

LINCOLNSHIRE CVS POLICIES & PROCEDURES



Revised March 2019

The Organisation reserves the right to change the terms of these procedures from time to time and to introduce replacement procedures as may be required. These procedures are non-contractual in effect and do not form part of normal terms and conditions of employment.

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ADOPTION LEAVE POLICY

On or after 5 April 2015, an employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of his/her employment.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave.

Statutory Adoption Pay (SAP)

Employees who take adoption leave will also qualify for statutory adoption pay provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions.

Statutory adoption pay is payable for up to 39 weeks. Statutory adoption pay is payable at 90% of normal earnings for the first six weeks, followed by 32 weeks at the SAP rate (or 90% of normal earnings, if that is lower than the Government's rate).

Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave if the child's expected week of birth begins on or after 5 April 2015. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take ordinary adoption leave in relation to children matched for adoption on or after 5 April 2015.

Timing of adoption leave

Adoption Leave can start on the day the child is placed for adoption or up to 14 days earlier.

To be entitled to take adoption leave and receive statutory adoption pay, the employee is required to write to the Organisation no later than 7 days after the date on which notification of the match with the child was provided by the adoption agency and include;

- the date the child is expected to be placed with the employee
- the employee intends his/her adoption leave to start
- confirmation that they meet the eligibility criteria for SAP
- a copy of the 'matching certificate' from the adoption agency

The employee is permitted to bring forward his/her adoption leave start date, provided that he/she advises the organisation in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave start date, provided that he/she advises the organisation in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Within 28 days of receiving the employee's notice of intention to take adoption leave, the organisation will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

Time off to attend adoption appointments

From 5 April 2015, employees who are adopting a child are entitled to take time off to attend adoption appointments.

An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments. The purpose of the appointment is to enable the employee [and his/her partner] to have contact with the child (for example, to bond with him/her before the placement) and for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee. Time off must be requested by speaking to their line manager in the first instance.

Rights during adoption leave

During ordinary adoption leave and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. [Salary/wages] will be replaced by statutory adoption pay if the employee is eligible for it.

This means that, while sums payable by way of [wages/salary] will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Contact during adoption leave

The organisation reserves the right to maintain reasonable contact with employees during adoption leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

Keeping-in-touch days

Employees can agree to work for the organisation (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work

undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the organisation.

Returning to work after adoption leave

The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that he/she gives the appropriate notification. Alternatively, the employee may take his/her full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, he/she must give at least eight weeks' notice in writing to the organisation of the date on which he/she intends to return.

The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave he/she is entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If the employee decides during adoption leave that he/she does not wish to return to work, he/she should give written notice of resignation to the organisation as soon as possible and in accordance with the terms of his/her contract of employment.

Shared Parental Leave

Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

Further details can be found in the Shared Parental Leave Policy.

ALCOHOL AND DRUG ABUSE POLICY

- You must not drink alcohol on the Organisation's premises or the premises of its customers or clients.
- Any employee who is found consuming alcohol on the Organisation's premises or the premises of its customers and clients or is found to be intoxicated at work will normally face disciplinary action on the ground of gross misconduct under the Organisation's disciplinary procedure.
- Existing and prospective employees may be asked to undergo a medical examination, which will seek to determine whether he/she has taken a controlled drug or has an alcohol abuse problem.
- A refusal to give consent to such an examination or a refusal to undergo the screening will result in the immediate withdrawal of any offer made to prospective employees and will normally be treated as gross misconduct for employees.

- The possession, use or distribution of drugs for non-medical purposes on the Organisation's premises is strictly forbidden and a gross misconduct offence.
- If you are prescribed drugs by your doctor which may affect your ability to perform your work you should discuss the problem with your line manager.
- If the Organisation suspects there has been a breach of this policy or your work performance or conduct has been impaired through substance abuse, the Organisation reserves the right to require you to undergo a medical examination to determine the cause of the problem.
- If you refuse to undergo a medical examination in such circumstances your refusal will normally be treated as gross misconduct.
- If, having undergone a medical examination, it is confirmed that you have been positively tested for a controlled drug, or you admit there is a problem, the Organisation reserves the right to suspend you from your employment (with or without pay) to allow the Organisation to decide whether to deal with the matter under the terms of the Organisation's disciplinary procedure and/or to require you to undergo treatment and rehabilitation.
- The Organisation reserves the right to search you or any of your property held on Organisation premises at any time if there are reasonable grounds to believe that this policy is being or has been infringed or for any other reason. If you refuse to comply with these search procedures, your refusal will normally be treated as gross misconduct.
- The Organisation reserves the right to inform the police of any suspicions it may have with regard to the use of controlled drugs by its employees on the Organisation's premises.

ANTI BRIBERY POLICY

- The Organisation is committed to applying the highest standards of ethical conduct and integrity to its business activities in the UK. When acting on behalf of the Organisation you are responsible for maintaining the Organisation's reputation and for conducting business honestly and professionally.
- The integrity and reputation of the Organisation depends on the honesty, fairness and integrity brought to the job by everyone associated with the Organisation.
- The Organisation will not tolerate any form of bribery, whether direct or indirect, by, or of, its employees, officers, agents or consultants or any persons or companies acting for it or on its behalf.
- The Chief Executive Officer and senior management are committed to implementing and enforcing effective systems throughout the Organisation to prevent, monitor and eliminate bribery, in accordance with its obligations under the Bribery Act 2010.

- The Organisation's Anti-Bribery procedures apply to all employees, as well as agency workers, consultants and contractors both in the UK and overseas.
- All employees and any other individuals acting on behalf of the Organisation are required to familiarise themselves with and comply with the Organisation's Anti-Bribery Procedures.
- A bribe is defined as a financial advantage or other reward that is offered to, promised to, given to, or received by an individual or company to induce or influence that individual or company to perform its public or corporate functions or duties in an improper manner (ie. not in good faith, not impartially, or not in accordance with a position of trust).
- All employees and any other person acting on behalf of the Organisation are prohibited from offering, giving, soliciting or accepting any bribe, whether cash or other form of inducement to or from any person or company in order to gain any commercial, contractual or regulatory advantage for the Organisation in a way which is unethical or in order to gain any personal advantage, monetary or otherwise, for themselves or anyone connected with them.
- The Organisation will continue to provide bona fide hospitality to clients and incur promotional expenditure. However, all such expenditure must be transparent, proportionate, reasonable and authorised in advance, in accordance with the Organisation's anti-bribery procedures. In the course of providing services to clients, or in dealings with suppliers, or any other person having similar connections to the Organisation, employees should under no circumstances accept money, gifts or other forms of reward without prior consent from the Chief Executive Officer. All such reported gifts shall be recorded.

Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Chief Executive Officer before proceeding.

- Any breach of the Organisation's Anti-Bribery procedures will normally be treated as Gross Misconduct.
- Employees should also note that bribery is a criminal offence.
- The Organisation will not conduct business with third parties including clients, suppliers, agents or representatives who are not prepared to support its anti-bribery objectives.
- The Organisation depends on all employees, and those acting for the organisation, to assist in the prevention of bribery. Therefore, all employees and others acting for, or on behalf of, the Organisation are expected to report any suspected bribery to the Organisation following the Organisation's Anti-Bribery procedures.

- All employees will receive the support of the Organisation if they report of suspected bribery in good faith even if, following an investigation, it is found that no bribery took place.

CAPABILITY POLICY AND PROCEDURE

This procedure applies to all employees regardless of length of service. It does not apply to self-employed contractors.

The aim of the Capability Policy and Procedure will be to attempt to reconcile any sub-standard work issues, give an opportunity for improvement and to achieve the required standards; and identify any underlying causes for the decrease in standards.

Employees will not normally be dismissed for performance reasons without a previous warning. However, in cases of serious negligence, serious dereliction of duties, or instances of negligence which cause or might have caused the Organisation serious loss or damage (including one off incidents) or in any case involving an employee who has not yet completed their probationary period, or who has completed a probationary period but whose performance is still being closely monitored, the Organisation reserves the right to dismiss without prior warning and/or without notice.

In the first instance, performance issues will normally be dealt with informally between you and your manager as part of day-to-day management. Where appropriate, a note of any such informal discussions will be placed on your personnel file and may be taken into consideration for the purposes of any subsequent formal proceedings. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement. Informal discussions may help:

- clarify the required standards;
- identify areas of concern;
- establish the likely causes of unsatisfactory performance and identify any training needs; and/or
- set targets for improvement and a time-scale for review.

Formal action

Stage 1 – Performance Review Hearing

If the Organisation considers that there are grounds for taking formal action over alleged unsatisfactory performance, you will be required to attend an initial performance review hearing. You will be notified in writing of concerns over your performance, the reasons for those concerns, and the likely outcome if it is decided after the hearing that your performance has been unsatisfactory. The following will be included where appropriate:

- a summary of relevant information gathered as part of any investigation;
- a copy of any relevant documents which will be used at the performance review hearing; and
- a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case you will be given as much information as possible whilst maintaining confidentiality.

You will have the right to be accompanied by a work colleague or Trade Union Representative at any such hearing.

The hearing will involve:

- setting out the required standards that it is believed you may have failed to meet, and going through any relevant evidence that has been gathered;
- allowing you to ask questions, present evidence, respond to evidence and make representations;
- establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
- identifying whether there are further measures, such as additional training or supervision, which may improve performance;
- where appropriate, discussing targets for improvement and a time-scale for review; and
- if dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment. You will have the right to be accompanied by a work colleague or trade union representative at any meeting where you may receive a warning that your performance must improve.

Following an initial performance hearing, if it is decided that your performance is unsatisfactory, you will be given an improvement document, setting out:

- the areas in which you have not met the required performance standards;
- targets for improvement;
- any measures, such as additional training or supervision, which will be taken with a view to improving performance;

- a period for review; and
- the consequences of failing to improve within the review period, or of further unsatisfactory performance, which may indicate that unless there is a satisfactory improvement dismissal will follow.

Where the performance was so poor or so negligent or could have/did cause the Organisation serious loss/damage then the Organisation may issue you with a Final Written Warning, setting out that any further failures or instances of poor performance could result in your dismissal. In certain instances where the negligence/poor performance was so serious dismissal on the grounds of gross misconduct might be the only option to the Organisation.

Your performance will be monitored during any review period and you will be written to informing you of the outcome:

- if your manager is satisfied with your performance, no further action will be taken;
- if your manager is not satisfied or you have not met the required levels of improvement the matter may be progressed to another performance hearing; or the period of review may be extended.

Stage 2 – Second Performance Review Hearing

If your performance does not improve within the review period set out in the improvement note, or if there is further evidence of poor performance whilst your improvement note is still active, it may be decided to hold another performance hearing. You will have the right to be accompanied by a work colleague or Trade Union Representative at any such hearing.

Following this second performance review hearing, if it is decided that your performance is unsatisfactory, either :

- you may be dismissed if the poor performance/negligence is so serious or
- if you were already on an improvement note you will be issued with a Final Written Warning

Any Final Written Warning issued will set out:

- the areas in which you have not met the required performance standards;
- targets for improvement;

- any measures, such as additional training or supervision, which will be taken with a view to improving performance;
- a period for review;
- the consequences of failing to improve within the review period, or of further unsatisfactory performance.

Your performance will be monitored during the review period and you will be written to informing you of the outcome:

- if your manager is satisfied with your performance, no further action will be taken;
- if your manager is not satisfied, the matter may be progressed to a final performance hearing; or the review period may be extended.

Stage 3 – Final Performance Review Hearing

It may be decided to hold a final performance review hearing if there is reason to believe:

- your performance has not improved sufficiently/satisfactorily within any review period as set out in any improvement notice or within the final written warning; or
- your performance is unsatisfactory while a final written warning is still active; or
- your performance has been so seriously negligent such as to potentially warrant dismissal without the need for a final written warning or any previous warning.

You will have the right to be accompanied by a work colleague or Trade Union Representative at any such final hearing.

Following the hearing, if it is found that your performance is unsatisfactory, a range of options may be considered including:

- dismissing you; or
- as an alternative to dismissal redeploying you into another suitable job at the same or a lower grade; or
- extending an active final written warning and setting a further review period (in exceptional cases where it is believed the requisite improvement is likely within a short period of time); or

- giving a final written warning (where no final written warning is currently active).

You will have a right of appeal against the imposition of any improvement note/warning/final written warning/dismissal under this procedure and all such appeals should be directed to the Personnel Officer. You will have the right to be accompanied at any such appeal hearing by a work colleague or Trade Union Representative. In relation to any appeal under this procedure you should set out in writing the grounds of your appeal prior to the appeal hearing.

COMPANY EQUIPMENT POLICY

Use of the internet (especially chat rooms and community sites such as Facebook) slows the system and encourages accidental downloading of viruses.

Employees are prohibited from using social networking website such as Facebook or instant messaging services on Company computers or during working hours other than for business purposes.

Employees are prohibited from downloading or saving music on the Company's computer systems.

Access to certain web-sites has been blocked, including the common social networking sites (Facebook etc) and dating web-sites.

Your business email address must not be used:

- to register an account on any website being used for personal reasons, or to receive communications from such websites e.g. Social networking sites such as Facebook and eBay or similar sites, message boards or any blog sites;
- to receive communications relating to any personal businesses or income generating ventures, such as property letting;
- to subscribe to regular update emails for social activities such as cinema or theatre listings or other non-business purposes.

Employees should not under any circumstances use our systems to participate in any internet chat room, "twitter" system, any on-line auction website, post messages on any internet message board or set up or log text or information on a blog or wiki, even in their own time.

COMPLAINTS POLICY

Lincolnshire CVS aims to provide services of quality to its members and to other organisations and individuals. Lincolnshire CVS acknowledges that there may be occasions when a service user feels the quality of service provided is inadequate.

Lincolnshire CVS would always endeavour to ensure that complaints are resolved informally. It is acknowledged, however, that on occasions informal resolution will not be possible. In these cases the management committee of Lincolnshire CVS has agreed the following procedure to ensure that any complaint arising from alleged lapses in quality of service should be dealt with as speedily and fairly as possible and therefore has agreed that:

- All complaints should be made to the Chief Officer, either in person or in writing, unless the complaint implicates the Chief Officer, in which case the complaint should be made to the Chair of the Management Committee. The Chief Officer (or the Chair) shall acknowledge in writing the receipt of a complaint and response, normally within seven days. The Chair of the Management Committee shall be promptly informed of the number and nature of any complaints as part of the business of its regular meetings.
- The Chair of the Management Committee shall appoint a representative of the Management Committee to oversee the investigation of the complaint. Lincolnshire CVS will always attempt to ensure, where possible, that when the complaint is an issue of actual or perceived discrimination, the Management Committee representative will have a degree of understanding of the form of discrimination at issue.
- The Chief Officer or Chair (as appropriate) shall communicate the results of the investigation to the complainant as soon as possible, but normally within twenty-one days after written acknowledgement of the complaint.
- If the complainant is dissatisfied with the results of the investigation he/she may make direct representations to a specially convened sub-committee of the Management Committee, and may be accompanied by a friend, advocate or representative. The Management Committee representative appointed at stage 2 above shall not be part of the sub-committee.
- If the complainant still feels that the complaint has been through our system and you feel it has still not been resolved to your satisfaction, where appropriate, you may send your complaint to your Local Authority or ask the local Government Ombudsman to investigate. The Ombudsman is an independent investigator who looks into maladministration complaints against local authorities.
- If the result of the investigation into the complaint determines that there has been a lapse in the quality of service provided, Lincolnshire CVS shall issue a written apology to the complainant, signed by the Chair of the Management Committee. Lincolnshire CVS shall also undertake a procedural review to ensure that there is positive action to improve services to prevent a similar lapse in future.

If you are ultimately not satisfied and it relates discrimination you can make further complaints to:

The Equality and Human Rights Commission
Correspondence Unit
Arndale House
The Arndale Centre
Manchester
M4 3AQ
Phone: 0808 800 0082

OR

Local Government Ombudsman
Beverley House
17 Shipton Road
York
YO30 5FZ
Advice Line: 0845 602 1983 or 01904 663200
Email: enquiries@lgo.gov.uk

It is the policy of Lincolnshire CVS to deal with all complaints speedily & courteously. Where it is found that complaints relating to Lincolnshire CVS are fully justified, we will take prompt & appropriate action to ensure there is no repetition of the occurrence.

