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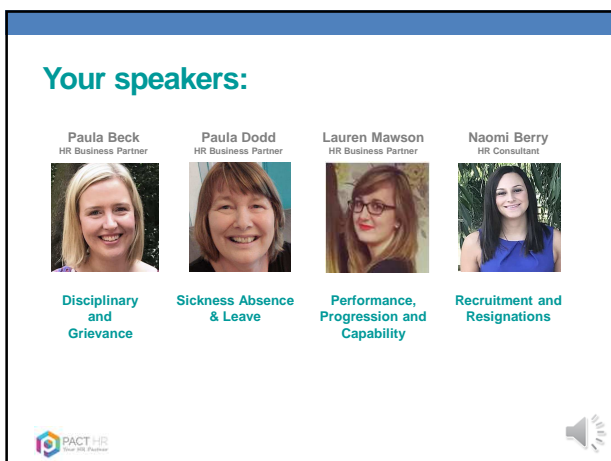
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**Paula Beck**  
HR Business Partner

## Disciplinary and Grievance





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## ACAS

**Disciplinary and Grievance Procedures during the Coronavirus Pandemic Guidance**

The law and ACAS Code of Practice on disciplinary and grievance procedures still apply during the coronavirus (COVID-19) pandemic. This includes while social distancing and lockdown measures are in place.

The employer needs to decide if it would still be fair and reasonable to carry on with or start a disciplinary or grievance procedure while:

- people are on temporary leave because of coronavirus (on 'furlough')
- following social distancing and other public health guidelines, if they're in the workplace
- people are working from home, and it would have to be carried out remotely


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## Fair and Reasonable :

The employer needs to decide if it would still be fair and reasonable to carry on with or start a disciplinary or grievance procedure while:

- people are on temporary leave because of coronavirus (on 'furlough')
- following social distancing and other public health guidelines, if they're in the workplace.
- people are working from home, and it would have to be carried out remotely


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## Employees on Furlough:

May 2020 ACAS Guidance states:

Someone on furlough can take part in or attend a hearing, including if they:

- are under investigation in a disciplinary procedure
- raised a grievance
- are chairing a disciplinary or grievance hearing
- are taking notes at a hearing or during an investigation interview
- are being interviewed as part of an investigation
- are a witness at a hearing
- are an employee's companion for a hearing
- This is as long as:
- they're doing it out of their own choice ('voluntarily')
- it takes place in line with current public health guidance

Important to note is that the Coronavirus Job Retention Scheme and HMRC have their own specific advice in relation to what a Furloughed employee can do so you may want to discuss specific details with your HR Business Partner to ensure you do not invalidate any potential claim.




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## Practical issues:

People are working from home, and any disciplinary or grievance process would have to be carried out remotely.

To ensure that if you carry out any process that you are being fair and reasonable there are some practical issues you will need to address:

- Information security/information technology
- Confidentiality
- Recording/note-taking
- GDPR compliance
- Clear agenda/evidence
- The right to be accompanied




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## Further considerations:

- The individual circumstances and sensitivity of the case, for example if it needs to be dealt with urgently, or if it would be dealt with more fairly when people are able to return to the workplace.
- Going through a disciplinary or grievance procedure can be stressful in normal times, and employees might be facing other stressful circumstances at this time. Employers should give careful consideration to the health and wellbeing of employees when deciding whether and how to proceed at this time.
- It can be helpful for the employer to talk through the options with everyone involved before making a decision whether or not to proceed.
- Whether the employer decides to go ahead with the procedure or postpone it, they should explain their decision with those involved. This will help everyone to be clear about what has been agreed and why.
- if anyone involved has a reasonable objection to the procedure going ahead at this time.
- Right to appeal
- Ensure that any disciplinary / grievance process there is the right to appeal.




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**Suspension:**

- When considering suspension the principles and duty of care remain the same.
- There needs to be a consideration of suspension meeting.
- The meeting may need to be a remote meeting due to lockdown.
- However, the employees legal rights in this regard remain the same and communication is still key.




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**Employment Tribunals :**

- If an employee/worker wants to make a claim to an employment tribunal, they still need to notify ACAS first that they are intending to make a claim.
- The legal time limit is still the same during the coronavirus pandemic, regardless of whether or not a disciplinary or grievance procedure has been postponed.
- The claim must be made within 3 months less 1 day. If it's a claim about redundancy pay or equal pay, the claim must be made within 6 months.




