



# Construction and Plant Assessments Ltd

## Employee Handbook

### Contents

#### Employee Entitlements-

- Holidays
- Holiday Request Form
- Sick Pay Entitlement
- Maternity Leave and Maternity Pay
- Paternity Leave and Paternity Pay
- Adoption Leave and Adoption Pay
- Parental Leave
- Time Off for Dependents

#### Disciplinary Procedures

- Disciplinary Procedure and Action
- The Right to be accompanied
- Code of Conduct
- Performance Management Procedure
- Disciplinary and Dismissal Appeals
- Grievance Procedure

## Holidays

### **Annual Holidays**

The holiday year runs from 1<sup>st</sup> January to 31<sup>st</sup> December.

Full time employees' annual holiday entitlement in any holiday year is four weeks, which part time employees will receive pro rata.

Employees with less than 12 months' continuous service with Construction and Plant Assessments (CPA) are not entitled to take annual holiday until it has accrued.

Hourly paid employees will be paid at their basic rate of pay and salaried employees will be paid their basic salary in respect of periods of annual holiday.

On termination of employment, employees will be entitled to be paid for holiday accrued but not taken at the date of termination of employment.

If on termination of employment an employee has taken more annual holiday than he or she has accrued in that holiday year, an appropriate deduction will be made from the employee's final pay.

Employees are not permitted to carry over accrued annual holiday from one holiday year to the next.

All periods of annual holiday must be authorised in advance by management. Employees must not make firm annual holiday arrangements before receiving confirmation from management that their request has been authorised.

Employees are required to submit completed Holiday Request Forms to their line manager as early as possible, normally giving a minimum of one month's notice.

Employees are not normally permitted to take more than two weeks' annual holiday at any one time.

Employees who take unauthorised annual holiday may be subject to disciplinary action.

Requests for annual holiday will normally be granted on a 'first come, first served' basis. Owing to the needs of the business, management reserves the right to limit the number of employees who may be permitted to take holiday at any one time. The granting of all holiday requests will be subject to adequate cover being available and the overall needs of CPA.

CPA may require employees to reserve a specified amount of annual holiday entitlement to be taken at a time set by CPA, depending on the needs of the business and will give employees advance notice of such a requirement. The notice given will be at least twice the period of annual holiday that the employees will be required to take during the specified time.

Employees who are ill during a period of authorised annual holiday are not normally permitted to take the annual holiday at a later time.

CPA may require an employee to take all or part of any outstanding holiday entitlement during a period of notice to terminate employment.

### **Public Holidays**

Full time employees are entitled to eight public holidays each year and will be advised of the relevant dates as early as possible. The public holidays that are recognised are New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday, August Bank Holiday, Christmas Day and Boxing Day.

Part time employees are entitled to public holidays pro rata. Where the Company closes on a public holiday and the employee has exhausted his or her pro rata public holiday entitlement, the employee will not be paid for this day. If the employee wishes to be paid for this day, he or she should take this time from his or her annual holiday entitlement, or arrange to work on an alternative day, at the sole discretion of the CPA's accordance with the needs of the business.

Public holidays are in addition to annual holiday entitlement.

Employees may be required to work during recognised public holidays, depending on the needs of the business. Employees will be given as much notice as possible of such a requirement.

Employees who are required to work on a recognised public holiday will be entitled to receive their normal hourly rate of pay and the equivalent time off in lieu for the hours worked.

Where employees are entitled to receive time off in lieu for working on a public holiday, the time off in lieu must take at a time convenient to the business.

If employees are absent without authorisation on the day before or the day after a public holiday, the CPA's reserves the right to withhold holiday pay in respect of the public holiday. This provision only applies to employees with more than the statutory minimum annual holiday entitlement.

## Holiday Request Form

**TO:**

**FROM:**

**DATE:**

I would like to take the following days as annual holiday:

Start Date	Start Day	Return Date	Return Day	No. Of Days of Holiday

Number of days of holiday remaining before the above request: .....

Number of days of holiday remaining after the above request: .....

Signed by Employee: .....

PRINTED: .....

Date: .....

Approved?     **YES / NO**

Reason for not approving request:

.....

Signed by Manager: .....

PRINTED: .....

Date: .....

## Sick Pay Entitlement

### Statutory Sick Pay

Employees who are absent from work because of sickness will normally be entitled to receive Statutory Sick Pay (SSP) from CPA's providing they meet the relevant criteria.

Once the criteria have been met, SSP is not normally payable for the first three days of sickness absence, unless the employee has been absent and in receipt of SSP within the previous eight weeks. Thereafter the CPA will normally pay SSP at the statutory rate in force for a maximum of 28 weeks.

In order to qualify for SSP the employee must notify the CPA's on the first qualifying day and submit a certificate of absence as soon as practicable. CPA's reserves the right to withhold payment of SSP where an employee fails to follow the correct procedure.

Certain employees are excluded from the SSP scheme, e.g., employees who earn below the lower earnings limit for National Insurance purposes.

The provisions relating to SSP are extremely complex. Employees who have any questions about it should approach their line manager or a Director.

## Maternity Leave and Maternity Pay

Pregnant employees and employees who have recently given birth have a variety of legal rights. This area of law is very complex, and the following sections provide only a general guide for employees.

Employees have separate rights to paid **Time off for Antenatal Care**, **Maternity Leave** and to **Maternity Pay**. The qualifying conditions for each are outlined below.