DATA PROTECTION POLICY

The wording in this policy reflects the requirements of the General Data Protection Regulation (GDPR), which will come into effect in the UK on 25 May 2018.

Purpose

LCVS is committed to being transparent about how it collects and uses the personal data of its workforce, and to meeting its data protection obligations. This policy sets out the organisation's commitment to data protection, and individual rights and obligations in relation to personal data.

This policy applies to the personal data of job applicants, employees, workers, contractors, volunteers, apprentices and former employees, referred to as HR-related personal data.

Definitions

"*Personal data*" is any information that relates to a living individual who can be identified from that information. Processing is any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

"*Special categories of personal data*" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

"*Criminal records data*" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

Data protection principles

LCVS processes HR-related personal data in accordance with the following data protection principles:

- The organisation processes personal data lawfully, fairly and in a transparent manner.
- The organisation collects personal data only for specified, explicit and legitimate purposes.
- The organisation processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing.
- The organisation keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay.
- The organisation keeps personal data only for the period necessary for processing.
- The organisation adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

The organisation tells individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal data of individuals for other reasons. Where the organisation relies on its legitimate interests as the basis for processing data, it will carry out an assessment to ensure that those interests are not overridden by the rights and freedoms of individuals.

Where the organisation processes special categories of personal data or criminal records data to perform obligations or to exercise rights in employment law, this is done in accordance with a policy on special categories of data and criminal records data.

The organisation will update HR-related personal data promptly if an individual advises that his/her information has changed or is inaccurate.

Personal data gathered during the employment, worker, contractor or volunteer relationship, or apprenticeship is held in the individual's personnel file (in hard copy or electronic format, or both), and on HR systems. The periods for which the organisation holds HR-related personal data are contained in its privacy notices to individuals.

The organisation keeps a record of its processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Individual rights

As a data subject, individuals have a number of rights in relation to their personal data.

Subject access requests

Individuals have the right to make a subject access request. If an individual makes a subject access request, the organisation will tell him/her:

- whether or not his/her data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;

- to whom his/her data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long his/her personal data is stored (or how that period is decided);
- his/her rights to rectification or erasure of data, or to restrict or object to processing;
- his/her right to complain to the Information Commissioner if he/she thinks the organisation has failed to comply with his/her data protection rights; and
- whether or not the organisation carries out automated decision-making and the logic involved in any such decision-making.

The organisation will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically, unless he/she agrees otherwise.

If the individual wants additional copies, the organisation will charge a fee, which will be based on the administrative cost to the organisation of providing the additional copies.

To make a subject access request, the individual should send the request to enquiry@lincolnshirecvs.org.uk. In some cases, the organisation may need to ask for proof of identification before the request can be processed. The organisation will inform the individual if it needs to verify his/her identity and the documents it requires.

The organisation will normally respond to a request within a period of one month from the date it is received. In some cases, such as where the organisation processes large amounts of the individual's data, it may respond within three months of the date the request is received. The organisation will write to the individual within one month of receiving the original request to tell him/her if this is the case.

If a subject access request is manifestly unfounded or excessive, the organisation is not obliged to comply with it. Alternatively, the organisation can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the organisation has already responded. If an individual submits a request that is unfounded or excessive, the organisation will notify him/her that this is the case and whether or not it will respond to it.

Other rights

Individuals have a number of other rights in relation to their personal data. They can require the organisation to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if the individual's interests override the organisation's legitimate grounds for processing data (where the organisation relies on its legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override the organisation's legitimate grounds for processing data.

- To ask the organisation to take any of these steps, the individual should send the request to the Executive Office

Data security

LCVS takes the security of HR-related personal data seriously. The organisation has internal controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where the organisation engages third parties to process personal data on its behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Impact assessments

Some of the processing that the organisation carries out may result in risks to privacy. Where processing would result in a high risk to individual's rights and freedoms, the organisation will carry out a data protection impact assessment to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.

Data breaches

If the organisation discovers that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of individuals, it will report it to the Information Commissioner within 72 hours of discovery. The organisation will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, it will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken.

International data transfers

LCVS will not transfer HR-related personal data to countries outside the EEA.

Individual responsibilities

Individuals are responsible for helping the organisation keep their personal data up to date. Individuals should let the organisation know if data provided to the organisation changes, for example if an individual moves house or changes his/her bank details.

Individuals may have access to the personal data of other individuals and of our customers and clients]in the course of their employment, contract, volunteer period or apprenticeship. Where this is the case, the organisation relies on individuals to help meet its data protection obligations to staff and to customers and clients.

Individuals who have access to personal data are required:

- to access only data that they have authority to access and only for authorised purposes;

- not to disclose data except to individuals (whether inside or outside the organisation) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- not to remove personal data, or devices containing or that can be used to access personal data, from the organisation's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device;
- not to store personal data on local drives or on personal devices that are used for work purposes; and
- to report data breaches of which they become aware to the Executive Officer immediately.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or customer data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

Training

The organisation will provide training to all individuals about their data protection responsibilities as part of the induction process and at regular intervals thereafter.

Individuals whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

DIGNITY AT WORK POLICY

The Organisation aims to ensure that all its employees have dignity at work. That means that there are some types of behaviour that are unacceptable which will include the following:

- being offensive, abusive, malicious, insulting or intimidating to a fellow employee; or
- engaging in unjustifiable criticism towards a fellow employee; or
- imposing a punishment upon a fellow employee without reasonable justification; or
- changing an employee's duties or responsibilities to his or her detriment without reasonable justification.

This policy applies to all employees, regardless of their rank or seniority. Breach of this policy will be treated as misconduct.

If you feel that your dignity at work has been compromised you should raise the matter through the Organisation's grievance procedure.

DISCIPLINARY POLICY

Purpose and scope

This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This procedure applies to all employees/workers. The aim is to ensure consistent and fair treatment of all in the organisation.

Principles

Informal action will be considered, where appropriate, to resolve problems.

No disciplinary action will be taken against an employee until a reasonable investigation of the allegations has been undertaken.

The employee will be advised of the nature of the allegation against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.

Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting

At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.

An employee will have the right to appeal against any disciplinary action.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

No employee will be dismissed for a first breach of discipline, except in cases of gross misconduct.

Examples which the organisation views as amounting to disciplinary offences include (but are not limited to):

- Persistent bad time keeping
- Unauthorised absence
- Damage to the organisation's property
- Failure to observe the organisation's procedures
- Unreasonable refusal to follow an instruction from a manager
- Poor attendance
- Smoking (or use of an e-cigarette) in non-designated areas
- Substance mis-use during working hours

Investigation

An employee's manager or supervisor will promptly and thoroughly investigate any matter which is reasonably suspected to contravene any of the organisation's policies or rules. Depending on the circumstances of the case, the employee may be invited to attend an investigatory meeting. If it becomes apparent that formal disciplinary action may be needed the employee will then be asked to attend a disciplinary meeting where they have the right to be accompanied.

Suspension

There may be instances when suspension with pay is necessary while investigations are carried out, for example, where relationships have broken down, in gross misconduct cases or where there are risks to an employee's or the organisation's property. This may also be the case where there is concern that evidence may be tampered with, destroyed or witnesses pressurised before the meeting. The period of suspension should be as brief as possible and kept under review. Suspension is not an assumption of guilt and is not considered a disciplinary sanction.

Disciplinary Procedure

Following an investigation, if there are reasonable grounds to believe that an employee has carried out an act of misconduct, the employee will be asked to attend a disciplinary meeting. A letter to the employee will include:

- The date, time and location of the meeting
- The purpose of the meeting and that it will be held under the organisation's disciplinary procedure.
- That the employee has the right to be accompanied at the meeting by a Trade Union Representative or a work colleague.
- Written details of the nature of the alleged misconduct.
- All relevant information (including witness statements or any other information) that the manager will rely on during the meeting.

The Disciplinary Meeting

At the meeting, the manager will state precisely what the complaint is and go through the evidence which has been gathered. The employee will have an opportunity to state their case and answer any allegations that have been made.

Disciplinary Action

The following action may be taken:

An improvement note for unsatisfactory performance: if performance does not meet acceptable standards, the note will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for six months, but will then be considered spent – subject to achieving and sustaining satisfactory performance.

or

A first warning for misconduct: if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. The warning will remain “live” for a period of twelve months.

Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the “life” of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the line manager but will be disregarded for disciplinary purposes after twelve months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or other sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or in appropriate cases, some other action short of dismissal such as demotion, disciplinary suspension with no pay or transfer. Dismissal decisions can only be taken by the appropriate manager, and the employee will be provided in writing, the reasons for the dismissal, the date on which the employment will terminate, and the right of appeal.

If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement in the future, and will be advised of the right of appeal.

Gross misconduct

The following list provides some examples of the offences which are normally regarded as gross misconduct:

- Theft, dishonesty, falsification of documents or fraud
- Physical violence/intimidation/aggressive behaviour or bullying
- Deliberate/wilful negligent damage to property
- Serious misuse of an organisation’s property or name
- Deliberately accessing internet sites containing pornographic, inappropriate, offensive or obscene material
- Serious insubordination
- Unauthorised absence
- Failing to follow a reasonable management instruction
- Unlawful discrimination or harassment
- Bringing the organisation into serious disrepute
- Serious incapability at work brought on by alcohol or illegal drugs
- Causing loss, damage or injury through serious negligence
- A serious breach of health and safety rules
- A breach of trust and confidence

- Inappropriate posting on social media

If the organisation is reasonably satisfied that gross misconduct has occurred, the result will normally be summary dismissal without payment or notice or payment in lieu of notice. The employee will be provided in writing, the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

Right of Appeal

An employee who wishes to appeal against a disciplinary decision must do so in writing stating the grounds for appeal. The appeal letter should be sent to the Chief Executive Officer, or in the case of the latter the Chairman of the board of trustees within five working days of receiving the disciplinary decision. A nominated senior manager will hear the appeal. The employee has the right to be accompanied by a Trade Union Representative of a work colleague. The employee will be notified of the decision in writing and his/her decision is final.

ENVIRONMENTAL SUSTAINABILITY POLICY

At LCVS we recognise that protection and enhancement of the environment is the key to sustaining a high quality of life. We recognise that our own activities have an impact on the environment, that we have a responsibility to ensure that these impacts are positive, and that our use of finite natural resources are minimised. We will:

- promote responsibility for the environment within the organisation
- communicate and implement this policy at all levels within the workforce
- encourage the use of modern technologies for meetings to save travel and reduce the impact on the carbon footprint
- encourage cycling and walking as the main means of travel to local meetings
- encourage the use of public transport and car sharing
- reduce energy consumption within LCVS by encouraging staff to switch off lights, use less water and conserve energy generally
- maximise the use of IT and use less paper
- consider sustainability in the procurement of goods and services
- minimise waste by reduction, re-use and recycling methods
- comply with all relevant environmental legislation/regulations
- ensure that our policies and services are developed in a way that is complimentary to this policy

- not prioritise funding needs ahead of sustainability requirements
- encourage staff to develop new ideas and initiatives in relation to environmental sustainability
- promote and encourage involvement in local environmental initiatives/schemes.
- encourage our volunteers and community groups to conduct their activities in an environmentally responsible manner.

EMPLOYEE PRIVACY NOTICE (Compliant with the GDPR)

NOTE: The wording in this document reflects the requirements of the General Data Protection Regulation (GDPR), which will come into effect in the UK on 25 May 2018.

LCVS collects and processes personal data relating to its employees to manage the employment relationship. The organisation is committed to being transparent about how it collects and uses that data and to meeting its data protection obligations.

What information does the organisation collect?

LCVS collects and processes a range of information about you. This includes:

- your name, address and contact details, including email address and telephone number, date of birth and gender
- the terms and conditions of your employment
- details of your qualifications, skills, experience and employment history, including start and end dates, with previous employers and with the organisation
- information about your remuneration, including entitlement to benefits such as pension etc
- details of your bank account and national insurance number
- information about your marital status, next of kin, dependants and emergency contacts
- information about your nationality and entitlement to work in the UK
- information about your criminal record
- details of your schedule (days of work and working hours) and attendance at work
- details of periods of leave taken by you, including holiday, sickness absence, family leave, and the reasons for the leave
- details of any disciplinary or grievance procedures in which you have been involved, including any warnings issued to you and related correspondence
- assessments of your performance, including appraisals, performance reviews and ratings, training you have participated in, performance improvement plans and related correspondence
- information about medical or health conditions, including whether or not you have a disability for which the organisation needs to make reasonable adjustments
- details of trade union membership; and

- equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.

The organisation collects this information in a variety of ways. For example, data is collected through application forms or CV's, obtained from your passport or other identity documents such as your driving licence; from forms completed by you at the start of or during employment, from correspondence with you; or through interviews, meetings or other assessments.

In some cases, the organisation collects personal data about you from third parties, such as references supplied by former employers.

Data is stored in a range of different places, including in your personnel file, in the organisation's HR management systems and in other IT systems (including the organisation's email system).

Why does the organisation process personal data?

LCVS needs to process data to enter into an employment contract with you and to meet its obligations under your employment contract. For example, it needs to process your data to provide you with an employment contract, to pay you in accordance with your employment contract and to administer pension entitlements.

In some cases, the organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check an employee's entitlement to work in the UK, to deduct tax, to comply with health and safety laws and to enable employees to take periods of leave to which they are entitled. For certain positions, it is necessary to carry out criminal records checks to ensure that individuals are permitted to undertake the role in question.

In other cases, LCVS has a legitimate interest in processing personal data before, during and after the end of the employment relationship. Processing employee data allows the organisation to:

- run recruitment and promotion processes
- maintain accurate and up-to-date employment records and contact details (including details of who to contact in the event of an emergency), and records of employee contractual and statutory rights
- operate and keep a record of disciplinary and grievance processes, to ensure acceptable conduct within the workplace
- operate and keep a record of employee performance and related processes, to plan for career development, and for succession planning and workforce management purposes
- operate and keep a record of absence and absence management procedures, to allow effective workforce management and ensure that employees are receiving the pay or other benefits to which they are entitled
- obtain occupational health advice, to ensure that it complies with duties in relation to individuals with disabilities, meet its obligations under health and safety law, and ensure that employees are receiving the pay or other benefits to which they are entitled

- operate and keep a record of other types of leave (including maternity, paternity, adoption, parental and shared parental leave), to allow effective workforce management, to ensure that the organisation complies with duties in relation to leave entitlement, and to ensure that employees are receiving the pay or other benefits to which they are entitled
- ensure effective general HR and business administration
- provide references on request for current or former employees
- respond to and defend against legal claims; and
- maintain and promote equality in the workplace.

Where the organisation relies on legitimate interests as a reason for processing data, it has considered whether or not those interests are overridden by the rights and freedoms of employees or workers and has concluded that they are not.

Some special categories of personal data, such as information about health or medical conditions, is processed to carry out employment law obligations (such as those in relation to employees with disabilities and for health and safety purposes).

Where the organisation processes other special categories of personal data, such as information about ethnic origin, sexual orientation, health or religion or belief, this is done for the purposes of equal opportunities monitoring. Data that the organisation uses for these purposes is anonymised or is collected with the express consent of employees, which can be withdrawn at any time. Employees are entirely free to decide whether or not to provide such data and there are no consequences of failing to do so.

Who has access to data?

Your information will be shared internally, including with members of HR (including payroll), your line manager, managers in the business area in which you work and IT staff if access to the data is necessary for performance of their roles.

LCVS shares your data with third parties in order to obtain pre-employment references from other employers, obtain employment background checks from third-party providers and obtain necessary criminal records checks from the Disclosure and Barring Service.

The organisation may also share your data with third parties that process data on its behalf, e.g provision of benefits such as a pension and the provision of occupational health services. LCVS will not transfer your data to countries outside the European Economic Area.

How does the organisation protect data?

LCVS takes the security of your data seriously. The organisation has internal policies and controls in place to try to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by its employees in the performance of their duties. Where the organisation engages third parties to process personal data on its behalf, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

For how long does the organisation keep data?

The organisation will hold your personal data for the duration of your employment. The period for which your data is held after the end of employment is 7 years.

Your rights

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request
- require the organisation to change incorrect or incomplete data
- require the organisation to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing
- object to the processing of your data where the organisation is relying on its legitimate interests as the legal ground for processing; and
- ask the organisation to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the organisation's legitimate grounds for processing data.

If you would like to exercise any of these rights, please contact the Executive Officer. If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner.

What if you do not provide personal data?

