



HR Policy Review

1. INTRODUCTION

- 1.1 The purpose of this report is to advise the Committee that a review of SEStran's Human Resources policies and procedures has commenced and work will be ongoing over the remainder of the financial year to complete the exercise.
- 1.2 Three policies were initially identified by SEStran's HR Adviser as requiring revision; these have now been amended to ensure that SEStran meets employment legislation requirements and continues to apply best practice.

2. CHANGES TO POLICIES AND PROCEDURES

- 2.1 The following is a summary of the changes made to policies:

- 2.1.1 **Adverse Weather Policy (Appendix 1)**

Reference added to Met Office weather system.

- 2.1.2 **Grievance Policy (Appendix 2)**

Minor change to provide clarification regarding representation.

- 2.1.3 **Drug and Alcohol Policy (Appendix 3)**

Inclusion of reference to New Psychoactive Substances (NPS), sometimes known as legal highs and guidance on use and storage on prescribed/over the counter medication in the workplace.

3. RECOMMENDATIONS

- 3.1 It is recommended that the Committee approves the updated policies as outlined in section 2 for immediate implementation.

Angela Chambers
Business Manager
November 2018

Appendix 1 Adverse Weather Policy

Appendix 2 Grievance Policy

Appendix 3 Drug and Alcohol Policy

Policy Implications	As outlined in the report
Financial Implications	None
Equalities Implications	As outlined in the report
Climate Change Implications	None



ADVERSE WEATHER POLICY

DOCUMENT VERSION CONTROL

Date	Author	Version	Status	Reason for Change
Dec 2007	SEStran	1.0	FINAL	Policy Adopted
Oct 2017	SEStran	1.1	FINAL	Adoption of version control
Nov 2018	SEStran	1.2	FINAL	Minor changes to principles

INTRODUCTION

Recent years have seen some severe weather conditions, which have adversely affected people's ability to get in to work by whatever transport route they use. This policy has therefore been developed to cover those kinds of situations other than the norm, such as heavy snow falls, flooding or severe weather warnings, etc. and to ensure as far as possible that our staff are treated fairly and consistently.

1. Scope of the Policy

This policy applies to all employees of SEStran

2. Principles

In implementing this policy, consideration would be given to weather alerts issued by the Met. Office.

All employees are expected to make a genuine effort to report for work at the recognised start time, which could entail having to make special arrangements to ensure that they can attend each day. If an employee is late or cannot reach work, they must telephone their line manager as soon as possible to explain the situation

In discussion with the Partnership Director, consideration may be given to the employee working from home.

3. Application

- First day in any unbroken period of bad weather
Where an employee arrives late or leaves early, or is unable to attend work for their contracted hours and the Partnership Director is satisfied with the employee's explanation, the employee will be granted paid leave for the period absent from work.
- Subsequent days of bad weather
If the employee is still unable to report for work on subsequent days, it is at the discretion of the Partnership Director to grant paid leave, annual leave or unpaid leave

4. Deterioration of weather while at work

Should a member of staff request to leave early due to weather conditions becoming worse and their desire to head for home before it possibly becomes too bad to travel, the Partnership Director would be expected to give this favourable consideration. Any time taken under these circumstances would be expected to be taken as un/paid leave

5. Closure of offices

Should the Partnership Director decide to close the SEStran Offices, staff will be paid for their normal contracted hours from when staff have been 'sent home'

6. Care of a Dependant

Should, for example, Schools be closed and if no immediate alternative arrangements can be made for the care of a dependant, reference should be made to our Special Leave Policy.

7. Review

This document will be reviewed annually by SEStran.



GRIEVANCE POLICY & PROCEDURE

DOCUMENT VERSION CONTROL

Date	Author	Version	Status	Reason for Change
Oct 2006	SEStran	1.0	FINAL	Policy Adopted
Jun 2009	SEStran	1.1	FINAL	Adapted to comply with the repeal of statutory disciplinary and grievance procedures, April 2009
Oct 2017	SEStran	1.2	FINAL	Adoption of version control
Nov 2018	SEStran	1.3	FINAL	Minor changes to representation

Introduction

This procedure sets out the stages to be followed and the timeframe involved. The policy and procedure aims to ensure the successful resolution of an employee's grievance.

The key objectives of the policy are:

- To provide employees with a course of action should they have a complaint
- To provide points of contact and timescales
- To ensure all employees to receive the same fair treatment
- To comply with employment legislation and the ACAS Code of Practice on Disciplinary & Grievance Procedures.

Definition

A formal grievance can be concerned with how the employee considers they have been treated by SEStran or managers acting on its behalf. It can also be concerned with a complaint an employee has in accordance with SEStran's Equal Opportunities & Dignity at Work Policy.

