



# **Employee Handbook**

## **January 2024**

## Welcome and introduction

Many of you will have met me during your induction at Trinity Hospice and Brian House Children's Hospice. You will know then that there are two key messages that I hope stay with you as a centrepiece to the working culture I've tried to sustain during my time as Chief Executive:

*"That you should get at least as much out of working here as we get from you", and*

*"That every day when you wake up, you will want to come into work and not feel flat, disheartened or deterred when thinking about it".*

This is so important as I am a strong believer that we can only give of our best individually when we too feel positive, energised, and valued. Without these key foundations, we cannot ensure consistent and excellent palliative care to our patients, their families and those close to them.

Lots of factors can influence how we feel, be it work or non-work related, and in an organisation with around 280 staff, it would be impossible to guarantee this every day. However, what I do hope we can do, even in today's challenging health and social care landscape, is to provide the supportive environment that ensures that the vast majority feel able to embrace each day and the wonderful opportunity to make life-changing difference for the people we care for. And, where someone does feel 'at sea', we have the right policies and practices in place alongside excellent well-being support and Employee Assistance Services to be able to resolve matters positively in a timely manner.

This staff handbook is one key means to know our key policies and approaches to supporting colleagues achieve our charity's vision:

*"That everyone on the Fylde Coast has access to timely and consistently good palliative and end of life care".*

These policies reflect Trinity's Values, Ways of Working and Management Competency Framework which can be found on our internal Trinternet computer homepage. I encourage everyone to read these too and to have the courage and the confidence to speak up whenever you feel we are not living those principles in practice. This too will help everyone want to come into work each day to achieve the amazing difference for which we can all be truly proud.

Thank you

**David Houston**  
**Chief Executive**

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# 1

## KEY PRINCIPLES

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*This section sets out some of the key commitments made by Trinity to its employees – and the key commitments expected from employees in return.*

### 1.1 Company Code of Conduct

The behaviour of employees is central to the continued success of Trinity. This handbook sets out a number of requirements aimed at ensuring the smooth running of Trinity and the fair treatment of all employees. A number of these are so important that any breach of them will amount to gross misconduct and these are clearly identified throughout the handbook. Your attention is drawn in particular to the following:

- The rules on gifts and hospitality;
- The policy on smoking;
- The policy on alcohol and drugs;
- The policies on driving and the use of Company vehicles;
- The policy regarding social media; and
- The rules concerning the use of computers, the internet and email;

#### **Dishonesty**

It is important to stress that any form of dishonesty, however minor, will be regarded as gross misconduct. This includes theft of property, whether belonging to Trinity, colleagues or any third party. However, it also includes an employee seeking to gain any advantage through deception - such as making a false claim for expenses or overtime, falsely claiming to be sick or falsely claiming to have completed a particular task.

It does not matter if any amount of money at issue is small. Trinity regards any dishonesty by employees as gross misconduct which will usually result in dismissal.

#### **Refusal to carry out instructions**

Trinity expects employees to work in a spirit of cooperation with their colleagues and managers for the good of the business as a whole. Employees are required to carry out their managers' instructions and a deliberate and wilful refusal to do so will be gross misconduct.

If you believe that you have been instructed to do something that does not fall within your duties or which is in some other way unreasonable then the appropriate way of dealing with this is to raise a grievance under the grievance procedure (see Section 4). However, doing so will not prevent a refusal to carry out an instruction from amounting to gross misconduct if it is found to have been a reasonable one in all the circumstances.

## **1.2 Health and Safety**

The primary duty owed to you by Trinity is to ensure that you are safe while you are at work. Similarly, all employees are obliged to carry out their duties in a safe and responsible manner that does not risk harm to either themselves, their colleagues or any other person.

A detailed health and safety policy identifying the roles and responsibilities of key staff members for ensuring that Trinity meets its commitment to health and safety is available from your line manager. In addition, there is information on health and safety displayed throughout our premises.

Detailed risk assessments have been carried out on all aspects of Trinity's activities and steps have been taken to ensure that all work can be done safely. Any employee who is concerned that any aspect of Trinity's activities poses a risk to health and safety should report this to the nearest available manager immediately. Genuine concerns about health and safety will always be treated with the utmost seriousness and be thoroughly investigated.

Employees are required to comply with all instructions rules and procedures concerning matters of health and safety. Failure to do so may amount to gross misconduct. In particular, where employees are required to wear personal protective equipment then failure to do so will be treated as gross misconduct which will usually result in dismissal.

## **1.3 Ethical Conduct**

Trinity aims for the highest possible standards of ethical conduct in all of its activities and expects the conduct of individual employees to reflect this. Dishonesty of any kind will be treated as a serious matter, which may amount to gross misconduct and therefore to dismissal without notice.

### **Gifts and Hospitality**

The acceptance of gifts and hospitality from patients, suppliers and potential suppliers must not give the appearance that employees or Trinity may be unduly influenced in the decisions that they make in respect of patients, suppliers or in any other aspect of their work.

All gifts and hospitality given or received, of whatever value, must be entered in the Register kept by the management team.

You are not allowed to accept any offer of hospitality or gifts from contractors or their representatives or from other organisations or individuals concerned with the supply of goods and services. Nor should you accept any offer of gifts made to you personally by patients, their relations or friends. Should any such offer be made to you, you should inform them that any such offer should be made by way of an official donation to Trinity, and you should inform your Manager of the details of the offer. This excludes such items as confectionery or flowers given to a group.

Acceptance of hospitality, such as lunch or drinks receptions, should be kept within common sense limits and should always be authorised by your manager. Offers of hospitality must always be authorised by your manager.

You may also be instructed to return any gifts which your manager considers to be inappropriate, or to refuse to accept hospitality from a particular supplier or potential supplier. Failing to obey such an instruction will be treated as misconduct.

Allowing gifts or hospitality to influence any purchasing/business decisions that you may make on behalf of Trinity or to otherwise influence the way in which you perform your duties is an act of gross misconduct which will usually result in dismissal.

It is also an act of gross misconduct to seek to influence any other person to behave in an improper way or to confer a business advantage on you or Trinity through the giving of any gift or hospitality.

## **1.4 Whistleblowing**

The recommendation in the second Report of Lord Nolan's Committee on Standards in Public Life states that:

Local spending bodies should institute codes of practice on whistle blowing, appropriate to their circumstances, which would enable concerns to be raised confidentially inside and, if necessary, outside the organisation.

"Whistleblowing is the disclosure by an employee (or professional) of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or his fellow employees".

Following the Francis Report into failings in the Mid Staffordshire NHS Trust, the Government has introduced a new mandatory 'duty of candour' principle which all statutory bodies or those commissioned by them must adhere to. There is also a stipulation in the NHS Standard Contract for a 'Freedom to Speak Up Champion' in each organisation. The Commissioners have agreed that the Trinity Chairman can emulate this role by having oversight of and through our whistle-blowing policy.

The Board of Trustees of Trinity Hospice and Palliative Care Services (Trinity) establishes and promotes the highest standards of probity within Trinity and commits themselves to eliminating fraud, corruption and malpractice.

In setting the tone within Trinity, the Board cultivates a culture of openness which encourages the raising of genuine concerns about malpractice at an early stage within the line management structure without fear of reprisals.

In addition, the Board establishes mechanisms, outside the formal management structure, which will allow legitimate concerns to be raised confidentially and provide protection from vexatious allegations.

The Board endeavours to ensure confidence in the integrity of the system that will avoid the necessity of external publication of concerns before they have been raised and investigated internally.

The Board guarantees that there are mechanisms to protect and support both discloser and the accused from victimisation prior to, during and after the period of investigation.

### **Public Interest Disclosure for Staff, Volunteers and Patients**

Trinity is an organisation committed to the highest standards of honesty and integrity.

#### **The Board of Trinity is committed to:**

- Fighting fraud, corruption and malpractice whether the perpetrators are internal or external to Trinity
- Encouraging genuine concerns to be raised by staff, volunteers, agency worker or patient, in a professional manner within the line management structure without fear of victimisation
- Respecting the confidentiality of the informer, to ensure that their name is not disclosed to the alleged perpetrator of fraud, corruption or malpractice without their prior approval
- Facilitating mechanisms outside the line management structure to receive information relating to fraud, corruption and malpractice
- Actioning urgently a full and thorough investigation of all the concerns raised
- Reporting the outcomes and actions of the investigation, as is appropriate, to those concerned



### **The Board confirms that it will consider as a serious offence:**

- Any management, staff or volunteer action designed to prevent, deter or victimise an individual from either raising or pursuing a genuine concern relating to fraud, corruption or malpractice
- Any abuse of the public interest disclosure system through maliciously raising unfounded allegations
- Making public any allegation of fraud, corruption or malpractice without raising it internally and allowing full investigation through the established procedures

### **Coverage**

This code covers allegations of suspected fraud, corruption and malpractice, including financial irregularities, bribery, dishonesty, criminal activities, personal misconduct, creating or ignoring serious risks to health, safety or the environment.

This Code's procedure is not for use to raise grievances concerning personal employment circumstances or as appeals against decisions of management unless they involve fraud, corruption or malpractice. Trinity has a well-established system designed to resolve and redress employee grievances, i.e., relating to a specific individual's employment, quickly and in a manner which is fair and professional.

Additionally, Trinity has established a 'Freedom to Speak Up Guardian' who acts 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 Hospice's Freedom to Speak Up Guardian is provided through Blackpool Teaching Hospitals Foundation Trust. Should any member of staff or volunteer have concerns relating to the obstruction of Duty of Candour, they can approach the Freedom to Speak Up Guardian in addition to the Chairman of the Hospice through the hospice's whistle-blowing policy.

### **Reporting allegations**

The Board is anxious to encourage staff, volunteers and patients past or present, to raise legitimate concerns without fear. In the spirit of openness, it is preferred to have all genuine concerns raised as soon as possible even though the subsequent investigation may result in proving the issue unfounded. Unless proved otherwise, it will be assumed that the discloser acts in good faith and not for personal gain or out of personal motive.

All allegations must be made internally. The identity of the discloser will remain confidential.

An employee or patient should raise concerns, in writing, directly with the appropriate line manager, or Senior Officer. In cases involving the Company Secretary (a post normally held by the Finance Director) concerns should be raised directly with the Chief Executive and/or the Chairman of the Audit Committee (who is a Trustee).

If the discloser feels that the normal line of complaint is inappropriate as the person dealing with the complaint is directly involved, they may contact the Finance Director (normally in their role as Company Secretary) and/or the Chairman of the Audit Committee.

The discloser should also provide any evidence supporting the allegation.

### **Investigating allegations**

Normally the method of investigation would be determined by the line manager/Senior Officer in conjunction with the Finance Director and actioned promptly in accordance with the needs of the situation.

In cases involving a Senior Officer, the method of investigation will be discussed by the Chief Executive and the Chairman of the Audit Committee.

In cases involving the Company Secretary, the Chief Executive would act in conjunction with the Chairman of the Audit Committee.

A designated Investigating Officer would be identified and would conduct a detailed investigation of the allegations. It may be necessary for the Investigating Officer to interview the discloser to obtain further information. Prior to this, permission to reveal the identity of the discloser will be sought. At such an interview, the discloser may wish to be accompanied by a trade union representative or colleague. Safeguards in relation to confidentiality will be addressed.

The Investigating Officer may wish to take further steps to pursue the investigation; alternatively, it may be deemed that no further action is necessary and that this is recommended to the designated individual.

Any criminal activity may necessitate police involvement.

### **Communication**

Normally, the Finance Director would send immediately a written acknowledgement of the concern to the discloser using their home address. The Finance Director will keep the informant generally informed on the progress on the investigation. It is not possible to stipulate specific times scales due to the nature of investigations of this type, however, the Finance Director will from time to time advise the discloser in writing of the general approach of the Trinity's response.

### **Further Appeal**

If the discloser is not satisfied that their concern is being properly dealt with, they may, after informing the Finance and Retail Director, refer to the Chief Executive to investigate. In respect of any allegations concerning the Chief Executive, the discloser may directly contact the Chairman of the Audit Committee, normally via the Finance and Director.

### **Access to external bodies**

Only after the above procedure is exhausted, is it appropriate for the discloser to have a right of access to the appropriate external agency. Such access should be via the Finance Director to the Board to Trinity Internal Auditors.

Procedure for information on, or complaints about, the conduct of the Board

Information regarding the governance of Trinity and Board Members may be obtained from the Finance Director to the Board. Normally this will be provided within 3 working days.

Complaints about individual Members of the Board or the Board of Trustees as a whole should be detailed in writing and forwarded to the Finance Director marked "Strictly Confidential". All such complaints will be acknowledged within 3 working days.

In the case of complaints about individual trustees, (excluding the Chairman of the Audit Committee), the complaint will be examined by a panel comprising Chairman of the Audit Committee and 2 other trustees. Any complaint involving the Chairman of the Audit Committee will be examined by a panel comprising of three other trustees.

Complaints about the Board of Trustees as a whole will be received by the Finance Director (normally in the role of Company Secretary) who will ensure that the issue is placed on the agenda of the next full Board Meeting for discussion. The outcome of the discussion will be conveyed to the complainant.

In the unlikely event that no action results from the complaint about the conduct of the Board and if the complainant and/or the Finance Director feel that the issue is still unresolved, and/or there is a threat to the proper governance of Trinity, the Finance Director may take external advice. This could involve appropriate contact with:

- senior representative(s) of the Internal Auditors
- independent legal advisors
- the Charity Commission

## **1.5 Good Faith and Loyalty**

The employment relationship is one built on trust and we all have a mutual interest in making the relationship a success. Trinity has a duty to provide reasonable support to employees and employees have a duty of good faith towards Trinity.

In practice this means not doing anything that undermines Trinity's position by acting in competition with it, providing information to competitors or undermining Trinity's standing with patients and fellow employees.

## **1.6 Data Protection**

We will process personal data and sensitive personal data (also known as 'special categories of personal data') relating to you in accordance with our Data Protection Policy and our Data Protection Privacy Notice (provided to you separately), as well as in accordance with the relevant data protection legislation.