You have some obligations under your employment contract to provide the organisation with data. In particular, you are required to report absences from work and may be required to provide information about disciplinary or other matters under the implied duty of good faith. You may also have to provide the organisation with data in order to exercise your statutory rights, such as in relation to statutory leave entitlements. Failing to provide the data may mean that you are unable to exercise your statutory rights.

Certain information, such as contact details, your right to work in the UK and payment details, have to be provided to enable the organisation to enter a contract of employment with you. If you do not provide other information, this will hinder the organisation's ability to administer the rights and obligations arising as a result of the employment relationship efficiently.

EQUALITY AND DIVERSITY POLICY

Lincolnshire Community and Voluntary Service is an equal opportunities employer and committed to eliminating discrimination and encouraging diversity amongst our workforce. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best. We are committed to ensuring within the framework of the law that our workplaces are free

from unlawful or unfair discrimination because of Protected Characteristics as defined by the Equality Act 2010. We have adopted this policy as a means of helping to achieve these aims.

To that end the purpose of this policy is to provide equality and fairness for all in our employment and not to discriminate on grounds of race, sex, sexual orientation, gender reassignment, religion or belief, marital or civil partnership status, age, disability or pregnancy and maternity. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

Our commitment:

We are committed to ensuring that all of our employees and applicants for employment are protected from unlawful discrimination in employment.

- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- Equality in the workplace is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.
- Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.
- We are committed to ensuring that all of our employees and applicants for employment are protected from unlawful discrimination in employment.
- Recruitment and employment decisions will be made on the basis of fair and objective criteria.

- Person and job specifications shall be limited to those requirements which are necessary for the effective performance of the job.
- Interviews will be conducted on an objective basis and personal or home commitments will not form the basis of employment decisions except where necessary and relevant.
- All employees have a right to equality of opportunity and a duty to implement this policy. Discrimination is a serious disciplinary matter which will normally be treated as gross misconduct.
- Anyone who believes that he or she may have been disadvantaged on discriminatory grounds should raise the matter through the Organisation's grievance procedure
- This policy is fully supported by senior management and has been agreed with trade unions and/or employee representatives

What is discrimination?

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. Employees may complain of such offensive behaviour even if it is not directed towards them personally.

Harassment by a third party – harassment of employees by third parties such as customers or clients.

Victimisation – when an employee is treated less favourably because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or are suspected of doing so.

Advancing equality, diversity and inclusion so that it is central to our Voluntary Service Centre culture is one of our key strategic aims. It will help fulfil our vision.

We also recognise our duties under the Equality Act and other relevant legislation. This includes the Public Sector General Equality Duty which required public bodies such as ourselves to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people from different groups.
- Foster good relations between people from different groups.

Certain groups with ‘protected characteristics’ are covered under the Act. The protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership (but only in respect of eliminating unlawful discrimination)
- Pregnancy and Maternity
- Race (this includes ethnic or national origins, colour or nationality)
- Religion or Belief (this includes lack of belief)
- Sex
- Sexual Orientation

Underpinning this statement are our employer and visitor policies and procedures. Each give consideration to equality, diversity and inclusion and are routinely analysed and monitored to ensure they achieve the desired impacts and outcomes.

Our Value	Our Equality, Diversity and Inclusion Commitments
B	Building capacity

E	Empowering confident individuals and organisations
C	Celebrating success
R	Responding to Members' needs and aspirations
E	Excellent accredited national quality standard, continuous improvement
A	Adding value
T	Team and partnership working
I	Innovating, embracing change and opportunity to make a difference
V	Valuing people
E	Engaging, communicating, consulting and involving

EQUAL PAY POLICY

The Organisation is committed to the principle of equal pay for men and women. In this context “pay” includes not only remuneration but also other benefits of employment such as bonuses and access to facilities provided within the employment package from time to time.

We are committed to introducing and maintaining pay systems which are transparent, based on objective criteria and free from sex bias.

Women and men employed by us are entitled to equal pay if they are undertaking work which is substantially similar or is of equal value to the organisation unless there are specific and clear reasons unconnected with their sex which explain and justify any differential in pay. In some cases, individuals carrying out similar work may receive different salaries because of seniority, incremental points, qualifications and other such factors.

You should raise any query or grievance concerning your pay and its evaluation in accordance with the Organisation's grievance procedure.

FLEXIBLE WORKING POLICY

The Organisation believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity. All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered by the organisation.

Requests for Flexible Working

If you qualify, you have a legal right to request:

- a change to hours worked;
- a change to the times/patterns you work;
- a request to job share, work from home, term time working etc.

Any agreed change to your terms and conditions will be permanent, unless we agree otherwise.

Your Application

If you decide to make a flexible working request the application must be in writing, signed and dated and:

- state that it is an application under the right to apply for flexible working arrangements;
- specify the change applied for;
- specify the date on which you would like the change to be effective;
- explain what effect, if any, you think making the change applied for might have on the Organisation and how in your opinion any effect might be dealt with.
- Confirm that you meet the criteria by being employed by the organisation for at least 26 weeks.

You can only make one application per year. If you have made a previous application to the Organisation for flexible working arrangements, then the application must state this and give the date on which the previous application(s) are or were made.

The Organisation's Response

- The Organisation may agree to the request without discussing it with you provided we notify you within 28 days of receipt of the application that the request is granted.
- Otherwise, the Organisation will arrange to meet with you within 28 days of receiving the application (or longer if mutually agreed). If the individual who would normally consider your application is on holiday or sick leave this time limit will be automatically extended.

The Meeting

- You are entitled to bring a companion to the meeting. The companion can address the meeting but not answer questions on your behalf. The companion should be a trade union representative or work colleague of your choosing. At the meeting, we will discuss the work pattern suggested in depth and how best it might be accommodated. If there are problems in accommodating the request, we will consider alternative working patterns.

After the Meeting

Within 14 days of the meeting we will write to you to either agree a new working pattern and a start date or, where the decision is to refuse the variation, to set out the grounds for the refusal;

The grounds on which the Organisation can reject your request include:

- burden of additional costs;
- detrimental effect on the ability to meet customer demand;
- inability to reorganise work amongst existing staff;
- inability to recruit additional staff;
- detrimental effect on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes;
- any other ground allowed by regulations.

The Appeal Procedure

You may appeal the Organisation's decision provided you do so within 14 days of receiving the Organisation's decision. The notice of appeal must be in writing, signed and dated as before, and set out the grounds of the appeal.

- Within 14 days of receipt of the notice of appeal, the Organisation will either hold a meeting with you to hear the appeal *or* allow the appeal and notify you accordingly.
- Within 14 days of holding the meeting to hear the appeal, the Organisation will give you notice of our decision on the appeal. If we allow the appeal the notice will specify the variation in terms and conditions agreed and the date from which it is to take effect. Where the Organisation dismisses the appeal, the notice will set out the grounds on which the dismissal is based.

GRIEVANCE POLICY

Purpose

This procedure is designed to help both the Organisation and our staff deal with grievance issues in a fair and consistent manner. It is our expectation that all of our staff will behave in a manner which is consistent with good business practice and common sense. However, should grievance issues arise they will be handled in accordance with the provisions set out in this procedure.

This procedure applies to all employees irrespective of their length of service, status or number of hours worked.

Introduction

It is hoped that the Grievance Procedure will only be used when all other methods of discussion between the parties concerned have failed to reach agreement. This will mean that there should normally have been at least one informal meeting between the staff member with a grievance and his/her manager (or appropriate senior manager if the grievance is about the immediate manager).

The following issues are excluded from the Grievance Procedure:

- Income Tax and National Insurance;
- Pension and pension rights;
- Staff Handbook; and
- Disciplinary action taken by the Organisation

Informal grievance

The Organisation recognises that many issues that arise can be dealt with informally between the individuals concerned. However, if an employee has concerns which relate to his or her manager, or if the employee has not been able to resolve any issues informally, the formal grievance process should be followed.

Points to consider

- The staff member who raised the grievance may be accompanied at all meetings by a Trade Union Representative or a work colleague.
- Whilst the Grievance Procedure is taking its course, the matter should be treated with confidentiality.
- The Executive Officer will act as advisory resource to all staff involved at all stages and will attend meetings wherever possible.
- The time scales indicated above may be extended by mutual agreement and in more complex cases, the relevant Senior/Trustee will require longer periods in which to prepare and produce reports. The intention, however, remains that grievances should be dealt with as speedily as possible.

Formal Grievance Procedure

Stage One

1. The employee should set out the nature of their grievance in writing and the outcome they are seeking and submit it to their line manager. If the grievance concerns the employee's manager, the grievance should be submitted to another member of the Senior Management Team (SMT).
2. The manager will arrange a meeting with the employee to discuss the grievance raised. This meeting will be held at the earliest possible opportunity, normally within five working days. The employee may be accompanied by a Trade Union Representative or a work colleague.
3. Following the meeting, the manager will write to the employee noting any agreement or action to be taken and informing the employee of the right to appeal if they are not satisfied with the outcome. The letter should be sent to the employee within 7 working days of the meeting and a copy will be placed on the personal file of the employee who raised the grievance.

Right of Appeal

1. If the employee is dissatisfied with the outcome they can make a formal appeal. This should be done in writing, clearly stating the grounds for appeal i.e. the basis on

which the result was wrong, or the action taken as a result was inappropriate. This should be sent to the Chief Executive Officer within 7 working days of receiving the grievance outcome.

2. The Chief Executive Officer (CEO) or another member of the Senior Management Team will arrange a meeting with the employee to discuss the grievance raised. This meeting will be held at the earliest possible opportunity, normally within 10 working days. The employee may be accompanied by a Trade Union Representative or a work colleague. The Chief Executive Officer/Member of the Senior Management Team will be supported by the Executive Officer.
3. Following the meeting, the Chief Executive Officer or another Member of the Senior Management Team will write to the employee noting any agreement or action to be taken. The letter should be sent to the employee within 7 working days of the meeting. A copy will be placed on the personal file of the employee who raised the grievance. This decision shall be final.

Formal Procedure if the grievance concerns the Chief Executive Officer

Stage One

1. The employee should set out the nature of their grievance in writing and the outcome they are seeking and submit it to the Chair of the Board.
2. The Chair of the Board will nominate a Board Member to arrange a meeting with the employee to discuss the grievance raised. This meeting will be held at the earliest possible opportunity, normally within five working days. The employee may be accompanied by a Trade Union Representative or a work colleague.
3. Following the meeting, the Board Member will write to the employee noting any agreement or action to be taken and informing the employee of the right to appeal if they are not satisfied with the outcome. The letter should be sent to the employee within 7 working days of the meeting and a copy will be placed on the personal file of the employee who raised the grievance.

Right of Appeal

1. If the employee is dissatisfied with the outcome they can make a formal appeal. This should be done in writing, clearly stating the grounds for appeal i.e. the basis on which the result was wrong, or the action taken as a result was inappropriate. This should be sent to the Chair of the Board within 7 working days of receiving the grievance outcome.
2. The Chair of the Board will nominate a panel of three Members of the Board to arrange a meeting with the employee to discuss the grievance raised. This meeting will be held at the earliest possible opportunity, normally within 10 working days. The employee may be accompanied by a Trade Union Representative or a work colleague.

3. Following the meeting, the Chair of the Panel will write to the employee noting any agreement or action to be taken. The letter should be sent to the employee within 7 working days of the meeting. A copy will be placed on the personal file of the employee who raised the grievance. The decision of the panel shall be final.

In the case of a grievance raised by the Chief Executive Officer, this will be considered by a panel of four Board members, one of whom shall be the LCVS Chair, unless there are reasons where this would be inappropriate. In the event that this is unresolved, the grievance will be considered by the full Board, with the meetings convened for this purpose including a majority that has not been involved in the earlier proceedings.

HARASSMENT POLICY

Harassment pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. It may also have a damaging effect on other employees not themselves the object of unwanted behaviour who are witness to it or who have knowledge of the behaviour. All employees are entitled to a working environment which respects their personal dignity and which is free from such objectionable conduct. Harassment is a disciplinary offence and it will normally be treated as gross misconduct.

Harassment is either:

- Unwanted conduct related to a relevant Protected Characteristic which affects the dignity of men or women at work; or
- Bullying of colleagues using intimidating behaviour; or
- Unfavourable conduct at work, whether verbal or non-verbal, towards someone based on a Protected Characteristic which could affect his/her dignity at work.

A single incident can amount to harassment if sufficiently grave.

Examples of harassment include:

- Insensitive jokes and pranks.
- Lewd comments about appearance.
- Unnecessary body contact.
- Displays of sexually offensive material, e.g. Pin-ups.
- Repeated instances of minor harassment acts.
- Requests for sexual favours.
- Speculation about a person's private life and or sexual activities.

- Threatened or actual violence.
- Threat of dismissal, loss of promotion, etc. for refusal of sexual favours.
- Jokes about a person being either too old or too young to do a job properly.
- Age related jokes.

Bullying is defined as any form of physical or verbal attack and/or threat of such, or the abuse of position, in order to attack or undermine the confidence or ability of another, or to place another employee under unreasonable pressure or subjecting another to detrimental treatment, by either act or omission.

Employees may complain of behaviour that they find offensive even if it is not directed at them personally and they do not personally possess the relevant Protected Characteristic.

Employees are also protected from harassment related to Discrimination by Perception and Associative Discrimination.

Where harassment arises from people not directly employed by the Organisation eg. customers or clients, such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available.

Complaining About Personal Harassment

Informal complaint

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the Chief Executive, who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

Formal complaint

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Chief Executive as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:-

- the name of the alleged harasser;
- the nature of the alleged harassment;

- the dates and times when the alleged harassment occurred;
- the names of any witnesses; and
- any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper, Trade Union Representative or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

HEALTH AND SAFETY GENERAL POLICY

We at Lincolnshire Community and Voluntary Service recognise our duties under the Health and Safety at Work etc Act 1974 and the accompanying protective legislation. We will endeavour to meet the requirements of this legislation so as to ensure that we maintain a safe and healthy working environment. Our managers and supervisory staff are informed of their responsibilities to ensure they take all reasonable precautions, to ensure the safety, health and welfare of those that are likely to be affected by our undertaking.

Lincolnshire Community and Voluntary Service recognises so far as is reasonably practicable the duty to ensure the following:

- To provide and maintain a safe place of work, safe systems of work, safe equipment and a healthy and safe working environment.
- To ensure that hazards are identified, and regular assessments of risks are undertaken.
- To provide information, instruction and training as is necessary to ensure employees and others are assured of a safe and healthy working environment.

- Promoting the awareness of health and safety and encouraging health and safety best practice throughout our organisation.
- To ensure we are taking the appropriate protective and preventative measures.
- To ensure that we have access to competent advice and are able to secure compliance with our statutory duties.

In order that we can achieve our objectives, and ensure our employees recognise their duties under health and safety legislation whilst at work, we must ensure that we inform them of their duty to take reasonable care of themselves and others that may be affected by their activities. We ensure our employees are informed of their obligations to ensure they cooperate with management and adhere with Lincolnshire Community and Voluntary Service safety rules which are provided within the **Employee Safety Handbook**.

JOB APPLICANT PRIVACY NOTICE (Compliant with the GDPR)

As part of any recruitment process, LCVS collects and processes personal information, or personal data, relating to job applicants. This personal information may be held by LCVS on paper or in electronic format.

LCVS is committed to being transparent about how it handles your personal information, to protect the privacy and security of your personal information and to meet its data protection obligations under the General Data Protection Regulation (“GDPR”) and the Data Protection Act 2018. The purpose of this privacy notice is to make you aware of how and why we will collect and use your personal information during the recruitment process. We are required under the GDPR to notify you of the information contained in this privacy notice.

This privacy notice applies to all job applicants, whether you apply for a role directly or indirectly through an employment agency. It is non-contractual.

What we use your personal information for:

LCVS will use the personal information you provide to process your application. The information you provide on an application/CV makes it easier for us to assess your skills and knowledge against another applicant's in a fair and consistent way.

How we look after your personal information:

LCVS collects personal information about you during the recruitment process either directly from you or sometimes from a third party such as an employment agency. We may also collect personal information from other external third parties, such as references from current and former employers, information from background check providers and criminal record checks from the Disclosure and Barring Service (DBS). Other than employment

agencies, LCVS will only seek personal information from third parties during the recruitment process once an offer of employment or engagement has been made to you and we will inform you that we are doing so.

