMPT.

Managers will:

- Work proactively to identify where potential situations might cause stress and follow the guidance outlined in this policy to help prevent stress occurring.
- Identify or respond to issues of concern promptly and seek constructive solutions.

Employees are:

- Encouraged to take personal responsibility for themselves and to support others to do the same.
- Advised if they feel they are under pressure they should seek assistance as soon as possible by alerting their manager, the Staff Support helpline, Occupational Health, the Guardian service, a Freedom to Speak Up ambassadors, Trade Union representative, employee relations (ER) or a colleague who may be able to speak on their behalf.

5 | Policy in practice

Causes

The HSE emphasises that well-designed, organised and managed work helps to maintain and promote individual health and wellbeing. Where there has been insufficient attention to job design, workload or work organisation and management, the benefits and assets associated with ‘good work’ can be lost, possibly resulting in work-related stress.

Risk identification and assessment

The HSE has identified six key “Management Standards” (summarised below) that represent conditions that, when practised, reflect high levels of health, wellbeing and organisational performance. They provide a framework that can be used to identify and help minimise the impact of work-related stress. Further information can be found at the Health and Safety Executive’s website at: www.hse.gov.uk/stress/standards/index which includes helpful resources that can be used at organisational, departmental or individual level to:

- Identify work-related issues that might have an adverse effect on health and work performance.
- Assist in the management of cases of stress.
- Identify reasonable adjustments that could be implemented to reduce risk of adverse effects.

Prevention organisational arrangements

KMPT aims to ensure, as far as practical, that employees work in a positive, safe and supportive working environment by seeking to:

- Provide a framework of employment, health and safety policies, systems and monitoring to support managers and employees to ensure effective work performance and minimise the risk of work-related stress.
- Provide advice and information to employees about stress to promote preventative measures and ensure early intervention in cases of work-related stress
- Promote equity of opportunity and provide a workplace that encourages civility, dignity and respect.
- Foster effective workload allocation and feedback on performance.
- Promote good communication throughout KMPT.
- Provide information and training to enable employees to develop their skills and maximise their contribution to the success of KMPT.
- Ensure effective and timely consultation with employees, Trade Union representatives on proposed actions relating to preventing workrelated stress.
- Provide appropriate employee support services.

Managers’ responsibilities

To help minimise risk of work-related stress managers should:

- Ensure good communications, particularly where there are organisational or procedural changes.
- Ensure that jobs are properly designed, with realistic demands and workload, and that expectations and job role are clear.
- Ensure that employees are trained to undertake the demands of their job and can contribute to decisions about how the job is done.
- Ensure that there are regular opportunities to discuss the work and obtain feedback on performance (e.g. regular one-to-one meetings and team meetings).
- Monitor working hours and holidays to ensure that employees are not overworking and are taking appropriate breaks.
- Ensure that civility, dignity and respect are promoted.
- Be alert to signs of problems and offer additional support to any employee known to be experiencing stress.
- Seek advice and support at an early stage from the employee relations team if difficulties arise.

Employee responsibilities

It is essential that employees play an active role in contributing to their own wellbeing and development. To minimise the risk of work-related stress employees should:

- Ensure good communication with colleagues and their manager.
- Support colleagues by providing appropriate information and by sharing knowledge and resources where appropriate.
- Engage in discussion about their performance and act on feedback.
- Raise issues of concern at an early stage and seek constructive solutions.
- Make use of available support and training resources.
- Maintain a healthy work/life balance.
- Follow guidance offered by Occupational Health, counselling and management.

Management of individual cases of stress

Managers have a key role to play in identifying stress and should be alert to signs such as:

- Confusion and indecision
- Difficulty concentrating

- Poor memory
- Changes in eating habits
- Mood swings affecting behaviour
- Changes in attendance, such as arriving late or taking more time off.

In discussions with the employee, managers should offer support or facilitate support from elsewhere at the earliest opportunity. The outcome of the discussion should be documented in the Stress Risk Assessment and action plan. Where required, further advice and guidance can be sought from Occupational Health, the employee relations team or the Health and Safety Team. Managers should be flexible in exploring where reasonable adjustments can be made for employees experiencing stress or where phased returns to work are necessary following stress-related absence.

Reasonable adjustments would depend on the circumstances and service needs but may include:

- A temporary change to starting and finishing times.
- Temporary adjustment of working duties.
- Additional training/coaching support.
- More flexible working arrangements.
- More regular supervision if appropriate. KMPT has a range of flexible working arrangements and advice can be sought from the employee relations team and Trade Union representatives.

Employee Assistance Programme support available

The Employee Assistance Programme (EAP) offers specialist information and support on a range of topics such as:

- Counselling (available via phone or online).
- Debt management support.
- Stress intervention support.
- Career guidance service.
- Citizens' Advice information.
- Legal information.

There is also our staff support service which is accessible throughout the year. To access this, employees can call 0330 165 0600. Calls are

confidential.

Advisers receiving calls are fully qualified professionals with expertise on a wide range of issues.

- **Personal**
Relationship and family issues, bereavement, financial difficulties and debt, health, wellbeing and lifestyle, substance misuse, stress, anxiety and depression
- **Work related**
Relationships, conflict, change, performance, promotion, work-life balance
- **Debt**
Budget planning, negotiating with creditors, debt health check to reduce the cost of utilities and other outgoings
- **Legal**
Marital, family, divorce, separation, domestic, consumer, probate, landlord/tenant.

Training

1 | What this policy covers

Kent and Medway NHS and Social Care Partnership Trust (KMPT) is committed to providing brilliant care to its service users and ensuring the wellbeing of its employees. This policy aims to assist individuals, departments and the organisation to maximise learning opportunities, capture and share best practice, recognise the value of learning and provide value for money in training employees.

KMPT is responsible for ensuring that all employees are appropriately trained for their role in order to minimise risks to both employees and its service users. All employees are required to attend the relevant essential training for their role in order to deliver a safe and effective service.

KMPT has a responsibility to ensure that employees are supported to fulfil their personal Continuous Professional Development (CPD) requirements for the role in which they are working. By ensuring that employees feel supported to achieve their potential we believe we will have better retention rates.

2 | Principles

The policy applies to all permanent, temporary and seconded employees, including medical employees directly employed by KMPT. It does not apply to agency and locum cover supplied through recognised agencies. For these employees, KMPT requires the Statutory and essential training for the role to be provided by the agency. This will be monitored via the contract monitoring arrangements. This policy does not apply to junior doctors in training or students such as nursing or allied health students who are on placement within KMPT.

Volunteers are required to undertake minimal training however they may complete other subjects if they wish and it is deemed appropriate for the role. KMPT has a duty to keep volunteers safe and will offer them Health and safety, fire and personal safety

training dependent upon their role. A local induction briefing should be individualised to meet their needs according to the functions they are expected to perform and the area in which they will be placed. All volunteers must undertake Safeguarding awareness which is in the form of a briefing document provided by Voluntary Services. This must be completed and signed prior to them being offered their first voluntary role.

3 | Responsibilities

KMPT has a legal responsibility to provide a safe and healthy environment for all employees, service users and visitors, while ensuring that employees have the necessary competence to perform their roles. Managers are responsible for ensuring that employees are aware of and are supported when participating in KMPT's essential training programmes.

It is the responsibility of the employee to attend all appropriate component parts of their essential training required for their role.

4 | Policy in practice

Essential training

Essential training is important for the wellbeing of both employees and service users, as well as for legislative and compliance reasons. Although it is compulsory for all employees to comply with their essential training requirements, it is acknowledged sickness and other leave makes 100% compliance aspirational. Every individual should aim for 100% so KMPT achieves its target of 90% (95% for data security).

For those employees who have been identified as working only minimal hours and who never work without direct supervision, a formal risk assessment can be carried out by a service manager and discussed with the Learning and Development (L and D) Department. This is to negate the need for these individuals to undertake the full essential training requirements. In order for these individuals to

be exempt from the usual essential training a signed copy of the risk assessment must be on file within the L and D Department.