### Time off for Antenatal Care

All pregnant employees, regardless of length of service, are entitled to take time off with full pay during working hours to receive antenatal care. This includes relaxation and parentcraft classes if attended on medical advice.

The employer may require an employee who wishes to take time off for these purposes to provide medical certification of her pregnancy and an appointment card, except in connection with the first appointment.

### **Maternity Leave**

Every employee who is pregnant has the right to a total of 52 weeks' Maternity Leave from day one of employment.

This is made up as follows:

- 26 weeks' Ordinary Maternity Leave; followed by
- 26 weeks' Additional Maternity Leave.

Women are legally obliged to take a minimum of two weeks' maternity leave after giving birth. A longer minimum period of four weeks applies in respect of women who work in factories. This is called Compulsory Maternity Leave.

### **Ordinary Maternity Leave**

During Ordinary Maternity Leave, the employee is entitled to receive all her normal contractual benefits (including annual holiday entitlement) but excluding pay.

An employee is entitled to return to her original job at the end of the Ordinary Maternity Leave period.

### **Additional Maternity Leave**

Additional Maternity Leave follows immediately after the end of Ordinary Maternity Leave. There can be no gap between the two.

During Additional Maternity Leave, the employee is entitled to receive all her normal contractual benefits (including annual holiday entitlement) but excluding pay.

The employee is entitled to return to her original job at the end of Additional Maternity Leave. However, if this is not reasonably practicable, she should be offered a similar job on no less favourable terms and conditions.

### **Notification Procedures for Maternity Leave**

To be permitted to take Maternity Leave the employee must comply with the rules and procedures set out below.

1. No later than the end of the 15<sup>th</sup> week before the week the child is due, the employee must give her employer notice of:
  - the fact that she is pregnant.
  - her expected week of childbirth, which must be confirmed with the medical certificate MATB1; and
  - the date on which she intends to start her Maternity Leave. This must be in writing if requested by the employer.

Within 28 calendar days of the employee giving notice, the employer will respond in writing to the employee, confirming the date when the Maternity Leave will end. This will normally be 52 weeks from the start of Maternity Leave.

2. The earliest the employee may start her Maternity Leave is 11 weeks before the expected week of childbirth. However, Maternity Leave will start automatically if the employee gives birth before this date.
3. The employee may change her mind about when she wants to start her leave, as long as she gives the employer at least 28 calendar days' notice of the change. The period of 28 days must be before the earlier of the original planned start date or the new planned start date.
4. An employee's Maternity Leave will automatically start if she is absent from work for a pregnancy related illness during the four weeks before the expected week of childbirth.

### **Notification of Return to Work**

1. The employee does not need to give notice of her return to work if she simply returns at the end of her Maternity Leave period.
2. If the employee wishes to return to work before her full entitlement to Maternity Leave has ended, she must give her employer a minimum of eight weeks' notice of the date of her earlier return.
3. If the employee fails to give the required eight weeks' notice of an earlier return to work, the employer may postpone the employee's return until the end of the eight weeks' notice she should have given, or until the end of her Maternity Leave period, whichever is earlier.
4. The employee may change her mind about the date of her return, but she must always give the employer at least eight weeks' notice of any changes.
5. An employee does not lose the right to return to work if she does not follow the correct notification requirements. However, the employer may take appropriate disciplinary action if she fails to return to work at the end of her Maternity Leave period.
6. If the employee is unable to return to work because of ill health at the end of her leave, the employer's normal sickness rules, procedures and payments will apply.

### **Holidays and Maternity Leave**

Because holiday entitlement will continue to accrue during Maternity Leave, the employee should discuss with the employer when holiday will be taken. Holiday's cannot be taken simultaneously with Maternity Leave but could be taken either before the beginning or after the end of Maternity Leave.

### **Contact with the Employee during Maternity Leave**

The Employer may make reasonable contact with the employee during Maternity Leave.

### **Statutory Maternity Pay**

All employees who have been continuously employed for at least 26 weeks ending with the 15th week before the expected week of childbirth (the "Qualifying Week"), and who satisfy the following conditions, are entitled to receive Statutory Maternity Pay (SMP) from their employer. The employee must:

- still be pregnant at the 11th week before her expected week of childbirth or have had the child by that time.
- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight-week period up to and including the Qualifying Week.
- give the employer notice that she intends to be absent from work because of her pregnancy at least 15 weeks before the expected week of childbirth; and
- provide the employer with medical certification of her expected week of childbirth, normally using form MAT B1.

Statutory Maternity Pay is payable for up to 39 weeks. The first six weeks are payable at the higher rate which is 90% of the employee's normal earnings. Normal earnings are calculated based on the eight-week period before the Qualifying Week. However, any pay rises made by the employer up to

the end of the employee's Maternity Leave must be taken into account and SMP adjusted accordingly.

The remaining 33 weeks are payable at a standard rate which changes from time to time. Where the employee's earnings are below the standard rate, the employee should be paid at 90% of her average earnings of the previous eight weeks up to and including the Qualifying Week.

Employees who do not qualify for Statutory Maternity Pay may be able to claim Maternity Allowance from their local Job Centre Plus office.

#### **Pension Contributions during Maternity Leave**

Where the employee has the benefit of contractual pension contributions made by the employer, these must continue to be paid at the full rate up to the end of the period when SMP is payable.

Where the employee is required to make pension contributions, these will be based on the pay she receives during Maternity Leave.