You are under no statutory or contractual obligation to provide personal information to LCVS during the recruitment process.

Your personal information may be stored in different places, including on your application record, in the organisation's HR management system and in other IT systems, such as the e-mail system.

How long we keep your personal information for

We have to keep some of your information for quite long periods of time to comply with the law. If you are successful in your application, the information you provide will become part of your employment file and some will be retained until your termination of employment with LCVS and for 6 years after this time. If you are unsuccessful in the recruitment and selection process, your paperwork will be confidentially destroyed after a six month period. We will not keep information for any longer than is necessary to meet the purposes for which it was collected.

In order to help the organisation monitor the effectiveness of its Equal Opportunities Policy (and for no other reason) you are asked to provide the information requested on the Equal Opportunities page of our equal opportunities monitoring form. The information you give us is separate from your application and will be kept confidential. This information will not be seen by the Appointing Officer or the interview panel and will not be taken into consideration when assessing your suitability for the post.

Who we may share your information with:

We may need to share the information you have provided with:

- Third Party Organisations (for the purpose of seeking previous employer's references)
- Disclosure and Barring Service
- Occupational Health Provider
- Other Government Agencies, HMRC, CSA

We are also permitted by law to protect public funds. To this end, we may share information that you provided for the prevention and detection of fraud.

We are also required to check individual's immigration status (as applicable) with Government Agencies.

If you think we have incorrectly processed your personal information:

If you think that we may have breached the Data Protection Act by incorrectly processing

your personal information and you wish to submit a formal complaint you should contact the LCVS Executive Officer.

Where to find out more:

The Information Commissioner's website also has a lot of useful information for the public about the Act at: www.ico.gov.uk

LONE WORKER POLICY

It is in the nature of the work of Lincolnshire Community and Voluntary Service that staff may be required to work alone. We are committed to minimising the risk to staff who of necessity work away from the office, or who may be required, on occasion, to work alone in any CVS building. This policy has been devised using guidance from the Health & Safety Executive, and it should also be read in conjunction with the guidance contained in the Lincolnshire CVS Health & Safety Policy.

Assessing and Controlling Risks

The Organisation will identify and assess the risks associated with lone working and put in place measures to avoid or control those risks.

Senior Managers of Lincolnshire CVS will discuss identified risks with employees and their safety representative. This will help to ensure that all relevant hazards have been identified and appropriate controls put in place.

Control measures may include instruction, training, supervision and protective equipment (e.g. personal alarm). Lincolnshire CVS will take steps to check that control measures are used and review the risk assessment from time to time to ensure its continued adequacy.

Supervision

Although lone workers cannot be subject to constant supervision, it is still the responsibility of Lincolnshire CVS to ensure the health and safety at work of all its employees, and to ensure that employees understand the risks associated with their work.

Guidance on Personal Safety

It is in the nature of the work of Lincolnshire CVS that staff or volunteers may, on occasion, find themselves in potentially dangerous situations whilst on the organisation's business.

Staff and volunteers working on their own should not allow access to casual visitors who have no appointment. Such callers should be encouraged to make an appointment.

Where staff are dealing with an individual but feel uneasy about being alone with him or her, they have the right to refuse to make an appointment or give access if it would put them in that position. In these situations Lincolnshire CVS management will put their trust in the feelings of the worker.

All windows and entry doors will be lockable.

Prevention Whilst Away from Normal Workplace on Lincolnshire CVS Business.

Staff who are away from the Lincolnshire CVS offices on business should make it clear to other staff where they will be, for how long and how they may be contacted.

If in the course of a trip away from the office plans change significantly, this should be communicated back to the office.

Staff should make clear whom they wish to be informed (outside of work) in the event of an emergency and how they can normally be contacted.

Lincolnshire CVS will keep a personal alarm for use by staff.

Prevention Whilst Holding or Carrying Money or Valuables for Lincolnshire CVS

Staff who carry money for Lincolnshire CVS have the right to be accompanied by another person.

Large amounts of cash, over and above petty cash, should not be kept on Lincolnshire CVS premises.

Visits to the bank should not be at a regular time.

Under no circumstance should staff put themselves at risk on account of Lincolnshire CVS property. If money is demanded with threats, it should be handed over.

Reporting and Recording

All incidents of aggression or violence should be reported to the management and recorded in the Accident Book.

Employers have a responsibility to provide a safe working environment. Staff should report any current or potential situation at work which is a threat to personal safety.

A serious incident, even if it results in no physical harm, may cause feelings of fear, panic or despair which can carry on long afterwards. The management of Lincolnshire CVS recognise this and will be disposed to provide whatever support, counselling or time off work that is deemed appropriate.

MATERNITY POLICY

Ante-natal Care

You have the right not to be unreasonably refused paid time off during working hours to receive ante-natal care.

The appointment must be made on the advice of a registered doctor, midwife or health visitor. After the first appointment, you must be prepared to produce a certificate confirming your pregnancy and your appointment card. Time off for ante-natal classes will be paid at the appropriate hourly rate, the calculation of which depends on whether or not you have regular hours.

Maternity Leave

You are entitled to a maximum of 52 weeks maternity leave comprising of Ordinary Maternity Leave and Additional Maternity Leave.

You are entitled to Maternity Leave provided you notify the Organisation on or before the 15th week before the baby is due of:

- your pregnancy; and
- your Expected Week of Childbirth (EWC); and
- the date on which you intend your Ordinary Maternity Leave to start.

This date cannot be earlier than the 11th week before the EWC; and

- you must also provide the Organisation with the original Maternity Certificate (MAT BI) issued by your doctor.

Ordinary Maternity Leave is a maximum of 26 weeks in duration. You can choose to work right up to childbirth unless there are health and safety reasons which prohibit this. Ordinary Maternity Leave commences on the date chosen by you except:

- where Ordinary Maternity Leave commences early due to pregnancy related sickness absence.
- Ordinary Maternity Leave will commence on the day of childbirth if this is earlier than your chosen start date.

Additional Maternity Leave

You will be entitled to Additional Maternity Leave. This is an additional period of 26 weeks' maternity leave following immediately after the end of the Ordinary Maternity Leave. You therefore receive a total maximum period of maternity leave of 1 year.

Information from you - Intended Start of Maternity Leave

- At the same time as giving the Organisation the Maternity Certificate and informing us of your pregnancy, you should also give notice of the date on which you intend to start maternity leave. If you cannot provide this information on or before the 15th week before the EWC you should do so as soon as is reasonably practicable.
- If you change your mind about your intended start date of leave, you must give the Organisation at least 28 days notice either before the original or new start date of leave, whichever is the earliest.
- If you give less than 28 days notice of the date on which you intend to start maternity leave, you must also give an explanation for the delay. Depending on circumstances, the Organisation may refuse to allow you to start your maternity leave until the 29th day after receipt of notice.

Information from the Organisation - Expected Date of Return

- Within 28 days of receiving your notice of intended start of Maternity Leave, the Organisation will send you a letter stating the expected date of your return from maternity leave.
- The Organisation will assume unless otherwise advised by you that you wish to take your full maternity leave entitlement.

Maternity Payment Period

Most employees are entitled to maternity pay for the first 39 weeks of Maternity Leave. Maternity benefit is either Statutory Maternity Pay paid by the Organisation or Maternity Allowance paid by the Department of Work and Pensions.

Statutory Maternity Pay

You will qualify for Statutory Maternity Pay (SMP) if:

- you have been employed by the Organisation for 26 weeks prior to the 15th week before EWC; and
- you pay sufficient National Insurance Contributions; and
- you notify the Organisation at least 28 days before the date you want payments of SMP to commence, or if not reasonably practicable, as soon as is reasonably practicable. If giving late notice, you should give the Organisation an explanation of the delay.

SMP will not be paid before the 11th week before the EWC.

There are two rates of SMP, an earnings related rate and a prescribed rate. The earnings related rate is paid during the first 6 weeks of Ordinary Maternity Leave and

the prescribed rate is paid during the following 33 weeks of Maternity Leave giving a total of 39 weeks maximum entitlement of SMP.

The earnings related rate of SMP is 90% of your average weekly earnings. Your average weekly earnings are calculated on the basis of average earnings during the 8 weeks immediately preceding the 14th week before the EWC.

Maternity Allowance

If you do not qualify for SMP, the Organisation will give you a form SMPI to explain why you do not qualify. Employees who do not qualify for SMP will normally qualify for Maternity Allowance.

Maternity Allowance is paid at either 90% of average weekly earnings or the prescribed rate whichever is less.

Maternity Allowance is claimed by you from the Department of Work and Pensions (DWP). You would receive Maternity Allowance from the DWP not the Organisation. It is your responsibility to claim Maternity Allowance from the DWP at a Benefits Office.

Working during the Maternity Payment Period (MPP)

If you work for the Organisation during the 26 weeks of your MPP you will receive normal remuneration for the periods you work.

If you:

- are taken into legal custody, or
- work for another Organisation

during the Maternity Pay Period you must notify the Organisation (and the DWP if you are claiming Maternity Allowance) as soon as possible, as your entitlement to SMP or Maternity Allowance may be affected.

Notice of Actual Date of Birth

You should inform your line manager as soon as reasonably practical of your baby's actual date of birth.

Returning To Work

As set out above, you will have received a letter from the Organisation stating the expected date of return to work. The expected date of return will be the first working day after the end of the full period of maternity leave to which you are entitled.

Returning to Work Earlier than the Expected Date of Return

If you wish to return before the expected date of return, you must give notice to the Organisation at least 8 weeks before your new intended return date, or if that is not

reasonably practicable, as soon as reasonably practicable. If the notice is given late, it must be accompanied by an explanation for the delay.

The Organisation will write to you within 28 days of receipt of your notice to confirm the new intended start date.

If less than 8 weeks notice is given by you, the Organisation may be entitled to refuse to allow you to return to work until the 8 week period has been given.

In any event you are not permitted to return to work within 2 weeks' of the actual date of birth.

Returning to Work Later than the Expected Date of Return

If you wish to postpone your return to work until after the end of your full entitlement to maternity leave, you must contact your line manager and submit a medical certificate confirming that you are suffering from a medical condition which prevents you from working, or provide another authorised reason (such as holiday or parental leave), for your returning late.

The Job

If you return at the end of Ordinary Maternity Leave, you are entitled to return to the same job.

It may not be practicable for the Organisation to offer you the same job after taking Additional Maternity Leave. If this is the case, the Organisation will offer you suitable alternative employment (unless a redundancy situation arises).

Keeping in Touch Days

By agreement you may be entitled to work for up to 10 days during your maternity leave period.

If you wish to consider working during this period please contact the Finance Officer who will notify you and agree terms and remuneration.

Shared Parental Leave

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Further details can be found in the Shared Parental Leave Policy.

Health & Safety

Some circumstances exist where the Organisation may have to suspend you on full pay because of your condition. These circumstances might include:

- where your pregnancy makes you unable to do your job adequately

- where it is unlawful for a pregnant woman to do a particular job
- where you are engaged on night work and produce a medical certificate that states that for health and safety reasons you should not continue working at night
- where a health and safety risk to yourself and/or the baby has been identified but cannot be eliminated.

Before such action is taken, every possible effort will be made by the Organisation to change your hours of work or working conditions if there is a health and safety risk, or to find suitable alternative work for you.

The Organisation is required to assess the risks to health and safety to which pregnant employees and others could be exposed. Please refer to the Organisation's Health and Safety Policy for details.

MOBILE PHONE POLICY

Use of Mobile Phones in Any Vehicles

As part of our overall health and safety policy, the Organisation is committed to reducing the risks which its staff face and create when driving or riding for work. The Organisation asks its entire staff to play their part, whether they use an Organisation vehicle, their own or a hire vehicle. Staff driving for work must never make or receive calls on a mobile phone, whether hand-held or hands-free, while driving. Persistent failure to do so will be regarded as a serious matter.

- staff should NOT answer calls when they are driving
- staff should understand their responsibilities not to use a hand-held or hands-free mobile phone while driving staff should switch phones to voicemail, or switch them off, while driving, or ask a passenger to use the phone
- staff should plan long journeys to include rest stops which also provide opportunities to check messages and return calls
- work practices should not pressurise staff to use a mobile phone while driving
- compliance with the mobile phone policy should be included in team meetings and staff appraisals and periodic checks should be conducted to ensure that the policy is being followed

Variations

The Organisation reserves the right, at its sole discretion, to amend or vary any of the terms of this vehicle policy from time to time. In the event of such variation or amendments being made, the Organisation will give reasonable notice of any change.

NO SMOKING POLICY

Purpose

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to ensure compliance with laws that ban smoking in public places (including workplaces). Laws banning smoking in public places (including workplaces) came in to effect on 26 March 2006 in Scotland, 2 April 2007 in Wales and 1st July 2007 in England.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not stop potentially dangerous exposure.

Policy

It is the policy of the Organisation that all of its workplaces are smoke-free and all employees have a right to work in a smoke-free environment.

Smoking is prohibited throughout the entire workplace with no exceptions. This policy applies to all employees, consultants, customers and visitors.

If you are using a private vehicle for business purposes and carrying a colleague or customer/client you must not smoke in the vehicle.

Although they fall outside the scope of smoke-free legislation, the organisation prohibits the use of e-cigarettes in the workplace. The organisation's rationale for a ban on e-cigarettes is that:

- although they do not produce smoke, e-cigarettes produce a vapour that could provide an annoyance or health risk to other employees;
- some e-cigarette models can, particularly from a distance, look like real cigarettes, making a smoking ban difficult to police, and creating an impression for visitors/customers/other employees that it is acceptable to smoke.

Implementation

Overall responsibility for policy implementation and review rests with the Executive Officer. All staff are obliged to adhere to and to facilitate the implementation of the policy.

The person named above shall ensure that all existing employees, consultants and contractors are aware of the policy and of their role in the implementation and monitoring of the policy. They will also ensure that all new personnel are given a copy of the policy on recruitment or induction.

Appropriate 'No smoking' signs will be clearly displayed at or near the entrances to the premises and elsewhere around Organisation premises. Signs will also be displayed in Organisation vehicles that are covered by the new law.

Non-compliance

Non-compliance with this policy and relevant law will be treated as a disciplinary offence.

PARENTAL LEAVE POLICY

The Organisation recognises the importance of balancing our working lives with home and family commitments.

An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she is the birth or adoptive parent of a child who is under 18 years of age. To qualify for parental leave, employees must have completed at least one year's continuous service with the organisation.

Rights during parental leave

Qualifying employees will be entitled to a maximum of 18 weeks' unpaid parental leave to be taken up until the child's 18th birthday. Holiday pay continues to accrue during parental leave.

Requesting to take Parental Leave

The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given to the Organisation at least 21 days before the date on which the leave is to start and must specify the dates on which the period of leave is to start and end.

Where the employee is the father of the child and he requests the **parental leave to begin when his child is born**, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth.

Where the leave is in respect of an **adopted child and is to begin on the date of the placement**, the employee's notice must be given to the organisation at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

The organisation may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the organisation considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the organisation will allow the employee to take an equivalent period of parental leave beginning no later than six months after the commencement of the period originally requested. The organisation will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take

parental leave. Such notice will be given no more than seven days after the employee's notice was given to the organisation.

Employees may not take ordinary parental leave in blocks of less than one week (except in relation to a child who is disabled). Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

Return from parental leave

An employee who returns to work after a period parental leave is entitled to return to the job in which he/she was employed prior to the absence if it was an isolated period of leave lasting four weeks or less. If the period of parental leave followed on immediately from another period of statutory leave, the employee's right to return depends on the length of leave taken.

PATERNITY LEAVE POLICY

This policy sets out the statutory rights of employees whose baby is due on or after 5 April 2015 and who wish to take Paternity leave. This policy also covers the entitlement of employees who wish to take Paternity Leave in an adoption situation in relation to children placed for adoption (UK) on or after 5 April 2015. Under the Paternity and Adoption Leave (Adoption from Overseas) Regulations an employee is also entitled to Paternity Leave for the purpose of caring for a child adopted from overseas. Further details can be provided.

Ordinary Paternity Leave (Birth)

An employee is entitled to **one week's ordinary paternity leave or two consecutive weeks' ordinary paternity leave** for the purpose of caring for the child or supporting the child's mother if he:

- has been continuously employed for 26 weeks or more by the end of the 15th week before the mother's expected week of childbirth (*or would have satisfied that condition but for the fact that the child was born before the end of that 15th week, was stillborn after 24 weeks of pregnancy or has died*);
- is the child's biological father and has (or expects to have) responsibility for the child's upbringing, or is the mother's husband, civil partner or partner (but not the child's biological father) and has or expects to have the main responsibility (apart from any responsibility of the mother) for the child's upbringing; and
- has formally notified his employer of the date on which he intends to take his paternity leave and, where applicable, has produced evidence supporting his claim.