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**Employment Tribunals :****Listing and conducting Employment Tribunal Hearings**

The Tribunals have delayed a decision on face to face hearings. However, they have announced that:

- **Most Hearings will not take place in June 2020.** Some hearings will start using the Cloud Video Platform developed by the Ministry of Justice. The cases that they will be considering are going to be mainly straightforward money claims where there is little or no disputed evidence.
- **July/Aug 2020:** Some standard track cases (typically unfair dismissal) will be heard remotely, and some short-track (simple money claims) and preliminary hearings will begin to be heard in person at tribunals and social distancing measures will be in place.
- **Sept/Oct 2020:** Tribunals will begin to determine open-track cases using the Cloud Video Platform, with a small number of in-person hearing.
- **Nov/Dec 2020:** The Tribunals will review the situation.




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**Further Information:**

ACAS guidance:  
<https://www.acas.org.uk/disciplinary-grievance-procedures-during-coronavirus>  
<https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

Employment Tribunals FAQs arising from the Covid-19 Pandemic:  
<https://www.judiciary.uk/wp-content/uploads/2020/06/FAQ-edition-date-1-June-2020.pdf>

Alternatively speak with your PACT HR Business Partner


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Paula Dodd  
HR Business Partner

**Sickness  
Absence  
&  
Leave**





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**SICKNESS ABSENCE DURING COVID-19**

Non Covid-19 Related Sickness

Covid-19 Related Sickness


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SICKNESS ABSENCE NON COVID 19 RELATED	SICKNESS ABSENCE COVID 19 RELATED
<ul style="list-style-type: none"> <li>Maintain contact remotely</li> <li>Continue to monitor absence</li> <li>Offer support in the usual way</li> <li>Continue to hold formal absence meetings remotely</li> <li>Flexibility – Fit Notes</li> <li>Remote meetings</li> </ul>	<ul style="list-style-type: none"> <li>Self Isolation (<i>14 days or 7 if live alone</i>)</li> <li>Shielding (<i>30 June 2020</i>)</li> <li>Living with someone who is shielding</li> <li>Absence on full pay</li> <li>Record separately</li> <li>Not counted in trigger reports</li> </ul>

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### Leave of Absence

- Receive request
- Consider request
- Receive Governor approval (*if required*)
- Inform employee of decision
- Record in the normal way
- Adjust salary (*where appropriate*)

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### Maternity & Adoption

- Leave will go ahead as planned
- Salaries adjusted as normal
- Remote "Keep in Touch" (KIT) days
- Return to work as planned (*homeworking*)
- Records reflect return to work

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### Returning from Sick Leave

- Plan for the return to work (*remotely*)
- Add to rota or home working
- Return to work discussion (*remotely*)
- Discussion on change to working patterns
- Records reflect return to work
- Absence not included in trigger reports
- Flexibility around Fit Notes
- Refer to Occupational Health if unsure if fit to return




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### Bereavement Leave

- Flexibility must be applied to requests on return to normal
- Missed funerals
- Life celebration/memorial event post-lockdown




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### Alleviating Staff Concerns

- Sharing Risk Assessment – Staff/Unions
- Input and feedback into Risk Assessment
- Open and honest dialogue
- Regular and frequent updates
- Encourage staff to speak to leaders
- Individual wellbeing strategies
- Wellbeing Champion
- Be compassionate to staff concerns

Any queries contact your HR  
Business Partner

Thank you




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Lauren Mawson  
HR Business Partner

## Performance, Progression and Capability




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### PERFORMANCE, PROGRESSION AND CAPABILITY

Current situation	Returning to normal
Appraisals and capability processes <u>during</u> lockdown	Appraisals and capability processes <u>following</u> lockdown


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### Current Situation:

<b>Appraisals</b> <ul style="list-style-type: none"> <li>Assessing performance</li> </ul>
<b>Capability</b> <ul style="list-style-type: none"> <li>Staff about to go into a support plan prior to lockdown</li> <li>Staff on a support plan</li> <li>Staff in the formal capability process</li> </ul>