#### **Keeping in Touch Days**

Employees on Maternity Leave may do up to 10 days' work for the employer without losing their right to SMP.

Work will be paid at the employee's normal rate of pay, but any SMP will be taken into account.

Neither the employee nor the employer is under any obligation to agree to Keeping in Touch days.

#### **Paternity Leave and Paternity Pay**

Eligible employees (see below) are entitled to take up to two weeks' paid Paternity Leave following the birth of their child in order to care for the child or support its mother. During Paternity Leave, most employees will be entitled to Statutory Paternity Pay (SPP), which will be the same as the standard rate of Statutory Maternity Pay (SMP).

#### **Eligibility for Paternity Leave and Paternity Pay**

In order to qualify for Paternity Leave and Statutory Paternity Pay the employee must:

- be the biological father of the child or the mother's husband or partner (male or female).
- have or expect to have responsibility for the child's upbringing.
- have worked continuously for the employer for 26 weeks leading into the 15<sup>th</sup> week before the child is due; and
- have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight-week period leading up to and including the Notification Week.

Employers may ask an employee to provide a self certificate as evidence that he or she meets these conditions. The self certificate must provide the information required above and include a declaration that the employee meets the necessary conditions.



### **Taking Paternity Leave**

An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks. Leave may start on any day of the week on or following the child's birth but must be completed:

- within 56 calendar days of the actual date of birth of the child; or
- if the child is born early, within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

An employee may change his or her mind about the starting date for Paternity Leave, providing he or she tells the employer at least 28 calendar days in advance of the changed start date where reasonably practicable.

### **Notification Procedures for Paternity Leave**

An employee who wishes to take Paternity Leave must notify the employer by the 15<sup>th</sup> week before the expected week of childbirth, stating:

- the week the child is due.
- whether the employee wishes to take one week or two weeks' leave; and
- when the employee wants the leave to start.

### **Contractual Benefits during Paternity Leave**

An employee on Paternity Leave is entitled to enjoy normal terms and conditions of employment, with the exception of pay. The employee is entitled to return to the same job following Paternity Leave.

### **Paternity Leave and Adoption**

The partner of an individual who adopts, or the other member of a couple who is adopting jointly, may be entitled to Paternity Leave and Paternity Pay.

When a couple adopts, it can choose who will take Adoption Leave and who will take Paternity Leave. Only one period of Adoption Leave and one period of Paternity Leave may be taken between the couple even if each individual works for different employers.

Further details of this entitlement are set out in the section on Adoption Leave and Adoption Pay.

## **Adoption Pay and Adoption Pay**

### **Different Types of Leave Available to Couples Who Adopt**

Employees who adopt a child may be entitled to **Adoption Leave** and **Statutory Adoption Pay**. This right applies to both men and women.

The partner of an individual who adopts, or the other member of a couple adopting jointly, may be entitled to **Paternity Leave** and **Paternity Pay**.

When a couple adopts, the couple can choose who will take Adoption Leave and who will take Paternity Leave. Either sex can choose either type of leave.

Details of Paternity Leave for an adoptive parent can be found at the end of this section.

### **Adoption Leave**

Employees who meet the eligibility criteria are entitled to 26 weeks' Ordinary Adoption Leave and 26 weeks' Additional Adoption Leave, in order to care for a newly adopted child up to 18 years of age.

To qualify for Adoption Leave, an employee must:

- be newly matched with a child for adoption by an approved adoption agency.
- Have notified the agency that the employee agrees that the child should be placed with him or her and agreed the date of placement.
- have worked continuously for the same employer for 26 weeks ending with the week in which the employee is notified of being newly matched with a child by the agency; and
- notify the employer of when he or she wants to take Adoption Leave no more than seven calendar days after being notified that he or she has been matched with a child.

Only one period of Adoption Leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

### **Ordinary Adoption Leave**

During Ordinary Adoption Leave, the employee is entitled to receive all his or her normal contractual benefits (including annual holiday entitlement) but excluding pay.

An employee is entitled to return to his or her original job at the end of the Ordinary Adoption Leave period.

### **Additional Adoption Leave**

Additional Adoption Leave follows immediately after the end of Ordinary Adoption Leave. There can be no gap between the two.

During Additional Adoption Leave, the employee is entitled to receive all his or her normal contractual benefits (including annual holiday entitlement) but excluding pay.

The employee is entitled to return to his or her original job at the end of Additional Adoption Leave. However, if this is not reasonably practicable, he or she should be offered a similar job on no less favourable terms and conditions.

### **Notification Procedures for Adoption Leave**

To be permitted to take Adoption Leave the employee must comply with the rules and procedures set out below.

1. Within seven calendar days of being matched for a child, the employee must give his or her employer notice of:
  - the date the placement is expected to take place; and
  - the date on which the employee intends to start Adoption Leave. This must be in writing if requested by the employer.

The employee should also give the employer the matching certificate from the adoption agency as evidence of entitlement to Adoption Leave.

Within 28 calendar days of the employee giving notice, the employer will respond in writing to the employee, confirming the date when the Adoption Leave will end. This will normally be 52 weeks from the start of the Adoption Leave.

2. An employee who is adopting may choose to start Adoption Leave:
  - from the date of the child's placement; or
  - from a fixed date which can be up to 14 calendar days before the expected date of the placement.
3. The employee may change his or her mind about the start date of Adoption Leave, as long as he or she gives the employer at least 28 calendar days' notice of the change. The period of 28 days must be before the earlier of the original planned start date or the new planned start date.