For these purposes, "partner" in relation to a child's mother, means a person (whether of the same or the opposite sex) who lives with the mother and the child in an enduring family relationship, but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle.

With effect from 1 December 2014, an employee is not entitled to take ordinary paternity leave in respect of a child if he or she has taken any shared parental leave in respect of the them.

Notifying us that you wish to take Ordinary Paternity Leave (birth)

If you wish to take Ordinary Paternity Leave you must (by the end of the 15th week before the mother's expected week of childbirth) write to us giving;

- the mother's EWC (or, if birth has already occurred, the date of the child's birth);
- whether you wish to take one or two weeks' leave
- when you want the period of leave to start
- and a declaration that you match the criteria set out by legislation (as above)

You can change your mind about the date you want your paternity leave to begin, provided you give the Organisation at least 28 days' notice before the date in question (or as soon as reasonably practicable)

Ordinary Paternity Leave (Adoption within the UK)

In an adoption situation, an employee is entitled to **one week's or two consecutive weeks' ordinary paternity leave** for the purpose of caring for the adopted child or supporting the child's adopter if he or she:

- has been continuously employed for a period of not less than 26 weeks by the end of the week in which the child's adopter is formally notified by an approved adoption agency that he or she has been matched with a child for adoption;
- is married to, the civil partner of, or the partner of the child's adopter, and has or expects to have the main responsibility (apart from any responsibility of the adopter) for the child's upbringing; and
- has formally notified his or her employer of the date on which he or she intends to take ordinary paternity leave and, where applicable, has produced evidence supporting the ordinary paternity leave claim.

An employee is not entitled to take ordinary paternity leave in respect of a child if they have taken any shared parental leave in respect of them.

An employee is not entitled to take ordinary paternity leave if they have exercised the right to paid time off to attend an adoption appointment prior to the commencement of the adoption placement in respect of the same child.

For these purposes, "partner" in relation to a child's adopter means a person (whether of the same or the opposite sex) who lives with the adopter and the child in an enduring family relationship, but is not a relative of the adopter. "Relative" for these purposes means the adopter's father, mother, grandfather, grandmother, sister, brother, aunt or uncle.

Notifying us that you wish to take ordinary Paternity Leave (Adoption within the UK)

If you wish to take ordinary Paternity Leave you must (no more than seven days after the date on which the adopter is notified by an approved adoption agency that he or she has been matched with a child for adoption (or as soon as reasonably practicable if this is not possible)), write to us giving;

- when the child is expected to be placed with the adopter (or, if placement has already occurred, the date of the placement);
- whether you wish to take one or two weeks' leave
- when you want the period of leave to start
- and a declaration that you match the criteria set out by legislation (as above)

You can change your mind about the date you want your paternity leave to begin, provided you give the Organisation at least 28 days' notice before the date in question (or as soon as reasonably practicable)

When Leave can be Taken (Birth or Adoption from the UK)

You can choose to start your leave:

- within 56 days from the date of the child's birth (or date of placement in adoption cases); or
- from a chosen number of days or weeks after the date of the child's birth or placement; or
- from a chosen date.

The leave must be completed:

- within 56 days (8 weeks) of the actual date of birth of the child birth (or date of placement in adoption cases) or

If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Statutory Paternity Pay

Statutory Paternity Pay is either £139.58 per week from 5 April 2015 or 90% of your average weekly earnings if this figure is less than the SSP rate. You must match the criteria already set out in this policy.

Time off for antenatal care

Employees have the right to take time off to accompany a pregnant woman with whom they are having a child at up to two antenatal appointments. This time off will be unpaid.

To be eligible to take this time off, the employee could be the husband or civil partner of the pregnant woman, or could be living with the pregnant woman in an enduring family relationship. In addition, the employee will be eligible for the time off if he is the biological father of the expected child. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The organisation expects that normally no more than half a day is needed for an antenatal appointment, but the employee's leave includes the time needed to travel to the appointment and any waiting time needed at the appointment and can be for a maximum of six-and-a-half hours on each occasion.

Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance speak to their line manager.

Time off to attend adoption appointments

Employees who are adopting a child are entitled to take time off to attend adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

The purpose of the appointment is to enable the employee to have contact with the child (for example, to bond with him/her before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).

The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.

The Organisation may ask the employee for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency. Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance speak to their line manager.

RECRUITMENT POLICY AND PROCEDURE

The following procedures should enable Managers and the HR Team to recruit staff with the minimum of delay with all parties knowing their responsibilities.

Job description

The line manager should review the job description and person specification to ensure it is appropriate and up to date. Consideration should be given to any additional information that may help the candidates with their application.

Pay

Lincolnshire CVS uses the NJC scales (National Joint Council – for Local Government Employees). Pay will be within the Salary Range. However, if the role is new to the organisation then it is advisable to carry out a job evaluation.

Slotting-in

If you are advertising a job at the same time as making an employee redundant you should consider whether that person could 'slot in' to the vacant post. There is a legal obligation to not make redundancies if you do not have to.

Advertising

This is usually via the website and with Involving Lincs. An estimated 10 – 14 working days is allocated to advertising the role and on-line applications are the preferred method. Advertisements should be fair and not include anything that might directly or indirectly discriminate. They should include the title of the job, the name of the organisation, the details of where to apply to and the deadline for when anyone can apply with brief details taken from the job description.

DBS Checks

If the post you are recruiting to involves the employee working with children or other vulnerable people it is your responsibility to ensure that the person you recruit is suitable and that a DBS check is completed.

Application forms

Lincolnshire CVS has a standard application form that is regularly reviewed. In order to ensure a fair process the panel will not see the front page or back page of the application form until after the short listing has been completed.

Monitoring forms will be kept separate from application forms and they should not be passed on to recruitment panels nor form any part in influencing who is appointed.

Shortlisting Panel

A panel will be compiled taking into account the need for somebody with interviewing skills and/or experience, and including at least one person who has a good understanding of the job. If the role is of a senior level then the panel should include the Chief Executive and a trustee. The number on the panel needs to be appropriate to the level of the position.

Shortlisting

The Executive Officer will notify the panel of the shortlist date and venue and the scoring grid is taken from the person specification.

To shortlist applications you should read their application forms and decide whether they meet the requirements in the person specification. It is common practice to use

a scoring system to help you do this and the Executive Officer will provide a grid taken from the person specification: to give someone a mark of 5 if they fully meet an essential specification, or 3 for a desirable specification, and 0 if they do not. The numbers in between allow you to judge if they have partially met the requirements. Do this for each element and you should have a score for each candidate. You can use this to decide which are the best candidates on paper, and who you wish to interview.

If an applicant scores high but scores a 0 in one or more areas and they cannot meet a vital requirement of the job (for example an understanding of equal opportunities issues) it may be inappropriate to put their application forward to the next stage.

Tests and presentations

Where appropriate practical abilities/skills test should be part of the interview and this can include “role play”, computer exercise, presentation etc.

It is quite common and sometimes useful to ask candidates to do more than just answer a series of questions at an interview. It may be that you wish to test a particular aptitude for the job, such as the ability to make a presentation, or wish to test candidates’ knowledge of specific issues. It is a good idea to run these tests before the actual interview; otherwise you could find the person being interviewed is overly worried about the forthcoming test which prevents them from performing in an interview.

Interviewing

The same panel that shortlisted should also interview, to ensure fairness and consistency. Work out your questions in advance, using the person specification to guide you. The questions you ask should help you decide whether the candidate meets the requirements set out in the person specification. It is often useful to ask applicants questions around how they would deal with specific situations relevant to the job, where they can use their past experience to demonstrate their suitability. To ensure fairness, make sure you ask each candidate the same questions. The only variation to this is when you might ask a supplementary question to amplify and clarify a candidate’s answer. The line manager will liaise with the Executive Officer to provide the interview questions.

- The questions should be divided between the panel to make sure each panel member takes part in the process, and that the person being interviewed doesn't concentrate all their attention on one member of the panel.
- Ensure the questions you ask are relevant to the job: don't ask personal questions that are totally irrelevant and could discriminate against individuals.
- Allow time in an interview for a candidate to ask you questions. The questions they ask should not form part of the selection process.
- Nerves - one of the key problems with interviews is that candidates are often very nervous, and this can affect how they present themselves. This should not have too much effect in how you select a candidate, because nervousness in an interview may not translate into any other area of their life or work. To help alleviate this issue you should try and set candidates at ease, and always be sure

to make the environment as comfortable as possible (within the formal requirements of the process). Make sure you have water available for candidates, as well as the panel.

Appointment:

- Having completed the interview process you should be able to decide who you wish to offer the post to. Sometimes none of the candidates meet your requirements, in which case there is little alternative to re-advertising, and lengthening the whole process. If there is more than one suitable candidate you should review the scores given by the panel, and make an objective decision, not based on any discriminatory factor.
- Once you have chosen someone you should verbally contact them to offer them the post, subject to;
 - receipt of references (a minimum of 2, one of which must be from the current or most recent employer)
 - Receipt of documents showing they comply with the Asylum and Immigration Act (e.g passport)
 - DBS check (where relevant)
 - Copy of driving licence (where relevant)
 - Proof of qualifications (where relevant)
 - Medical check (where appropriate)
 - a 6 month probationary period

Advise the person that they shouldn't hand in their notice with their current employer until this offer has been confirmed. A provisional start date can be agreed subject to receiving all the documents above.

Once the candidate has accepted then inform the other candidates that they have been unsuccessful. The line manager will also advise the Executive Officer of the offer and request that reference letters and an offer letter are issued. Once the satisfactory references (and other documents required) have been received then the person can commence their employment.

When things go wrong

Bad references

- If you receive a reference that indicates there is a problem with the person you want to appoint you would be advised to check with the person who wrote the reference to ensure this was their intention. Depending what the issue is, you also might want to talk to the applicant about the issue. If the reference is poor, and you are not satisfied that there are mitigating reasons for this, then you should not appoint the person. They are likely to want to know why you are not confirming them in appointment, and you should inform them that a problem was indicated in the reference.
- Under the provisions of the Data Protection Act you are obliged to show the reference to the potential employee should they request it, unless the reference contains details that could breach someone else's confidentiality rights under the Data Protection Act. In practice this means you should take

care to blank out the names of anyone mentioned in a reference other than the applicant.

Discrimination claims

Candidates who are not appointed may want to know the reason why. It is advisable to explain precisely why, and, ensure you have kept short listing and interview records properly. If someone believes that they have not been appointed because they have been discriminated against it is their right to take their case to an employment tribunal. Should this happen you should seek legal advice.

Induction

The manager should go through the staff hand book with the new member of staff on their first day of work. They should also be given the telephone list, information about the organisation and a tour of the building.

The Health and Safety officer should show them the assembly point and explain procedures should a alarm sound, as well as where to locate the accident records book and the first aid box.

Probation

The six months probationary period should include regular 1 to 1 meetings and support for the new worker. All the 1 to 1 meetings should be recorded, and the notes kept on file. The probationary period should be characterised as a period when particular support is given to a worker, but also as a period when both the worker and the employer have a chance to change their minds if everything is not working out.

Once the probation period has been completed to everyone's satisfaction, an employee should be informed that the probation period has been successfully completed.

If the probationary period is not successful then the person should be given notice as per their contract. Information from the regular 1 to 1 meetings will help to make any decision on whether their performance and conduct has been up to the standard expected of them; they are entitled to an appeal, and to representation.

REDUNDANCY POLICY

The Organisation values the contribution of its entire workforce, however, there may be times when sector/business changes force the need to consider reducing the number of workers doing a particular activity. In other words, it may sometimes be necessary to make employees redundant. This policy outlines the approach to that task.

Avoiding redundancy

First, the Organisation will try to avoid the need for redundancies – it does not want to lose you. Accordingly, should circumstances arise where redundancy is seen to be a possibility, the first steps the Organisation will consider are:

- Restrict recruitment.
- Investigate measures such as short-time working and/or lay-offs as a means of avoiding redundancies.
- Investigate whether there are any opportunities for redeployment to other departments within the Organisation.
- Explore other methods by which desired cost cuts can be achieved.
- Explore whether there are any other options available in order to avoid the redundancy situation.

If redundancies cannot be avoided, consideration will then be given by the Organisation to asking for volunteers for redundancy. Whilst the Organisation will aim to keep the number of compulsory redundancies to a minimum, the overriding consideration will always be its future needs.

Selection

If the selection of employees for compulsory redundancy becomes necessary, having ascertained the relevant pool for selection, the Organisation will then apply one or more of the following as objective selection criteria:

- Relevant knowledge and skills.
- Relevant qualifications.
- Job performance.
- Achievement of targets.
- Geographical location.
- The ability to transfer to a new location and/or a different job.
- The ability to take on additional job responsibilities.
- Disciplinary record for misconduct/poor performance.
- Attendance record (excluding absences relating to maternity leave, other family-friendly leave, pregnancy-related illnesses and disabilities).
- Timekeeping record.

It is the Organisation's intention always to be able to justify the chosen criteria and to apply them in a non-discriminatory manner.

In deciding which criteria will apply for a particular redundancy programme, the overriding consideration will always be the future needs of the Organisation. This means that a particular criterion may carry more weight than another criterion, even though both criteria may be applied.

Consultation

There will be full consultation with employees throughout the redundancy selection process. Employees will be notified as soon as possible of the reasons for the potential redundancy situation and of the Organisation's proposals.

During the consultation exercise, information will be provided to employees and/or their representatives (if applicable) about the Organisation's proposals and there will be adequate opportunity for employees or their representatives to respond. Information provided may include: the reasons for the proposed redundancies; the numbers and categories of employees who may be made redundant; the proposed method of selecting employees for redundancy; the proposed method of carrying out the redundancies, including the time period over which the dismissals may take effect.

The Organisation will also enter into individual consultation with each employee provisionally selected for redundancy. Each employee will have the right to be informed of the basis for their selection and be invited to put forward any representations, which the Organisation will fully consider before making a final decision on which employees are to be made redundant.

Employees will be encouraged to be fully involved in the consultation procedure. It is important for the Organisation to take account of employees' views and suggestions before final decisions on redundancies are made.

Given the size of the Organisation, it is assumed that collective redundancy consultation requirements will not be triggered. If it turns out in a given case collective consultation is required, the Organisation will consult accordingly. NB: Collective consultation is required if it is proposed to dismiss 20 or more employees at an establishment within 90 days.

Voluntary redundancy

If the Organisation asks for volunteers for redundancy, invitations will be offered to all employees whose jobs are at risk of redundancy. The opportunity to volunteer for redundancy will be available for a defined period only. Employees who choose to apply for voluntary redundancy are not guaranteed to have their application accepted. The Organisation has the absolute discretion to decide whether or not to accept an employee's application for voluntary redundancy.

Where an employee's application is provisionally accepted, they will be notified of this in writing. Employees who volunteer and are accepted for redundancy will be entitled to statutory redundancy pay in the same way as employees who are made compulsorily redundant.

Alternative employment

Once provisional redundancy selections have been made, the Organisation will seek to identify any alternative vacancies that may be suitable. Generally, if the Organisation identifies a suitable position it will offer that position to the potentially redundant employee. However, occasionally that will not be possible. For example, if the position is suitable for more than one potentially redundant employee, we may operate a selective procedure. There may also be other employees requiring redeployment for other reasons, such as a reasonable adjustment for a disabled employee.

The Organisation is therefore bound to take this into account when deciding to whom to offer an available alternative position.

If a decision is made to offer a position, the offer will be made in writing. Where alternative employment is offered and accepted, it is the Organisation's policy to operate a trial period of four weeks in the new post. This is a statutory requirement. If it is established that the post is not objectively suitable for the employee, their employment will be terminated at the end of the trial period and the employee will still receive a redundancy payment based on the date on which their original job ended. The Organisation reserves the right to make the final decision on termination of employment. An employee who unreasonably refuses an offer of suitable alternative employment (whether before, during or after the trial period) may forfeit their right to a redundancy payment.

Redundancy pay

Redundant employees who have a minimum of two years continuous employment with the Organisation will be entitled to be paid statutory redundancy pay, which is calculated according to the employee's age, length of service and gross weekly pay subject to a statutory maximum.