Informal Resolution

Employees can raise any issues with their line manager on an informal basis, either orally or in writing. Open communication can often be the quickest and best way of resolving grievances, depending on the issues involved. However if any employee feels that their grievance has not been resolved to their satisfaction through the informal approach then they can proceed to the formal procedure as detailed below.

Formal Procedure

The following procedure should be followed by an employee submitting a formal grievance:

Step 1 - The Statement of Grievance

The employee should inform their line manager of their grievance in writing. This will be acknowledged within 5 working days. If the grievance is in respect of action taken by their line manager then the grievance may be submitted to the Partnership Director who will determine the appropriate person to take the matter forward.

Step 2 - The Grievance Hearing

The employee will be written to within 5 working days of receipt of the letter to invite them to a meeting to discuss the grievance, and will be advised of their right to be accompanied. All workers have the right to be accompanied at a grievance hearing by either a fellow worker or a Trade Union Official. The employee must take all reasonable steps to attend this meeting.

After the meeting the chair person will notify the employee in writing within 5 working days of the outcome of this meeting.

Step 3 - The Appeal

The employee has the right to request an appeal meeting, within 10 working days of receipt of the outcome of the Grievance Hearing, if they consider the grievance has not been satisfactorily resolved. Where possible, the appeal will be held by a more senior manager than the person who heard the initial grievance. Again the employee has the right to be accompanied. They will be notified in writing of the final decision within 5 working days.

Record Keeping

Written records will be kept for future reference. These will be treated as confidential and kept in accordance with the Data Protection Act 1998.

Guidance Notes

Attached are guidelines on the witnesses, timescales and format of hearings. Please see Appendix 1.

Review of Procedures

SEStran will undertake a review of this document as appropriate. However, either the employer or trades unions may propose amendments at any time, by giving notice in writing to the Partnership Director.

This Policy & Procedure has been equality impact assessed and no adverse impact has been identified.

APPENDIX 1

GUIDANCE – FOR MANAGERS and EMPLOYEES

Role of Advisers

To ensure a consistency of approach, fairness throughout and to comply with the principles of natural justice it is important that suitable advice and guidance is available as required during the grievance handling process.

With these objectives in mind, a Human Resources Adviser may be in attendance to provide advice to the Chairperson of the Grievance/Appeal Panel on the correct procedures to be adopted and any implications arising from the grievance itself.

Employee Representation

Employees have the right to be represented during a formal grievance hearing by either a fellow worker or a Trade Union Official ~~a representative of their choice~~. Employees must be given the right to have a representative present. If the employee attends the hearing without a representative, it must be confirmed first of all that he/she has been advised of the right to be accompanied. If the employee advises that he/she has not, the Chairperson should ask if he/she wants representation. If the employee advises that he/she does not want to be accompanied, this should be recorded prior to the meeting starting. Should the employee confirm that he/she does want to be accompanied, agreement should be made to adjourn in order that representation can be arranged.

Should the employee attend the meeting having not been able to arrange representation in time, again an adjournment should be made in order that the employee can organise suitable representation. Should the employee be unable to arrange for the representative of their choice to be available, it is reasonable to suggest that arrangements are made for a substitute.

Witnesses

Employees have the right to call witnesses in support of their grievance. Any request must be addressed to the chairperson of the hearing and be made as soon as possible but at least one day before the grievance hearing. Employees called as witnesses will receive full pay and on the production of appropriate receipts, reasonable travelling expenses, if the time off is agreed in advance with their line manager.

All witnesses should be offered the right to be accompanied. Witnesses should be asked not to discuss the matter with any other colleagues. The employee or representative requesting the attendance of the witness should ensure that the witness is made fully aware of their role and the procedures which are being followed.

Timescale

Where it is not possible to handle the grievance within the specified time period, it may be necessary, by mutual consent, to extend the timescales. This should be confirmed in writing by the manager handling the case, stating the reasons for the delay and the agreed extension to the timescale. In the event that there is no prior agreement, or a manager fails to meet the extended timescale, the employee may register a “failure to agree” and opt to proceed to the next stage in the grievance procedure.

Natural Justice & Equity

If, in exceptional circumstances, due to the nature of the grievance, it is decided that the line manager is not the most appropriate person to deal with the matter, discussions should take place with the Partnership Director to determine a suitable alternative. The employee will be notified in writing of this decision not later than 5 working days after the formal submission of the grievance. Thereafter, the grievance will be heard in accordance with Stage 2 of the procedure in the first instance.