Where an employee is not able to take part in any physical essential training due to illness or injury this should be discussed with the Manager and appropriate action should be taken. This may be in the form of a Risk Assessment and or Occupational Health Referral. If it is agreed that the individual should not take part in the identified essential training then an email should be sent to kmpt.training@nhs.net so that they are removed from the certification on iLearn.

Training applications

Applications for in-house courses should be made via iLearn <https://ilearn.kmpt.org> in the first instance. If that is not possible applications can be made via email and as a last resort by telephone.

Applications for external courses should first be discussed and approved by the Manager. The Manager is responsible for approving or rejecting the application and for determining the appropriate amount of study leave to be granted. Employees with unacceptably high levels of sickness will be refused study leave for Continuous Professional Development (CPD). Applications for CPD will not be considered until all essential training is in date.

Lifelong Learning encompasses access to basic literacy, language and numeracy skills. Employees who do not have literacy and/or numeracy skills at level 2 are able to contact the L and D Department for information, advice and guidance to enable them to access appropriate learning in order to achieve in their area of need. Where appropriate, employees will also be offered an assessment for dyslexia. Managers may also wish to contact the L and D Department for advice if they feel that they have identified a literacy or numeracy learning need for an employee.

Team training: The L and D Department can arrange training, to whole teams close to their place of work, where it is efficient to do so. Managers will be asked to ensure that at least 12 people can be spared to attend the training session in order for it to be considered viable.

Informal team training, including briefings on new policies and completing e-learning as part

of a group, should be recorded and a register signed by all who have attended. On receipt of these records the L and D department will ensure each employees training record is updated on iLearn. Employees delivering informal training in this way must themselves be competent and in-date in the subject area. Further guidance and a copy of the record are attached (Appendix C).

Medical staff CPD is outlined in the CPD Policy for Medical Staff, with training records being entered on to the Trainee Information System (TIS). The responsibility of procuring the required training remains the responsibility of the Medical Education Department.

Funding, study leave and learning agreement

Depending upon the training request, funding may be required. KMPT receives funding for external courses to spend on the development of employees and therefore courses are not necessarily available for employees not directly employed by KMPT. Likewise, medical education funding is separate from non-medical funding.

Applications for external courses or study days will be reviewed by a central training panel, which includes representatives from each Care Group, Support Services and Professions. The central training panel meets on a monthly basis to decide if funding should be approved. Managers must check all essential training is in-date and levels of sickness are within acceptable limits before approaching the central training panel.

Applications for external courses and study leave must be submitted to the L and D Department and will only be considered upon receipt of all necessary documents. These should be sent electronically, not in hard copy to kmpt.training@nhs.net.

Once a decision has been made to approve/fund or part fund a course the applicant will be informed and bookings can commence. If the central training panel only agrees to part fund, the individual can go back to the manager to see if other support might be available. They can seek sponsorship from charitable bodies or they may decide to self-fund the remainder of the cost.

Other expenses - in addition to the obvious

costs there may also be the cost of travel, residential fees, examinations, etc. These should all be agreed in advance of any decision to book.

Indirect costs to consider include the time away from work and the expense of arranging cover to backfill study leave. It should not be presumed that study leave will be automatically granted and there may be an expectation employees will need to contribute an element of their own time to learning activities.

It is the responsibility of budget holders to ensure costs of time off, and any consequential back fill arrangements associated with external training, are met from within their own existing budgets.

Recognising the limitations of resources, it may be appropriate to consider the value for money compared to learning outcomes associated with conferences.

University

Non-medical funding for modules or degree pathways at Canterbury Christ Church University or The University of Greenwich is covered by a contract. Applications for funding must be submitted every year in early July (depending on the University deadline), this is communicated via the Training News each year. Those employees undertaking more than one module in an academic year should apply for funding for the entire year at the same time by the advertised deadline. The exception to this might be new starters who require specific modules in order to meet the needs of their role such as Mentorship.

All employees that are granted funding of £500 or over from the central training panel will be expected to sign a Learning Agreement. The Learning Agreement covers the following and is dependent on the type of course approved.

a) Applicants who are required to fund a proportion of the cost of the course, must have an agreement in place with the provider regarding the funding prior to the commencement of the course.

b) Applicants will be required to commit themselves to remaining in the employment of KMPT for a period of time after completion of the course or will be liable to repay any

proportion of funding provided to them as set out below:

Level 2 – 3 Programmes and Individual Modules/Short Courses/programmes over £500– 12 months

Level 4 programme and above – 24 months.

c) Repayments will be calculated as follows:

Employees who leave before the end of the course or do not complete the course will be liable for all costs incurred to date.

Employees who leave of own volition before required period of time as set out above will be liable for the costs as described in the table below.

12 Month Agreement Length of Time Remaining on Learning Agreement	24 Month Agreement Length of Time Remaining on Learning Agreement	Agreed Repayment Sum
10-12 months	19-24 months	100% of costs
7-9 months	13-18 months	75% of costs
4-6 months	5-12 months	50% of costs
1-3 months	1-5 months	25% of costs

Training needs analysis and course catalogue

The L and D Group will oversee the development of an annual Training Needs Analysis (TNA) based on the needs of KMPT. This will outline the essential training requirements of employees in line with legislation, guidance, Care Quality Commission (CQC) requirements and professional development requirements of employees. This process will commence in September of each year, with the production of a course catalogue by February.

Should any additional training needs be identified outside of the TNA consultation period of September to February these should be forwarded to the Head of L and D to be raised with the L and D Group. The L and D Group will add the specific areas of need to the L and D Work Plan and actively procure or develop appropriate training. Where additional

training requirements cannot be achieved they will be highlighted to the L and D Group who will make recommendations to the Workforce and Organisational Development Committee.

The L and D department will publish the Training Essential to Role Matrix for all employees highlighting the specific requirements of each service and employee group. This will be available on-line. Reports are available on iLearn so each manager, Care Group and Support Services can identify those employees due to go out of date with aspects of training. These reports should be used at supervision and at Care Group performance meetings in order to make plans for employees to be released to attend necessary training. L and D send regular reports to subject specialists so that they can target any underperforming teams.

To ensure the appropriate number of courses are procured and made available to employees within KMPT, the L and D Department undertakes an ongoing gap analysis, continually monitoring the uptake of training against the projected TNA requirements. L and D provide reports to the L and D Group, Care Groups, Support Services, CQC Compliance Group, Health and Safety Group and the Workforce and OD Committee in line with the approved governance process.

Recording and monitoring of attendance

The L and D Department will maintain a central database to record training activity data on iLearn. This will include training course title, dates, and delegate attendance. Registers of all employees booked on to training are available for trainers to download, or are provided by the trainer's course administrator for each session. These registers are signed by attendees at the beginning of the session. These registers identify all employees who attended or Did Not Attend (DNA) the course. This will inform the process for charging DNAs and late cancellations.

All completed registers should be returned to L and D within three working days along with a summary of evaluations and the completed evaluation sheets.

Employees and managers should record training attended and evaluate its application to practice in the Personal Development Plan.

Employees can access their own training records and print certificates of attendance on iLearn.

DNA and late cancellations

The L and D Department, or the trainer, will record an individual's attendance using the information detailed on the attendance register.

The attendance status will be recorded on iLearn.

A late cancellation letter will be sent out via iLearn to the individual that cancelled within seven days of the course and did not offer a substitution.

A DNA letter will be sent out via iLearn to the individual that did not attend, copied to their manager.

In the event of an employee cancelling a course within seven working days of the course date or not attending the training course booked, a £75 charge will be levied against the employees as recorded on the ESR system. If a substitution is made for the late cancellation a charge will not be made.

The charges will be processed on a monthly basis and details of charges will be sent in the form of a report to the relevant Heads of Service/Director/HR Business Partner and Workforce Development Advisor. For junior Medical staff the information will be sent to the Medical Education Manager.