We may monitor staff in accordance with our policies relating to email, internet and communications systems and monitoring at work, as detailed in this Employee Handbook and in accordance with the relevant data protection legislation.

You will comply with your obligations under our Data Protection Policy and other relevant policies as directed.

## **1.7 Environmental Statement**

In the undertaking of their daily duties, we accept that all staff associated with Company will have an influence on the environment. We will commit to adopting working practices that will help to have a positive effect, assist towards continued environmental improvement, prevent pollution and reduce unavoidable negative influences caused by our working practices.

Trinity therefore maintains a policy of 'minimum waste' which is essential to the cost effective and efficient running of all our operations. Every employee has a responsibility to promote this policy by taking extra care when carrying out normal duties to avoid unnecessary or extravagant use of services, materials, lights, heating, water etc.

## **1.8 DBS Policy**

Trinity Hospice and Palliative Care Services (Trinity) actively promotes equality of opportunity for all with the right mix of talent, skills, and potential and welcomes applications from a wide range of applicants including those with criminal records. Trinity selects all candidates for interview based on their skills, qualifications and experience.

The Disclosure Barring Service (DBS), an executive agency of the Home Office, exists to help organisations make safer recruitment decisions to protect children and vulnerable adults (see definition below). By providing access to criminal record information the

DBS will help organisations in the public, private and voluntary sectors identify candidates who may be unsuitable for certain work. A Disclosure is an impartial and confidential document that details an individual's criminal record and where appropriate, details of those who are banned from working with children.

The procedure implements the requirements of the "Code of Practice for Registered Persons and other Recipients of Disclosure Information" (DBS)

### **How disclosure fits in the Recruitment Process**

The Disclosure process is an integral part of the recruitment process.

- The successful candidate will be offered the post subject to medical clearance satisfactory disclosure at the appropriate level
- If no criminal record is revealed and a satisfactory medical clearance is received, the Recruiting Manager can confirm the appointment.
- If a criminal record is revealed the Head of HR will discuss the details with the Recruiting Manager.
- The Recruiting Manager and the Head of HR may offer to meet with the candidate to discuss the Disclosure and confirm their identity against the convictions revealed.
- Assuming there is no case of mistaken identity, the Recruiting Manager and the Head of HR & Volunteering will take the following points into consideration when deciding whether or not to confirm the job offer:
  - What the conviction was for?
  - How long ago did it take place?
  - Is there a history of related convictions?
  - How relevant is the conviction to the post?
  - What risk/risks would the conviction raise?
  - Did the applicant declare the conviction within their application?
- If the candidate contends that there is a case of mistaken identity, it is their responsibility to contact the DBS directly and dispute the outcome of the Disclosure directly. In such circumstances the Recruiting Manager will hold the offer until the matter is resolved.

### **Definition of "Vulnerable Adult"**

A vulnerable adult is a person who is aged 18 years or older and:

- is living in residential accommodation, such as a care home or a residential special school;

- is living in sheltered housing;
- is receiving domiciliary care in his or her own home;
- is receiving any form of health care;
- is detained in lawful custody (in a prison, remand centre, young offender institution, secure training centre or attendance centre or under the powers of the Immigration and Asylum Act 1999);
- is under the supervision of the probation services;
- is receiving a specified welfare service of a description to be prescribed in regulations;
- is receiving a service or participating in an activity which is specifically targeted at people with age-related needs, disabilities or prescribed physical or mental health conditions or expectant or nursing mothers living in residential care (age-related needs includes needs associated with frailty, illness, disability or mental capacity);
- is receiving direct payments from a local authority/HSS body in lieu of social care services;
- requires assistance in the conduct of his or her own affairs.

#### **Definition of “Child”**

“A child or young person under the age of 18 years old.”

## **1.9 The Recruitment of Ex Offenders**

Trinity Hospice and Palliative Care Services (Trinity) has a duty to ensure that patients receive a good standard of medical care and to take all practicable steps to ensure the safety of patients and staff.

In order to assess job related risks, Trinity needs to establish if applicants who may be offered a position have a criminal record in the UK or in another country that they can lawfully be required to disclose.

When recruiting, we inform applicants that criminal record information must be requested from them as part of the appointment process. All appointments within Trinity are exempt from the provisions of Section 4(2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975. Therefore, applicants are not entitled to withhold information about convictions which for the purpose are ‘spent’ under the Provisions of the Act. This will then help applicants to decide whether or not they wish to apply for the position.

As part of the appointment process, applicants will be asked at the appropriate stage to complete a declaration for this purpose.

Trinity adheres to the standards specified by the Disclosure Barring Service relating to the fair use of criminal record information, and the appointment of persons having a criminal record. A copy of the DBS Code of Practice can be obtained by visiting [www.gov.uk/dbs](http://www.gov.uk/dbs).

Applicants are encouraged to declare criminal conviction information and any other matters that are, or that might be, relevant for the position for which they are applying at an early stage in the appointment process.

We are an equal opportunities employer, and all applications will be decided fairly and on merit. Information declared will be used to consider the applicant's suitability for the position. Information supplied will be treated in confidence and will not be used as the sole criteria to decide an applicant's fitness for the position.

Unless an appointment is prohibited by law, a criminal conviction will not automatically debar the applicant from appointment. Applicants will be given an opportunity to discuss any information supplied before a final decision is taken regarding their appointment.

However, an applicant may not be selected if the selection panel considers that the information declared renders that person unsuitable for the position for which they have applied. In reaching such a decision we will consider the nature of the record/action, its relevance to the position applied for, and any other information the applicant wishes to provide.

Trinity has a policy on the secure storage, handling, use, retention and disposal of disclosures and disclosure information, a copy of which is available on request.

Failure by an applicant to provide accurate and truthful information is considered to be a serious matter.

Where it is found that a person has intentionally or recklessly provided inaccurate information or withheld information relevant to their position, this may result in disciplinary action which could lead to dismissal or/and referral to the appropriate professional regulatory body.

# 2

## HOW WE DO THINGS

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*This section deals with some important administrative requirements to do with your employment and sets out the standards Trinity expects of employees in various situations.*

### 2.1 Proof of Identity

Trinity is legally obliged to ensure that all employees are permitted to work in the UK. It is a condition of your employment that you comply with all reasonable requests to provide details of your identity, right to work in the UK and place of residence. This will include allowing Trinity to take copies of your passport or other appropriate documents and to check their authenticity. Copies of any such documents will be kept in your personnel file for such a period as is deemed necessary in compliance with current data protection laws.

Trinity may dismiss any employee who cannot demonstrate that they are legally entitled to work in the United Kingdom.

### 2.2 Dress Code

This policy provides guidance to staff, students and volunteers within Trinity Hospice and Brian House about the standards of dress and appearance that the organisation requires its staff to always meet. Trinity Hospice and Palliative Care Services wishes to portray an image that reflects the values and philosophy of the organisation, by the standard of dress of all its staff and volunteers.

Trinity believes the way our staff and volunteers dress and their appearance to be significant in portraying a compassionate and caring image to all users of its family of services, whether patients, clients, visitors or colleagues.

People generally use appearance as a measure of professional competence and for this reason, all staff and volunteers are asked to be aware of their presentation and to adhere to this policy at all times when representing Trinity.

This policy ensures that staff follow the requirements of wearing appropriate clothing which minimises the risk of infection transfer which is a key part of maintain staff and patient safety, and giving confidence on this issue to patients, cares, and visitors.



## Patient Safety

Effective hand hygiene and preventing infection transmission are absolutes in healthcare. Although there is no conclusive evidence that uniforms and workwear play a direct role in spreading infections, the clothes that staff wear should facilitate good care practices and minimise any risks to patients. Uniforms and workwear should not impede effective hand hygiene and should not unintentionally come into contact with patients during direct patient care activities.

At Trinity Hospice we endorse 'Bare Below the Elbow' standards. The Department of Health 'Bare Below the Elbows' dress code for health care professionals is encompassed in the NHSE 2020 Uniform and Workwear: Guidance for employees – an evidence base for developing local policy, which details the requirement to wear short sleeves, the avoidance of wearing white coats, and the avoidance of wearing hand or wrist jewellery, including any nail products, false nails, or necklaces, earrings (other than plain studs).

- This policy sets out the expectations of Trinity in relation to a dress code, and the wearing of Trinity uniforms and is designed to guide managers, staff and volunteers in the application of Trinity's standards of dress and appearance. This policy is not exhaustive in defining acceptable and unacceptable standards of dress and appearance; Managers, staff members and Volunteers must use common sense in adhering to the principles underpinning the policy.
- All staff and volunteers must wear appropriate attire for their role in line with the requirements outlined within this policy.
- Where indicated, staff and volunteers involved in direct patient care activity will be provided with suitable uniforms and work wear that facilitates good practice and impedes any risk to patients; and when there is a work-related need, e.g., clinical, health and safety or infection control.
- Uniform and Work Wear policy should be explained at interview and any concerns about being able to adhere to the policy discussed at time of interview. Advice if required sought from HR.
- All staff in clinical & medical roles, must be 'bare below the elbows' in accordance with Hand Hygiene and Infection Control policy. Being able to adhere to 'bare below the elbow' overrides any religious /cultural requirement for arm covering. This is due to infection risk to patients.
- For those not required to wear uniform, i.e., where it is deemed there is no direct patient care activity, it is expected that individuals will dress in an appropriate and professional way which is suitable for the job they are performing and reflects the values of the organisation. If anybody has any doubts about what to wear or not to wear, staff and volunteers can seek advice from their manager.

- Trinity recognises the diversity of cultures, religions and abilities/ disabilities of its employees and will take a sensitive approach when this affects dress and uniform requirements. However, priority will be given to clinical, health and safety and infection control considerations.

### **Staff who give direct patient care**

#### **Clinical staff**

Staff are provided with a uniform and should dress in a manner which is in keeping with Trinity values.

- Uniform must be clean and be changed if it becomes soiled or contaminated.
- Enclosed, flat-heeled black shoes should be worn and kept in a good state of repair. Open-heeled or open-toed shoes will not be permitted unless there is a specific medical problem, which requires this in the short term. Closed shoes offer protection from spills and dropped objects. Open shoes risk injury or contamination. All staff and volunteers are responsible for maintaining their uniforms in a clean state of good repair (tax relief may be claimed by staff for laundering costs).
- Name badges are part of the way we are identifiable to others and must be worn at all times by all staff and volunteers. It is reassuring for patients and visitors to be able to see the names and roles of staff and volunteers.
- Uniforms are permitted to be worn outside the Hospice premises when travelling to and from work, travelling to and from meetings and clinical events, and for community visits.
- Uniforms worn travelling to and from work must be covered with plain black or navy cardigan or Trinity fleece.
- Staff are not permitted to smoke in the hospice.
- Staff must not be seen smoking or out socially in uniform.
- Staff should not routinely be seen shopping in uniform; however, it is permitted that community-based staff can visit shops and petrol stations when necessary.

#### **Managers Responsibility**

Must ensure that uniforms are worn where required.

#### **Employees Responsibility**

Adhere to the uniform and work wear standards at work and personal appearance appropriate to their area of work.

Wear the uniform as provided, to not adapt it in part or whole by purchasing own items to wear with instead of Trinity uniform.

Comply with this policy and any other associated policy and procedure.

- Wear any PPE provided at the appropriate/required time.
- Inform line manager in a timely manner of requirement for replacement uniforms.
- Failure or refusal to abide by Trinity's dress code without good reason constitutes misconduct and will render the individual liable to disciplinary action.
- All uniform including badges remains the property of Trinity and must be returned should you leave our employment.
- Cardigans/Trinity Fleeces should not generally be worn with uniforms.
- Where cardigans are worn for warmth, they must be plain back or navy and must be in good state of repair.
- They must only be worn in non-clinical areas and should be removed prior to carrying out any clinical procedure.
- may be worn when not attending clinical duties, i.e., sat at nurses' station, at breaktimes, attending meetings etc.
- May be worn by staff that need to move between the main Hospice and other buildings.

#### **Hair and make up**

- Hair must be kept neat and tidy, worn off the collar or tied back. Ribbons or clips for securing hair should be discreet and not brightly coloured.
- Make up must be conservative.
- Nails should be kept clean and short to avoid cross infection and injury to patients.
- Nail varnish must not be worn.
- False nails/extensions must not be worn by any member of clinical team. False nails harbour micro-organisms and make effective hand hygiene more difficult.
- Semi-permanent and false eyelashes are not to be worn where food handling occurs.

#### **Jewellery**

- A wedding ring/one plain band, without stones and one pair of small stud earrings are the only jewellery permitted.
- Body/facial piercings must be discreet.
- Tattoos must not contain offensive language or crude imagery.
- Recent tattoos must be covered with a waterproof dressing until fully healed.

- Beards and moustaches must be clean, neat and tidy.
- Other visible items of adornment such as headgear or jewellery (including piercings or clip-on items) are not permitted for Clinical staff.
- Nursing staff may not wear a watch, as this hinders effective washing of hands (which should include wrists) and as such is a control of infection issue as handwashing is an important factor of this role.
- Plastic aprons are worn during nursing procedures but must be removed and disposed of, and hands washed before leaving the ward area.

### **Catering Staff**

- The Food Standards Agency recommends that food preparation staff should change into clean clothes before starting work, not having worn those clothes outside of the food preparation areas. This minimises the risk of physical contamination of food and so uniforms must not be worn whilst off duty (including travelling to/from work) and a clean set must be worn for each shift.
- Enclosed black or white shoes with non-slip soles will be provided to protect against spills and slips. Other footwear will not be permitted unless there is a specific medical problem, which requires this in the short term. Closed shoes offer protection from spills and dropped objects. Open shoes risk injury or contamination.
- Hats must be worn and hair must be off the collar, with longer hair tied back.
- Make up should be conservative. Semi-permanent and false eyelashes are not to be worn in the clinical areas or where food handling occurs.
- A plain wedding ring (smooth with no stones) is the only jewellery permitted. Other items (including watches / bracelets) must be removed as they can hinder effective handwashing and harbour germs therefore presenting a control of infection issue and a risk of biological or physical contamination of food.
- Strong perfume/ after shave must not be worn as this can taint food.
- Fingernails must be kept clean. In order that they are easily cleanable and less likely to harbour germs, they must also be kept as short as possible. 'Short' means that nails are not to be visible over the pads of the fingers.
- Nail varnish (including clear) and also false nails must not be worn as they can physically contaminate food.