In the event that the grievance is considered to be about or to involve the immediate line manager then the grievance should be addressed to the Partnership Director. If however the grievance relates to the Partnership Director, the matter should be referred to the SEStran Human Resources Adviser who will advise as to how the matter should be progressed.

No manager who has been party to an earlier decision will take part in any further stages in the grievance/appeal procedure.

Arranging a Grievance Hearing/Appeal

Following formal confirmation being received that an employee wishes to pursue a grievance/appeal it is essential that the hearing runs smoothly and to do so requires a number of considerations:

- It must be established that there is a genuine basis for the employee’s grievance/appeal and a mutual understanding of the reasons why it has arisen.
- It falls within the terms of the Grievance Policy and Procedure.
- It is being heard at the correct management level.
- Witness statements, as appropriate, have been received.
- Once it has been confirmed that there are grounds for a grievance/appeal the employee must be formally advised at each stage:
 - The date, time and location of the hearing.
 - The name, designation of the Chairperson.
 - Where appropriate, who will be presenting the management case
 - Who will be present as an adviser(s) to the chairperson.

It is also important to clearly establish:

- Who will represent the employee
- If there are any witnesses to be called and if so who they are and what their locus is.

The Chairperson is responsible for writing to the employee. All parties should be made aware that they are personally responsible for contacting any witnesses they may wish to call during the hearing.

In advance of the date of the hearing, the Chairperson should make sure that a room is available which is large enough to accommodate everyone in comfort and without interruption. Separate rooms should be available for each party to use prior to the hearing and during any possible adjournments.

Format of the Hearing

It is important that the hearing should be conducted in as relaxed a manner as possible as it can be a stressful experience for all participants.

The Chairperson will open the hearing, introduce the parties and be as welcoming and friendly as possible.

The Chairperson will explain the format of the proceedings and advise that it is only points raised in connection with the grievance/appeal that will be relevant and any other issues will be excluded.

1. Presenting the case

The Chairperson asks the employee or his/her representative, to present his/her case outlining specifically the reasons giving rise to the grievance/appeal.

At this point the opportunity is given to call witnesses to support the employee's evidence.

Thereafter, the Chairperson invites questions from the management representative, following on from which he/she may seek any point(s) of clarification.

Once satisfied that there are no further matters to be raised the Chairperson invites the management representative to put forward his/her case.

At this point the opportunity is given to call witnesses to support management's case.

The employee or his/her representative will have the right to question the management representative, after which again, the Chairperson can seek any point(s) of clarification.

The Hearing can be adjourned, where necessary, to clarify any point of detail of the grievance. If this happens, the Chairperson must state the period of adjournment.

Following completion of the submissions the Chairperson will invite the management representative in the first instance, to summarise his/her case. Followed thereafter by the employee or his/her representative.

2. Conclusion

The Chairperson then summarises the hearing and the main points of both presentations. The employee should be asked if he/she has been given a fair and reasonable opportunity to present their case. If the response is 'no' then the Chairperson must ask for a further explanation and take the stated concern into account when giving the decision. If the procedures have been followed this is highly unlikely to happen.

The hearing is then adjourned to allow the Chairperson to come to the decision. Even if during the course of the hearing the Chairperson has an idea of what the decision may be, it is advisable that the adjournment is used to allow the opportunity to consider the facts and seek advice from any Advisers present. It should be remembered that if a decision cannot be made during an adjournment, it can be put in writing within the agreed timescales.

3. Making the decision

All the facts of the case should be reviewed as they have been presented and consideration given to precedent with regard to the issues being considered as well as potential legal and human resources implications, with advice in this regard being sought as appropriate.

4. Reconvening the hearing

If the decision is being made immediately, the employee should be clearly advised of the decision and the reasons why it has been reached. This should be confirmed in writing within 5 working days. If more time is required a decision should be confirmed in writing within 5 working days once it has been reached. In the case of a Stage 2 meeting the employee must be made aware of their right to appeal against the decision and this must be done within 10 working days of receiving the written confirmation of the decision. There is no right of further appeal against the decision made at an appeal hearing.

5. Review

This document will be reviewed annually by SEStran.

Item 7. Appendix 3



DRUG & ALCOHOL POLICY

DOCUMENT VERSION CONTROL

Date	Author	Version	Status	Reason for Change
	SEStran	1.0	FINAL	Policy Adopted
Oct 2017	SEStran	1.1	FINAL	Adoption of version control
Nov 2018	SEStran	1.2	FINAL	Reference to NPS and storage of medicine

1. POLICY STATEMENT

SEStran is committed to improving the health, safety and wellbeing of its employees by introducing and promoting policies to encourage healthier lifestyles. SEStran recognises that substance misuse, which includes the misuse of alcohol and drugs, is primarily a matter of health and social concern. However, when problems relating to these issues arise in the workplace, SEStran as an employer must have strategies in place to deal with them and, where appropriate, offer help and support to employees.