The charge will be processed by Finance and will be deposited in the L and D budget.

If a charge letter has been issued where there are extenuating circumstances, this must be raised on a DNA appeal form and emailed to kmpt.training@nhs.net within five working days of receiving the notification of the charge to prevent the charge from being processed.

Extenuating circumstances will be considered at the discretion of the L and D Department. Non-Attendance/DNA charges will apply to all external organisations, including NHSP, other temporary staff and students.

Extenuating circumstances include: sickness absence and compassionate leave. Critical, on the day issues (used in exceptional circumstance) may be a reason for non-attendance in the Care Groups only. This will need to be agreed by the Service Manager/

Modern Matron on the day of the course. Staff shortages or high workload will not be accepted.

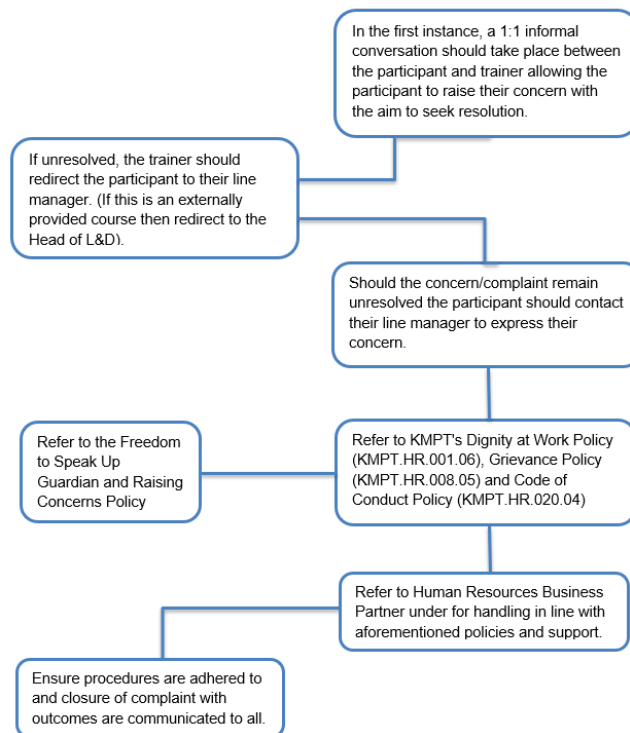
5 | Concerns and complaints for participants attending KMPT training courses

KMPT values feedback from its employees attending training as this enables learning, development, and improvement within services. Where there are concerns about how training is delivered, the content of the training and the impact that has on the quality of the training experience, we want to know so that it can be explored and addressed appropriately.

It is therefore important that there is a transparent and easily accessible process to raise concerns and where necessary make a complaint. Equally, employees should feel confident that their concerns are taken seriously and that they are not disadvantaged by raising the concern.

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with the trainer or your manager. If the concern still remains unresolved then the relevant Human Resources Business partner will be involved and will support you. Relevant communication and timeframe expectations of the complaint procedure will be dependent on which policy the complaint comes under.

The quality of training provided by KMPT is of the utmost importance and we want to ensure that employees get the most out of their experience. If, for any reason, any employee dissatisfied with any of the content of the course, or by the attitude, performance or behaviour of the trainer or their peers within the training session, the below procedure should be followed.



6 | Induction procedure/process

The Recruitment Team will undertake pre-employment procedures and forward all booking forms for new starters to Learning and Development.

Attendance on the KMPT corporate induction will take place on the first day of employment unless there are exceptional reasons to the contrary. Where there are exceptional circumstances, authorisation to delay the induction can only be made by the Care Group Manager or Service Director after a discussion with Recruitment and Learning and Development. The induction programme can take from one and a half days to 14 days depending on the employee group

The Learning and Development department will book all new employees onto the corporate induction and required essential training for the role.

If the new employee has previously worked for another NHS Trust it may be possible to accredit some of their prior learning. Some NHS Trusts send training information automatically via ESR to us but this is not yet across the whole of the NHS. If we do not

receive the information automatically then details of the courses undertaken, including certificates should be forwarded by the new employee or the recruiting manager to kmpt.training@nhs.net. Learning and Development will liaise with the subject specialists to see if it is necessary to attend this training again and will inform the new employee.

If the new employee fails to attend the corporate induction the Land D Department should be informed immediately. If the new employee is still taking the job offer then the L and D Department will make arrangements for an alternative corporate induction. It is the Managers responsibility for ensuring that the necessary risk assessments are undertaken and applied during the period until confirmed attendance at the corporate induction. Under no circumstances can attendance be delayed beyond the next available corporate induction in the area.

The content of the corporate induction will be evaluated and reviewed by the L and D Department on an annual basis.

All Essential Training courses booked as part of the Induction Pathway should be attended by the new employee on the dates provided. Cancellations for essential training should only be granted in exceptional circumstances and will require the manager's approval. Should the new employee fail to attend any essential training course it is their responsibility to book onto the next available course. It is the manager's responsibility for ensuring that the necessary risk assessments are undertaken and applied during the period until confirmed attendance at the relevant essential training course.

The Manager will be responsible for facilitating the Local Induction Record for Permanent Employee induction immediately following the new employees attendance at the corporate induction. This must take place immediately after the new employee enters the work environment and should be completed within four weeks.

For short-term ad-hoc agency, locum and honorary employees, a personalised Local Induction will be required. The Local Induction Record for Temporary/Agency Staff should be used.

All agency and short-term temporary/locum staff must complete the Local Induction when reporting for the first day of work/placement providing evidence regarding essential training already completed. A copy of the record must be held locally by the appointing manager and a further copy should be sent to the Induction Co-ordinator. Each employee should also retain a copy and present it when working in new locations.

For clinical agency locum staff employed through external agencies (i.e. NHSP) a copy of the completed Local Induction must be sent to the Induction Co-ordinator for retention on the first day of employment by the Manager. The Manager, when approving the timesheet of the individual on NHS Professionals (NHSP) Online will indicate whether the Local Induction has been completed. The Agency will provide KMPT with Monthly reports detailing those employees that have worked in the Trust. The Induction co-ordinator will then cross reference the Induction Records that have been received with the list from NHSP and will follow-up any that have not been received.

All local induction documents are given to new employees when attending the Corporate Induction Day but can also be found on the intranet <http://i-connect.kmpt.nhs.uk>

Although technically not employees, Non-Executive Directors can attend the corporate induction and Essential training as identified. Non-Executive Directors should return the Induction Programme for Non-Executive Directors to the Learning and Development Department within six weeks of appointment.

Employees that leave KMPT and return within 12 months are not required to repeat the Corporate Induction. Their essential training will be reviewed by the L and D Department and anything required will be booked.

Trans equality in the workplace

1 | What this policy covers

This policy outlines how trans people should be treated in a dignified, non-discriminatory way.

KMPT recognises:

- The broad spectrum of gender diversity within society and that traditional gender stereotypes are not adequate in reflecting the lives of employees, service users and visitors.
- That people have the right to live with dignity and privacy in the gender with which they identify, and that there must be no exceptions to this whether a trans person is an employee or using our services.

2 | Principles

- The Equality Act.2010 demonstrates that a trans person does not have to be under medical supervision or have a gender recognition certificate (GRC) to prove that they have a protected characteristic of gender reassignment.
- Trans people must be treated in accordance with their self-declared gender identity.

3 | Responsibilities

- The KMPT Board will ensure that this policy is applied fairly and equitably.
- Managers are responsible for supporting their employees including those going through transition.
- The HR Business Partner and the Equality, Diversity and Inclusion Team will advise on application of this policy.

4 | Policy in practice

The meaning of trans

We use trans as an umbrella term for people who feel their gender identity or gender expression differs from the sex that was assigned to them at birth.

Sex and gender are not interchangeable terms. One's biological sex can be at odds with their own view of their gender.