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**Returning to normal:**

**Appraisals**

- Assessing performance

**Capability**

- Staff about to go into a support plan prior to lockdown
- Staff on a support plan
- Staff in the formal capability process


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**Key Points:**

- Exercise professional judgement
- Ensure effective communication
- Consider absent, isolating and shielding staff and staff with caring responsibilities


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**Naomi Berry**  
HR Consultant

**Recruitment and Resignation**


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## Looking Back:

- Interviewing commonly conducted face to face
- Invited candidates into school without worry
- Tours common
- Meeting with potential future colleagues
- First day inductions were undertaken where social interaction was key and there was no worry around contact
- Shook the hand of a candidate – never thought about hand sanitizer or washing




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## Current Situation:

- We can still advertise
- We still have talent in the education sector looking to move and progress
- We can still interview
- We can still offer positions
- We can still induct and on-board the successful candidate




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## Current Situation continued:

Everything is still possible!

- Adapting recruitment and selection processes
- More efficient and effective way of recruiting
- Time for an over-haul

**Remember :** Candidates will be feeling concerned & anxious about how to stay safe whilst doing their best at interview.




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## Back in the new 'normal':

The Interview Process

Carefully assess the risk of conducting face-to-face interviews

### Handshakes

- Off the agenda for the foreseeable future

### Interview Room

- 2m distance
- Well ventilated
- As little amount of time as possible to be thorough enough for safer recruitment and selection purposes

### Hygiene

- Provide hand sanitizer and/or offer regular breaks
- Face coverings/masks
- Consider disability discrimination

### Signage

- Reminders to maintain social distancing




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## New 'normal' continued:

The Interview Process

Risk assessment likely to deem face to face interviews as non-essential

### Alternatives:

- Remote interviewing (Zoom, Skype, Whatsapp)
- Panel and candidate's technological skill
- Panel and candidate's technology equipment

### Benefits:

- Saves time, money and resources
- Easy to arrange
- Less preparation for both the interviewer and interviewee




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## New 'normal' continued:

Legislation and Employment Law:

Just because we have had to change our recruitment and selection procedures slightly, doesn't mean that we forget about employment law and legislation.

- Continue to follow safer recruitment
- At least one recruitment panel member needs to be safer recruitment trained
- Get in touch if training needed
- Fixed term contract rather than a permanent position?
- Communication is key to success - explain the process to the candidate early




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## New 'normal' continued:

### On-boarding and Induction

First impressions have a significant impact on integration and therefore, retention. It is your opportunity to welcome the new recruit. Poor induction/on-boarding can result in:

- Resignation or dismissal
- Additional cost and time to re-recruit
- Decreased morale for the staff involved in the failed induction process
- Changes to DBS checks - you now can view ID documents over video link and use scanned images

**NOTE:** This should only be followed if the on-boarding of a member of staff is urgent and the candidate must provide the official documents on their first day of employment

- PACT HR Support with induction and on-boarding




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## New 'normal' continued:

### Resignations

- Resignations are still going to happen
- Leaver Checklist
- Rescinded offer of employment due to Covid 19
- Retracting an offer of employment due to Covid19
- Seek further guidance and advice from your HR Business Partner
- Leadership Recruitment, inducting and on-boarding query, contact the PACT HR Consultancy Team




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“The struggle you’re in today is developing the strength you need tomorrow”

Robert Tew




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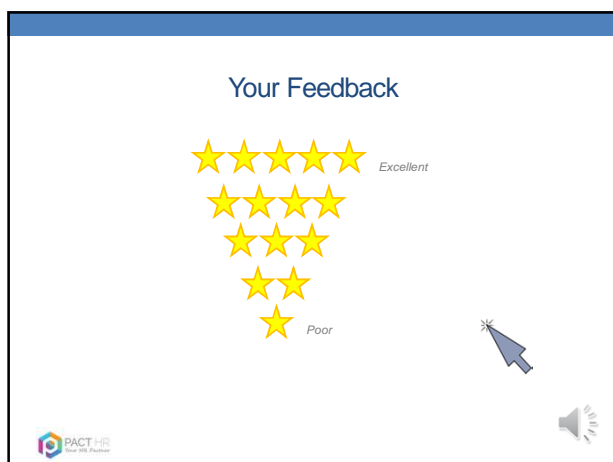
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