### **Housekeeping Staff**

- Enclosed shoes must be worn. Open-heeled or open-toed shoes will not be permitted unless there is a specific medical problem that requires it in the short term. Closed shoes look better and offer greater protection from spills/objects.

- A plain wedding ring (smooth with no stones) and one pair of small, stud-type earrings is the only other jewellery allowed. Other items (this includes watches and bracelets) must be removed as they can hinder effective handwashing and harbour germs therefore presenting a control of infection issue.
- Housekeeping Porters and Maintenance staff may wear watches when but must remove them in order to comply with this policy whenever going to work in a clinical area.
- Fingernails must be kept clean. In order that they are easily cleanable and less likely to harbour germs, they must be kept as short as possible. 'Short' means that nails are not to be visible over the pads of the fingers.
- No false nails, or extensions are permitted.
- Hair must be off the collar with longer hair must be tied back.

#### Non-Uniformed Staff in Clinical Areas

Staff and volunteers who are not required to wear a uniform need to be aware of the need to always be neat and tidy, professional and appropriately dressed. We want to dress in a manner that the vast majority of our patients, carers and families would expect and that is suitable for the role they are performing. The Trinity values should give staff a sense of what is acceptable. Managers must challenge any staff member or volunteer who does not comply with this Policy or the spirit or principles therein.

#### **Medical Staff**

Medical staff will comply with the standards set out in both professional codes for the wearing of Trinity uniform and non-uniforms, and the 'Bare Below the Elbows' requirements. All staff must wear appropriate attire when carrying out invasive procedures.

- Students will wear the uniform supplied by their university, whilst ensuring compliance to Trinity uniform policy.
- Clothing must be clean and tidy and in a good state of repair.
- All clothing must be sufficiently loose to allow for full range of movement and must not hinder moving and handling procedures.
- Sleeves must be rolled up above the elbow or wear short sleeved shirts /blouses.
- Ties must be securely tucked in/or no tie can be worn.
- Wrist watches must not be worn.
- Jewellery including wrist watches must be removed for hand washing and prior to any invasive procedure or entering a clinical area.

- One plain band ring can be worn (with no stones)
- Medical staff must not wear False nails, nail extensions or nail polish.

For all areas, if anybody has any doubts about what to wear or not to wear, staff and volunteers can seek advice from their manager. Unless agreed otherwise with your manager or director, examples of unacceptable workwear in normal circumstances are:

- Shorts
- Leggings
- Mini skirts
- Overly tight or revealing clothes
- Strappy or strapless tops
- Sweat-shirts, t-shirts or ties with slogans
- Items that may be deemed sexually offensive and therefore inappropriate

Clearly this list is not exhaustive and common sense must always prevail.

### **Laundering of Uniforms**

Patients and the wider public should have complete confidence in the cleanliness and hygiene of our organisation; staff uniforms must be clean at all times and all staff must be professional in appearance.

There is no evidence that wearing uniforms outside work adds to infection risks; therefore, clinical staff can choose to change into their uniform at work, or travel to work in their uniform; however, uniforms should be covered when staff travel to and from work to safeguard public confidence.

All elements of the washing process contribute to the removal of micro-organisms on fabric. Detergents (washing powder or liquid) and agitation release any soiling from the clothes, which is then removed by sheer volume of water during rinsing. Temperature also plays a part.

Scientific observations and tests, literature reviews and expert opinion suggests that there is little effective difference between domestic and commercial laundering in terms of removing micro-organisms from uniforms and workwear. Washing with detergents at 30°C will remove most gram-positive micro-organisms, including methicillin-resistant *Staphylococcus aureus* (MRSA). A ten-minute wash at 60°C is sufficient to remove almost all micro-organisms. In tests, only 0.1% of any *Clostridium difficile* spores remained. Microbiologists carrying out the research advise that this level of contamination on uniforms and workwear is not a cause for concern.

**Therefore:**

- Staff should be provided with enough uniforms for staff to have clean uniforms for every shift to avoid daily washing.
- Uniforms must be mechanically laundered at 60 degrees.
- If own clothes are worn, garments should be mechanically laundered at a maximum temperature for the garment, minimum 30 degrees.
- Staff must change immediately if uniform or clothing becomes visibly soiled or contaminated.
- Uniforms contaminated with blood and bodily fluid spillage must be transported home in a plastic bag and washed separately.

## **2.3 Availability for Extra Shifts**

The Hospice is keen to ensure that each year workers have the opportunity to vary their working hours on a permanent basis and any requests for a variation should be made in writing to the HR Manager (copied to their line manager) by the end of October. Such requests would be considered and if agreed implemented the following April, however, under extenuating circumstances, immediate consideration may be given to such requests.

It would also be helpful if part-time workers can identify to the line manager (copied to their line manager) if they are available for additional shifts. This information will be kept updated on your file and will be used when selecting individuals to work additional hours. Such requests would whenever possible be requested by your line manager giving reasonable notice and would be at times mutually convenient and advantageous to both parties.

## **2.4 Timekeeping**

Good timekeeping is essential in any team; however, we recognise the commitment that staff dedicate to their duties and therefore are happy to show some flexibility in terms of time keeping. This having been said, any employee who is seen to abuse this goodwill, will be spoken to. Persistent abuse of this goodwill will likely result in disciplinary action.

Where it is clear that you are going to be late for work you must contact your line manager as soon as possible to explain the situation and give an estimate of your arrival time. You must make every effort to talk to your manager directly rather than leave a message with colleagues or send an email or text message.

If personal or domestic circumstances make it difficult for you to attend work on time then you should discuss this with your line manager. In some cases, Trinity may be able to accommodate a reasonable need for flexibility, but this will be subject to the needs of the business and the need to avoid placing an unfair burden on your colleagues (see Section 4).

## **2.5 Adverse Weather and Traffic Disruption**

### **Adverse Weather**

Adverse weather conditions can cause road closures and public transport disruption.

Trinity's primary duty is to provide a safe place of work. If adverse weather means that this cannot be achieved, and the workplace needs to close then all employees will be sent home or told not to come in. In these circumstances, where possible, employees may be required to work from home and will be paid as normal. If home working is not a suitable alternative arrangement, employees will be paid in full for any working time that they have lost.

If the need to close the workplace persists, Trinity may invoke the lay-off clause in employees' contracts.

### **Traffic Disruption**

We understand that events such as industrial action, road traffic accidents and road works can cause difficulties for employees attempting to travel into the workplace. In these circumstances we are prepared to take a flexible approach to working arrangements while still keeping the business running as effectively as possible.

You must make a genuine effort to report for work at your normal start time. You may need to leave home earlier to give yourself extra time for the journey or taking an alternative route. Travel on foot or by bicycle should be considered where appropriate and safe.

If you are unable to get into work, you should check the situation throughout the day in case it improves. Information may be available from local radio stations, the police, transport providers or the internet. If conditions improve sufficiently to allow you to travel in to work, you should report this to your manager and attend work unless told otherwise.

### **Delayed Return from holidays**

You should make every effort to return to work as planned at the end of any period of authorised annual leave and should ensure that travel arrangements are made that would best ensure this is possible. However, we recognise that employees may be delayed when returning from holidays due to flight cancellations/ delays.



### **If you are unable to travel into work**

If the workplace is open, it is the responsibility of employees to attend work if they possibly can.

Employees who are absent from work due to adverse weather or other travel disruptions are not entitled to be paid for the time lost.

Where it is clear that you are not going to be able to get to work you must contact your line manager as soon as possible to explain the situation. You must make every effort to talk to your manager directly rather than leave a message with colleagues or send an email or text message.

If you are unable to attend work due to severe weather or other travel difficulties, then you will be required to take time from your annual leave allowance to cover any absence or to take unpaid time off by agreement with your manager.

There may be circumstances in which employees are able to work at home or from an alternative place of work, if available, but this will be entirely at the discretion of Trinity. If you do this, you will receive your normal pay.

If travel disruption or adverse weather causes you to arrive at work late or requires you to leave work early you will usually be expected to make up any lost time.

## **2.6 Rest Breaks**

Trinity encourages all employees to take full advantage of scheduled rest breaks. These are provided not only for comfort, but also to protect the health of employees and prevent excessive fatigue from causing accidents.

A rest break should be taken away from your workstation wherever possible. If you leave the premises you should bear in mind the time that it will take you to return from the break so that you can ensure that you begin work again on time.

Different areas of the business may have different arrangements for ad hoc breaks such as to make a cup of tea or coffee. These arrangements are in place to ensure the smooth running of the business and to prevent putting unfair pressure on colleagues. You are required to comply with any requirements relating to such breaks as may be in place from time to time.

## **2.7 Smoking**

Trinity operates a smoke-free workplace. Smoking (which includes the use of e-cigarettes and personal vaporisers) is therefore strictly prohibited throughout all Company premises, including any Company vehicle.

Trinity operates a strict no-smoking policy in any of its buildings and anywhere on the grounds. Employees must not smoke in public while wearing a Trinity uniform and/or name badge, whether on or off duty.

## **2.8 Computer Use - Including the use of email/Internet**

It is very important that Trinity is able to keep its data secure. To assist with this, all employees are required to comply with instructions that may be issued from time to time regarding the use of Company-owned computers or systems.

You should ensure that when leaving your workstation for any period of time, no matter how short, that you lock your terminal, or log off if appropriate.

You must not attach any device to Company IT equipment without authorisation from your line manager and you must not open attachments or click on links unless you know you can trust the source. Company portable IT devices must be kept secure and password protected at all times.

Your computer password is an important piece of confidential information and you should treat it that way. Do not share it with others, and make sure that it is not written down anywhere where an unauthorised person can find it.

Unauthorised access to any of Trinity's systems will amount to gross misconduct.

### **Internet Use**

Employees with access to the internet on Company-owned devices should use that access responsibly.

Personal use during working hours will be treated as misconduct. From time-to-time Trinity may block access to sites which it considers inappropriate but whether or not a specific site has been blocked, employees must not use the internet to view or download offensive or sexually explicit material. Any attempt to do so may, depending on the circumstances, amount to gross misconduct leading to dismissal.

### **Email**

All email correspondence should be dealt with in the same professional and diligent manner as any other form of correspondence.

If you have a Company email account you should be mindful of the fact that any email that you send will be identifiable as coming from Trinity. You should therefore take care not to send anything via email that may reflect badly on Trinity. In particular, you must not send content of a sexual, racist or discriminatory nature, junk mail, chain letters, cartoons or jokes from any email address associated with work.

Using a Company/work email address to send inappropriate material, including content of a sexual, racist or discriminatory nature, is strictly prohibited and may amount to gross misconduct. Should you receive any offensive or inappropriate content via email you should inform a member of management of this as soon as possible so that they can ensure that it is removed from the system.

You should also take care that emails will be seen only by the person intended. Particular care should be taken when sending confidential information that the email has been correctly addressed, marked 'private' / 'confidential' and not copied in to those not authorised to see the information. Sending confidential information via email without proper authorisation or without taking sufficient care to ensure that it is properly protected will be treated as misconduct.

### **Privacy**

Monitoring of email usage may take place without notice. You should have no expectation of privacy in respect of personal and business use of email and the internet whilst at work.

Your email remains the property of Trinity and therefore you should not use your Company email to send or receive any information that you regard as private. Trinity may, in the course of its business, read emails that you have sent or received - although in the absence of evidence of wrongdoing Trinity will try to avoid reading personal emails if possible.

## **2.9 Social Media**

An employee's behaviour on any social networking or other internet site must be consistent with the behaviour required of employees generally. Where it is possible for users of a social media site to ascertain who you work for, then you should take particular care not to behave in a way which reflects badly on Trinity.

Inappropriate or disparaging comments about Trinity, colleagues or patients will be treated as misconduct. Because social media interactions can be copied and widely disseminated in a way that you may not be able to control, Trinity will take a particularly serious view of any misconduct that occurs through the use of social media.

You must not operate a social media account or profile that purports to be operated on or on behalf of Trinity without express permission to do so from your manager.

Unless social media forms an integral part of your job role, you should not attempt to access social networking sites, such as Facebook/Twitter or similar on Company computers. This includes during break times.

## **2.10 Telephones**

Reasonable personal use of Company telephones is permitted with prior permission from management; however, calls should be kept short and no calls should be made to premium rate numbers or abroad.

Calls and texts on personal mobile phones should wherever possible be restricted to formal rest breaks.

## 2.11 Alcohol and Drugs

Trinity's approach to the consumption of alcohol, drugs and other substances (including new psychoactive substances) that have intoxicating and/or behaviour-altering effects or impair judgement (referred to in this policy as "other substances") is based on the need to ensure a safe and productive working environment. Because of the serious nature of the risks posed by the abuse of alcohol, drugs and other substances in the workplace, any breach of the rules in this area will be treated as gross misconduct which will usually result in dismissal.

An employee will be regarded as 'under the influence' of alcohol, drugs or other substances if their behaviour, speech, ability to concentrate or otherwise perform their duties is in any way affected. An employee will also be regarded as under the influence if they fail a drug, other substance or alcohol test.

### Dependency

Employees who have a dependency on alcohol, drugs or other substances may be offered support and encouraged to seek appropriate counselling or medical help. Absence arising from treatment or counselling related to drug, alcohol or other substance abuse will be treated as sickness absence under Trinity's Sickness absence procedure. However, while Trinity will always try to be supportive toward employees with a drug, alcohol or other substance problem, this will not prevent disciplinary action being taken when employees act in breach of the rules laid out in this policy.