#### **Notification of Return to Work**

1. The employee does not need to give notice of a return to work if he or she simply returns at the end of the Adoption Leave period.
2. If the employee wishes to return to work before the full entitlement to Adoption Leave has ended, the employee must give his or her employer a minimum of eight weeks' notice of the date of the earlier return.
3. If the employee fails to give the required eight weeks' notice of an earlier return to work, the employer may postpone the return until the end of the eight weeks' notice the employee should have given, or until the end of the Adoption Leave period, whichever is earlier.
4. The employee may change his or her mind about the date of his or her return, but he or she must always give the employer at least eight weeks' notice of any changes.
5. An employee does not lose the right to return to work if he or she does not follow the correct notification requirements. However, the employer may take appropriate disciplinary action if the employee fails to return to work at the end of his or her adoption leave period.

#### **Holidays and Adoption Leave**

Because holiday entitlement will continue to accrue during Adoption Leave, the employee should discuss with the employer when holiday will be taken. Holiday cannot be taken simultaneously with Adoption Leave but could be taken either before the beginning or after the end of Adoption Leave.

#### **Contact with the Employee during Adoption Leave**

The Employer may make reasonable contact with the employee during Adoption Leave.

#### **Statutory Adoption Pay**

To qualify for Statutory Adoption, Pay, the employee must:

- have been continuously employed for at least 26 weeks by the date he or she is informed by the adoption agency that the adopter has been matched with a child.
- have average weekly earnings equal to or above the lower earnings limit for National

Insurance purposes over the eight-week period leading up to the date the adopter is matched with a child.

- give the employer the required minimum notice that he or she intends to be absent from work because of adoption.
- provide the employer with a matching certificate from the adoption agency as evidence of entitlement to Statutory Adoption Pay; and
- provide a written declaration that the employee has chosen to receive Statutory Adoption Pay (SAP) rather than Statutory Paternity Pay (SPP).

Statutory Adoption Pay is payable for up to 39 weeks at a standard rate which changes from time to time. Where the employee's earnings are below the standard rate, the employee should be paid at 90% of his or her average earnings of the previous eight weeks up to and including the date the child is matched.

Employees who do not qualify for Statutory Adoption Pay may be able to claim financial support from their local Job Centre Plus office.

#### **Pension Contributions during Adoption Leave**

Where the employee has the benefit of contractual pension contributions made by the employer, these must continue to be paid at the full rate up to the end of the period when SAP is payable.

Where the employee is required to make pension contributions, these will be based on the pay he or she receives during adoption leave.

#### **Keeping in Touch Days**

Employees on Adoption Leave may do up to 10 days' work for the employer without losing their right to SAP.

Work will be paid at the employee's normal rate of pay, but any SAP will be taken into account. Neither the employee nor the employer is under any obligation to agree to Keeping in Touch days.

#### **Placement Ends**

If the child's placement ends during the Adoption Leave period, the employee will be able to continue adoption leave for up to eight weeks after the end of the placement.

#### **Paternity Leave and Adoption**

A qualifying employee may take either one whole week's or two consecutive whole weeks' paid Paternity Leave to care for a newly adopted child or to support his or her partner on adoption.

To qualify for Paternity Leave, the employee must have worked continuously for the employer for at least 26 weeks leading into the week in which the adopter is notified of being matched with a child. The employee may decide to start Paternity Leave either from the date of the child's placement, from a chosen number of days or weeks after the date of the child's placement or from another chosen date.

In all cases Paternity Leave must be completed within 56 calendar days of the child's placement.

### Parental Leave

After one year's service, employees are entitled to a maximum of 13 weeks' unpaid Parental Leave for each of their children under five years old.

Parents of disabled children are entitled to a total of 18 weeks' parental leave, which can be taken at any point until the child's 18<sup>th</sup> birthday. Where an employee adopts a child under the age of 18, he or she is entitled to Parental Leave during the five years after the adoption, or until the child's 18th birthday, whichever is earlier.

A maximum of four weeks' Parental Leave may be taken in any one year.

Parental Leave may only be taken in blocks of one complete week or more except in the case of parents of children with a disability who may take Parental Leave one day at a time.

An employee is required to give the employer a minimum of 21 calendar days' notice in writing of his or her request to take Parental Leave.

Employers have the right to postpone Parental Leave for up to six months if the business would be unacceptably disrupted by the employee's absence. However, Parental Leave requested to take place immediately after the birth of a child may not be postponed provided that the employee has given 13 weeks' notice of his or her intention to take Parental Leave at this time.

### Time off for Dependants

Employees are entitled to take reasonable unpaid time off to deal with sudden or unexpected problems with a dependant. A dependant is a partner, child or parent who lives with the employee as part of his or her family or any other person who reasonably relies on the employee for assistance.

Reasonable time off will be granted in the following circumstances:

- for the birth, sickness, injury or death of a dependant.
- to make arrangements for the care of a sick or injured dependant or to make arrangements to deal with an unexpected disruption to care arrangements; or
- to deal with an unexpected incident involving the employee's child during school hours.

The right is only to deal with emergencies and to put care arrangements in place. This means that in the case of a dependant's illness, for example, the employee is not entitled to time off for the duration of the dependant's illness.

Employees are required to inform the employer as soon as practicable of their absence, the reason for it and how long they expect to be away from work.