A person's biological sex includes all aspects of their sex-related biological structure (breasts, facial hair, voice, body shape etc.). Most people's biological sex will be clearly male or female. Some people who have bodies which are not clearly male or female and those born with these physical variations are known as intersex.

An individual's gender identity is their psychological sense of self being a man or woman. Some people may not identify with a binary concept of gender (man or woman) and instead identify as having a non-binary gender or as having no gender. Some people experience their gender as fluid and changeable. A person's gender identity is as invisible as their personality when they are born.

An individual's gender expression is how they present themselves through their external gender related appearance and their behaviour. This can be an expression of someone's gender identity but is not always the case and assumptions should not be made based on this.

The Gender Recognition Act (GRA) 2004

This gives legal recognition to trans people following a permanent change of gender. The GRA is not currently sufficiently inclusive of non-binary people. It sets out the process for individuals to apply for a Gender Recognition Certificate (GRC) after living full time in their acquired gender for at least two years. It is not necessary for someone to have undergone medical intervention, other than a diagnosis of gender dysphoria, to receive a full GRC.

A GRC is not required in order for trans people to request a change to their gender marker on their passport or driving license.

Once a full GRC is issued to a person, their legal sex/gender henceforth becomes for all purposes their acquired gender – including for marriage and civil partnerships purposes and for employment in posts where a Genuine Occupational Qualification to be a particular sex/gender applies. People with a GRC can apply for a corrected birth certificate if their birth was registered in the UK. A person who has received

a GRC is not required to show their GRC to others such as employers or service providers. It is not an identity document and will not be carried on the person.

Employers and service providers must change, on first request by an individual, their name and gendered title (Mr, Miss, Ms, Mx) on all their employment, medical and other records identity badges and future correspondence. All that individual needs to state in their request is that they are starting a process of gender reassignment to live permanently in their acquired gender.

They do not need to show a GRC in order to change their day to day documentation or to use the toilet facilities of their acquired gender.

Section 22 of the GRA 2004 makes it a criminal offence, with a fine of up to £5000 on conviction, for any person to disclose information which they have acquired in an official capacity about an individual's application for a GRC or about the gender history of a successful applicant. If a person has a GRC or it could be assumed they had one e.g. they are living full time in their acquired gender, then this cannot normally be disclosed further in a way which identifies the person involved without that person's express consent, or more exceptionally, a specific order by a court or tribunal.

Section 22(4) of the GRA 2004 states specific exempt circumstances where it is not an offence to disclose protected information about a person's application for a GRC or about that person's gender history. The exempt situations of relevance to KMPT are where:

- The information does not enable that person to be identified
- That person has agreed to the disclosure of the information
- The disclosure is in accordance with an order of a court or tribunal
- The disclosure is for the purposes of preventing or investigating crime.

A standard consent to share information of services user's with other agencies does not include sharing information in relation to a person's gender history.

KMPT's responsibilities

KMPT must ensure that trans employees and service users are treated in the gender with which they identify and live, irrespective of

whether they have undergone any hormonal or surgical treatment or have a GRC.

It is unacceptable for employees to refuse to recognise, for any period of time, an employee, service user/service user or visitor as belonging to the gender with which they identify.

Being aware that a person has transitioned does not give anyone the right to treat them differently.

Discrimination from employees, service users or the public will not be tolerated.

Employees going through gender transition

The KMPT Gender Identity Transitioning at Work Policy sets out guidelines for employees and managers to support employees undergoing their gender transition whilst working at KMPT. This can be found in this handbook at page xx

Supporting trans employees and service users

Trans employees and service users must be treated with civility, dignity and respect with consideration of the following:

Pronouns – ensure you use the correct pronoun for the individual e.g. he/she/they/ze – this list is not exhaustive. Ask the individual how they would like to be addressed.

Religion or belief – no-one should use their particular religious beliefs or cultural views about trans people to refuse to treat, work with or share facilities with a person who is trans.

Toilets and changing facilities – trans people should not be prevented from having access to the facilities that affirms their gender identity. Gender neutral facilities may be available as an alternative for any person whether trans or not, who do not wish to share with others. This may be especially important for some people who identify as either men or women or identify as both and would be uncomfortable entering facilities designated 'ladies' or 'gents'.

5 | Discrimination and harassment

Direct discrimination

Occurs when a person is treated less well because they have a protected characteristic. This applies when a person is discriminated against because they are perceived to be trans –

even if they are not. Those associated with trans people such as partners, spouses, other family members or carers are also protected against discrimination.

Indirect discrimination

Occurs when a rule that is neutral as it applies to most people, creates a disadvantage for a person with a protected characteristic. It is not enough for a manager to say that they are treating a trans person in the

same way as they would any other employee if that treatment puts a trans person at a disadvantage.

Bullying

May be characterised as offensive, intimidating, malicious or insulting behaviour, or abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment

Is unwanted conduct related to a relevant protected characteristic, affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or

any personal characteristic of the individual, and may be persistent or an isolated event. The key is that it has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient.

Victimisation

Occurs when someone is badly treated as a direct result of having complained, either themselves, or someone else has complained on their behalf about discriminatory treatment under the Equality Act.

Discriminatory practice

Trans people may experience some or all of the following examples of discriminatory practice:

- People refusing to associate with or ignoring them because of their trans status.
- Not being addressed in their affirmed gender or not having their new name used.
- Having their personal life and relations probed into.

- Having malicious gossip spread about them.
- Having confidential information relating to their trans status released without their approval.
- Having confidential information relating to their trans status released by someone they have disclosed to.
- Not being allowed to use facilities that are appropriate to the gender in which they live.
- Being treated less favorably than others in regard to sickness or other absences.
- Being refused access to services, facilities or premises due to prejudice from employees or other service users.
- Being verbally abused or physically assaulted because of their trans status.
- People refusing to associate with or ignoring them because of their religion, belief or cultural views.

As an employer and deliverer of care for trans people, KMPT should ensure that health and life experience are not diminished but rather enhanced through celebrating and embracing diversity.

Travel and expenses

1 | What this policy covers

The overriding principles relating to the reimbursement of expenses are that the employee, in the course of their duty at KMPT, may incur costs. These should reflect actual receipted expenditure by the employee and the expenditure should be consistent with standards the employee would normally apply at their own expenses.

The policy is intended to be used by both employees and managers as the correct procedures in respect of an employee's expenses. It must be read in conjunction with National Terms and conditions of Service handbook. A Current version of this may be viewed at <https://www.nhsemployers.org/publications/tchandbook>

This policy applies to all employees of KMPT. The rates of reimbursement are as detailed in Section 17 of the National Terms and conditions of Service handbook. Rates of reimbursement for employees covered by the national Medical and Dental Terms and Conditions of Service are detailed in the relevant Pay and Conditions Circular.

2 | Definitions

Mileage

This is the mileage incurred in travelling from the place of work to the business location using the shortest possible route, according to Google maps. For journeys starting or finishing at the employee's home address, normal home to office mileage will be deducted from the claim.

Home to office mileage

This is the distance between the employee's home address and their place of work, according to Google maps.

Subsistence

Costs incurred for accommodation during overnight stays on official business and costs incurred for meals in certain circumstances.

Medical staff

This is all doctors within the organisation, employed on Medical and Dental Terms and Conditions of service.

AfC Employees

All employees employed on Agenda for Change Terms and Conditions of Service

Motor Insurance Policy

The written contract for insurance between the insurance company and the insured employee. This should be in the form of an insurance certificate and not a schedule or proposal, which should include 'business use'.