Wherever an employee informs Trinity that they have a drug, alcohol or other substance problem this will, as far as possible, be treated in the utmost confidence. However, Trinity may need to disclose particular circumstances to managers, regulatory authorities or others should this be necessary to ensure safety or compliance with legal requirements.

### Drugs

The consumption, storage, distribution or sale of illegal drugs or any other behaviour-altering and/or intoxicating substance, including new psychoactive substances, on Company premises or during working time is strictly prohibited. Trinity will report any illegal activities to the police or other relevant authorities.

You must not present yourself for work under the influence of illegal drugs or any other substance taken for non-medical purposes.

### Medicines and Prescription Drugs

If you are taking prescription drugs or any other medicine that may affect your performance at work or your ability to carry out any of your duties, then you must inform your line manager of this so that steps can be taken to ensure that the work can be done safely. It is your responsibility, when beginning any course of medication, to check whether it may adversely affect your ability to work.

## Alcohol

Consumption of even a small amount of alcohol may be sufficient to adversely affect the work of an employee and could pose a risk to health and safety. Remember that alcohol remains in the bloodstream for up to 24 hours following consumption and that the consumption of a significant amount of alcohol in the evening may leave you unfit to work in the morning.

You must not present yourself for work under the influence of alcohol.

You must not consume any alcohol during working time, lunchtime or during any break unless this has been specifically authorised by your manager.

Where alcohol is available at Company organised events or occasions when you are representing Trinity – even outside working hours - it is important to behave responsibly and not drink to excess. Behaviour that reflects badly on Trinity will be a disciplinary matter and in serious cases may amount to gross misconduct.

## 2.12 Driving

Where driving is required as part of your job, it is your responsibility to ensure that you are legally qualified to drive.

Licences will go through Trinity inspection procedure which requires us to check individual licences once a year with the DVLA, or as otherwise requested. Trinity will require you to share your driving licence information by supplying it with your driving licence number and a check code provided by the DVLA. If you receive any points on your licence you must inform Trinity of this immediately.

If you use your own vehicle to drive on Company/work-related business, it is your responsibility to arrange to be insured for that business use. Trinity may require you at any time/annually to allow a copy of your insurance and any MOT test certificate to be made and kept in our records.

You are responsible for any driving offences committed while driving as part of your duties, including any parking fines. Dangerous, careless, inconsiderate or aggressive driving as well as causing a risk to others can be damaging to Trinity's reputation and can amount to gross misconduct. If you are banned from driving for any reason, Trinity is not obliged to find alternative work for you and may choose to dismiss you if the ban renders you incapable of performing your duties as required.

**It is illegal to use your mobile phone whilst driving. This includes texting etc.**

Employees should **never** use their mobile phone whilst driving on Company business unless they do so on a properly installed hands-free system and traffic conditions mean that it is safe to do so. In most cases, it would be preferable to make any calls when the vehicle is stationary.

Any journey carried out on Company business must be scheduled in such a way as to allow adequate rest breaks – usually one break of 15 minutes for two hours of driving. Where possible, driving on Company business should be avoided either late at night or very early in the morning.

Safety is Trinity's prime responsibility and you should not be required to compromise safety in any way when driving on Company business. If you are concerned about any driving requirements you may have, then you should discuss these with your line manager and appropriate arrangements will be made to ensure that any work-related journey can be completed safely.

### **Company Vehicles**

If a Company vehicle is provided to you as part of your contract of employment or you are required to drive a Company vehicle as part of your job, it is your responsibility to take care of the vehicle, keeping it in a clean and roadworthy condition, including checking the oil/water levels are at the required levels. You should report any damage or fault immediately. Trinity will arrange for appropriate maintenance or servicing to be carried out. If you incur any reasonable expenses in connection with the vehicle then these will be reimbursed, but you must check with your line manager first and comply fully with our expenses policy. Trinity will not be obliged to reimburse any expenses incurred without authorisation.

Any personal use of a Company vehicle, other than a vehicle provided for your exclusive use as part of your contract is at the sole discretion of Trinity and must in any event be kept within reasonable limits. Your manager may at any time instruct you not to use – or to cease using - a Company vehicle for private purposes.

If you have possession of a Company vehicle overnight or at the weekend then you must ensure that it is securely parked in an appropriate location. In general, equipment or stock should not be left in a vehicle overnight. Where this is unavoidable then you must ensure that the vehicle is parked in a locked garage. If this is not possible then you should discuss appropriate parking and security arrangements with your line manager.

## **2.13 Expenses**

You will be reimbursed for authorised and legitimate expenditure reasonably incurred in the course of the proper performance of your duties, i.e., travel, accommodation, agreed out-of-pocket expenditure.

In order to claim expenses you must complete an expense claim form and support the claim by submitting valid receipts.

## **2.14 Company Property**

You are not permitted to use Company property for any purpose other than its intended use. Company property must not be removed from the premises unless with prior approval.

### **Damage to Company Property**

Any damage to or loss of Company property must be immediately reported to your manager.

If, following an investigation, it is found that as a result of your carelessness, negligence or failure to comply with Company procedures, or by wilful act, Trinity suffers loss or damage of cash, stock, fixtures and fittings or property (including vehicles), this will be construed as serious breach of the rules, which could result in your summary dismissal on grounds of gross misconduct.

You may also be liable to pay the full, or part, cost of making good Trinity's loss in respect of cash, stock, fixtures and fittings, or property (including vehicles).

In the event that Trinity makes a claim to its insurers, for repair or replacement, or other losses incurred, it reserves the right to require you to pay any insurance excess that may accrue.

It is an express term of your contract of employment that if Company property is damaged, lost or stolen through your negligence or fault, then Trinity may deduct the cost of repair or replacement from your salary.

Before any decision is made to deduct, the matter will be fully investigated and you will be given an opportunity to state your case and appeal any decision.

### **Return of Company Property**

Upon termination of employment for whatever reason, you must return to Trinity all property belonging to Trinity including Company vehicle, computer, equipment, keys, records and documents within your possession or control belonging or relating to the affairs and business of Trinity and its patients.

Trinity may deduct the cost of replacement of any items not returned, or repair of items that are returned damaged, on termination of your employment from your salary or any monies owed to you.

### **Employees' Property**

Trinity does not accept liability for any loss of, or damage to, property that you bring onto the premises. You are requested not to bring personal items of value onto the premises, and in particular, not to leave any items overnight.

Any loss or theft of items must be reported to your manager.

### **Lost Property**

If you find any items of lost property they should be handed to your immediate Manager, who will retain the items for three weeks. The property will either be handed over to the police or disposed of accordingly.

## **2.15 General**

### **Statements to the Media**

Any statements to reporters from newspapers, radio, television etc. in relation to our business will be given only by Management.

It is essential that all enquiries from the press and external media should be passed to a member of the Trinity Executive.

### **Parking**

If parking is provided by Trinity, all cars parked in such parking areas are parked at the owner's risk and must be parked so as not to obstruct access. It is your responsibility to ensure that your vehicle is parked in a safe area.

### **CCTV/Security Cameras**

Trinity reserves the right to use closed circuit television (CCTV) systems throughout its premises as deemed necessary and employees should expect all areas (other than those where use would contravene common decency) to be visible on a television monitoring system. Information obtained from systems will only be used in appropriate circumstances and with strict adherence to Data Protection Laws. This may include using recorded images as evidence in disciplinary proceedings.



# 3

## ABSENCE

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*This section sets out the approach Trinity takes when you are unable to attend work, are taking annual leave or need time off.*

### 3.1 Unauthorised Absence

Employees who deliberately fail to attend work without proper excuse or in breach of management instructions will be committing gross misconduct which could result in dismissal without notice or payment in lieu.

### 3.2 Medical Appointments

In general, appointments to see a GP, dentist or optician should be made for outside working hours. Paid leave will not normally be granted for non-emergency visits.

Trinity appreciates that it is not always possible to avoid appointments during the working day and will judge each case individually in deciding whether any paid time off should be granted. In most cases, employees will be required either to use part of their annual holiday entitlement or to make up any lost time.

Employees who have a medical condition which will require regular appointments during the working day should discuss their situation with their manager so that appropriate arrangements can be made.

You may be required to provide evidence of any appointment for which time off is needed.

### 3.3 Ante-natal Care/Adoption Appointments

#### Pregnancy Related Appointments

Employees who are pregnant are entitled to paid-time off to attend ante-natal appointments provided that attendance is based on medical advice. For second and subsequent appointments you may be required to produce an appointment card or similar evidence of the date and time of the appointment.

While there is no limit on the number of appointments that an employee can attend, Trinity does have the right to refuse time off where it is reasonable to do so. Employees are therefore expected to take reasonable steps to arrange antenatal appointments at a time that will require the minimum amount of time off. Part-time workers should attempt to arrange appointments for days when they are not required to work and all employees should try to avoid appointments in the middle of the working day in order to minimise disruption.

If your partner is pregnant, you are entitled to unpaid time off for up to two antenatal appointments. If you wish to exercise this right you should notify your manager of the date and time of the appointment. You may be asked to provide written evidence that an appropriate appointment has in fact been made.

### **Adoption Appointments**

Employees who are adopting on their own, or have elected to be the primary adopter may take paid time off to attend up to five adoption appointments in certain circumstances.

If you are the partner of the primary adopter, you may take unpaid time off on up to two occasions to attend an adoption appointment.

## **3.4 Sickness Absence**

Regular and reliable attendance at work is an important commitment that Trinity asks all employees to make. Unjustified or excessive absence can put unfair pressure on colleagues and seriously damage Trinity's business, to everybody's detriment.

Nevertheless, Trinity will always try to be supportive when an employee is genuinely too ill to attend work. This policy sets out Trinity's approach and the steps that you need to take if you are off sick.

### **Reporting Sickness Absence**

If you are too ill to come into work you should personally inform your line manager of this fact as soon as possible before your start time. When you phone in sick you must make every effort to speak to your manager directly. Do not simply leave a message with a colleague or send an email or text. If you need to leave a message for your manager then they may contact you during the day to discuss your absence with you.

It is important that you keep in touch with your manager about the likely length of your absence so that appropriate arrangements can be made for cover and you should phone in sick on every day of your absence unless either you have previously informed your manager that you will be off sick for a particular period of time or your absence is certified by a 'Fit Note' (Form Med 3).

Hangovers are not regarded as legitimate reasons to take sickness absence. Absence by reason of hangovers will be regarded as a disciplinary offence which may result in dismissal without notice or payment in lieu. You should also be aware of the rules governing the consumption of alcohol set out in the Alcohol and Drugs Policy.

Trinity requires any absence of more than 4 days to be certified by a 'self-certification form' (Form SC2). Any absence of more than a week must be certified by a 'Fit Note' (Forms Med 3 or Med 10). Uncertified absence may be treated as misconduct and will not be paid.

Where any period of sickness absence occurs immediately before or immediately after a period of annual leave then Trinity may require such absence to be certified by a Fit Note at your own expense.

Where you are absent for an extended period of time (three weeks or more) Trinity may refer you to an occupational health professional or seek a medical report from your GP. The purpose of this will be to ascertain when you are likely to be able to return to work and to identify any measures that can be taken to help you return as soon as possible.

Employees who are off sick should not undertake any activities likely to be detrimental to their recovery and should cooperate with the appropriate medical professionals in taking steps to ensure that their recovery is as swift as possible.

Trinity will maintain regular contact with employees who are off sick for an extended period.

Employees will be required to attend a return-to-work meeting after any period of sickness absence. The purpose of the meeting is to check on the employee's general health and wellbeing, to catch up with regards to anything that the employee may have missed, and to discuss whether there are any concerns in respect of absence levels.

### **Annual Leave and Sickness Absence**

Employees may request annual leave during any period of sickness absence in the normal way. If you intend to spend any time away from home during your sickness absence you should inform your manager of this fact in advance and provide contact details. Trinity does not expect employees to take holidays while off sick. In exceptional cases only, where this may assist in an employee's recovery, Trinity may agree to holidays being taken during sick leave. It is essential however that any such holidays are agreed in advance with Trinity following the normal holiday request procedure.

### **Phased Return to Work**

As an employee recovers from illness or injury it may be possible for them to undertake a limited range of duties as a preparation for returning to normal work. Trinity will try whenever appropriate in light of medical advice to allow for a phased return to work from any long-term illness. This may involve reducing the employee's hours, or the scope of their duties or both. The purpose of a phased return, however, is to provide a bridge between sickness absence and normal working and so any such arrangements will be time-limited and will not normally extend over more than three months.

### **Alternative Work**

Trinity may consider agreeing changes to an employee's duties or other working arrangements when it becomes clear that due to sickness or injury they will not be able to return to normal working. Any such changes will be subject to the needs of the business and there is no guarantee that permanent arrangements of this sort will be possible.

Where duties or working hours are varied in this way then the job being done by the employee will need to be reassessed to determine the appropriate level of remuneration. This will then need to be agreed with the employee. If an agreement is not reached then Trinity may proceed to dismiss the employee in accordance with the procedure for long-term sickness absence.

### **Disability and Reasonable Adjustments**

Trinity is committed to making reasonable adjustments to an employee's duties or working arrangements where they would otherwise suffer a disadvantage arising from any disability.

In order to make appropriate adjustments Trinity needs to know about any disability the employee may have. Employees who feel that they may require an adjustment should discuss their situation with their line manager. Any such discussions will be in the strictest confidence although when an adjustment is made it may be necessary to inform other employees of the reason for this. The extent to which details of any disability will be discussed with other employees will be agreed as part of the process of making the adjustment itself.

The purpose of any adjustment will be to ensure that the employee can work effectively in an appropriate role and on appropriate terms and conditions. Trinity is not obliged to maintain an employee's level of pay if hours are reduced or the employee is moved to a less senior role as a result of any adjustment. Nor will Trinity agree to an adjustment which will not result in a commercially practicable working arrangement.