There is no minimum service period for an employee to qualify for this right.

### Disciplinary Procedure and Action

The primary objective of the Company's Disciplinary Procedure is to ensure that all disciplinary matters are dealt with promptly, fairly and consistently and, where there has been a breach of discipline, to encourage an improvement in individual conduct or performance.

The Company reserves the right to discipline or dismiss an employee with less than 12 months' continuous service without following the Disciplinary Procedure.

For employees with 12 months' continuous service or longer, CPA will follow the Disciplinary Procedure set out below.

### **Disciplinary Procedure**

In all but a few straightforward cases CPA will first investigate all allegations of potential disciplinary offences to establish the facts before deciding whether to invoke the Disciplinary Procedure.

It may be necessary for CPA's to suspend the employee whilst an investigation is taking place. Any suspension will be kept as brief as possible and will be on full pay. Suspension does not in itself constitute disciplinary action.

If CPA's decide to suspend an employee following an allegation of abuse of, or harm to, a child or vulnerable adult, CPA's will take steps to establish as quickly as possible, whether the allegations have some element of substance. Where CPA's believe the allegations have some element of substance, CPA's will refer details of the allegation to any relevant governing body and/or Exclusion List if appropriate to do so.

Where CPA's decides to invoke the Disciplinary Procedure, it will write to invite the employee to attend a disciplinary hearing. In the invitation letter CPA's will set out the issues that will be considered, how seriously these are being viewed, and the potential consequences and detail any intention to call witnesses. The letter will also detail the employee's right to be accompanied, as well as confirming how this right is exercised. CPA's will give the employee reasonable notice of the requirement to attend the meeting to allow the employee to prepare his or her case.

Employees are entitled to be accompanied by a fellow employee or by a trade union official at the disciplinary meeting, and the Company encourages them to make use of this entitlement.

The Company will give the employee a full opportunity to present his or her case, present evidence and call witnesses at the disciplinary meeting before it decides whether or not to take any disciplinary action.

Following the disciplinary meeting, CPA's may take disciplinary action against the employee. In any event, the employee will be informed of the outcome of the meeting in writing as soon as possible.

Employees have the right to appeal against any disciplinary action taken against them, or in the event of their dismissal, in accordance with the Disciplinary and Dismissal Appeals Procedure.

### **Disciplinary Action**

The severity of the disciplinary action, if any, will be determined by the severity of the offence. As the first step of corrective action following unsatisfactory performance or conduct offences CPA's will normally impose a written warning. If the employee persists with the offence in question, CPA's may, having followed the Disciplinary Procedure in each instance, apply a final written warning and eventually dismiss the employee.

For more severe first offences CPA's may apply a final written warning if appropriate. In cases of gross misconduct CPA's will normally dismiss the employee summarily, i.e., without notice.

<b>Written Warning:</b>	Normally applied as the first step of corrective action following unsatisfactory performance or conduct offences, CPA's will define the unacceptable acts and explain the conduct or standards required in the future. The employee will be advised in writing that a failure to improve the standard of conduct or performance may result in further disciplinary action. A time limit should be placed on the warning. Normally, a written warning remains live for six months.
<b>Final Written Warning:</b>	Normally applied after a written warning has been given and performance or conduct has not improved but may be applied after a more serious first or second offence. The employee will be advised in writing that a failure to improve the standard of conduct or performance may result in dismissal. A time limit should be placed on the warning. Normally, a final written warning remains live for twelve months.
<b>Action short of Dismissal:</b>	At this final stage, CPA's reserves the right, at its complete discretion and in appropriate circumstances, to take 'action short of dismissal' which may include demotion, transfer to a different post or another appropriate sanction.
<b>Dismissal:</b>	The employee is dismissed either with or without notice. Dismissal without notice is referred to as "summary dismissal" and is normally restricted to cases of gross misconduct.

### Exclusion List

In cases of dismissal due to instances of abuse of vulnerable adults or children, CPA's is obliged to refer details of the circumstances and the employee to the appropriate governing body and will also follow published procedures for referring to any relevant Exclusion List. There are various Exclusion Lists in operation in England and Wales, and also in Scotland. Examples of these are as follows:

#### England and Wales

When producing a Disclosure, the Criminal Records Bureau in England and Wales will act as a "one-stop-shop" for organisations, checking police records, and in relevant cases they will also check the following three Exclusion Lists:

#### **1. Protection of Vulnerable Adults (POVA) List**

The Protection of Vulnerable Adults (POVA) scheme consists of a list of people who are banned from working with vulnerable adults in registered care services in England and Wales. These people have been dismissed from care work because they have been found guilty of harming or

risking harm to a vulnerable adult and are judged to be unsuitable to work with any other social care users.

The list is maintained by the Department for Education and Skills (DfES) for the Secretary of State for Health.

Employers must make a referral to the POVA list whenever they reasonably consider that a worker is guilty of misconduct that has harmed vulnerable adults or placed them at risk of harm.

## **2. Protection of Children Act (PoCA) List**

The Protection of Children Act (PoCA) scheme consists of a list of people who are banned from working with children in registered care services in England and Wales. These people have been dismissed from care work because they have been found guilty of harming or risking harm to a child and are judged to be unsuitable to work with any children.

Employers must make a referral to the PoCA list whenever they reasonably consider that a worker is guilty of misconduct that has harmed children or placed them at risk of harm.

The list is maintained by the Department for Education and Skills (DfES) for the Secretary of State for Health.