Exclusions

Except in respect of any statutory collective consultation obligations on the Organisation, this redundancy policy does not apply to any employee who has been employed by the Organisation for less than two years.

This redundancy policy has no contractual force and should be regarded as providing guidelines only.

RELATIONSHIPS AT WORK

This policy covers all employees of the Organisation. It is intended to provide guidance in areas where personal relationships overlap with working relationships and is intended to ensure that individual members of staff are not open to allegations of impropriety, bias, abuse of authority or conflict of interest. It is also intended to set out employees' rights and responsibilities to one another.

The Organisation values the integrity of professional relationships between its employees and in order that the Organisation's business is conducted in a professional manner and perceived to be conducted in a professional manner it is necessary to distinguish between, and take account of, personal relationships which overlap with professional ones.

In the context of this policy, a personal relationship is defined as:-

- a family relationship; or
- an enduring relationship.
- Both the Organisation and any employees who are in personal relationships with any other Employee shall take all reasonable steps to ensure that personal relationships neither advantage nor unfairly disadvantage those involved.

- If an Employee becomes involved in a personal relationship with a fellow employee, it is the responsibility of both individuals to deal appropriately with any potential conflicts of interest. Ideally, such relationships should be reported, in confidence, to the Executive Officer particularly where the relationship is between a manager and his/her subordinate.
- Employees should take care that financial, familial or personal relationships entered into on a consensual basis do not advantage or unfairly disadvantage any member of staff or other individuals.
- Employees involved in personal relationships should exercise due regard for the professional nature of the workplace and behave in a professional manner at all times paying due consideration to colleagues, customers and clients.
- Where a personal relationship exists between employees who are in a line management or supervisory relationship at work they must not be involved in recruitment, selection, appraisal, promotion or in any other management activity or process involving the other party whereby there may be a conflict of interest or perceived conflict of interest as a result of the personal relationship. In such circumstances the relevant senior manager should be informed and will, where appropriate, make alternative arrangements and confirm them in writing. The relevant senior manager will treat these matters in confidence.
- If there is any inequality or perceived inequality in the relationship, extra care should be taken and employees' attention is drawn to the sexual harassment policy. Sexual harassment is defined as "any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which occurs with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment". Employees involved in personal relationships at work should ensure that any such relationships are fully consensual and are not and cannot be perceived as an exploitation of one party's position in relation to another.
- Any employee who is, or who has been, involved in an enduring relationship with another member of staff, and who does not consider their involvement to be truly consensual, will have the right to complain under the Organisation's harassment policy / grievance procedure.
- Applicants for employment within the Organisation will be asked to declare whether they are in a personal relationship with any existing employee of the Organisation. The existence of a relationship between an applicant and an employee will not bar anyone from applying to the Organisation for employment, but relationships must be declared at the outset.
- External and internal applicants for posts will be asked to declare relevant personal relationships when applying for the post to ensure that the member of staff they are related to / in a relationship with, has no involvement in the application process.
- Managers and staff who are uncertain about whether they should take action regarding a personal relationship (whether their own or someone else's relationship that is affecting them) are invited to seek guidance in confidence from the Executive Officer.

- Employee should be aware that a breach of this policy could lead to disciplinary action being taken.

SAFEGUARDING

- Safeguarding commitment
- Child safeguarding
- Adult safeguarding
- Domestic abuse
- Prevent
- Confidentiality, consent, information sharing and GDPR
- LCVS designated named person

LCVS Safeguarding commitment

Lincolnshire Community and Voluntary Service (LCVS) is committed to the Safeguarding and promotion of the welfare of children, young people and vulnerable adults who are engaged in the extensiveness of its activities. LCVS is also committed to the belief that safeguarding is the responsibility of all staff, volunteers and trustees of the Organisation and will act appropriately in response to any concern or incident of abuse.

This policy has been designed to ensure the welfare and protection of anyone who accesses services provided by LCVS. The procedures recognize that any form of abuse can be a difficult subject for staff and volunteers to deal with and the Organisation will support with the reporting processes if required.

The purpose of this policy is to outline the duties and responsibilities of all staff, volunteers and trustees working on behalf of Lincolnshire Community and Voluntary Service in relation to the protection of children and vulnerable adults.

This policy and the links herein provide critical reference points for staff, volunteers and trustees and to ensure that LCVS is committed to:

- Ensuring that the health, safety and wellbeing of children and vulnerable adults are always safeguarded and promoted.
- Promoting best practice and to work in a way that can prevent harm, abuse or coercion occurring.
- Ensuring staff, volunteers and trustees knows how to respond to, report and record any safeguarding concerns.
- Provide a proportionate, timely, supportive, informed and professional response to anyone experiencing abuse or neglect.
- Providing a clear system to report any safeguarding concerns, incidents or allegations.
- Promoting a culture where staff, volunteers and trustees are confident in their knowledge of Safeguarding policies and procedures.
- The risk assessment of roles within the Organisation and appropriate pre-employment checks.

- The provision of relevant and current safeguarding training for staff, volunteers and trustees.

LCVS is committed to putting into place safeguards and measures to reduce the likelihood of abuse taking place within the services it offers.

This policy needs to be read in conjunction with the following policies:

- Equal Rights.
- Volunteers
- Complaints
- Whistle blowing
- Confidentiality
- Disciplinary and Grievance
- Data Protection
- Recruitment and Selection – Safer Recruitment.

This policy covers Child Safeguarding, Adult Safeguarding, Domestic Abuse and Prevent.

When considering any referral always, where practicable, consult with your line manager or Safeguarding Lead prior to making the referral.

If it doesn't look right, feel right or sound right – then it probably isn't right...

Trust your judgement.

Child Safeguarding

A child by definition is any person who has not yet reached their 18th Birthday.

The Children's Act 2004 places a statutory duty on agencies to safeguard and promote the welfare of children. "**Working Together 2018**" defines this as:

- ***Protecting Children from maltreatment.***
- ***Preventing impairment of childrens health or development.***
- ***Ensuring that children grow up in circumstances consistent with the provision of safe and efficient care.***
- ***Taking action to enable all children to have the best outcomes.***

What is child abuse?

A person may abuse or neglect a child or young person by inflicting harm or by failing to prevent harm.

Physical Abuse – includes hitting, shaking, throwing, poisoning, burning, scalding, suffocating or other physical harm. Children may be abused in a family, institution or a community setting, by those known to them or more rarely, by a stranger. Physical harm may also be caused by caregivers fabricating illness or deliberately causing injury because they need or enjoy the attention from health providers. Physical harm can be deliberate or caused by omission, neglect or failure to protect a child or young person.

Emotional Abuse – is the persistent emotional mistreatment which harms their emotional development. It may involve making them feel unloved, worthless, inadequate or valued. It may feature age or developmentally inappropriate expectations or the exploitation or corruption of a child. This can also involve the seeing or hearing of the ill-treatment of others, for example domestic abuse. Emotional abuse may also include the over-protection and limitation through learning and preventing them experiencing normal social interactions.

Sexual Abuse – involves forcing or enticing a child to take part in sexual activities whether they are aware of, or consent to participation. It may involve physical acts (penetrative or non-penetrative) or the forced watching or production of pornography. It may also include encouraging the child to behave in sexually inappropriate ways, including prostitution.

Neglect – is the persistent failure to meet the child’s basic physical and/or psychological needs which is likely to cause impairment of their health or development. It may include a caregiver failing to provide adequate food, shelter or clothing, failing to ensure a home is safe, leaving a child alone or failing to secure medical treatment. Neglect may also occur pre-birth because of maternal drug abuse or self-neglect.

	Physical Indicator	Behavioural Indicator
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Physical Abuse	<ul style="list-style-type: none"> • Frequent or unexplained bruising, marks or injury • Bruises which reflect hand marks or shapes of articles e.g. belts • Cigarette burns • Bite marks • Unexplained broken or fractured bones □ Scalds 	<ul style="list-style-type: none"> • Fear of parent being contacted • Behavioural extremes: aggressive or angry outbursts or withdrawn • Fear of going home • Flinching when approached or touched • Depression • Keeping arms/legs covered • Reluctance to change clothes • Panics in response to pain • Reports injury caused by parents
Emotional Abuse	<ul style="list-style-type: none"> • Delays in physical development or progress • Sudden speech disorders • Failure to thrive 	<ul style="list-style-type: none"> • Neurotic behaviour • Sleeping disorders, unable to play • Fear of making mistakes • Sucking, biting or rocking • Inappropriately adult or infant behaviour • Impairment of intellectual, emotional, social or behavioural development
Sexual Abuse	<ul style="list-style-type: none"> • Pain/itching in the genital area • Bruising/bleeding near genital area • Sexually transmitted disease • Vaginal discharge/infection • Frequent unexplained abdominal pains • Discomfort when walking/sitting • Bed wetting • Excessive crying 	<ul style="list-style-type: none"> • Inappropriate sexual behaviour or knowledge for the child's age • Promiscuity • Sudden changes in behaviour • Running away from home • Emotional withdrawal through lack of trust in adults • Unexplained sources of money / 'gifts' • Inappropriate sexually explicit drawings or stories • Bedwetting or soiling • Overeating or anorexia • Sleep disturbances • Secrets which cannot be told • Substance/drug misuse • Reports of assault

Neglect	<ul style="list-style-type: none"> • Constant hunger • Poor hygiene • Weight loss/underweight • Inappropriate dress • Consistent lack of supervision/abandonment • Unattended physical problems or medical needs. • Poor living conditions. • Persistent injuries including bruises, cuts or burns. 	<ul style="list-style-type: none"> • Begging/stealing food • Truancy/late for school • Constantly tired/listless • Regularly alone/unsupervised. • Poor relationship with caregiver.
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Reporting concerns

When considering any referral always, where practicable, consult with your line manager or Safeguarding Lead prior to making the referral.

If you suspect or believe a child is suffering, or is likely to suffer, significant harm (including any form of mistreatment or abuse) you should ALWAYS report your concerns

In an emergency always dial 999

If there is no immediate danger to the child, or if you need some advice or information, you can contact the Children Services Customer Service Centre (CSC) on **01522 782111**. If it is outside normal office hours you can contact the Emergency Duty Team on **01522 782333**

If you are aware that a TAC (Team Around the Child) is already in place and the concerns are NOT URGENT you should consult the lead professional or TAC consultant prior to ringing the above number to gain advice about whether a safeguarding referral is needed.

If you are unsure whether your concerns are of a safeguarding nature, please ring **01522 782 111** and request a consultation with an Early Help advisor.

Making a Safeguarding Referral

When making a safeguarding referral, it is advised to complete the safeguarding referral form via the link below PRIOR to ringing as it contains prompts for the level of information that will be asked when you make a safeguarding referral.

Lincolnshire Children's Services require as much information as possible about your concern and how the children are being affected to enable the screening team to determine the most appropriate support to address the need.

Referral form link.

https://lincolnshirecounty-self.achieveservice.com/service/Lincolnshire_Safeguarding_Referral_Form_Process

Following your contact, the screening team will have one working day to screen the contact and decide about the course of action for the individual child or children. Your referral will be considered by at least two senior social workers within Children's Services.

If you are entitled to an outcome letter due to Data Protection rules, you will be provided with advice and a rationale about the decision made by the screening team. You will be advised whether you are entitled to a letter during your phone call with the Customer Service Centre.

External links

Lincolnshire Safeguarding Children Board.

<https://www.lincolnshire.gov.uk/LSCB>

Working Together to Safeguard Children.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Children's and Families Act 2014

<http://www.legislation.gov.uk/ukpga/2014/6/part/3>

Childrens Act 2004

http://www.legislation.gov.uk/ukpga/2004/31/pdfs/ukpga_20040031_en.pdf

Adult safeguarding

This policy relates to the safeguarding of vulnerable adults. This policy applies to all staff, including senior managers, paid staff, trustees, students working on behalf of and volunteers. It is acknowledged that significant numbers of vulnerable adults suffer abuse and is important that Lincolnshire Community Volunteer Service puts preventative measures in place to reduce this.

Vulnerable adults are defined as:

- People aged 18 or over.
- People who are receiving or may need community care services because of learning, physical or mental disability, age or illness.
- People who are or may be unable to self-care or unable to protect themselves from significant harm or exploitation.

Safeguarding adults is all about people and organisations working together to prevent and stop abuse or neglect, and making sure that the adult's wellbeing is promoted, taking account of their views, wishes, feelings and beliefs in deciding on any action. People's lives, and relationships are complex, and they may be unclear or unrealistic about their own circumstances. Being safe is only one of the things people need, and agencies should work

with the adult to establish what being safe means to them and how that can be achieved, taking account of their individual well-being.

The aims of adult safeguarding are to:

- stop abuse or neglect wherever possible;
- prevent harm and reduce the risk of abuse or neglect to adults with care and support needs;
- support them in making choices and having control about how they want to live;
- focus on improving life for the adults concerned;
- provide accessible information so people understand the types of abuse, how to stay safe and how to raise a concern about someone's safety or well-being; and
- address what has caused the abuse or neglect.

The following types of abuse are defined in an adult safeguarding context:

Physical abuse - includes assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.

Sexual abuse - includes rape, indecent exposure, sexual harassment, looking or touching inappropriately, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure, sexual assault or acts to which the adult has not consented or was pressured into.

Psychological abuse - includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

Discriminatory abuse - includes harassment or slurs because of race, gender and gender identity, age, disability, sexual orientation or religion.

Organisational abuse - includes neglect or poor care in one's own home or in an institution e.g. a hospital or care home; from one off to ongoing ill- treatment; through neglect or poor practice as a result an organisations's structure, policies, processes and practices.

Neglect and acts of omission - includes ignoring medical, emotional or physical care needs, failing to provide access to appropriate health, care or support services, withholding necessities such as medication, adequate nutrition and heating.

Self-neglect - a wide range of behaviour involving failing to care for one's personal hygiene, health or surroundings, including hoarding.

Modern slavery - includes slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters coerce, deceive and force individuals into abuse, servitude and inhumane treatment.

Financial or material abuse - includes theft, fraud, internet scams, coercion regarding an adult's finances, in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits. Financial abuse and can occur in isolation but is often present alongside other forms of abuse

Recognising Abuse and Neglect.

Abuse can happen anywhere: in someone's own home, in a public place, in hospital or in a care home; when an adult lives alone or with others. Anyone can carry out abuse or neglect, including:

- spouses / partners and other family members
- friends and acquaintances
- neighbours and residents
- people who deliberately exploit adults they perceive as vulnerable to abuse
- paid staff or professionals
- volunteers and strangers

While targeted fraud or internet scams are often done by strangers, in most cases of abuse, the abuser is known to the adult and in a position to gain their trust or to exert pressure or have power over them.

Anyone can witness or become aware of abuse and neglect. Everyone has a role in identifying when an adult is at risk. The adult may say or do things that provide a clue e.g. making a complaint, calling for an urgent response, voicing a concern, or issues may emerge during a need's assessment. Regardless of how a concern is identified, all staff must be vigilant on behalf of those who are unable to protect themselves, knowing what to do and where to get advice.

Sometimes a carer (e.g. a family member or friend) may:

- witness or speak up about abuse or neglect
- experience intentional or unintentional harm from the adult they care for or from professionals and organisations they are in contact with
- unintentionally or intentionally harm or neglect the adult they support.

Mental Capacity Act.

The Mental Capacity Act 2005 provides the legal framework around capacity. Capacity is the ability to make a particular decision or take a particular action at the time the decision or action needs to be taken.

The Act, which applies to **everyone over the age of 16**, sets out **FIVE** statutory principles:

1. Always assume a person has capacity to make their own decisions unless it is established that they lack capacity
2. All practicable steps to help the person decide must have been taken without success;
3. A person must not be treated as lacking capacity and being unable to make a decision merely because they make an unwise decision
4. Any action taken, or decision made on behalf of a person who lacks capacity must be in their “best interests”. A record of the action or decision and the reasons for it must be made
5. An act or decision on behalf of a person who lacks capacity must aim to be the least restrictive of their rights and freedom of action.

National Principles of Good Practice in Safeguarding Adult.

Empowerment: People are supported and encouraged to make their own decisions and involved through *informed consent*. “I am asked what outcomes I want from the safeguarding process and these directly inform what happens.”