### **Statutory Sick Pay**

If you are sick Trinity will pay you Statutory Sick Pay (SSP), if you are eligible. Further details of this are contained within your contract of employment.

### **Enhanced Sick Pay**

Employees absent for ill-health or injury reasons will be entitled to payments under the Occupational Sick Pay Scheme within any 12-month period as follows:

	<u>Full Pay</u>	<u>Half Pay</u>
Less than 4 months	1 month	Nil
After 4 months and up to 1 years' service	1 month	2 months
1 - 2 years' service	2 months	2 months
2 - 3 years' service	4 months	4 months
3 - 5 years' service	5 months	5 months
Over 5 years' service	6 months	6 months

To calculate entitlement to sick leave and pay the total amount of sickness absence in the preceding 12 calendar months is taken into consideration. This may necessitate an adjustment to take account of a changed role or hours since the start of the 'Entitlement Year e.g., the beginning of the rolling 12-month period for the purposes of paying sick pay. Also, should the length of service alter during a period of sickness the entitlement to occupational sick pay will be adjusted to reflect the increased service.

### **3.5 Jury Service/Other Time Off**

There are a number of circumstances in which employees have a right to time off from work either with or without pay. These include jury service and certain public duties such as serving as a local councillor, magistrate or school governor. Where a need for such time off arises you should discuss the matter with your line manager who will consider what arrangements should be put in place.

While Trinity will do its best to accommodate time off in these circumstances, the requirements of an employee's role may mean that the amount of time off granted may be limited.

Where serving on a jury would lead to a level of absence that would be detrimental to the business, Trinity may require you to seek a deferment.

### **3.6 Compassionate/Bereavement Leave**

In the event an employee suffers a bereavement in their family, Trinity will exercise its discretion to allow reasonable time off to attend a funeral. What is reasonable will be determined on a case-by-case basis and the type of leave, whether paid or unpaid, will depend on the circumstances and the relationship the employee had with the individual.

In addition, there may be occasions where it may be necessary for an employee to take compassionate leave. Again, this will be considered on a case-by-case basis and dependant on circumstances, may be paid or unpaid.

An employee will not be eligible to receive paid bereavement or compassionate time-off benefits while off, or absent from work because of holiday, sickness (paid or unpaid) or for any other reason.

### **3.7 Parental Bereavement Leave**

Employees are entitled to statutory parental bereavement leave (SPBL) if a child for whom they have or were due to have parental responsibility has died or been stillborn after 24 weeks of pregnancy, on or after 6 April 2020.

Leave can be taken as one week, two consecutive weeks, or two separate weeks, at any time within the first 56 weeks after the child's death.

## **Notification**

During the first eight weeks after a child has died, you, or someone on your behalf as necessary, need only give notice to Trinity to take SPBL before you are due to start work on the first day of leave. If you have already started work, then officially your SPBL period will start on the following day. If you want to cancel it at any time during the first seven weeks you can do so as long as it has not started.

After eight weeks, you need to give at least a week's notice to Trinity to take SPBL. You can cancel it with a week's notice, or re-book it by giving a week's notice.

When giving notice to take SPBL, you must tell Trinity: the date of the child's death; when you want your leave to begin; and whether you want to take 1 or 2 weeks leave). You can give notice by telephone or by email or by letter.

## **Parental Bereavement Pay**

To qualify for statutory parental bereavement pay (SPBP) during such leave you must have at least six months' continuous employment and normal weekly earnings of at least the lower earnings limit. It is paid at the same rate as other statutory family leave pay, which is subject to change every year. You can check the most up-to-date figure with your line manager.

To claim SPBP, you must confirm the following information in writing within 28 days of starting any period of SPBL: your name; your entitlement to SPBP; the dates of SPBL you want to claim the pay for; the date of the child's death; and your relationship to the child. You can provide this information at the same time as giving notice to take SPBL, as set out above, so long as it is in writing.

## **Other leave entitlements**

In addition to parental bereavement leave, if you qualified for:

- maternity or paternity leave and pay and your child has died or been stillborn, you are still entitled to such leave and pay.
- adoption leave and pay, then the adoption leave entitlement runs for another eight weeks from the end of the week in which the child died (unless it would already have ended sooner).

If your planned period of SPBL coincides with another statutory family leave right, your SPBL will end at the start of that other leave. If you wish to take SPBL at the end of the other statutory family leave period, then a fresh notice to take the leave will be required, as per the above notice requirements.

Compassionate or Dependants leave may be available under our Compassionate or Dependants Leave Policy at our discretion. Please speak to your manager if you require time off in addition to parental bereavement leave.

### **3.8 Emergency Time Off for Dependants**

Trinity recognises that situations arise where you need to take time off work to deal with an emergency involving someone who depends on you. Your husband, wife or partner, child or parent, or someone living with you as part of your family can all be considered as depending on you. Others who rely solely on you for help in an emergency may also qualify. For further detail as to who counts as depending on you and guidance on individual circumstances, please speak to your Manager.

Provided the reasons for such a request are genuine and you inform Trinity as soon as possible that you need this time off, you will be allowed reasonable unpaid time off work to deal with such emergencies.

The right to time off only covers emergencies. If you know in advance that you are going to need time off, you will not qualify for this type of leave and you therefore should arrange this with Trinity by taking another form of leave, such as annual leave, parental leave etc.

If an emergency occurs and it is not possible for you to inform your manager in advance of any absence you should contact your manager as soon as possible to inform them of the situation. Appropriate arrangements may then be put in place.

If you suffer some other personal emergency you should talk to your line manager who will discuss what arrangements can be made to grant you compassionate leave. These arrangements will always be at the discretion of Trinity and will depend on the circumstances of the case and the impact that any absence on your part may have on the business. However, Trinity will be sympathetic to your need for time off (which may be paid or unpaid at our discretion) to deal with the situation and make any arrangements that may be necessary.

### **3.9 Annual Leave**

Your individual holiday entitlement, including the calculation of any holiday pay, is set out in your contract of employment. This section of the handbook outlines the general approach taken by Trinity to requests for annual leave.

All annual leave must be agreed in advance with your line manager. You should not make firm travel plans or commitments until a request for leave has been granted and Trinity will not take such plans into account when dealing with conflicting holiday requests.

Further, no more than two consecutive weeks' holiday can be taken at one time. In certain circumstances, and at the discretion of the business, a longer period may be permitted. If this is required, you should discuss this with your line manager, to establish whether this can be accommodated.

### **What notice do I need to give?**

All requests for leave should be made at least 4 weeks in advance. The means of requesting leave may change from time to time and you should comply with whatever procedure is in place at the time of the request.

Your manager may refuse any request for leave if it would result in the workplace being understaffed or otherwise prejudice the business. Leave is likely to be refused if it is requested for a particularly busy period or a time when other employees have already had leave approved.

Certain times of year are particularly popular times for requesting holiday. Generally, subject to the needs of the business, leave will be granted on a first come first served basis, but exceptions may be made in the interests of ensuring that holiday is spread through the year on a fair and equitable basis.

### **Booking of Annual Leave**

All Annual Leave must be approved by your Line Manager prior to the leave being taken. No annual leave can be considered booked until it has been approved. Holidays/Flights should not be booked until your Line Manager has confirmed acceptance of your holiday dates. Special requests will be considered. However, a holiday booked/taken without authorisation may result in personal costs which cannot be recovered, and/or may be dealt with as a disciplinary matter. There are departmental guidelines which provide unit specific details. These are available locally.

Clinical Managers will ensure that there is a balance of trained and untrained medical and nursing staff and that there is adequate cover at all times to ensure the safety of patients. To facilitate this and the spreading of leave fairly throughout the year, leave bookings should be submitted as early as possible. In clinical areas there are likely to be published windows for booking leave as this assists planning, and also a fair allocation of leave which takes account of previous fulfilments or disappointments at popular times for leave such as festive periods and school holidays. In the case of nursing and medical staff, it would be appreciated if 70% of the leave entitlement is booked before November of the leave year. In smaller departments leave applications might be dealt with on a first come first served basis though the principle of fair allocation will apply. In any scenario Heads of Department/Service Managers have the right to refuse leave if disruption will be caused to the service. Medical staff who are on the on-call rota are responsible for arranging a swap to cover their routine scheduled on-call commitments if on annual leave or any other planned absence other than for sickness.



Annual Leave can be taken in blocks up to a maximum period of three weeks. Application for leave at or above three weeks must be made in the first instance to your Line Manager/Head of Department/Service Manager for approval, who will discuss the request with your Director to finalise authorisation. More than one quarter of annual leave entitlement must not be saved to be taken in the last three months of the year. A leave request in excess of three weeks will be given reasonable consideration by the Head of Department/Service Manager but as well as safeguarding the service there will be a requirement to consider the individual's wellbeing in the event that they might be face working an extended period without a leave break.

If requiring a change to agreed annual leave, you should check whether there is a conflict with a colleague's approved leave, taking into account their grade/job/shift and the needs of the service. If the colleague is prepared to change their arrangements, then you should discuss it with your Head of Department. Any change(s) must be submitted to and approved by your Manager.

### **Entitlement**

Leave entitlement is specified in your Contract of Employment. Leave will be pro-rated for part-time staff and this also applies to the bank holiday entitlement.

Holiday entitlement still accrues whilst on maternity leave.

Employees resigning or completing a contract will be entitled to annual leave for each completed calendar month in the leave year minus any annual leave that has already been taken. Trinity reserves the right to require you to take any unused holiday entitlement during your notice period even if booked to be taken after the end of the notice period.

### **Carry Over Conditions**

Leave should not be carried forward to the next year, but in exceptional cases and on written application to your Line Manager, permission may be given for up to 5 days to be carried forward to the next leave year.

### **Sickness**

If any member of staff becomes sick (unavailable for work) during annual leave, or is already off sick and any pre-booked annual leave occurs during the sickness absence then the annual leave can only be reclaimed for days covered by a medical certificate signed by a Medical Practitioner.

The sickness must be reported to the appropriate manager on the first day the sickness occurs, as per the Sickness Absence Policy and Procedure. It will also be necessary to submit a Self-Certification Form and, if the sickness is for more than 7 days, a medical certificate/doctor's letter or fit note must be submitted. If these procedures are followed the period of sickness becomes 'Sick Leave' and not 'Annual Leave'. Failure to report the sickness immediately and supply the necessary certification could result in the leave remaining as annual leave plus could also affect any Statutory/Occupational Sick Pay, which may be applicable.

## **Our Holiday Year**

All employees are encouraged to take their full holiday entitlement during the holiday year which runs from 01 April to 31 March. However, it is your responsibility to schedule your holiday so that it can be taken at an appropriate time.

Employees who leave their employment during the course of a holiday year will be entitled to a pro-rata payment reflecting leave accrued but not taken. Where an employee has, at the time their employment ends, taken a larger proportion of their leave entitlement than the proportion of the holiday year that has expired, then a deduction will be made from the final payment of salary to reflect the holiday which has been taken but not accrued.

Trinity may insist on annual leave being taken at particular times depending on the needs of the business and these are set out in your contract of employment. Alternatively, we will give reasonable notice of any such requirement (the length of the notice given will be at least twice the duration of the leave Trinity requires the employee to take).

Trinity may require annual leave to be taken during the notice period of any employee who has resigned or been dismissed.

## **3.10 Reserve Forces**

Trinity supports employees who are also member of the reserve forces. Such employees have specific entitlements relating to time off including arrangements for them returning to work after a period of deployment. Employees who are members of the reserve forces or who are considering joining should discuss the implications with their line manager.

# 4

## **FLEXIBLE WORKING AND FAMILY RELATED LEAVE**

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*Trinity understands the particular issues faced by employees trying to balance their work and family life. This section sets out Trinity's policies in this area and the specific rights given to new parents.*

### **4.1 Flexible Working**

Trinity will try, subject to the needs of the business, to accommodate requests from employees who wish to make changes to their working hours or place of work.

Requests for a change in working arrangements can be made by any employee with at least 26 weeks' continuous service with Trinity at the time the request is made. Further, only one request per employee may be made in any 12-month period. The request should:

1. be made in writing and state this is a flexible working request;
2. set out the change requested; and
3. describe the impact that the change will have on the operation of the business and how any difficulties caused by the change may be addressed.

When a request is received, the employee will be invited to a meeting to discuss the potential change.

The meeting will normally be conducted by the employee's line manager.

The employee will be entitled to be accompanied by a fellow employee to assist in making any representations that may be appropriate.

The application may be refused on one or more of several grounds, these being that the proposed changes will result in:

- a burden of additional cost;
- a detrimental effect on ability to meet patient demand;
- an inability to re-organise work among existing staff;
- an inability to recruit additional staff;
- a detrimental effect on quality;
- a detrimental effect on performance;
- an insufficiency of work during the periods you propose to work;
- a planned structural change; and

- any other ground allowed by regulations.

In refusing any request Trinity will explain the reasons for the refusal in writing and may make an offer of an alternative arrangement. Discussions may then take place to try to agree a way forward. If no agreement is reached then the employee's terms and conditions will remain unchanged, subject to the right of the employee to appeal the decision.

Any meetings should take place in a spirit of cooperation with both sides seeking to reach agreement on an appropriate way forward.

Any change in working arrangements which results from this process will be confirmed to you in writing.

This policy will not prevent managers agreeing to ad hoc arrangements from time to time. However, any such arrangement will not amount to a variation in your terms and conditions of employment unless specifically agreed to the contrary and confirmed in writing. Trinity may terminate any such ad hoc agreement at any time and require you to revert to your agreed working arrangements.

As there will inevitably be a limit to the amount of flexibility Trinity can tolerate without detriment to its interests, employees must accept that the fact that a particular working arrangement has been granted to one employee does not oblige Trinity to grant it to another.

## 4.2 Maternity Leave

All employees who give birth are entitled to take maternity leave which lasts for a maximum of 52 weeks. Employees with at least six months' service immediately before the 15th week prior to the expected week of childbirth will also be entitled to be paid Statutory Maternity pay (SMP) for up to 39 weeks of their absence. Because this is a statutory payment there are a number of procedural requirements that must be met in order to make sure that an employee qualifies. The most important requirements are set out below, but if you have any doubts about the rules that apply you should speak to a member of the management team who will make sure that you have all the appropriate information.