## **3. Information Held Under Section 142 of the Education Act 2002**

This list was previously called “List 99”. This list contains details of teachers who are considered unsuitable or banned from working with children in education.

The list is maintained by the Department for Education and Skills (DfES) for the Secretary of State for Health.

### Further Information

Further information on all of the above is available at:

[www.crb.gov.uk](http://www.crb.gov.uk); and **Helpline (General Enquiries)** – 0870 90 90 811

## The right to be accompanied

### **Formal Meetings and Hearings**

Employees are entitled to be accompanied by a work colleague or trade union official at any formal disciplinary or grievance meetings or appeal hearings.

An employee under the age of 18 may choose to be accompanied by a parent or legal guardian.

An employee who wishes to take advantage of this right must notify CPA's of the name and position of their chosen companion. CPA's may refuse to allow the companion to attend the meeting or hearing if CPA's considers there may be a conflict of interest. If so, CPA's must allow the employee to choose a different companion.

The meeting or hearing may be delayed for up to five working days if the companion is not available to attend.

The companion is permitted to put and sum up the employee's case, respond on behalf of the employee to views expressed in the hearing, ask questions and confer with the employee, but is not entitled to answer questions directly on the employee's behalf.



### **Informal Investigations**

CPA's may, at its discretion, allow an employee to bring a companion to informal investigations or investigatory meetings. The companion may not play an active part in the investigation or meeting.

CPA's may refuse permission for the companion to attend the informal investigation or investigatory meeting if CPA's considers there may be a conflict of interest.

### **Code of Conduct**

CPA's Code of Conduct is set out below. It covers the main standards of behaviour CPA's requires from employees. The Code includes CPA's Rules, which employees need to follow, and examples of misconduct which CPA normally regards as gross misconduct. A breach of the Company Rules may result in disciplinary action. A single instance of gross misconduct may result in dismissal without notice.

The Company Rules and the examples of gross misconduct are not exhaustive. All employees are under a duty to comply with the standards of behaviour and performance required by the CPA's and to behave in a reasonable manner at all times.

### **Company Rules**

#### **Attendance and Timekeeping**

Employees are required to comply with the rules relating to notification of absence set out in the Company's Absence Procedure.

Employees are required to arrive at work promptly, ready to start work at their contracted starting times. Employees are required to remain at work until their contracted finishing times.

Employees must obtain management authorisation if for any reason they wish to arrive later or leave earlier than their agreed normal start and finish times.

CPA's reserves the right not to pay employees in respect of working time lost because of poor timekeeping.

Persistent poor timekeeping may result in disciplinary action.

#### **Standards and Conduct**

Employees are required to maintain satisfactory standards of performance at work.

Employees are required to comply with all reasonable management instructions.

Employees are required to co-operate fully with their colleagues and with management, and to ensure the maintenance of acceptable standards of politeness.

Employees are required to take all necessary steps to safeguard CPA's public image and preserve positive relationships with its customers, clients or members of the public.

Employees are required to ensure that they behave in a way that does not constitute unlawful discrimination.

Employees are required to comply with CPA's operating policies and procedures.

Personal mobile telephones must be used excessively during normal working hours.

Any queries received from the media must be referred immediately to management. Employees must not attempt to deal with queries themselves.

### **Flexibility**

Employees may be required to work additional hours at short notice, in accordance with the needs of the business.

Employees may be required from time to time to undertake duties outside their normal job remit.

Employees may be required from time to time to work at locations other than their normal place of work.

### **Confidentiality**

Employees are required to keep confidential, both during their employment and at any time after its termination, all information gained in the course of their employment about CPA's business and that of the Company's clients or customers, except as required by law or in the proper course of their duties.

### **Outside activities and other employment**

Employees are not permitted to engage in any activity outside their employment with CPA's which could reasonably be interpreted as competing with the Company.

Employees are required to seek permission from management before taking on any other employment while employed by CPA's.

### **Work Clothing**

Where work clothing or uniforms are provided by CPA's or required on site, they must be worn at all times during working hours. Employees are responsible for ensuring that all items of work clothing or uniform are kept clean and maintained in reasonable condition at all times and returned to CPA's on termination of their employment.

### **Health and Safety**

Employees are required to gain an understanding of the CPA's health and safety procedures, observe them, and ensure that safety equipment and clothing are always used.

Employees must report all accidents, however small, as soon as possible, making an entry in the Accident Book.

### **On Site Rules**

Employees working on customer or client sites are required to follow any site-specific rules and wear any protective masks, safety shoes and other clothing required on site at all times during their working hours.

### **Property and Equipment**

Except for use on authorised Company or client business, employees are not permitted to make use of the CPA or its clients' telephone, fax, postal or other services.

Employees must not remove Company or site property or equipment from CPA's or site premises unless for use on authorised Company business or with the permission of management.

Where an employee damages property belonging to CPA's either through misuse or carelessness, we reserve the right to make a deduction from the employee's pay in respect of the damaged property.

On termination of their employment employees must return all Company property, such as keys, laptops, mobile telephones, Company vehicles, documents or any other items belonging to Construction and Plant Assessments. This list is not exhaustive.

### **Personal Searches and Personal Property**

CPA may reasonably request to search employees' clothing, personal baggage or vehicles. An authorised member of management in the presence of an independent witness must conduct any such search. Should an employee refuse such a request, we will require the appropriate authorities to conduct the search on behalf of CPA's. An employee's failure to co-operate with the CPA's in this respect may be treated as gross misconduct.