2. INTRODUCTION

Legislation such as the Health and Safety at Work Act 1974 places a duty of care on SEStran to ensure the health, safety and welfare of all employees. This includes the need to address the issue of substance misuse in order to protect employees, their colleagues, and members of the public.

The aim of this policy is to have a positive and constructive approach to dealing with the misuse of alcohol and drugs in the workplace, encouraging identification of alcohol and drug related problems and offering support to employees who may be vulnerable.

Consumption of alcohol or the use of drugs can impair performance at work, increasing the likelihood of accidents or mistakes which may endanger colleagues or members of the public. In addition to the health and safety risks, substance misuse can result in absence, conduct or performance problems, impacting on attendance, timekeeping, behaviour and standard of work and the public image of SEStran.

Where substance misuse has been identified, either by the individual themselves or by a manager, SEStran recognises the need to support employees through a range of support options, whilst ensuring appropriate standards of attendance, conduct and performance are maintained.

3. SCOPE AND DEFINITION

For the purposes of this policy, substance misuse is defined as any alcohol or drug use, either intermittent or continual, which interferes with an employee's health and welfare, social interaction at work, conduct or work capability.

Within this Policy, the term 'drugs' will include:

- Any illegal drugs (Class A, B, and C)
- Any prescription drugs which have been prescribed for another person
- Any over-the counter remedy or prescription drug taken in excess of the stated dose
- Any substances or solvents including lighter gas refills, aerosols, glues, paint thinners, and correcting fluids, with the exception of usage by employees in the normal work context where appropriate risk assessments are in place
- New Psychoactive substances (NPS), sometimes known as legal highs

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The Drug and Alcohol Policy will apply equally to all employees, including temporary and casual employees.

4. USE OF ALCOHOL OR DRUGS

Employees reporting for work have a responsibility to be fit, capable and presentable to undertake their duties. If an employee is known to have or is believed to have consumed alcohol or drugs at any time during the working day, or is believed to be under the influence of alcohol or drugs at any time during the working day, the employee will normally be suspended from duty with pay for the remainder of that working day, and taken home if required. The matter will be discussed when the employee is in a fit state to resume work, normally the next working day.

If considered appropriate, the employee may subsequently be suspended from work to allow the matter to be formally investigated. Guidelines on suspension and investigation are contained within the SEStran's Disciplinary Policy and Code of Practice, but it should be noted that suspension does not constitute disciplinary action.

No employee is permitted to report for work, or be at work, under the influence of alcohol or drugs. Consumption of alcohol or drugs is not permitted at any time during normal working hours, including paid and unpaid breaks. However, in the case of celebrations or functions (e.g. retirements, Christmas etc), permission should be sought in advance from the Partnership Director to allow the consumption of alcohol.

Employees known to be or believed to be under the influence of alcohol or drugs at any time during the working day may be subject to disciplinary action, given the potential impact on health and safety, work performance and SEStran's public image. All circumstances will be taken into consideration, but it should be noted that the matter may constitute gross misconduct.

Employees who, at any time at work or during the working day:

- take drugs or are suspected or known to be under the influence of drugs
- are believed to be buying or selling drugs
- are in possession of unlawful drugs
- are suspected or known to have driven a vehicle or operated plant or equipment under the influence of alcohol

may be subject to disciplinary action which may be considered as gross misconduct. In addition to possible disciplinary action, employees may also be subject to criminal proceedings if it has been considered appropriate to involve the police.

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5. Prescribed /Over the Counter Medication

Employees should not store prescription medication in personal areas at work including desk drawers unless it is prescribed medication for personal use from a doctor. In this case, employees must ensure that it is stored in a safe place which is not accessible to others.

Employees should seek advice from their GP or Pharmacist, as appropriate, on whether any prescribed or over the counter medication may affect their ability to undertake their work duties and, if an employee is likely to suffer possible side effects from the medication, they should discuss this with their line manager. In such circumstances, advice should be sought from Occupational Health, where appropriate, to assess the employee's ability to undertake the full range of their duties whilst taking the prescribed medication.

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5-6. RESPONSE TO USE OF ALCOHOL OR DRUGS

Use of alcohol or drugs may be identified by the employee themselves, by a manager, or as a result of a formal disciplinary, capability or absence process. Once use of alcohol or drugs has been identified, the next step depends on whether or not the employee has an alcohol or drug related problem.