### Notification

To qualify for maternity leave you must provide Trinity, no later than the end of the 15th week before your EWC (when you are approximately 6 months' pregnant) with the following information:

1. that you are pregnant;
2. the date of the week your baby is due (your expected week of childbirth or EWC);
3. when you intend your maternity leave to start (this date can be changed later – see below); and

4. you must also provide Trinity with the original Maternity Certificate (MAT B1) issued by your doctor.

In some circumstances Trinity may be able to accept other medical evidence of when your baby is due, so if there is any difficulty in providing the MATB1 certificate you should discuss this with your manager.

If you intend to take advantage of the right to shared parental leave, you should inform Trinity of this fact at the same time as you notify the intended start date of your leave.

### **Start of Maternity Leave**

Generally, it is up to you to decide when to start your maternity leave. However, your leave cannot begin any earlier than the beginning of the 11th week before your EWC.

Where it is safe to do so, you may choose to continue working right up to your child's birth. However, your maternity leave will begin automatically if you are off sick for a pregnancy-related reason at any stage in the four weeks immediately before your EWC.

If your baby is born before the date that you have notified as the start date for your maternity leave then your maternity leave will begin on the day following the birth.

You may change the date on which you intend to start your maternity leave, but you must notify Trinity of your new start date at least 28 days before the original date given (or the new date, if that is sooner). If there is a reason why you cannot give this notice then you should explain the situation to an appropriate manager and Trinity will attempt to accommodate your changed circumstances. However, Trinity may need to insist on delaying the start of your leave until at least 28 days have passed since your notification of a changed date.

When your baby is born you should inform Trinity of this fact as soon as is reasonably practicable.

### **Duration of Maternity Leave**

The standard length of maternity leave is 52 weeks. Once you indicate the intended start date of your leave, Trinity will send you a written notification of your expected date of return.

Unless you give due notice to Trinity of an earlier date of return, it will be assumed that you intend to take your full 52-week entitlement and you will not be expected back at work before your leave ends. You do not then have to give any notice of your return although it would be sensible to contact your manager some time in advance to discuss any arrangements that may need to be made.

At the end of your maternity leave you are generally entitled to return to the same job as you had before your leave began. If you are away for more than 26 weeks, however, there may be circumstances in which that is not reasonably practicable. In that case, Trinity will provide you with a suitable and appropriate role at the same level of seniority and on no-less favourable terms and conditions.

## **Dismissal or Resignation**

While on maternity leave you remain employed by Trinity and bound by your contract of employment. If you decide that you want to leave your employment you will need to submit your resignation in the normal way.

Trinity will not dismiss you for any reason related to your pregnancy or your exercise of any right which arises from it. However, if separate circumstances require your dismissal (for instance, because of redundancy) then that will bring your maternity leave to an end.

If your position becomes redundant during your maternity leave then you will be offered any suitable alternative work that is available.

## **Statutory Maternity Pay**

Statutory Maternity Pay (SMP) is paid to employees who have at least 26 weeks' service immediately before the 15th week before the expected week of childbirth and whose pay is above the Lower Earnings Limit for paying National Insurance Contributions (this changes each year). Employees who earn below that amount may be entitled to a state benefit called Maternity Allowance. Trinity will provide you with an appropriate form to help you claim this, where appropriate.

To pay SMP, Trinity needs to be given at least 28 days' notice that you intend to claim it. This will normally be given when you inform Trinity of your intended start date for maternity leave. If it is not possible to give 28 days' notice, you should give as much notice as is reasonably practicable.

SMP is paid for a maximum total of 39 weeks. The first 6 weeks are paid at 90 per cent of your normal weekly earnings (this is based on an average of your total earnings in the eight weeks immediately preceding the 14<sup>th</sup> week before your expected week of childbirth) and the remaining 33 weeks are paid at a flat rate specified in legislation (this changes each year).

Your entitlement to SMP will be affected if you undertake any paid work (other than 'Keeping in Touch' days, described below) or are taken into legal custody at any time during your period of SMP entitlement. You should inform Trinity immediately of any such change in your circumstances.

## **Enhanced Maternity Pay**

Trinity offers employees with one year's service maternity pay which is greater than Statutory Maternity Pay.

You will receive 8 weeks at full pay including Statutory Maternity Pay (SMP). Then 18 weeks at half pay plus SMP - as long as this does not exceed your normal monthly salary. Then 13 weeks at SMP.

### **Returning to Work Early**

Not every employee will want to take the full 52 weeks of maternity leave. Some may simply want to return to work early and others may wish (with their partner) to take advantage of the right to shared parental leave (see below).

In order to make arrangements to accommodate an early return Trinity is entitled to ask for 8 weeks' notice of the new date, and if that is not given may delay your return until 8 weeks have passed since your notification.

In any event the law requires that you must not be permitted to return to work during the two weeks immediately following the birth.

### **Returning to Work Late**

Following your maternity leave, you are required to return to work on the date notified to you as your expected date of return. If you are unwell on that date then you should follow the sickness absence procedure set out in Section 5.2 of this handbook.

If you are entitled to begin some other period of leave (such as annual leave or parental leave) then you should ensure that you have followed the appropriate procedure for taking such leave as set out in this handbook.

### **Maternity Suspension (Health and Safety Reasons)**

Depending on the nature of your job, there may be circumstances in which it is unsafe for you to continue working while you are pregnant. In some circumstances the law requires a pregnant employee to be suspended on full pay or transferred to alternative duties. Jobs which may come under this category are identified in the risk assessments that Trinity has carried out under its health and safety policy. If you are affected by any health and safety issues connected with your pregnancy then Trinity will discuss any detailed arrangements that need to be made until it is safe for you to return to your original duties.

## **4.3 Adoption Leave**

Employees who are matched with a child for adoption may be entitled to take up to 52 weeks' adoption leave.

Adoption leave is also available to individuals fostering a child under the "Fostering for Adoption" scheme.

Where two parents are adopting a child, only one of them may take adoption leave, and the other (regardless of gender) is entitled to take paternity leave. If both adoptive parents qualify, they may each take shared parental leave.

The arrangements for taking adoption leave are similar to the arrangements for taking maternity leave, but there are several important differences. The key ones are set out below, but if you believe you are entitled to adoption leave you should discuss the situation with an appropriate manager who will ensure that you have all the necessary information.

### **Notification**

If you intend to take adoption leave you should notify Trinity of this within seven days of being notified that you have been matched with a child for adoption (or as soon as is reasonably practicable).

Your notification should set out:

- the date when the child is expected to be placed with you; and
- the date when you want to start your adoption leave.

As with maternity leave, you can change your mind about the start date provided Trinity is given at least 28 days – or as much notice as is reasonably practicable.

Trinity is entitled to require proof of the adoption which usually takes the form of a matching certificate provided by the agency placing the child.

Adoption leave is the same in duration as that of maternity leave and will last for 52 weeks unless you choose to return early or take advantage of shared parental leave. You may choose to start the leave from the date when the child is placed with you or at any time in the preceding two weeks.

If, for any reason, the placement is brought to an end – for example because the match turns out to be unsuitable – then adoption leave will continue for 8 weeks beyond the end of the placement. After that period you will be expected to return to work as normal.

### **Adoption Pay**

The arrangements for statutory adoption pay are similar to those for SMP (set out above).

### **Returning to Work Following Adoption Leave**

Your return to work at the end of your adoption leave is on the same basis as for the end of maternity leave (set out above).



## 4.4 Paternity Leave

Employees with 26 weeks' continuous service as at the 15<sup>th</sup> week before the expected week of childbirth will be entitled to take paternity leave if they expect to have parental responsibility for a child and they are either the mother's partner or one of the adoptive parents. The purpose of the leave must be either to care for the child or to provide support for the child's mother or adoptive parent.

There are a number of administrative requirements that must be met in relation to taking paternity leave and employees should discuss their plans with their line manager at as early a stage as possible. The following paragraphs set out the basic requirements, but there are additional requirements that must be met when adopting a child from overseas and employees in this position should talk to their manager who will make sure that full information is provided.

Employees entitled to take paternity leave are entitled to take either one or two weeks of leave. If two weeks are taken they must be consecutive and no individual days can be taken except with the agreement of Trinity.

Paternity leave cannot start before a child is born and must be taken at some stage within the first eight weeks following birth (except when the child is born prematurely in which case the leave must be taken within the eight weeks following the expected week of childbirth).

Most new parents choose to begin paternity leave on the date their child is born, but you may if you wish begin the leave at any time you choose provided that the whole of the leave is taken by the end of those eight weeks.

In order to qualify for paternity leave you must notify Trinity at least 15 weeks before the expected week of your child's birth or within 7 days of having been notified that a child will be placed for adoption. Your notification should specify how much leave you intend to take and when you intend the leave to begin. Should your plans change, you will need to give Trinity 28 days' notice of any revision.

Paternity leave is payable at the statutory rate, which is subject to change every year. You can check the most up-to-date figure with your line manager.

## 4.5 Parental Leave

Parental leave is a flexible form of unpaid leave designed to help employees spend time caring for their children. Parental leave can be taken up until the child's 18th birthday and is available to employees who have at least one year's service and who have formal parental responsibility for a child.

The basic entitlement is to 18 weeks of unpaid leave in respect of each child.

Parental leave must usually be taken in blocks of one week or more and no more than four weeks' leave will be granted in a single year. However, more flexibility is available in respect of disabled children and you should discuss your requirements with your line manager if this applies to you.

A request to take parental leave should be submitted 21 days in advance. While Trinity will always try to accommodate requests for parental leave, it has the right to postpone any leave for up to six months in order to accommodate business need.

No postponement will be required if you choose to take your first instalment of leave immediately after the birth or adoption of your child. In such circumstances you need only inform Trinity of your intention 21 days before the expected date of birth or placement. The leave will then begin automatically when your child is born or placed with you.

Parental leave is an entitlement that can be transferred from one employment to another. You may therefore join Trinity with some outstanding parental leave attaching to a particular child. In such circumstances you should be aware that the qualifying period for taking parental leave still applies and you will need to have been employed for at least one year before you can resume taking parental leave.

## **4.6 Shared Parental Leave**

Shared parental leave is a flexible form of leave available to both parents designed to encourage shared parenting in the first year of a child's life. It allows a more flexible pattern of leave than the traditional arrangement under which the mother takes extensive maternity leave and the father takes a short period of paternity leave.

Employees who give birth or adopt remain entitled to take the full 52 weeks of leave if they choose to do so and the arrangements described above for maternity and adoption leave continue to apply. However, an employee may choose to share part of that leave with their partner provided that certain qualifying conditions are met. When leave is shared in this way, there is no need for the 'primary' leave taker to have returned to work. Both parents can be on leave at the same time, provided that the combined amount of leave taken by the parents does not exceed 52 weeks and provided that all of the leave is taken before the end of 52 weeks following the birth of the child or its placement for adoption.

Generally, parents will qualify for shared parental leave provided that both are working and that each has at least 26 weeks' service with their respective employers. To exercise the right, both parents must inform their employer that they intend to take shared parental leave – usually at the same time as the employer is notified that an employee is pregnant or plans to adopt. They must also give an indication of the pattern of leave that they propose to take.

A parent proposing to take a period of shared parental leave must give Trinity 8 weeks' notice of any such leave. Depending on the circumstances, it may be possible for the Shared Parental Leave to be taken in intermittent blocks, with one parent returning to work for a time before taking another period of shared parental leave. Such an arrangement can only be made with the agreement of Trinity. While every effort will be made to accommodate the needs of individual employees, Trinity may insist on shared parental leave being taken in a single instalment. Any decision as to whether to permit intermittent periods of leave is entirely at Trinity's discretion.

An employee absent on shared parental leave will be entitled to a weekly payment equivalent to the lower fixed rate of SMP. The number of weeks for which payment will be made will vary depending on the amount of SMP paid to the mother while on maternity leave. Essentially, if the mother ends (or proposes to end) her leave with 10 weeks of SMP entitlement remaining, the parent taking shared parental leave will be entitled to be paid for the first 10 weeks of leave.

Because of the number of options available, shared parental leave can be quite a complicated entitlement. If you want to take advantage of shared parental leave you should discuss this with your line manager who will check that you qualify and help guide you through the procedure.

## **4.7 Keeping in Touch Days**

Employees during a period of maternity, adoption or shared parental leave are entitled to 10 keeping in touch days (KIT days). These allow the employee to attend work to catch up on the latest developments, undergo training or some other development activity, or to take part in important meetings without losing their right to subsequent pay entitlements. Employees on shared parental leave are entitled to a further 20 KIT days.

These 'keeping in touch days' are entirely voluntary and employees will not be required to take part, nor is Trinity under any obligation to arrange for keeping in touch days.

Any payment for attending work on such days will be agreed between Trinity and the employee at the time the keeping in touch day is arranged.

There is no legal requirement to receive pay for these days.

## **4.8 During Maternity/Adoption or Shared Parental Leave**

Trinity is keen to keep in touch with employees who are on extended periods of leave, to inform them of any news and consult them over any changes which may take place in the business. However, we appreciate that many employees would prefer to be left alone at this very important time in their lives. In order to get the balance right, your manager may, before your leave begins, discuss with you how best we can keep in touch while you are away.

Please be aware, however, that if an important issue arises on which you need to be consulted, Trinity may have a legal obligation to discuss the issue with you and keep you informed.

# 5

## HOW WE RESOLVE ISSUES

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*When problems arise in the employment relationship it is important that they are dealt with fairly and promptly. This section sets out the procedures that Trinity will follow in such cases.*

**Recording of meetings:** Due to the confidential nature of disciplinary and grievance proceedings you must not make electronic or audio recordings of any meetings or hearings conducted under the procedures set out in section 5. You should ensure that any companion you may bring with you to such meetings is also aware of this rule.