Employees are solely responsible for the safety of their personal possessions on CPA's premises and should ensure that their personal possessions are kept in a safe place at all times.

Should an employee find an item of personal property on the premises he or she is required to inform management immediately.

### **Expenses**

CPA's will normally reimburse employees in respect of any expenses wholly, necessarily and proportionately incurred in the course of their work against the relevant receipts. We reserve the right to refuse to pay an expense claim where the expenditure is unreasonable, disproportionate or unnecessary. Further information is available in the Expenses Policy.

### **Environment**

In order to provide a cost-effective service, employees are requested to use CPA's equipment, materials and services wisely. Employees should try to reduce wastage and the subsequent impact on the environment by ensuring that they close windows, avoid using unnecessary lighting or heating or leaving taps running, switch off equipment when it is not in use and handle all materials with care.

### **Smoking**

In order to provide a working environment which is pleasant and healthy, smoking is not permitted anywhere on CPA's or client premises or in Company vehicles. Further information is set out in the Smoking Policy.

### **Changes in Personal Details**

Employees must notify the CPA's of any change in personal details, including change of name, address, telephone number or next of kin. This will help to maintain accurate personal details in

compliance with the Data Protection Act 1998, and ensure it is able to contact the employee or another designated person in case of an emergency.

### **Third Parties**

An employee's employment with CPA's may in some circumstances be conditional on the approval of third parties at whose premises he or she either works at or visits. If the third party withdraws permission for that employee to be on its site, we will consider all alternative arrangements which can be made in order to maintain the employee's continued employment by CPA's. If, however, in the sole opinion of the Company, no alternative arrangements can be made, we reserve the right to terminate the employee's employment.

### **Gross Misconduct**

Set out below are examples of behaviour which CPA's treats as gross misconduct. Such behaviour may result in dismissal without notice. This list is not exhaustive.

- Theft, dishonesty or fraud
- Deliberate recording of incorrect working hour
- Smoking on CPA's or client premises or in Company vehicles
- Sleeping during working hours
- Assault, acts of violence or aggression
- Unacceptable use of obscene or abusive language
- Possession or use of or being under the influence of non-medicinal drugs or alcohol on CPA's premises or during working hours
- Wilful damage to CPA, employee or customer property
- Serious insubordination
- Serious or gross negligence
- Bringing the CPA's into disrepute
- Falsification of records or other Company documents, including those relating to obtaining employment
- Unlawful discrimination, including acts of indecency or harassment (please refer to the Equal Opportunities Policy set out in this Handbook).
- Refusal to carry out reasonable management instructions
- Gambling, bribery or corruption
- Serious breach of health and safety policies and procedures
- Breach of confidentiality, including the unauthorised disclosure of Company business to the media or any other party
- Unauthorised accessing or use of computer data or internet sites
- Unauthorised copying of computer software

## **Performance Management Procedure**

### **General**

CPA's operates a performance management procedure which works in parallel with the disciplinary procedure. Clearly it is not always appropriate to label incapability and poor performance as

misconduct warranting disciplinary action, though it may be so sometimes. However, CPA's does need to be able to address performance inadequacy and deal with it effectively.

The procedures set out below will apply to all employees who have completed 12 months' continuous service.

#### **Informal Performance Management Procedure**

If CPA's considers that an employee's performance is unacceptable, the employee will be notified in writing of the Company's concerns and / or complaints and the employee will be invited to attend an initial meeting with their line manager, to try to establish the reasons.

The employee will be given the opportunity to respond to the complaints or concerns about their performance.

The employee's line manager will investigate the cause of the employee's poor performance. Causes could include, for example, lack of skills, inadequate training, lack of support, tools or other resources, lack of communication or problematic working relationships. The manager carrying out this initial counselling will provide the employee factual examples of their unsatisfactory performance and the employee will be asked for their explanation, which will subsequently be followed up and checked where appropriate.

Where the reason for unsatisfactory performance is lack of the required skills, the employee will, where practicable, be assisted through training and be given reasonable time to reach the required standard of performance. If it is a question of lack of support employees, tools or other resources or facilities, attention should be paid to this and assistance provided if appropriate.

#### **Formal Performance Management Procedure**

CPA's will take steps to deal with the matter by way of formal performance or disciplinary warnings where:

- It is clear that the employee's performance does not arise from any of the reasons stated above; or
- CPA's has taken appropriate steps to assist the employee to improve his or her poor performance and he or she has not improved to the required standard within the specified timescale.

The employee will be informed in writing of the concerns about his or her poor performance and will be invited to attend a disciplinary meeting to discuss this with the manager responsible for reviewing his or her performance. The manager will seek to identify the cause(s) of the poor performance and determine what, if any, remedial action can be taken. The employee will be given the opportunity to respond to the concerns and / or complaints.

The employee must make all reasonable efforts to attend any disciplinary meeting. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause an employer can make a decision on the evidence available..

If at the conclusion of the disciplinary meeting the manager believes that there is a shortfall in the employee's performance which requires further attention from them, then the employee will be issued with a formal warning.

Formal performance warnings will usually set out:

- The nature of the poor performance.
- The level of improvement required.
- The time limit for achieving the required improvement.
- Any interim review meeting to be held during the currency of the performance warning.
- What will happen if the employee fails to achieve or maintain the required standard of improvement; and
- How long the warning will remain active. This will normally be dependent on the circumstances and will be specified in the disciplinary warning letter.