Private Vehicle

A vehicle not owned or leased by KMPT

Roadworthy

Fit to be driven with valid MOT where necessary

Commuting

This is travel between home and the employee's principal base

Reserve Rate

Previously known as Public Transport rate

3 | Duties

Claimants have a responsibility to:

- Be familiar with, and adhere to, this policy and procedure
- Obtain agreement from the budget holder in advance of incurring expenditure; this may be agreement that mileage expenses can be claimed for a series of regular business journeys, or for a one-off item of unusual or significant expenditure
- Ensure that expense Claims are completed correctly using eRoster and must give sufficient time for them to be authorised/ approved by Managers by the fourth working day of the month in order to ensure payment with that month's salary.
- Specifically ensure their vehicle insurance meets the requirements of their duties as outlined by their managers
- Ensure that vehicles are safe for the employee, passengers and general road

- users, and that they are legally entitled to drive the vehicle
- Notify their manager immediately if there are any changes to their eligibility to use their vehicle or change in vehicle for KMPT business, along with their eligibility to drive. Where applicable, employees must present all revised documentation.
- Ensure that they are able to drive on business, eg have appropriate insurance cover, before undertaking business journeys when they are using other vehicles, eg supplied by a garage or insurance company if their own car is being reared
- Where an employee ceases to have either appropriate insurance cover, driving licence or valid MOT for their vehicle where appropriate, they must immediately cease to undertake KMPT travel using their own vehicle and notify their manager.
- When using other vehicles, eg supplied by a garage or insurance company if their own car is being repaired, employees must inform their manager of this and ensure that their insurance policy still covers business travel.
- Employees are reminded that the submission of any claims that they know to contain false or misleading information will be considered fraudulent behaviour and may result in disciplinary, civil and criminal action being taken.
- If employees submit any claim for payment outside the three month time limit the payment will not be approved for payment.

Approving managers have a responsibility to:

- Ensure they understand and correctly deploy this procedure equally, fairly and consistently to all employees and their employees are fully aware of the policy and procedure.
- Ensure that claimants complete their expense claim forms using eRoster on a monthly basis, or at least every three months
- Ensure that the claims are correct in line with this policy and supported by appropriate proof of expenditure.
- Ensure that approved procurement processes, and not expenses claims, are used for purchases in line with the Procurement policy.
- Ensure that submitted claims from claimants are processed promptly by the approver and submitted for payment in line with the Payroll processing deadlines.

- Ensure that claimants use the most cost effective method of travel when undertaking official business journeys.

HR have a responsibility to:

- Provide advice and support to employees and managers on this policy as required.
- Ensure approvers are applying this policy and procedure fairly and equitably to their employees
- Advise on appropriate formal procedure in cases of abuse of the Trust's Expenses policy
- Administer the eRoster system

The board has a responsibility to ensure that:

- This policy and procedure is applied fairly and equitably for all employees
- Managers and employees are informed about this policy and procedure
- This policy and procedure is monitored and audited to assess its effectiveness and equal consistent application

Training/competency requirements

Approvers are required to complete eRoster training.

4 | Procedure

All claims made by KMPT employees must be made via eRoster with the exception of international relocation claims. These will be processed by the International Recruitment team.

To register for eRoster and make a claim, it is necessary that the employee has registered their vehicle and documentation details by completing the Car User form on the Internal Forms page on i-connect. Please note this information is only required for vehicle related claims for mileage and parking.

Duty of Care Checks

Checks for motor insurance, MOT certificates and driving licenses are carried out by line managers

Original Receipt

The original merchant receipt or invoice issued by the supplier or service provider to document and substantiate the business transaction must be retained. A scanned copy will be accepted.

Procedure for authorising the use of private vehicles for KMPT business

Employees may use their own vehicle on KMPT business only if they have:

- A full British driving licence or one that is legally valid for use in the United Kingdom
- An up to date motor insurance policy that provides appropriate cover whilst on KMPT business (Note: not all motor vehicle instance policies automatically include business use). Where employees are transporting clients, KMPT requires the insurance certificate to state that they are insured to carry clients as passengers during the course of their business.
- A roadworthy vehicle
- A valid MOT certificate where this is required by law
- The provisions in this document apply irrespective of whether the employee claims back the expenses or not.

Home to base mileage

Home to base mileage is deducted automatically before any journey is calculated. Therefore, Travel Claims entered onto the system should be from home or base, wherever the business journey starts and finishes.

Specifically, the detail required is:

- The postcode of each location visited and the nature of the journey (eg business, course, seminar etc)
- Receipts must be scanned and provided to the manager authorising the claim. This is to enable the manager and any independent reviewers, such as internal audit and counter-fraud, to establish whether the mileages or sums claimed are legitimate and reasonably incurred.

Parking

- Employees can reclaim reasonable expenditure on parking fees necessarily incurred in the course of business away from your normal place of work, subject to receipts being retained and provided to your manager
- 'Reasonable' in this context should be taken to mean in relation to the location of the appointment/meeting. The time of the parking charges should roughly correspond to the times of the meeting or visit and not extend for hours beyond it. Where employees choose to be parked

for a longer period than required by the work commitment, only that portion of the parking charge may be reclaimed.

- KMPT will not pay for parking fines.

Accidents/driving offences/fines

- Where an employee is involved in a motor accident whilst on KMPT business, this must be reported to their manager at the earliest opportunity and recorded on Datix.
- KMPT will not reimburse the cost of any speeding, parking or other vehicle/travel related fines. These are the sole responsibility of the individual.

Passengers/car sharing

- Where possible colleagues should arrange to travel together, COVID regulations permitting
- Salary sacrifice car users can claim passenger miles, which is a taxable benefit for these users.

Travel to attend training courses

- Travel to statutory and mandatory training (as per the Training policy) will be reimbursed at Standard Mileage Rate
- Travel to other training (eg a long or short course or a conference identified in a PDP) will be reimbursed at the Reserve Rate
- Employees travelling in order to deliver training will be reimbursed mileage at the Standard Mileage Rate.

Travel by taxi

- Taxi fares shall be payable only in cases of urgency or in other cases in which transport is reasonably required and an adequate public service is not available. Where these conditions are not fulfilled employees using a taxi shall be entitled to claim the sum they would have paid had they travelled by public transport.

Travel by bus

- Travel by bus is permissible, where this mode is the most economical, when considering the urgency, nature, safety, cost and duration of the journey or where journey by other means is impractical.
- Tickets must be retained and will be reimbursed as per the usual procedure for claiming travel expenses. Where an all day or multi day pass is purchased for use for business travel, HMRC rules state that the reimbursement payment will be taxable as

the pass could also be used for non-business travel. A multi day pass will be reimbursed at a rate in proportion to the number of days on which it was used to travel on business.

Travel by rail

- Employees required to travel on KMPT business should ensure a booking is made at the earliest possible opportunity to obtain the best rates. Employees may book directly eg through an on-line train booking service or with the train company directly.
- All travel by rail should be in standard class, except in the following circumstances: The applicable First Class Advance Fare is cheaper than the cheapest available Standard class fare and the journey cannot be made at another time.
- Receipts must be obtained when the booking is made directly by the employee, which should be shown to the manager.

Travel by air

- Circumstances requiring air travel need approval in advance by the Chief Executive.

Cycling/walking

- Cycling or walking on KMPT business is authorised and encouraged where this mode is the most economical, when considering the urgency, nature, safety, cost and duration of the journey or where journey by other means is impractical.
- Employees using pedal cycles for travel for business purposes are entitled to claim for each mile cycled at the rate set out in Annex L of the National Terms and conditions of Service handbook (same rate will apply for employees on other terms and conditions).

Return to work/on call

- Return to work is defined as being when employees are required to return to or to attend their place of work outside their normal hours of duty in circumstances where they would be entitled to overtime or time off in lieu.
- On-call is defined as being where employees are required to be on an on-call rota and are requested to undertake work at their place of work or other KMPT premises.
- Payment will be at standard rate and taxed in accordance with HMRC guidelines for home to base mileage.

Temporary transfer

- Employees who are required by KMPT to carry out temporary duties at a place other than their permanent place of employment, and who travel daily to their temporary base whilst continuing to live near their permanent base, may be reimbursed their excess travelling expenses on the basis of the reserve mileage rate.