### 5.1 Performance Improvement Procedure

It is in everybody's interest for employees to perform well at their jobs and Trinity aims to ensure that all employees are given the support needed to ensure that they do so. Where there are issues with performance then the employee should receive feedback from their manager setting out any concerns. Discussions should take place about how that performance can be improved. This procedure is designed to be used when such informal discussions do not lead to the employee's performance improving to an acceptable level.

Where an employee's poor performance is believed to be the result of deliberate neglect, or where serious errors have been made to the detriment of Trinity then it may be more appropriate to use the disciplinary procedure. Which procedure to use shall be at the discretion of Trinity.

Trinity also reserves the right not to follow this procedure in full for employees who are within their first two years of employment with Trinity.

#### **The Right to be Accompanied**

Employees are entitled to be accompanied at any formal meeting held under this procedure by a fellow employee or trade union official of their choice. Trinity will provide any chosen companions with appropriate paid time off to allow them to attend the meeting. It is, however, up to the employee in question to arrange for a companion to attend the meeting.

If your chosen companion cannot attend on the day scheduled for the meeting then Trinity will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you may need to find someone else to take their place.

The Companion's role is to advise you during the meeting and make representations on your behalf. However, both you and your companion are required to cooperate in ensuring a fair and efficient meeting. The companion is not entitled to answer questions on your behalf.

### **Stage One**

The employee's manager will inform them of the nature of the problem and confirm this in writing. The employee will be invited to a meeting to discuss the issues raised by the manager's concerns. The meeting will be conducted by the employee's line manager and will consider any representations the employee may make about their performance, whether it needs to be improved, and if so what steps can be taken to help the employee reach the appropriate level.

Following discussion of the problem, the line manager may choose to take no further action; to refer the matter for investigation under the disciplinary procedure or to issue a written warning and Performance Improvement Plan which will remain current for a period of 12 months.

### **Performance Improvement Plan**

A Performance Improvement Plan (PIP) is a series of measures designed to help improve the employee's performance. Each measure will ideally be agreed with the employee, though Trinity reserves the right to insist on any aspect of the PIP in the absence of such agreement.

Each PIP will be tailored to the particular situation, but will contain the following elements:

**Timescale:** the overall timescale in which the necessary improvement must be achieved will be set out, together with the timescale for reaching individual milestones where appropriate.

**Targets:** The PIP will specify the particular areas in which improvement is needed and set out how and on what criteria the employee's performance will be assessed. Where appropriate, specific targets will be set which will need to be achieved either by the end of the plan or at identifiable stages within it.

**Measures:** The PIP will specify what measures will be taken by Trinity to support the employee in improving their performance. Such measures may include training, additional supervision, the reallocation of other duties, or the provision of additional support from colleagues.

**Feedback:** As part of the PIP the employee will be given regular feedback from their line manager indicating the extent to which the employee is on track to deliver the improvements set out in the plan

If at any stage Trinity feels that the PIP is not progressing in a satisfactory way, a further meeting may be held with the employee to discuss the issue. As a result of such a meeting the employer may amend or extend any part of the plan.

## **Review**

At the end of the PIP the employee's performance will be reviewed. If satisfactory progress has been made the employee will be notified of this fact in writing. If the manager feels that progress has been insufficient then they may decide to extend and/or amend the PIP to such extent as seems appropriate. Alternatively, the manager may refer the matter to a meeting under Stage Two of this procedure.

Following the successful completion of a PIP the employee's performance will continue to be monitored. If at any stage during the lifetime of the first written warning the employee's performance again starts to fall short of an acceptable standard, their line manager may decide to institute stage two of this procedure.

## **Stage Two**

If a PIP has not led to sufficient improvement in the employee's performance, the employee will be invited to attend a formal performance management hearing. The invitation will set out the respects in which the line manager believes that the employee's performance still falls short of an acceptable standard.

The hearing will be conducted by a member of the senior management team.

At the hearing, the employee will be given an opportunity to respond to any criticism of their performance and to make representations about any aspect of the way in which the process has been managed.

If the hearing concludes that reasonable steps have been taken which should have allowed the employee to perform to an acceptable standard but that these measures have not worked then a **formal final warning** may be issued. The warning will explain the nature of the improvement which is required in the employee's performance and state that the improvement must be immediate and sustained. It will also explain that if this improvement does not take place, then the employee may be dismissed. Where it is appropriate, the warning may be accompanied by an extended or revised PIP.

The warning will remain current for a period of 12 months, after which time it will cease to have effect.

## **Stage Three**

If an employee has been issued with a warning under Stage Two which remains current, and the appropriate manager believes that the employee's performance is still not acceptable then the matter may be referred to a further performance management hearing.

The employee will be informed in writing of the grounds of which the hearing is being convened and in particular will be told of the respects in which their performance continues to fall below an acceptable standard.

The hearing will be conducted by an appropriate manager.

At the meeting the employee will be able to respond to any criticisms made of their performance and make representations about how the situation should be treated.

The manager conducting the meeting may take such action as is judged appropriate up to and including a decision to dismiss the employee.

Any dismissal under this procedure will be with notice or payment in lieu of notice and the decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the employee.

### **Appeals**

An employee may appeal against any decision taken under this procedure. The appeal should be submitted in writing stating your full grounds of appeal within one week of the action complained of. An appeal hearing will then be convened to consider the matter. Any PIP that is in force, together with any measures or objectives included within it, will continue in place during the appeal process.

The outcome of the appeal will be confirmed to the employee in writing explaining the grounds of which the decision was reached. The outcome of the appeal will be final.

### **Redeployment**

There may be circumstances in which it becomes clear that an employee would be better suited to a different role within Trinity. However, any offer to redeploy the employee will be entirely at Trinity's discretion and will only be made when Trinity is confident that the employee will be able to perform well in the redeployed role and where there is a suitable available vacancy.

Redeployment may be offered as an alternative to dismissal where Trinity is satisfied that the employee should no longer be allowed to continue to work in their current role. While the employee is free to refuse any offer of redeployment, the only alternative available in these circumstances will usually be dismissal.

## **5.2 Sickness Absence Procedure**

Trinity may need to dismiss an employee whose attendance does not meet an acceptable standard either because of a long-term absence or because of a series of short-term absences. Such dismissals do not depend on any wrongdoing on the employee's part and do not mean that Trinity does not accept that their absences are genuinely due to illness or injury. Rather, dismissal is recognition that unfortunately the employee is no longer able to perform their role or attend work on a sufficiently regular basis to make their continued employment a viable option.

### **Short-term Absence**

An employee who is absent on more than three occasions within a six-month period will be invited to a meeting to discuss their attendance.



The meeting will usually be conducted by the employee's line manager and the employee will have a right to be accompanied by a fellow employee or a trade union official on the same basis as set out in the performance management procedure.

At the meeting the employee will be asked to explain the level of their absence. Where there is any indication that the absences are caused by an underlying medical condition then the matter may be dealt with under the procedure for long-term absence set out below. Trinity may also seek medical evidence from either the employee's doctor or an occupational health specialist in which case the meeting will be adjourned for a report to be obtained.

Subject to any medical evidence, the manager conducting this first-stage meeting may decide to issue a warning to the employee setting out Trinity's expectations regarding attendance and indicating the level of improvement needed. A review period will normally be set which may range from one month to 12 months depending on the circumstances.

If the employee's attendance does not improve to the extent required they may at any stage in the review period be invited to attend a second-stage meeting to discuss the matter. The meeting will again be conducted by the line manager and the employee will be entitled to be accompanied by a fellow employee or trade union official. This meeting may result in an extension of the review period or the issuing of a final written warning requiring the employee's attendance to improve and setting out the level of improvement required over a specified period of up to one year.

If the employee does not meet this standard and there is no underlying condition where reasonable adjustments would assist the employee to attend then they may be dismissed. A final meeting will be convened which shall be conducted by a manager with appropriate authority to dismiss and will consider any representations made by or on behalf of the employee who will once again have the right to be accompanied by a fellow employee or trade union official.

Any dismissal arising out of this meeting will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

### **Long-term Sickness Absence**

Where an employee is absent for an extended period – or it is clear that their absence is likely to continue for some time – then Trinity will want to investigate the prospects for their return and consider what actions can be taken to facilitate this. The extent to which Trinity can continue to accommodate an employee's absence will depend on a range of factors, including the role of the employee and the prevailing circumstances of the business.

Trinity may seek medical advice as to the employee's condition either from the appropriate professionals caring for the employee or from a specialist occupational health practitioner. The focus will be on ascertaining when the employee will be able to return to work and what steps Trinity can take to facilitate this.

An employee is not obliged to consent to any medical reports or records being shared with Trinity as part of this process. However, in the absence of medical evidence Trinity will have to work on the basis of what information is available in reaching its decision.

One or more meetings will be arranged with the employee to discuss their condition, the prospects for any return to work, and whether anything more can be done by Trinity to help. The employee will be entitled to be accompanied at the meeting by a fellow employee or trade union official.

Every effort will be made to make suitable arrangements for the meeting to allow the employee to attend. Where the employee is simply too ill to take part in the process, however, Trinity may proceed to dismissal in the absence of a meeting taking into account any representations made on the employee's behalf.

Where it appears that the employee will be unable to return to work within a reasonable time frame then Trinity may need to consider dismissal. Any dismissal will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated. You should submit your appeal in writing stating your full grounds of appeal.

Trinity reserves the right not to follow these procedures in full for employees who are within their first two years of employment with Trinity.

### **5.3 Disciplinary Procedure**

Trinity always tries to deal with disciplinary issues fairly and promptly. This procedure sets out the framework under which allegations of misconduct will be investigated and considered. While the procedure set out in this policy will be appropriate in most cases, there may be situations in which it is not practicable to comply with a particular requirement of it. When this happens Trinity will do its best to deal with the matter fairly and will pay particular attention to the need to give the employee every opportunity to explain their version of events.

Trinity reserves the right not to follow this procedure in full for employees who are within their first two years of employment with Trinity.

## **Definition of Misconduct**

Behaviour which is disruptive, disrespectful to colleagues, or which falls short of the requirements set out in this handbook will be treated as misconduct under the disciplinary procedure. While employees will not usually be dismissed for a first offence a failure to remedy the behaviour or to adhere to required standards may ultimately lead to dismissal once appropriate warnings have been given.

## **Definition of Gross Misconduct**

Gross misconduct is behaviour which is fundamentally at odds with the employee's duty to Trinity and their colleagues. In accordance with the disciplinary procedure, gross misconduct will usually result in dismissal without notice, or payment in lieu of notice, even in cases of a first offence.

It is not possible to list every example of gross misconduct which may arise, but the following provides an illustration of the sort of conduct that will fall into this category – some of which are then explained in more detail below:

- Theft;
- Deliberate acts of discrimination or harassment;
- Refusal to carry out reasonable instructions;
- Violent or intimidating behaviour;
- Wilful damage to property;
- Reckless behaviour posing a risk to health and safety;
- Any act or omission constituting serious or gross negligence/or dereliction of duty;
- Sleeping on duty;
- recording audio and/or video of any meeting, conversation or discussion with another person or people without the express prior consent of the person or people being recorded;
- Any illegal act during working time or on Company premises; and
- Any act described as gross misconduct elsewhere in this handbook.

## **Informal Action**

Most minor acts of misconduct can be dealt with informally through discussions between an employee and their line manager. This may consist of management guidance or an informal warning given orally or in writing. These steps are an everyday part of the management process and no formal procedure needs to be followed in respect of them.

Where informal action of this kind fails to resolve an issue, or where the misconduct alleged is considered too serious, then the matter will be dealt with formally under this procedure.

### **Investigation**

If it is alleged that you have committed misconduct, an appropriate investigation will be carried out aimed at gathering all of the relevant evidence. You may be interviewed as part of this investigation and will have the opportunity to point the investigator towards any evidence that you feel is relevant. The right to be accompanied (see below) does not apply to any investigatory interview.

### **Suspension**

If an allegation of misconduct is made against you, then you may be suspended from your duties on full pay while the matter is being dealt with. Trinity will make every effort to ensure that any period of suspension is kept as short as possible. The purpose of a suspension is either to allow an unhindered investigation to take place, or to protect the interests of Trinity and its employees. During any period of suspension you may be instructed not to contact other members of staff except for the purposes of preparing for any disciplinary hearing, where specific arrangements will be made with you. This is not a disciplinary sanction and should not be seen as a predetermination of any disciplinary process.

### **Hearing**

Once the investigation has been carried out, the investigating officer will make a decision about whether there is sufficient evidence to warrant a disciplinary hearing. If there is you will be informed of this and an appropriate date for the hearing will be arranged. This will take place within normal working hours wherever possible.

To ensure that you have adequate time to prepare for the hearing, Trinity will provide you in advance with a copy of all of the written evidence that will be considered at the hearing. In exceptional cases Trinity may need to withhold the identities of certain witnesses or hold back sensitive items of evidence. This will only be done where it is considered necessary to protect individuals or the essential interests of Trinity and every effort will be made to ensure that you are given as much information as possible so that a fair hearing can be conducted.

You will be given sufficient notice of any hearing to allow you to prepare for it. While this will vary from case to case, Trinity will generally try to give at least two days' notice of any hearing and in complicated cases a longer period of notice may be given.

The purpose of the hearing will be to consider the evidence gathered during the investigation and to consider any representations made by you or on your behalf. The hearing will be conducted by an appropriate manager who, wherever possible, has not previously been involved in the case and who was not responsible for carrying out the investigation.

## **The Right to be Accompanied**

Employees are entitled to be accompanied at any disciplinary hearing by a fellow employee or trade union official of their choice. Trinity will provide any chosen companion with appropriate paid time off to allow them to attend the hearing. It is, however, up to the employee in question to arrange for a companion to attend the hearing.

If your chosen companion cannot attend on the day scheduled for the hearing then Trinity will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you may need to find someone else to take their place.