### **Informal Warning**

The employee will be fully informed of:

- The precise nature of the poor performance.
- The level of improvement required.
- The time limit for achieving that improvement.
- Review periods during the currency of the warning.
- The consequences of failure to achieve or maintain the improvement.

### **Formal Warnings**

The severity of the disciplinary action, if any, will be determined by the severity of the unsatisfactory performance. As the first step of corrective action following unsatisfactory performance CPA's will normally impose a written warning. If the unsatisfactory performance continues, CPA's may, having followed the Disciplinary Procedure in each instance, apply a final written warning and eventually dismiss the employee.

For more severe case of unsatisfactory performance CPA's may apply a final written warning if appropriate.

### **Written Warning**

If there is no improvement or insufficient improvement after an Informal Warning, or if improvement is not maintained for the period stated in the Informal Warning, the employee will be given a written warning setting out the details as outlined above.

### **Final Written Warning**

If there is no improvement or insufficient improvement after a written warning, or if improvement is not maintained for the period stated in the written warning, the employee will be given a final written warning setting out the details as outlined above. The final written warning will include a statement that a failure to improve to the required standard is likely to result in dismissal.

### **Action Short of Dismissal**

Action short of dismissal such as demotion or transfer to a different post can only be used in exceptional circumstances. This is because a demotion is equivalent in legal terms to a dismissal. An employer must be in a position to "fairly dismiss" an employee before a demotion can be imposed. However, there may be cases where an employee agrees to a change of duties including a demotion

and a reduction in salary/benefits commensurate with a revised role as an acceptable outcome of a formal performance management procedure.

Employers should proceed with caution in such circumstances and seek advice from the 24-hour Telephone Advice Service.

### **Dismissal**

If there is still no improvement or insufficient improvement after a final written warning, or if improvement has not been maintained for the period stated above, the employee will normally be dismissed with notice or pay in lieu. Alternatively, at CPA's entire discretion, alternative work elsewhere in the organisation may be offered to the employee if any suitable posts are available.

### **Right to be Accompanied**

Employees have the right to be accompanied at each meeting by a work colleague or trade union representative. Further detail is provided in the Right to be Accompanied policy.

### **Appeals**

Employees have same rights of appeal at each stage of the procedure as detailed in the Disciplinary and Dismissal Appeals Procedure.

CPA's reserve the right to implement the procedure at any stage should the outcome of the initial review meeting suggest the performance failing warrants it.

### **Disciplinary and Dismissal Appeals**

Employees who have completed at least 12 months' service have the right to appeal against any disciplinary action taken against them or in the event of their dismissal.

All appeals must be made in writing no later than the end of the fifth working day after the employee has been notified in writing of the disciplinary decision or dismissal. The first of these five working days is the day on which the employee received written confirmation of CPA's decision.

The employee should submit the written appeal to the company Directors.

CPA's will arrange and hold an appeal meeting as quickly as possible. The employee will be entitled to attend the appeal meeting and will be given an opportunity to state his or her case. The employee must take all reasonable steps to attend this meeting.

CPA's will inform the employee in writing of its decision in response to the employee's appeal within a reasonable time taking into account the complexity of the issues raised in the appeal.

The decision at this stage will be final.

All meetings provided for in this Procedure will be arranged as quickly as possible. The purpose of this Procedure is to resolve at the earliest opportunity any issues raised. While CPA's will make every effort to settle issues within the time limits indicated, this may not be possible on occasions. In these circumstances an extension of time may be necessary.

At all stages of the procedure an employee is entitled to be accompanied by a fellow employee or a Trade Union official.

## Grievance Procedure

### **Informal Grievances**

If an employee has a grievance relating to any aspect of his or her employment CPA's encourages the employee to try to settle the grievance informally by raising it with his or her line manager. If the employee does not wish to raise the matter informally or if a grievance raised informally has not been resolved, the employee may wish to take the matter further by raising a formal grievance.

### **Formal Grievance Procedure**

The employee must set out the grievance and the basis for it in writing and submit it to their line manager or the Centre Manager. If the employee's grievance is against his or her manager, the employee should approach another manager.

The manager will invite the employee to a meeting to discuss the grievance, normally within five days. The employee must take all reasonable steps to attend this meeting.

CPA's will normally inform the employee in writing of its decision in response to the grievance within three working days of the meeting. The employee will have the right to appeal this decision.

### **Grievance Appeal Procedure**

All appeals must be made in writing no later than the end of the third working day after the Company's decision was notified in writing to the employee. The first of these three working days is the day on which the employee received written confirmation of the Company's decision.

The employee should submit the written appeal to the Directors.

CPA's will arrange and hold an appeal meeting as quickly as possible, normally within five days. The employee will be entitled to attend the appeal meeting and will be given an opportunity to state his or her case. The employee must take all reasonable steps to attend this meeting.

CPA's will normally inform the employee in writing of its decision in response to the employee's appeal within three working days of the meeting. The decision at this stage will be final.

All meetings provided for in this Procedure will be arranged as quickly as possible. The purpose of this Procedure is to resolve at the earliest opportunity any issues raised.

While CPA's will make every effort to settle issues within the time limits indicated, this may not be possible on occasions. In these circumstances an extension of time may be arranged.

At all stages of the Procedure an employee is entitled to be accompanied by a fellow employee or a trade union official.