Prevention: Action is taken before harm occurs and to prevent a repeat of harm. “I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”

Proportionality: The least intrusive response appropriate to the risk presented. “I am sure that the professionals will work in my interests as I see them and will only get involved as much as needed.”

Protection: People in need are safe and have support and representation. “I get help and support to report abuse and neglect. I am helped to take part in the safeguarding process to the extent to which I want.”

Partnership: Local services work together and with their communities to prevent, detect and report neglect and abuse. “I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.”

Responding to a Safeguarding incident or disclosure.

What to do in an emergency, or if there is an immediate concern for the person’s safety or wellbeing:

When considering any referral always, where practicable, consult with your line manager or Safeguarding Lead prior to making the referral.

Take the allegation or concern seriously.

Speak to them in a private and safe place.

Make sure they are and feel safe and know what is happening.

Ensure that the person alleged to have caused harm is not present.

Ask for consent to share the information (although you may not need consent if there is significant harm, it is still good practice).

Record the details using their own words

As soon as possible, contact LCC's Customer Service Centre who will tell you what to do next.

Ensure that your record is signed, dated and securely stored.

Call 999 for an ambulance if they are injured and/or for the Police if you suspect a crime has been committed

Inform the appropriate LCC Customer Service Centre (CSC).

Take steps to ensure they are not in immediate danger (without risk to yourself).

Avoid disturbing evidence: can you secure the scene e.g. lock the door? consider the risk to any other adults or children. support the person to contact the police themselves if a crime has been or may have been committed.

Provide reassurance, whilst being clear that you need to report the issue.

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If someone makes allegations against a member of staff, trustee, volunteer, or anyone directly commissioned provider acting on behalf of LCVS, regardless of your role or status or theirs, YOU MUST ALWAYS ACT!

Reporting concerns.

When considering any referral always, where practicable, consult with your line manager or Safeguarding Lead prior to making the referral.

If anyone thinks an adult is being abused or are worried that their safety is at risk, you must report your concerns at the earliest opportunity. All concerns must be reported to your line manager and the Designated Safeguarding Lead at the earliest opportunity.

Good record keeping is essential. Whenever a complaint or allegation is made staff should keep clear and accurate records into a file to record all action taken. Details must be fact and not opinion, a clear and concise records of what has been disclosed and any details that you personally witness.

However, if you believe that **a crime has been committed** or there is **an immediate risk of danger**, you should telephone the **Police on 999**. If you believe a crime has been committed but there is no immediate danger, you should call **101** to report your concerns.

If you have a reasonable suspicion i.e. reasons to suspect that an adult with care and support needs is experiencing or is at risk of abuse or **neglect**, then you must gather enough information to contact the Customer Services Centre at Lincolnshire County

Council on **01522 782155 during office hours** or outside office hours referrals should be made to the Emergency Duty Team on **01522 782333**.

External links.

The Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

Lincolnshire Safeguarding Adults Board.

<https://www.lincolnshire.gov.uk/lisab>

Lincolnshire Safeguarding Adults Board reporting concerns

<https://www.lincolnshire.gov.uk/residents/adult-care/safeguarding-adults/reporting-concerns/120500.article>

Modern Day slavery and trafficking.

http://www.legislation.gov.uk/uksi/2015/1743/pdfs/uksi_20151743_en.pdf

Victim support

<https://www.victimsupport.org.uk/>

NHS Mental Capacity Act

<https://www.nhs.uk/conditions/social-care-and-support-guide/making-decisions-for-someone-else/mental-capacity-act/>

Domestic Abuse

The Home Office defines domestic abuse (or domestic violence) as:

‘Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over by someone who is or has been an intimate partner or family member, regardless of gender or sexuality.

Domestic abuse is usually hidden in the early stages but may become more obvious as it escalates. Victims may deny the abuse for fear of their abuser finding out that it has been noticed or discussed.

The following is a guide but not an exhaustive list:

Psychological - Insults, name-calling, swearing, criticising, treating person as inferior, undermining confidence, eroding independence, isolating from friends and family, intimidating, threatening to harm children or take them away, threatening suicide, forced marriage.

Physical - Shaking, smacking, punching, kicking, finger or bite marks, starving, tying up, stabbing, suffocating, throwing things, using objects as weapons, female genital mutilation, 'honour violence'. Physical evidence is often on areas of the body that are covered.

Sexual - Forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practice safe sex, sexual insults, evidence of sexually transmitted diseases, preventing breastfeeding.

Financial - Stopping the person work/study, denying access to money, making them beg, gambling, not paying bills.

Never judge a person for leaving or not leaving an abusive relationship.

If the victim is not at high risk of significant harm or death, ensure that they have the option to be referred or given information about specialist domestic abuse services. Consider whether the information should be shared with any other agency to safeguard them and/or their family and/or prevent a crime.

When considering any referral always, where practicable, consult with your line manager or Safeguarding Lead prior to making the referral.

Contacts and External Links.

EDAN (End Domestic Abuse Now!)

Telephone: 01522 510041

Email: info@edanlincs.org.uk

Website: <https://edanlincs.org.uk>

SARC (Sexual Assault Referral Centre)

SARC provides a safe environment where victims of rape, sexual assault or sexual abuse can get support and advice. They will also support you if you decide to report an incident to the police and undertake forensic examination if this is what you choose. They are open to all victims, regardless of whether they want to report a crime to the police or not.

Email: info@springlodge.org

Website: www.springlodge.org

Lincolnshire Rape Crisis

To talk to a support worker ring 0800 334550

For opening times and more information go to their website by clicking here

24-hour national Domestic Abuse Helpline (run in partnership by Women's Aid and Refuge)

Telephone: 0808 2000 247

Website: www.womensaid.org.uk

Forced Marriage Unit

Telephone: 020 7008 0151 (9am to 5pm Monday to Friday)

Website: www.gov.uk/forced-marriage

Mens Advice Line

Telephone: 0808 801 0327

[Website: www.mensadviceline.org.uk](http://www.mensadviceline.org.uk)

Support helpline for LGBT victims of domestic abuse

Telephone: 0300 999 5428

Childline

www.childline.org.uk

Domestic Abuse – Lincolnshire County Council.

<https://www.lincolnshire.gov.uk/domestic-abuse/>

EDEN Lincolnshire

<https://edanlincs.org.uk/>

Prevent

The Prevent Strategy is part of the national counter terrorism strategy which aims to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting any form of terrorism.

Lincolnshire has taken a strategic approach to Prevent and has developed its own strategy which aims to:

Help local authorities, police, community safety partnerships and other partners and partnerships to develop and implement effective actions, which will make their communities safer. This will reduce the risk from terrorism and violent extremism, so that the people of Lincolnshire can go about their business freely and with confidence.

Prevent is not about spying on people or stigmatizing them or their Communities, it seeks to keep people safe in their Communities, to identify individuals who may be susceptible to being drawn into violent extremism and to support them before any criminal act is committed.

You can find out more on the Prevent strategy here: <https://www.lincs.police.uk/reporting-advice/terrorism/preventing-extremism/>

If you need advice or information, please contact the county council's Prevent officer on 01522 555367 or via email at prevent@lincolnshire.gov.uk

Report it

When considering any referral always, where practicable, consult with your line manager or Safeguarding Lead prior to making the referral.

If you are concerned that someone you know is being drawn into terrorism or extremism, then report to prevent@lincs.pnn.police.uk or complete the Channel Referral Form (link below) and email to channel@lincs.pnn.police.uk

Additionally, you can contact the Lincolnshire Police Prevent Team on 01522 885350

<https://www.lincolnshire.gov.uk/residents/community-and-living/community-safety/prevent/128641.article>

For immediate threats, such as a suspicious package or vehicle, always call 999.

Confidentiality, Consent, Information sharing and GDPR

Sharing information is essential to safeguard those at risk of abuse, neglect and exploitation.

If, at any point you are unsure ask!

There are Seven Golden Rules:

1. **Data Protection is not a barrier to sharing information:** it is a framework to ensure that personal information about living persons is shared *appropriately*.
2. **Be open and honest** with the person (and/or their family as appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe to do so.
3. **Seek advice** from the Designated Safeguarding lead or the Information Governance lead if you are in any doubt. If possible without disclosing the identity of the person.
4. **Share information with consent whenever possible** and, where possible, respect the wishes of those who do not consent to you sharing their information. You may still share information without consent if, in your judgment, the need to share is overridden in the public interest. You will need to base your judgment on the facts of the case. Seek advice if you are not sure. Ensure to communicate that *you can't keep secrets* if anyone is suffering abuse or is at significant risk of harm but reassure the information will only be shared on a need to know basis.
5. **Consider safety and wellbeing:** Base your information sharing decisions on considerations of the safety and wellbeing of the person and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that any information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need it, is accurate and up-to-date, is shared in a timely way and is shared securely.
7. **Keep a record** of your decision to share or not share and your reasons. If you do share, record what you have shared, with whom and for what purpose.

Make every effort to maintain confidentiality for all concerned in an incident. Share information only on a “need to know” basis and do not discuss allegations or concerns inappropriately as this could damage the individual, their family and any resulting

investigation. **However**, this is not an excuse for not sharing information with other agencies to protect people or prevent harm. Be aware of, and sensitive to, information sharing protocols and data protection; however, safeguarding concerns override the need for confidentiality in respect of relevant statutory authorities if all activity is properly recorded.

Information should always be stored securely with access limited to relevant staff in line with data protection laws and LCVS policy.

Consent - GDPR sets a high standard for consent. Consent means offering individuals real choice and control. Genuine consent should put individuals in charge, build trust and engagement, and enhance your professional relationship. If you have assessed someone you are working with to be at high risk of serious harm, then you will have grounds for sharing information in law.

This therefore means that that individual does not have choice and is not in control of information sharing. Consent is important when sharing information where the risk to the has NOT been assessed to be high (so grounds in law do not exist). For transparency we suggest you record your decision-making process in all cases without exception.

Sharing information – a checklist

Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to adults or children at risk and the rationale for decision-making should always be recorded. To assist with your decisions, use the Information Commissioner's Office data sharing checklist.

Decisions should be defensible and not defensive decisions; confidentiality must not be confused with secrecy.

1. Record that a decision has been made to share/disclose information
2. What are the protocols/guidance referred to and which agencies or colleagues have been consulted about this decision? Set these out clearly in recording – for example, Home Office guidance, the Information Commissioner's Office helpline, own protocols?
3. What is the lawful basis for sharing? Record it clearly.
4. Be clear exactly what details of the information is to be shared and with whom. Set this out in your records.
5. Think through the balancing exercise undertaken; that consideration of the interest of the other agency/person in receiving the information has been given and the degree of risk posed to any person by disclosure/nondisclosure. Consider the duty of confidentiality, human rights and the public interest. Record this. Record whether the sharing is proportionate, that there is a pressing need and summarise why.
6. What is the amount of information to be disclosed and the number of people/agencies disclosed to? Is this no more than strictly necessary to meet the need for disclosure? Record why this is the case.
7. Set out whether and when the survivor/person affected has been informed that the information will be disclosed and to whom, whether reasons have been given and whether

details of next steps explained. Has this been done in advance of the information been disclosed? If the survivor/person affected has not been informed set out reasons why.

8. If in doubt, always seek specialist advice and always consult with your line manager in the first instance.

Remember: Information shared must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

External Links.

GDPR

<https://eugdpr.org/>

Information Commissioners Office – Safeguarding and Children.

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/children-and-the-gdpr/>

Lincolnshire Community Volunteer Service

Designated Named person

LCVS has an appointed lead person and deputy who is responsible for overseeing any safeguarding concerns or incidents that any staff member, volunteer or trustee has reported.

They will offer advice on the referral and/or support to the member of staff, volunteer or trustees who is involved in the incident or speak to your line manager.

Should none of these persons be available then Children or Adult Services should be contacted directly in the first instance.

Designated Named Person for Safeguarding: Esta Siggs

Work telephone number: 01205 510888

E mail address: estasinggs@lincolnshirecvs.org.uk

Deputy Named Person for Safeguarding: Angela Dobson

Work telephone number: 01205 510888

E mail address: angeladobson@lincolnshirecvs.org.uk

Monitoring and review of policy.

This policy and its procedures will undergo a review every three years. However, should it become apparent that if any parts of this policy or its procedures contain any weaknesses or changes, for whatever reasons (i.e. changes to the law, statutory guidance, new projects etc.) then the policy and/or its procedures will be amended by the Safeguarding Lead.

SHARED PARENTAL LEAVE POLICY

Overview

Shared parental leave is a type of leave that is available to parents with babies due on or after 5 April 2015, or adopters being placed with children on or after this date. Shared parental leave enables mothers or adopters to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity/adoption leave and opt in to shared parental leave and pay at a later date.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave.

You may be able to apply for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if:

- your baby is due on or after 5 April 2015
- you adopt a child on or after 5 April 2015

If you're eligible for SPL you can use it to take leave in blocks separated by periods of work, instead of taking it all in one go.

To start SPL or ShPP the mother must end her maternity leave (for SPL) or her Maternity Allowance or maternity pay (for ShPP). If she doesn't get maternity leave (but she ends her Maternity Allowance or pay early) her partner might still get SPL.

If you're adopting then you or your partner must end any adoption leave or adoption pay early instead.

If you're eligible you can take:

- the remaining leave as SPL (52 weeks minus any weeks of maternity or adoption leave)
- the remaining pay as ShPP (39 weeks minus any weeks of maternity pay, maternity allowance or adoption pay)

If neither of you is entitled to maternity or adoption leave then SPL will be 52 weeks minus any weeks of maternity pay, Maternity Allowance or adoption pay.

You can share SPL and ShPP between you if you're both eligible.

Example: A mother and her partner are both eligible for SPL and ShPP. The mother ends her maternity leave and pay after 12 weeks, leaving 40 weeks available for SPL and 27 weeks available for ShPP. The parents can choose how to split this.

SPL and ShPP must be taken between the baby's birth and first birthday (or within one year of adoption).

Eligibility

Each parent qualifies separately for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP).

If you're eligible you can start SPL and take leave in separate blocks, instead of taking it all in one go like maternity or adoption leave. You can also share the leave between you if you're both eligible.

Shared Parental Leave

To qualify for SPL, you must share responsibility for the child with one of the following:

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child)

You or your partner must be eligible for [maternity pay or leave](#), [adoption pay or leave](#) or [Maternity Allowance](#).

You must also:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date (or by the date you're matched with your adopted child)
- stay with the same employer while you take SPL

During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must:

- have been working for at least 26 weeks (they don't need to be in a row)
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)

This can be as an employee, worker or self-employed person. Your partner doesn't have to be working at the date of birth or when you start SPL or ShPP.

Statutory Shared Parental Pay

You can get ShPP if you're an [employee](#) and one of the following applies:

- you're eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP)
- you're eligible for Statutory Paternity Pay (SPP) and your partner is eligible for SMP, Maternity Allowance (MA) or SAP

You can also get ShPP if you're a [worker](#) and you're eligible for SMP or SPP

When you can start

You can only start Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) once the child has been born or placed for adoption. The mother (or the person getting adoption leave or pay) must do one of the following:

- end any maternity or adoption leave by returning to work
- give their employer 'binding notice' (a decision that can't normally be changed) of the date when they plan to end any maternity or adoption leave

You must also end any maternity pay, Maternity Allowance or adoption pay. As a mother or adopter you must give at least 8 weeks' notice to the Organisation (for maternity or adoption pay) or to Jobcentre Plus (for Maternity Allowance) if you haven't returned to work.

You can start SPL or ShPP while your partner is still on maternity or adoption leave and pay as long as they've given binding notice to end it.

A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth (4 weeks if she works in a factory). If you're adopting then one of you must take at least 2 weeks of adoption leave.

Example A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 2 weeks before her baby is born. She gives notice to her employer that she'll take 16 weeks of maternity leave.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as her partner has given at least 8 weeks' notice to their employer).

Cancelling the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- the planned end date hasn't passed
- they haven't already returned to work

One of the following must also apply:

- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
- the mother or adopter's partner has died
- the mother tells her employer less than 6 weeks after the birth (and she gave notice before the birth)

What you'll get

If you're [eligible](#) and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of maternity or adoption leave as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of maternity or adoption pay (or Maternity Allowance) as Statutory Shared Parental Pay (ShPP)

How much pay you'll get

ShPP is currently paid at the rate of £139.58 a week or 90% of your average weekly earnings, whichever is lower.