In certain circumstances, an employee may have an allergic or adverse reaction to prescribed or over-the-counter medication which could affect how they perform at work. Such circumstances will not be considered under this policy.

If an employee attributes misconduct or capability problems to alcohol or drug dependency during a disciplinary, capability or absence meeting/hearing, that any formal action may be postponed, pending referral for assessment and/or treatment. Alternatively, discipline/capability/absence procedures and support (i.e. referral to a counselling agency) may run in tandem. It should be noted that formal disciplinary action may still be taken even where an employee indicates an alcohol or drug problem may exist. In all cases, an employee raising an alcohol or drug problem will be referred to Occupational Health. If an employee rejects the offer of referral for assessment and/or treatment or fails to adhere to support mechanisms put in place, the formal procedures shall continue.

5.4.6.1. WHERE AN ALCOHOL OR DRUG RELATED PROBLEM IS IDENTIFIED

Employees who volunteer themselves or are identified by their Manager as having problems which may be related to alcohol or drugs will be treated sympathetically and in confidence. The employee should be encouraged to seek help by accessing support and assistance available from the Occupational Health Service, Human Resources, their GP or other agencies including:

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- Counselling and Support Service for Alcohol and Drugs (CSSAD)
- Alcoholics Anonymous
- Community Addiction Team
- Signpost Forth Valley
- Employee Counselling Service

Employees may attend these agencies either through self-referral or referral by a manager or other representative of SEStran. Where the employee is referred by a manager, the manager will be kept informed of progress via Occupational Health reports.

When an employee attends a recommended programme requiring absence from work, the co-operation of the manager is essential to assist the employee's recovery. Managers should therefore make every effort to permit time off with pay during the working day to attend for counselling and/or treatment.

Leave of absence to attend counselling during normal working hours will be authorised by the employee's Manager and payment made within the appropriate Conditions of Service (e.g. sick pay, special leave). Referral will not normally affect the employee's current job role unless they are unfit to fulfil their duties, there is an issue relating to safety, or if their duties conflict with the long-term resolution of the drug or alcohol problem.

Where an employee acknowledges he/she has an alcohol or drug-related problem, the offer to seek help and treatment is made on the understanding that:

- If the treatment necessitates long-term absence from work, employees will produce medical certificates to cover the period(s) of absence.
- If the employee is absent from work to undergo treatment or has been removed from certain duties for the duration of the treatment, on return or on completion of treatment, he/she will return to the same or equivalent job.

As drug and alcohol dependence can be a relapsing illness, employees' progress will be monitored by the Occupational Health Service in liaison with Managers assessing work performance and attendance.

If, following return to employment during or after treatment, work performance or conduct is again affected as a result of alcohol or drug related problems, each case will be considered on its own merits and, if appropriate, a further opportunity for assistance and treatment will be offered. In this respect, advice will be sought from the Occupational Health Service.

A programme of support/treatment does not, however, supersede the requirement for all employees to be free from the influence of alcohol or drugs on arrival at work and not to consume alcohol or drugs at any time during the working day, including paid and unpaid breaks.

If, on completion of treatment, the employee's standard of work performance or conduct remains unsatisfactory, or if it is satisfactory throughout the period of treatment only to lapse very soon thereafter, the employee will be subject to SEStran's Disciplinary or Capability Procedures.

5.2.6.2. WHERE SUPPORT IS REFUSED

Employees:

- who deny that alcohol or drug misuse is the cause of their problems
- who decline to accept the offer of referral for assessment and treatment
- who discontinue a course of treatment before its satisfactory completion
- whose level of work performance continues to be unsatisfactory after undergoing treatment

may be subject to SEStran's Disciplinary Policy and Code of Practice, or Capability Procedures, as appropriate.

5.3.6.3. NO ALCOHOL PROBLEM

An employee who is not considered to have an alcohol or drug-related problem, but who is found to be under the influence of alcohol or drugs or has consumed alcohol or drugs at any time during the working day, will be dealt with in accordance with SEStran's Disciplinary Policy and Code of Practice.

6.7. SUPPORT FOR MANAGERS

As misuse of alcohol or drugs may affect an employee's work performance, managers are responsible for enforcing this policy. Training is therefore available to assist managers in how to recognise these problems and how to implement the policy. An ongoing programme of workshops is available to managers and employees to raise awareness of the risks associated with alcohol consumption and risks associated with the misuse of drugs.

7.8. REVIEW

The Business Manager will undertake a review of this policy annually. ~~However, either the employer or trades unions may propose amendments at any time, by giving notice in writing to the Head of Human Resources~~