Change of base resulting from organisational change

Employees who are required by KMPT to relocate to a new base on a permanent basis and who travel daily to their new base whilst continuing to live near their old base may be reimbursed their excess travelling expenses on the basis of the reserve mileage rate. For more details please refer to the relevant policy. The approving manager will calculate the old journey from home to base and the new home to base journey using Google maps.

Subsistence

An employee who is required to be away from home for business purposes may claim subsistence allowances and amounts for accommodation as set out in the National Terms and conditions of Service handbook, Section 18 and Annex N. Employees on other terms and conditions should refer to the applicable handbook.

The cost of alcoholic beverages will not be reimbursed by KMPT.

Where accommodation and meals are provided without additional costs being incurred, there will be no entitlement to claim reimbursement.

Overnight accommodation allowances

- Where an employee stays overnight for business purposes this must be approved in advance by their manager
- Where an employee stays overnight for business purposes but accommodation and meals are provided without charge only an incidental expenses allowance will be payable

Other expenses

- The cost of telephone calls in connection with KMPT approved business, using your personal landline at home, will be reimbursed if charges are incurred on the receipt of an itemised bill which highlights the relevant calls being claimed. It is the

manager's responsibility to check that these calls were indeed in relation to KMPT approved business before submission for payment.

- Postage costs will be reimbursed if these are personally incurred in exceptional circumstances, and an appropriate receipt is provided.
- Sundry expenses - in exceptional circumstances, where it has not been possible to obtain goods through the normal purchasing procedures, an employee may purchase sundry items required to carry out their duties, the costs of which will be reimbursed in full providing the purchase has been approved in advance by a Head of Service or above. The claim would need to be authorised by the Head of Service or above who approved the purchase of the items.

Relocation expenses

These are dealt with separately please refer to the Relocation policy.

Approvers responsibility

When authorising claims, managers must be aware of what they are checking and approving, that sufficient detail has been included, and that the declarations have been completed correctly.

Managers must also check that claims have been submitted in a timely manner. Claims not completed correctly must not be approved.

Approvers must review claims and ensure that each claim is appropriate and correct before certifying for payment. This will include checking:

- The journeys and/or expenses were properly and necessarily incurred on behalf of KMPT.
- The postcodes for the start and end points of the journey are accurate and the reason for each journey is completed correctly.
- The claim has been correctly completed and complies with this policy and the appropriate Employment Terms and Conditions.
- As far as the approver is aware, there has not been any previous payment against the claim from any other source.
- The claimant has verified the claim.
- That any expenses are supported by appropriate receipts which have been seen by the authoriser.

The above steps should be completed promptly

after each calendar month end to ensure all claims are able to be processed and paid by Payroll. Any late claims will be paid the following month.

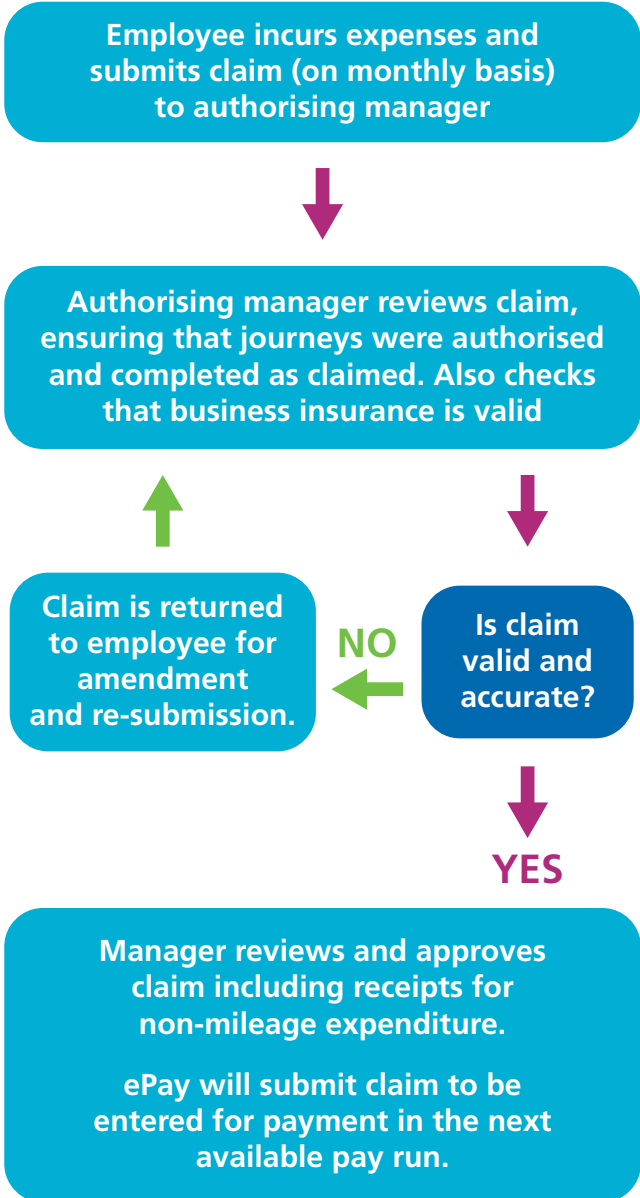
If fraud is suspected the Manager must contact KMPT Counter Fraud Team with their concerns.

Mileage rates

Mileage rates are available via NHS Employers www.nhsemployers.org/articles/mileage-allowances-faqs

Any mileage payments made in excess of the Government approved amount is subject to tax and National Insurance. Government approved rates are shown on www.gov.uk/expenses-and-benefits-business-travel-mileage/rules-for-tax

5 | Travel and expenses flowchart



Vehicle and driving

(including lease cars)

1 | What this policy covers

This policy outlines KMPT's expectations and the employee's responsibilities when driving a vehicle provided through KMPT (i.e. lease car) or their own vehicle for business purposes. It also highlights the actions that employees must take to ensure they drive safely.

This policy should be read in conjunction with the employee's own personal car insurance policy and if they have a lease car, the terms and conditions of the lease car contract.

2 | Principles

Where reference is made to use of their own vehicle for business purposes, this does not include commuting to and from their place of work. However, the responsibilities listed below apply to all driving.

3 | Responsibilities

When using a vehicle for business purposes employees are responsible for ensuring:

- The vehicle is roadworthy and does not pose a risk to other users. Under no circumstances should employees drive a vehicle that is not roadworthy, does not have a valid MOT or is illegal to drive.
- The employee holds a full and valid driving licence that permits them to drive in the UK, with no relevant restrictions.
- Employees have valid insurance that covers the required level of business use (they will need to check this with their insurance company).
- Employees do not drive if they have health problems that may affect their ability to drive.
- The employee's health and safety and that of their passengers and/or other road user.

- Employees drive in a safe, lawful and efficient manner, paying due regard to all traffic and weather conditions.
- Employees must use the most direct route where possible when carrying out their duties and they should advise management of any problems or delays that could affect the scheduling for that day.

4 | Policy in practice

Mobile phones and driving

Employees must not use a mobile phone, including a hands-free phone, while driving. Mobile phones should only be used when the vehicle has been parked in a safe place and the engine has been switched off. Employees should divert calls to voicemail so that messages can be left while they are driving and picked up when it is safe to do so.

Driving under the influence of alcohol or drugs

Employees must not drive on business while they are under the influence of alcohol, illegal drugs or prescribed drugs if the prescribed drug has any potential effect on their fitness to drive.

Using your own vehicle when on duty

Employees using their own vehicle when carrying out their duties, it is their responsibility to that their vehicle is roadworthy and properly taxed and that their vehicle insurance cover extends to business use. Their manager may require them to provide evidence of compliance.

Travel expenses

Employees shall be reimbursed for travel undertaken as part of their business duties in line with current KMPT policy.

Driving offences

If an employee is charged with or convicted of a driving offence or if their driving licence is endorsed and they use their own vehicle for business purposes, they must report this to their manager.