This is the same as [Statutory Maternity Pay \(SMP\)](#) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

Example A woman decides to start her maternity leave 4 weeks before the due date and gives notice that she'll start SPL from 10 weeks after the birth (taking a total of 14 weeks maternity leave). She normally earns £200 a week.

She's paid £180 (90% of her average weekly earnings) as SMP for the first 6 weeks of maternity leave, then £139.58 a week for the next 8 weeks. Once she goes onto SPL, she's still paid £139.58 a week.

Applying for leave and pay

You must give notice to your employer in writing if you want to start Shared Parental Leave (SPL) or Pay (ShPP). You can give notice for leave and pay at the same time if you're eligible to get both.

You can give notice using forms created by the Advisory, Conciliation and Arbitration Service (Acas).

[Download 'Shared parental leave forms \(for maternity\)' \(DOC, 156KB\)](#)

[Download 'Shared parental leave forms \(for adoption\)' \(DOC, 159KB\)](#)

[Download 'Shared parental leave forms \(for parental order surrogacy\)' \(DOC, 160KB\)](#)

You can change your mind later about how much SPL or ShPP you plan to take and when you want to take it. You must give notice of any changes at least 8 weeks before the start of any leave.

You might not get SPL or ShPP if you don't include all the required information.

Your partner must apply to their own employer if they also want SPL or ShPP.

Giving more information

As an Organisation we can ask you for more information within 14 days of you applying for SPL or ShPP. We may ask for:

- a copy of the birth certificate
- a declaration of the place and date of birth (if the birth hasn't been registered yet)
- the name and address of your partner's employer or a declaration that your partner has no employer

If you're adopting, we may ask for the:

- name and address of the adoption agency
- date you were matched with the child
- date the child will be start to live with you
- name and address of your partner's employer or a declaration that your partner has no employer

You must give this information within 14 days of being asked for it.

Booking blocks of leave

You can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if you aren't sharing the leave with your partner.

If your partner is also eligible for SPL, you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.

You must tell the Organisation about your plans for leave when you [apply for SPL](#). You can change these plans later but you must give the Organisation at least 8 weeks' notice before you want to begin a block of leave.

Splitting blocks of leave

If the Organisation agrees, you can split blocks into shorter periods of at least a week.

Example

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December. She gives her employer notice that she'll go on leave again in February - this is her second block of SPL. Her employer agrees to a work pattern of 2 weeks on, 2 weeks off during the block.

Shared Parental Leave in touch (SPLIT) days

You and your partner can each work up to 20 days while you're taking SPL. These are called 'Shared Parental Leave in touch' (or SPLIT) days.

These days are in addition to the 10 ['keeping in touch'](#) (or KIT) days available to those on maternity or adoption leave.

KIT and SPLIT days are optional - both you and the Organisation must agree to them.

SICKNESS POLICY

Principals

The organisation expects excellent attendance and timekeeping. Persistent lateness and repeated unauthorised absence will normally be treated as gross misconduct. It is your responsibility to make sure that you are at work and ready to start work at your scheduled starting time. If you are sick or injured and cannot attend work you must notify us in line with this policy. If you arrive at work late you must immediately report to your line manager. If you need to leave work before your scheduled finish time you must get approval from your line manager first.

Sickness/Injury Reporting Procedure

You are expected to be available to work during your normal working hours. You must make every effort to attend work.

If you cannot attend work you must follow this procedure;

On the first day of absence

You must telephone your line manager within 30 minutes of your normal start time. The line manager will inform the Executive Officer. You should not leave a message with reception or a colleague, nor should you notify us of your absence by text. If you cannot make contact with your line manager you should contact the Executive Officer. You must give the reason for your absence and when you expect to return to work.

You must contact your line manager daily unless your absence is covered by a Statement of Fitness for Work (Fit Note) from a GP.

If you do not report for work and have not spoken to your line manager to explain the reason for your absence, your line manager will try and contact you. This may then be treated as unauthorised absence depending on the circumstances.

The Organisation reserves the right to ask that you obtain a Fit Note from your GP for absences of less than 8 days.

The Organisation reserves the right to withhold sick pay for any periods not covered by a sick note or where the organisation is not satisfied as to the validity of the absence.

Day 8 of absence (including weekends and Bank Holidays)

You must get a 'Fit note' (Statement of Fitness to Work) issued by a GP for any period of absence that last more than 7 calendar days. The Fit Note must be given to your line manager immediately.

If you cannot return to work when your Fit Note expires you must obtain another Fit Note from your GP and send it to your line manager immediately. If you are able to return to work you must telephone your line manager at least one day before your return to work so that arrangements can be made for your return.

At appropriate intervals (after day 8)

You will need to continue to send in Fit Notes for the duration of your absence and keep your line manager advised of your health and progress towards returning to work. When each Fit Note expires, if you do not return to work, you need to ensure that a new Fit Note is issued and sent to your line manager immediately.

On your return from absence

On your return to work you must complete an Absence Self Certification Form and update your Office Control Profile.

Your line manager will also carry out a Return to Work Discussion with you. Where possible this should be carried out on your day of return.

Statement of Fitness for Work (Fit Note)

The fit note describes whether your doctor thinks you are:

- **not fit for any work** or
- **may be fit for work of some kind**

This allows maximum flexibility to discuss possible changes to help you to return to work (which may include changing your duties for a while). The fit note also describes whether you are likely to need a new fit note when your current one expires.

If the fit note says you are not fit for work

The fit note will tell you how long you will not be fit for work, and whether you can expect to return to work as before once it expires. You should keep in contact with your line manager on a weekly basis.

If the fit note says you may be fit for work of some kind

This might mean your manager discussing with you

- a phased return to work
- altered hours
- amended duties
- workplace adaptations

If it is not possible for your manager to implement the recommendations from your GP, you and your manager should use the Statement as if the doctor had advised you 'not fit for work'.

Points to note:

- You do not need to be fully fit to return to work and it is a myth that you need to be 'signed back' to work by a doctor.
- **You can return to work at any time (including before the end of the fit note) without going back to see your doctor - even if your doctor has indicated that they need to assess you again. Please speak to your line manager if this may be the case and a risk assessment can be carried out to see if this is feasible.**
- The fit note isn't binding. The advice in the fit note is classed as advice only, and it is for employers to determine whether or not to accept it.

The Fit for Work (FFW) Service

The Fit For Work (FFW) service was launched in September 2015. This is a Government backed scheme aimed at helping employees back to work by using occupational health professionals as part of the process of assessing employees who have been off work for more than four weeks. The basic process involves the GP referring the employee to the service, who make an assessment and produce a return-to-work plan, which may be shared with the employer.

Criteria for referrals

Referrals to the FFW service can only be made for employees who have:

- been absent from work for at least four weeks
- reasonable likelihood of returning to work within three months
- not undergone a FFW assessment in the last 12 months, or a FFW return-to-work plan as a result of a previous referral.

The referral results in a return-to-work plan

Once an employee has been referred, they are assigned a case manager whose assessment results in a return-to-work plan. This plan can be shared with the employer providing the employee consents. The case manager keeps in touch with

the employee to ensure the plan is being actioned, and look at alternatives if it is not.

Employees must give consent to be referred

This consent can be given to either the employer or their GP. The FFW service must also gain the employees consent before:

- the initial assessment
- it shares the plan and any update with either GP or employer
- it contacts the GP, employer or any other third party as part of the assessment.

Managers who receive a FFW return to work plan from a member of their team should seek support and advice the Executive Officer.

Sick Pay

Any contractual sickness or injury payments are shown in your contract of employment. However, the Organisation reserves the right to withhold sick pay for any periods not covered by a sick note or where the organisation is not satisfied as to the validity of the absence.

Any days of contractual sickness or injury payments which qualify for SSP will be offset against SSP on a day to day basis. A deduction will be made for any other state benefits received if you are excluded or transferred from SSP.

If you are entitled to any payments in excess of SSP, and your entitlement expires, full or part payment may be allowed at our discretion where it is considered that there are special circumstances.

Where the circumstances of your absence are such that you receive or are awarded any sum by way of compensation or damages from a third party, then any payments which we have made to you because of the absence (including SSP) shall be repaid by you to us up an amount not exceeding the amount of the compensation or damages paid by the third party and up to but not exceeding the amount paid by us.

Sickness and Annual Leave

Employees who fall sick during their annual leave will be 'reimbursed' the leave if this is covered by a GP Fit Note.

If you are absent from work due to a period of long term sickness and then return in the current leave year, then every effort should be made to take your remaining leave to assist with your rehabilitation back to work. However, if you cannot take your annual leave entitlement during that leave year, you are only able to carry forward or be paid for, up to the statutory leave entitlement.

Working Whilst Absent

If you are absent through sickness, you must not undertake any additional employment, whether paid or unpaid, without having first obtained approval from your line manager. This includes weekends and public holidays. If you undertake alternative employment without permission, your entitlement to sick pay may be affected and disciplinary action may be considered.

Approval to undertake any additional employment during sick absence will only be given if it does not bring the incapacity into doubt and will not delay a return to work.

Medical Appointments

Doctor/Hospital Appointments

Wherever possible, you should make medical/dental appointments outside of your normal working hours. However, where this is not practical, they must be made to cause minimal disruption to the working day, i.e. lunchtime, early, late appointments.

Hospital/Consultant/Specialist Clinic appointments are considered authorised absence and time off will be paid; managers will use their discretion to how much time is allowed. You should provide your manager with proof of your appointment when requesting time off to attend appointments.

Cosmetic Surgery

Time off for cosmetic surgery should be taken as annual leave unless the GP states that you are unfit and should refrain from work. If the cosmetic surgery is linked to a disability related condition, please speak to the Executive Officer.

Gender reassignment

Time off for these purposes will be treated no less favourably than time off for illness or other medical appointments.

STRESS POLICY

As an organisation we appreciate the importance of ensuring our employees are kept safe and healthy at work and are not subjected to excessive workloads, onerous working practices or a detrimental working environment which might if unchecked, cause the employee stress.

We aim to be a supportive and sympathetic employer, assisting employees who are suffering from stress by offering confidential help and support wherever it is reasonably practical to do so.

Identifying stress

Where an employee's behaviour changes or where an employee's performance at work inexplicably deteriorates, the organisation may investigate whether stress is the cause. Employees are encouraged to have open conversations with their manager and ask for support where necessary. Examples of the symptoms of stress are;

- Poor punctuality

- Prone to accidents
- Poor performance
- Mood swings
- Absenteeism

Identifying the cause

Some examples of the causes of stress are;

- Workload
- Poor working environment
- Harassment and bullying in the workplace
- Conduct and performance
- Personal or family issues

Procedure

Where stress has been identified as an issue either by the employee or their manager the following procedure will apply;

- Employees can raise any stress related issues through the Organisation's grievance procedure.
- Employees are encouraged to have open conversations with their line manager to identify problems at the earliest opportunity.
- Any procedure relating to stress management will be strictly confidential.

The Organisation may implement/offer the following in response to issues of stress;

- offer confidential and individual counselling to employees who may need it
- carry out a HSE questionnaire to help identify work related stress and develop an action plan to help support the issues
- occupational health/medical opinion
- reduced workload over an agreed period
- redeployment to an alternative post for an agreed period
- training and development
- an action plan over an agreed period

TIME OFF FOR DEPENDENTS POLICY

The Organisation recognises that situations arise where you need to take time off work to deal with an emergency involving someone who depends on you. Provided the reasons for such a request are genuine and you inform the Organisation as soon as possible that you need this time off, you will be allowed reasonable **unpaid** time off work to deal with such emergencies.

This policy applies to all employees, irrespective of length of service, part time or full time.

Dependants

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 details regarding who counts as depending on you and guidance on individual circumstances, please speak to the Executive Officer.

The Emergency

The right to time off only covers emergencies. If you know in advance that you're going to need time off, you may be able to arrange this with the Organisation by taking another form of leave, such as annual, parental, maternity, paternity or adoption leave.

For these purposes, an emergency is an unexpected situation that arises where someone who depends on you:

- is ill and needs your help
- is involved in an accident or assaulted
- needs you to arrange their longer term care
- needs you to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up
- goes into labour
- dies

Length of Time Off

You can only take off as long as it takes to deal with the immediate emergency. For example, if a dependent is ill you can take enough time off to deal with their initial needs, such as taking them to the doctor and arranging for their care. You cannot take time off work to provide that care yourself and will need to make alternative arrangements for their longer term care. If you want to stay off work longer to care for them yourself you will normally need to take this as part of your annual leave entitlement.

As a general benchmark, no more than a day should be necessary.

Notice

You must tell the Organisation as soon as possible why you are away from work and how long you expect to be off. In extreme cases of emergency where you cannot inform the Organisation of your absence before your return to work, on your return you should still inform your line manager why you were absent.

WHISTLE BLOWING POLICY

What Is Whistle blowing?

A whistle blower is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law recognises that Whistle blowing occurs and protects employees who are whistle blowers from detrimental treatment such as dismissal.

Our Policy

Our business is run in accordance with the law. It is our policy as an employer to ensure that at every level of management our business is conducted in such a way as to comply with all legal requirements that govern our activities. This policy applies to the way that we employ and manage our staff. We operate as a team and we expect our employees to all play their part as members of the team for the good of the business as a whole. We do not believe that any of our employees will ever feel the need to become a whistle blower. There is no reason for any employee to believe that he or she will suffer detriment for speaking up if they believe that something is wrong or that if we are alerted to it we will conceal or destroy evidence. However, we are fully aware of our responsibility under the law and we will respect the legal protection afforded to a whistle blower.

Public Interest Disclosure Act 1998

The Act protects “whistleblowers” from suffering detriment in employment and makes dismissal for certain disclosure automatically unfair. There is no qualifying period of employment for this protection.

Police officers, civilian police employees and those who work in the Security Service, Secret Intelligence Service or Government Communications Headquarters are NOT protected.

Who is protected?

A worker who makes a qualifying disclosure that is made to one of a category of persons set out in the Act and which is therefore a protected disclosure.

‘Worker’ is widely defined and includes employees and other workers as normally understood by the expression but also contractors under an employer’s control, persons on training schemes and also doctors, dentists and other professionals providing National Health Service schemes.

What is protected?

A 'qualifying disclosure' is one of information that in the reasonable belief of the disclosing worker shows wrongdoing of one or more of the following kinds:

- A criminal offence was committed or is being or is likely to be committed
- A person has or is or is likely to fail to comply with a legal obligation
- A miscarriage of justice has occurred or is or is likely to occur
- The health and safety of any individual has been or is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

However, if the person making the disclosure commits a criminal offence by making it or makes it in breach of legal professional privilege (e.g. solicitor's secretary disclosing client information) it is not a qualifying disclosure.

To be a 'Protected Disclosure' the 'Qualifying Disclosure' must only be made to one of the following categories of person:

- The employer or (where the disclosure relates to the conduct of another person or matters for which another person other than the employer has legal responsibility) that other person
- A legal adviser in the course of getting legal advice
- A Minister of the Crown (where the worker is employed by someone appointed by a Minister of the Crown or a body whose members are so appointed)
- To one of the prescribed persons set out in the Public Interest Disclosure (prescribed Persons) Order 1999 (e.g. health and safety problem disclosure is to the Health and Safety Executive; Fraud : Secretary of State for Trade and Industry; consumer protection matters: Local Authority Consumer Protection unit; tax matters: the Inland Revenue)
- A person other than those set out above where the worker acts in good faith, reasonably believes the information to be substantially true, does not make the disclosure for personal gain, and it is in all the circumstances reasonable to make the disclosure. AND
 - the worker reasonably believes he will be subjected to a detriment if the disclosure is made to his employer or the prescribed person
 - there is no prescribed person and the worker believes that the wrongdoing will be concealed or destroyed by the employer;
 - the worker has previously disclosed the same information to the employer or the prescribed person;
- any other person where the disclosure is one of an "exceptionally serious failure" made in good faith, not for personal gain, where it was reasonable to make the disclosure.

What Protection does the worker have?

Employees and workers who make protected disclosures are protected from adverse treatment. Whistle blowers have the right not to be dismissed or subjected to any other detriment, bullying or harassment.

Procedure

You should in the first instance report any concerns you may have to the Chief Executive Officer who will treat the matter with complete confidence. If you are not satisfied with the explanation or reason given to you, you should raise the matter with the appropriate organisation or body, e.g. the Police, the Environment Agency, Health and Safety Executive or Social Services Department.

If you do not report your concerns to the Chief Executive Officer you may take them direct to the appropriate organisation or body.