The companion's role is to advise you during the hearing and make representations on your behalf; it is not to answer questions for you. However, both you and your companion are required to cooperate in ensuring a fair and efficient hearing. The companion cannot answer questions on your behalf.

## **Evidence**

The hearing will consider any evidence you choose to present. Should witnesses be prepared to appear on your behalf they will be permitted to do so provided that their evidence is relevant to the issues that need to be decided. Trinity will not compel or require any employee to appear as a witness on your behalf and in most circumstances, evidence arising from the investigation will be presented in written form. You will be entitled to challenge any of the evidence presented but will not be entitled to cross-examine witnesses.

## **Disciplinary Action**

After considering all of the evidence, including any submissions made by you or on your behalf, the manager conducting the hearing will decide on the outcome. If misconduct is found to have taken place, then the usual outcome will be a **written warning** which will be placed on your personnel file.

A warning will stay active for a period of 1 year, after which it will not be taken into account in any future disciplinary action.

If however a further instance of misconduct is found to have occurred (in accordance with this procedure) during the currency of a warning – or if any misconduct is considered to be serious enough to warrant it – then, subject to the formal process above being followed, you will be issued with a **final written warning**.

A **final written warning** will usually remain active for one year, but a longer period may be specified if the manager conducting the hearing feels that the circumstances warrant it.

An employee who is found to have committed further misconduct during a period covered by a final written warning will, following a hearing conducted in accordance with this procedure, generally be dismissed.

## **Dismissal**

An employee will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred then dismissal without notice or payment in lieu will be the usual outcome.

Gross misconduct is misconduct that is so serious that it fundamentally undermines the relationship between employer and employee. If you are accused of gross misconduct this will be made clear when you are invited to a disciplinary hearing. A wide range of behaviours can amount to gross misconduct but the most common involve dishonesty, violent or aggressive behaviour, the wilful destruction of Company property or a deliberate refusal to obey a reasonable instruction.

## **Appeal**

An employee may appeal against the outcome of a disciplinary hearing by doing so in writing stating your full grounds of appeal within one week of being notified of the outcome. The person to whom an appeal should be directed will be detailed in the disciplinary outcome letter. An appeal hearing will be convened and conducted by an appropriate member of the senior management team.

The appeal will consider any grounds the employee chooses to put forward and they will have the same right to be accompanied as at a disciplinary hearing. The result of the appeal hearing will be final.

## **Employee Absence**

It is important that disciplinary issues are dealt with promptly. Trinity may therefore need to proceed with a disciplinary hearing even if the employee is absent due to ill health or simply does not attend. Before hearing the matter in an employee's absence, Trinity will attempt to arrange the hearing in such a way that the employee will be able to attend or to submit written representations to the hearing and/or to arrange for an appropriate representative to attend the hearing on their behalf.

## **5.4 Grievance Procedure**

Trinity aims to be responsive to concerns raised by employees and if you are unhappy with something affecting you at work you are encouraged to raise this with your line manager. If that is not possible then you should speak to a member of the management team who will try to assist you in resolving any issue you may have. The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.

Examples of issues that could be dealt with under the grievance procedure include:

- (a) terms and conditions of employment;
- (b) health and safety;

- (c) work relations;
- (d) bullying and harassment;
- (e) new working practices;
- (f) working environment;
- (g) organisational change; and
- (h) discrimination.

The Grievance Procedure should not be used to complain about issues which do not directly relate to, or impact on, you and your work/ working environment.

The Grievance Procedure should not be used to complain about disciplinary action, reasonable action taken under the Performance Management Procedure or Sickness Absence Procedure. Any such complaints should be dealt with under the relevant appeal procedure.

### **Raising a Grievance**

If you feel that the matter needs to be raised formally you should raise a grievance by making a written complaint, stating that it is being made under this procedure. You should give as much information about your grievance, including any relevant dates and times, as you can, so as to allow for any investigation into your concerns to take place.

We would expect you to raise any grievance as soon as possible and, in any event, unless in exceptional circumstances, no later than 6 months after the occurrence of the issue complained of.

A grievance will normally be dealt with by your line manager and should be addressed to them directly. Where the grievance is directly concerned with your line manager's behaviour, however, you should submit your grievance to another member of the management team who will arrange for somebody who is not directly involved in the issue to deal with it.

### **Grievance Hearing**

A grievance hearing will then be arranged so that you can explain the issue and suggest how it can be resolved. There may be some cases where your grievance can be dealt with in writing, subject to your agreement. You will have the right to be accompanied by a fellow employee or trade union official to any grievance hearing. The manager conducting the hearing will consider what you have said and may either deal with the matter immediately or decide to carry out further investigations. In that case the hearing will be adjourned until the investigation has been completed.

Once the investigations are concluded, if new information comes to light, if it is considered appropriate, you may be invited to a reconvened meeting, to have the opportunity to consider and respond to the findings of the investigation. Following this a decision on the outcome of your grievance will be made.

### **Allegations of Misconduct**

Where an employee is making allegations of misconduct on the part of other employees then Trinity may need to carry out an investigation into the allegations and pursue the matter through the disciplinary procedure. Where this happens the grievance will be held over until the disciplinary process has been concluded and it may not be possible for Trinity to provide you with specific detail in relation to what disciplinary action, if any, has been taken.

### **Relationship with Other Procedures**

Where your grievance relates to the conduct of other procedures such as the disciplinary or performance management procedures then Trinity may choose to either delay the consideration of the grievance until that procedure has been completed or to deal with the grievance in the course of that procedure or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

### **Appeals**

If you are dissatisfied with the outcome of a grievance then you may appeal. You should submit your appeal in writing stating your full grounds of appeal within one week of being informed of the outcome of your grievance. Your appeal should be directed to the person named in the grievance outcome letter. An appeal hearing will then be convened and conducted by an appropriate member of the senior management team. You will have the right to be accompanied at the appeal by a fellow employee or trade union official. The outcome of any appeal will be final.



# 6

## **EQUAL OPPORTUNITIES and BULLYING AND HARASSMENT POLICY**

### **6.1 Equal Opportunities Statement**

We are equal opportunity employer and are fully committed to a policy of treating all of our employees and job applicants equally in all aspects of employment including: recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.

We will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications, without regard to race, religion or belief, sex, sexual orientation, pregnancy or maternity, gender reassignment, age, marriage and civil partnership or disability. In this Policy these are known as the "Protected Characteristics".

We will appoint, train, develop and promote on the basis of merit and ability alone. We will also take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon any of the Protected Characteristics. We will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with us, such as patients, patients, contractors and suppliers.

Employees have a duty to co-operate with us to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under our Disciplinary Procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal.

Employees must not harass, bully or intimidate other employees for reasons related to one or more of the Protected Characteristics. Such behaviour will be treated as potential gross misconduct under our Disciplinary Procedure. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

You should draw to the attention of your line manager any suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct. Employees should support colleagues who suffer such treatment and are making a complaint.

## **Discrimination**

You must not unlawfully discriminate against or harass other people, including current and former employees, job applicants, patients, patients, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with patients, suppliers or other work-related contacts or when wearing a work uniform), and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this policy and are unlawful:

- Direct discrimination – when someone is treated less favourably than another person because of a Protected Characteristic.
- Associative discrimination or discrimination by association – direct discrimination against someone because they associate with another person who possesses a Protected Characteristic.
- Discrimination by perception – direct discrimination against someone because it is thought that they possess a particular Protected Characteristic even if they do not actually possess it.
- Indirect discrimination - occurs where an individual's employment is subject to an unjustified provision criterion or practice which e.g., one sex or race or nationality or age group finds more difficult to meet, although on the face of it the provision, criterion or practice is 'neutral'.
- Harassment – unwanted conduct related to a relevant Protected Characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. You may complain of such offensive behaviour even if it is not directed towards you personally.
- Victimization – when an employee is treated less favourably because they have made or supported a complaint or raised a grievance about unlawful discrimination or are suspected of doing so.
- Disability discrimination: this includes direct and indirect discrimination, any unjustified unfavourable treatment because of something arising in consequence of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

## **Our Commitment**

### **Recruitment**

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant abilities and qualifications. We are committed to applying our equal opportunities policy statement at all stages of recruitment and selection.

Recruitment publicity will aim to positively encourage applications from all suitably qualified people when advertising job vacancies, in order to attract applications from all sections of the community.

Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees with a particular Protected Characteristics. However, where having regard to the nature and context of the work, having a particular Protected Characteristics is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, we will apply that requirement to the job role and this may therefore be specified in the advertisement.

The selection process will be carried out consistently for all jobs at all levels. We will ensure that this equal opportunities policy is available to all staff, and in particular is given to all staff with responsibility for recruitment, selection and promotion.

The selection of new staff will be based on job requirements and the individual's suitability and ability to do, or to train for, the job in question. Person specification and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment, promotion or transfer will be assessed objectively against the requirements of the job.

With disabled job applicants, we will have regard to our duty to make reasonable adjustments to work provisions, criteria and practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

All applications will be processed consistently. The staff responsible for short listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. All questions that are put to the applicants will relate to the requirements of the job.

### **Training, transfer and promotion**

We will take such measures as may be necessary to ensure the proper training, supervision and instruction for all line managers in order to familiarise them with our policy on equal opportunities, and in order to help them identify discriminatory acts or practices and to ensure that they promote equal opportunity within the departments for which they are responsible. The training will also enable line managers to deal more effectively with complaints of bullying and harassment.

We will also provide training to all employees to help them understand their rights and responsibilities under the equal opportunities and anti-harassment policies and what they can do to create a work environment that is free of bullying and harassment.

All persons responsible for selecting new employees, employees for training or employees for transfer or promotion to other jobs will be instructed not to discriminate because of one or more of the Protected Characteristics. Where a promotional system is in operation, the assessment criteria will be examined to ensure that they are not discriminatory. The promotional system will be checked from time to time in order to assess how it is working in practice.

When a group of workers who predominantly have a particular Protected Characteristic appear to be excluded from access to promotion, transfer and training and to other benefits, our systems and procedures will be reviewed to ensure there is no unlawful discrimination.

### **Terms of employment, benefits, facilities and services**

All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of one or more of the Protected Characteristics.

### **Equal pay and equality of terms**

We are committed to equal pay in employment. We believe our male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, we will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

### **Disabilities**

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.

We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

## **6.2 Bullying and Harassment**

We are committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect. This includes harassment or bullying which occurs at work and out of the workplace, such as on business trips or at work-related events or social functions.

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to a Protected Characteristic. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include (this is a non-exhaustive list), for example:

- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing;
- (b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- (c) offensive e-mails, text messages or social media content;
- (d) mocking, mimicking or belittling a person's disability.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include (this is a non-exhaustive list), by way of example:

- (a) physical or psychological threats;
- (b) overbearing and intimidating levels of supervision;
- (c) inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

## 6.3 Procedure

If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager who can provide confidential advice and assistance in resolving the issue formally or informally. If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Grievance Procedure.

We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

Once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party such as a patient or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

## 6.4 Menopause policy

### **About this policy**

We are committed to fostering an inclusive and supportive working environment for all our staff. We recognise that many members of staff will experience the menopause and that for some the menopause will have an adverse impact on their working lives.

The purpose of this policy is to raise awareness of the menopause and the impact of the menopause in the workplace, and to encourage open conversations between managers and staff. We are committed to supporting staff who are affected by the menopause and to signpost relevant advice and assistance to anyone who needs it.

## **Open conversations**

Menopause is not just an issue for women. All staff should be aware of the menopause so that they can support those going through it or otherwise affected by it. We encourage an environment in which colleagues can have open conversations about the menopause. We expect all staff to be supportive of colleagues who may be affected by the menopause in the workplace.

Anyone affected by the menopause should feel confident to talk to their line manager [or Human Resources] about their symptoms and the support they may need to reduce the difficulties the menopause can cause them at work.

Line managers [and Human Resources] should be ready to have open conversations with staff about the menopause and what support is available. Such conversations should be treated sensitively and any information provided should be handled confidentially and in accordance with our [Privacy Standard OR Data Protection Policy].

## **Support and adjustments**

While many who go through the menopause will be able to carry on their working lives as normal, we recognise that others may benefit from adjustments to their working conditions to mitigate the impact of menopause symptoms on their work.

We are committed to ensuring the health and safety of all our staff and will consider any aspects of the working environment that may worsen menopausal symptoms. This may include identifying and addressing specific risks to the health and well-being of those going through the menopause.

If you believe that you would benefit from adjustments or other support, you should speak to your line manager in the first instance. If you feel unable to do so you should [contact the Human Resources Department].

Physical adjustments could include temperature control, provisions of electric fans or access to rest facilities. Depending on individual and business needs, adjustments such as flexible working, more frequent rest breaks or changes to work allocation may also be considered. These are examples only and not an exhaustive list.

We may [refer you to our Occupational Health Department AND/OR a doctor nominated by us or] seek medical advice from your GP to better understand any adjustments and other support that may help alleviate symptoms affecting you at work.

[If you need additional support, you also have access to our confidential employee support helpline 0800 328 1437 or via [www.employeeassistance.org.uk](http://www.employeeassistance.org.uk) (access code is hospice).

## 6.5 Monitoring equal opportunities and dignity at work

We will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, we will implement them. We will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

### **Breaches of this Policy**

We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.

If you believe that you have suffered discrimination you can raise the matter through our Grievance Procedure or Bullying and Harassment Procedure. Complaints will be treated in confidence and investigated as appropriate.

You must not be victimised or retaliated against for complaining about discrimination. However, making a false allegation deliberately will be treated as misconduct and dealt with under our Disciplinary Procedure.

### **Related Policies**

This policy is supported by the following other policies and procedures (in the Employee Handbook):

- (a) Grievance Procedure.
- (b) Disciplinary Procedure.
- (c) Flexible Working Procedure.
- (d) Maternity, Paternity, Adoption and Shared Parental Leave Policies.
- (e) Parental Leave Policy.
- (f) Time Off for Dependants Policy.
- (g) Data Protection Policy.