If an employee is disqualified from driving and they are required to drive for all or part

of their job, they must inform their manager immediately. KMPT reserves the right to terminate their employment if it is deemed appropriate.

Driving-related fines including Penalty Charge Notices are the employee's responsibility, whether or not they were incurred in the course of undertaking their duties for KMPT. Employees must pay these as soon as is reasonably practicable.



Work experience

1 | What this policy covers

This policy is to ensure that as part of its service to the community the Trust supports and actively encourages young people to undertake work experience within the organisation. There are currently good work experience links with local schools, colleges and universities and the Trust would wish to expand this to offer students structured and meaningful work experience in the hope that they will wish to work in the NHS in the future and that these placements will be of a benefit to the students and staff without compromising the standard of care the Trust offers clients and patients.

2 | General principles

A key challenge for NHS employers is to maintain staffing levels in the face of increased numbers of staff reaching retiring age, a finite pool of school and college leavers and increased choice and competition for young people from other sectors. Employers in the private and other public sectors are also vying to attract young people and many are investing heavily in attracting the brightest and best. Against the background of a changing school curriculum that focuses on work-preparedness and “employability skills”, work experience offers NHS Trusts the opportunity to take the lead in recruiting graduates and school-leavers. Good work experience programmes quickly repay the marginal costs and resources they require to set up. It therefore makes good business sense for NHS Trusts to recognise this and put strategies in the place to improve and increase the opportunities they offer. There is an increase in the number of schools, colleges and universities wishing to broaden students understanding of the “world of work”, therefore a work experience policy has been developed. This document is about the Trust actively supporting and encouraging young people to undertake work experience

within the organisation in a structured and meaningful manner.

The trust wants to give an introduction to work habits by offering a range of tasks which will help develop and show understanding of the purpose of the posts and how they relates to the National Health Service. To help prepare for working life such as attendance requirements and working conditions, as well as providing training in basic functional skills, whilst showing the importance of good health and safety policy and practice. Students and young people should not be used to replace permanent staff. Every effort should be made to provide a structured course of training and experience which will assist them to obtain future permanent paid employment whether inside or outside the NHS.

Work experience can help fulfil each employer’s corporate social responsibility strategy by engaging with the local community - a particularly relevant issue for existing and would-be foundation trusts. Work experience is also a valuable tool in educating the local community about our services and helps breakdown stigma associated with mental health.

3 | Support process

The Work Experience Manager and the Co-ordinator are responsible for managing the work experience programme and will seek the co-operation of staff trust-wide in the implementation of structured and meaningful placements.

The placement manager or placement contact is responsible for planning a timetable for the students time within the department, ensuring that one person is responsible for the student, acting as a supervisor and point of liaison as well as carrying out a short induction covering health and safety, confidentiality issues and an introduction to the workplace and colleagues at the beginning of the period with a debrief at the end.

4 | Procedures

The Trust accepts responsibility for the health and safety of students whilst on Trust premises and insurance cover is therefore available through the Trust's public liability insurance. The service where the work experience student is placed will provide any training that may be required. The service needs to involve students as quickly as possible, integrating them into the service, providing written information about its structure and names and functions of staff. Prospective work experience students will contact the Work Experience Manager/Co-ordinator who are able to provide advice and support for managers and staff and conduct appropriate employment checks as outlined within the Trust's Recruitment Policy. They will be asked to complete an application form and a health screen form, and sign a work experience agreement to ensure that the Trust can demonstrate adequate supervision is provided in accordance with Trust Insurers' requirements and undertake any checks that are necessary. The application form includes an agreement to be adhered to by the student which includes trust policies, health and safety at work and equal opportunities. The school or college will be asked to provide a named contact tutor. In the case of concerns relating to the completed health check questionnaire, it will be sent to occupational health, they reserve the right to ask a work experience student to attend the department for an appointment if they believe it necessary to do so.

The length and complexity of such placements can vary. Therefore, it is essential that the Trust has a central focal point for the monitoring of such placements and to give advice to managers and students as required.

All students should have certain objectives that they will be required to meet. All prospective work experience students can only be placed jointly between the Work Experience Manager/Co-ordinator and the respective Unit/Home Manager or designated person within Community Services. Any other members of staff who recruit a work experience student could find serious implications if an accident/incident were caused or suffered by such a student.

The minimum age for work experience students is 16 years old, with some flexibility, e.g. 14/15 years old in an admin role, and some exceptions, where it is 18 years old e.g. working with children, the Forensic Unit and on the Acute Wards. This decision has been made for safety reasons and reflects the Trust's commitment to ensuring that the needs of the clients are fully met and is the overriding priority.

All students will be accompanied at all times during placements to protect the safety of both Clients and Students.

All students should be offered placements appropriate to their age and managers should ensure that students are exposed to as wide a variety of work situations as possible to meet their learning needs. In practice this would mean a balance between observation and a series of 'hands on' experiences where appropriate within their chosen work area.

Work experience is undertaken as a voluntary activity; therefore the individual does not receive a financial reward or remuneration and is not considered an employee. Anyone undertaking work experience will be afforded all the rights of protection regarding health and safety as any member of the public entering the Trust's premises.

5 | Student responsibilities

- To acquaint themselves and adhere to the Trust Health and Safety, Confidentiality, Equality and Diversity and general behaviour policies and procedures in accordance with the Work Experience policy.
- To acquaint themselves and adhere to the information provided on the work experience agreement.
- It is the responsibility of the student to notify the department to which they are allocated if they are unable to be present.
- Students should always report on and off duty on each occasion to the appropriate department manager or supervisor.
- Students are required to wear suitable clothing and footwear for the work situation and be neat and tidy at all times.

6 | Managers responsibilities

The induction of a new work experience student is the responsibility of the manager of the Unit/ House/Service. Each student will receive an induction following the agreed Work Experience Package.

Should a manager wish to terminate a placement during or in advance of the expected date, they should contact the Work Experience Manager/Co-ordinator in the first instance. It is important that any difficulties encountered are reported to the college/school tutor via the Work Experience Manager/Co-ordinator and we expect unacceptable behaviour to be immediately corrected or the student will cease attendance.

7 | KMPT responsibilities

- To ensure that work experience students receive appropriate support and supervision during their placement.
- To liaise with the education establishments maintaining good relationships and links with the community.
- To celebrate the success and achievement of work experience students.

8 | Contact details

Work Experience Manager

The Beacon
Manston Road
Ramsgate
Kent
CT12 6NT
07590 328593

Work Experience Co-ordinator

Learning and Development Department
Eastern and Coastal Area Offices
Littlebourne Road Canterbury Kent
CT1 1AZ
01227 812207

9 | Implementation including training and awareness

Work experience is mainly an observational role, but training in the form of supervision or any training needs that might be highlighted by the Manager/Supervisor or the student relating to their work experience should be offered i.e:

- Confidentiality
- Health and Safety Policy
- Dress Code
- Dos and Don'ts
- Fire Safety
- Equal Opportunities
- Access to all trust policies for information.

To ensure that younger students are aware of career opportunities within the NHS, representatives of the Trust participate in careers fairs as well as giving presentations within schools and colleges.

Working hours

1 | Introduction and scope

The Working Time Regulations became law in the UK on 1st October 1998. The purpose of the regulations is to protect the health and safety of employees by placing limits on the amount of hours worked and ensuring breaks and holidays are given. This guidance gives an overview of the regulations, highlights areas which affect KMPT and summarises the action necessary to ensure KMPT complies with the regulations and outlines KMPT's approach on these matters.

Under the regulations, workers are entitled not to suffer any detriment, such as denial of promotion or training, for asserting a statutory entitlement. KMPT should ensure that there is no such detriment in relation to an individual's expectation to work within these regulations.

This policy applies in full to all employees directly employed by KMPT, including all temporary and fixed term employees.

2 | Definitions

Working time in this context means any time in which an employee is:

- Working
- Physically at work at the request of the employer
- Carrying out their activities or duties
- Periods of training
- Travel time during the working day (e.g. the journey between two sites).

Such time may or may not coincide with the contractual time for which the employee is paid. Time spent giving advice on the telephone also counts as working time. Working time must be calculated exclusive of meal breaks except where employees are required to work during meals, in which case such time should be counted as working time.

On-call

Where employees are required to be resident on-call, time will count as working time, but will not count as part of the basic working week. Where employees are on-call at home,

working time commences immediately when the work is received and continues until the work ends unless they are on standby and given notice that they are required to come to work at a specific time. In this case, working time commences when they actually leave home to go in to work.

Resident on-call (sleep-ins)

Employees who are required to be at their place of work and sleeping – in are considered to be working as they are at KMPT's disposal and carrying out their duties. This includes resident on-call or shifts and standby duties.

3 | Duties

Employees have a responsibility to:

- Comply with the regulations and with their agreed and compliant work patterns
- Report any efforts to require them to work in breach of the regulations
- Give written notice to the employer if they wish to opt out of the 48-hour limit on working hours
- Give written notice to the employer if they wish to opt back in to the 48-hour limit on working hours
- Ensure they sign an Individual opt out form if they wish to work longer than 48 hours per week (7 days) over a 17 week reference period (26 weeks for doctors in training and career grade doctors). Ensure employees only work a maximum of eight additional NHSP shifts per calendar month or a maximum of 60 additional working hours per calendar month, over and above the full-time working hours of 37.5 per week or for doctors in training up to 48 hours per week plus up to 16 extra duty hours
- Inform their manager if they have simultaneous employment outside of KMPT.

Managers have a responsibility to:

- Ensure the employees are aware of the Working Time Regulations and are aware of this policy and procedure
- Ensure that the employees welfare and

patient care is not affected because someone is working over the maximum weekly limit

- Maintain a record of the hours worked and working patterns of employees across the Trust on the MAPS HealthRoster
- Ensure employees only work a maximum of eight additional NHSP shifts per calendar month or a maximum of 60 additional working hours per calendar month, over and above the full-time working hours of 37.5 per week or for doctors in training up to 56 hours per week plus up to 16 extra duty hours.

HR will:

- Monitor the application of the policy and ensure that it is communicated to all employees
- Advise and support managers on the Working Time Regulations.
- Maintain a record of the hours worked and working patterns of employees across KMPT by means of duty rosters and time sheets.
- Place copies of the completed opt out on the employee's personal file.

KMPT Board, has a responsibility to ensure:

- The Working Time Regulations are complied with.
- Managers are informed about the Working Time Regulations.
- The policy and procedure is monitored and audited to assess its effectiveness and consistent application.

Training/competency requirements

Training and support to employees and managers on the effective implementation of this policy will be provided by HR.

4 | Procedure

Maximum weekly working time KMPT will not require any employee to work more than an average of 48 hours per week, over a 17-week period (816 hours in total for this 17-week period). In exceptional circumstances, for those health professionals involved in the need for continuous care relating to reception, treatment or care of patients, the reference period may be extended by agreement to a maximum of 52 weeks. The 48-hour average includes all of the working time undertaken

each week by the employee and is therefore a sum total of hours worked (inclusive of bank work).

In cases where an employee is employed by more than one NHS Trust, the onus is on the employee to confirm their working arrangements with each employer, to ensure compliance.

If an employee also works for NHS Professionals, KMPT and NHS Professionals will ensure that the 48-hour limit is not exceeded, unless agreed via an employee completing an opt out form. However, KMPT does not encourage employees to work in excess of 48 hours per week. Employees are required to declare to their manager if they have additional jobs. If the wilful actions of an employee results in KMPT's failure to comply with the regulations, the employee could face disciplinary action.

5 | Rest periods

Daily rest

The majority of employees will normally be able to take not less than 11 hours consecutive rest within each 24-hour period. However, this may not always be possible for employees involved in the continuity of care of patients. In many areas, it will be necessary for such employees to work a mixture of shifts within a week to provide for optimum levels of patient care. Whilst managers should make every effort to ensure that the majority of employees are able to have 11 hours rest between shifts, there may be occasions when compensatory rest may have to be given. Agenda for Change Terms and Conditions state that employees should receive an uninterrupted weekly rest period of 35 hours (including the 11 hours of daily rest) in each seven day period for which they work for their employer. Where this is not possible they should receive equivalent rest over a 14-day period, either as one 70 hour period or two 35 hour periods.

Weekly rest

Most KMPT employees are able to take their weekly entitlement of an uninterrupted rest period of 24 hours (including 11 hours daily rest) in each of the seven day period they

work (or equivalent) or an uninterrupted rest period of 48 hours each fortnight, as part of their normal working pattern (weekends or days off). However, where employees are required to participate in an on-call rota during their weekly rest period, they may not get their weekly rest entitlement. In this case, a compensatory rest period should be built into their normal pattern of work. Where due to exceptionally heavy workload or unforeseen circumstances this does not occur, management should take immediate action to ensure that alternative rest periods are provided within the 17-week reference period.

In-work rest breaks

Employees who are working for six hours or more in a day will be able to take a minimum of 20 minutes break away from their immediate workplace (this is not in addition to a lunch break) or 30 minutes after approximately four hours work for doctors in training. The break should be taken in one block, during, and not at the start or end of the six hours. Where this is not possible because of the need for continuity of patient care, managers should ensure that compensatory rest is granted. The need to give compensatory rest should not be a regular occurrence and arrangements for taking breaks should be made. However, where employees work longer than six hours, i.e. 12 hour shift, they are not entitled to one rest break per six hour period worked.

In work rest breaks should be taken mid-way through the shift and not at the beginning or end of a shift. Although managers must make provision for the breaks, it is the responsibility of the employee to take the break. Should the employee not take the break at the appropriate time, this time will be lost and no arrangements should be made for this time to accrue and be taken at a later date.

Existing local arrangements, which already provide for breaks of more than 20 minutes (e.g. lunch breaks) will meet the requirements of this provision and no further action will be needed. However, if employees are expected to attend meetings during lunch periods, managers should ensure that at least 20 minutes rest is taken during the day.

There is no legal right for rest breaks to be paid.

Compensatory Rest grade doctors

The collective national agreement for senior hospital doctors, implementing the Working Time Regulations (1998), provides that where prescribed rest periods have been significantly interrupted, the doctor should take compensatory rest.

This is not counted as annual leave.

It is good practice for such compensatory rest to be taken immediately after the end of the working period. A doctor may commence work at a later time on the day following a significant interruption to rest, after notifying the responsible manager where work was to be performed.

This provision is important for the maintenance of patient safety and shall not be taken as amending the doctor's rights under the Working Time Regulations. Any consultant having to take compensatory leave should ensure that colleagues are forewarned in order that appropriate cover arrangements can be arranged if necessary.

Night work

Night time is defined as a period of at least seven hours, which includes the period between midnight and 5.00am. A night worker is someone who works at least three hours of their daily working time during night time hours, as a 'normal pattern'.

A night worker should not exceed an average of eight hours in 24-hours over a 17-week period (a night worker may still be able to work 12-hour shifts). In order to calculate average night work hours, the number of actual hours worked in the reference period should be divided by the number of days in the period, after deducting the number of rest days taken by the worker.

In addition, a night worker is entitled to a free health check by KMPT's Occupational Health department at regular intervals.

Opting out

If an employee works in excess of 48 hours a week on a regular basis and wishes to continue to do so, they are required to sign an Individual 'opt out agreement'. The

employee and manager should retain one copy each. This is a legal requirement under the regulations.

A decision to exercise this option is an individual, voluntary one and no pressure should be placed on the employee to take this option.

The employee will be required to provide at one month's notice if they wish to opt back in.

Please note that a verbal agreement to work over the maximum weekly limit is not sufficient. The regulations clearly state that there will be a written agreement between the employee and the employer.

Other elements of the Working Time Regulations cannot be opted out of i.e. rest breaks





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