



STAFF HANDBOOK

# House of Commons

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# House of Commons

## STAFF HANDBOOK

Edition V 2007  
(updated December 2009)

Compiled by the Department of Resources  
on behalf of the House of Commons Service.

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If you have any comments, queries, or corrections with regard to this Handbook please e-mail HRM&D.

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## EQUALITY & DIVERSITY

The House of Commons Service recognises and values the diversity of its staff and is committed to developing working practices which will allow every member of staff to contribute his or her best, regardless of race, sex, marital status, religion or belief, age, disability, sexual orientation, gender reassignment or any other irrelevant factor.

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If you do not have access, copies may be obtained from your manager.

## **PART 1**

# **JOINING THE HOUSE OF COMMONS SERVICE**

# CHAPTER 1: INTRODUCTION

## 1.1 Core values

Welcome to the House of Commons. We hope that your time here will be happy and fulfilling. As an employer we value:

### **Integrity**

We serve the House of Commons, its Committees and Members, and the public, with honesty, probity and political impartiality.

### **Professionalism**

We strive for excellence, effectiveness, efficiency and accuracy, remaining always open-minded on the prospects for better ways of delivering our services. We seek to be responsive to changing requirements, and to be outward looking.

### **Teamwork**

We value a co-operative approach, based on mutual support, trust and respect.

### **Recognition**

We are committed to maximising personal development, to valuing diversity and the contribution of all individuals, and to equality of opportunity.

### **Commitment**

We seek to ensure that the House of Commons is a good place to work, recognising the importance of maintenance of work-life balance, and seeking to get the most out of the jobs we do.

## 1.2 About this Handbook

This Handbook is your guide to your terms and conditions of employment and how we work at the House of Commons.

Taking time to become familiar with the Handbook's contents will help you:

- get to know the organisation and ways of the House
- understand who's who in the House
- save time in the future looking for information
- know what you can expect from your colleagues and what they will expect from you
- understand the language and terms of the House
- find your way around the buildings on the Parliamentary Estate.

The Handbook does not replace your letter of appointment, but it amplifies and updates your contract of employment. You should read it carefully and make sure you understand it (see paragraph 1.3).

### 1.2.1 Staff in the SCS pay bands

If you are an SCS pay band member of staff you may have some different terms and conditions of service. Such differences are generally identified in the Handbook.

### 1.2.2 Catering and Retail Services staff

If you are a member of Catering & Retail Services staff you will have some different terms and conditions of service. Any such differences will be clearly identified in the Handbook.

This handbook is your first point of reference in anything to do with employment in the House of Commons. It is designed so that the information is easy to find.

### Symbols

Throughout the Handbook, you'll find symbols to help you make the most of the information.

- ✓ ticks show best practice or key information points
- 👉 cross references to other chapters or publications
- 🏢 location of offices
- ☎ telephone number
- !! indicates areas that may have disciplinary consequences

## Abbreviations and their meanings

Abbreviation	Meaning
CO	Countersigning Officer
DDPR	Departmental Data Protection Representative
DM	Diversity Manager
DRO	Departmental Records Officer
DSC	Departmental Safety Coordinator
HSO	Harassment Support Officer
HRM&D	Human Resource Management & Development Directorate
LDA	Learning & Development Adviser
MMA	Motor Mileage Allowance
OHM	Occupational Health Manager
PED	Parliamentary Estates Directorate
PN	Parliamentary Network
RO	Reporting Officer
SCS	Senior Commons Staff
SHWS	Safety, Health and Wellbeing Service
TU	Trade Union
TUR	Trade Union Representative
TUS	Trade Union Side
TUSA	Trade Union Side Administrator
WO	Welfare Officer
WTR	Working Time Regulations

### 1.3 Your first point of contact

If you need more information about anything in this Handbook (except pensions) or have any queries about your own conditions of service, you should contact your manager or Departmental Head of HR. If they are unable to provide answers they will refer your questions to the Human Resource Management & Development Directorate (HRM&D).

Any query you may have relating to pension entitlement should be made direct to the Pensions Unit ☎ 5759.

Reference is made at various points throughout this Handbook to the duties and responsibilities of your manager. Your manager has delegated responsibility from the Clerk of the House and the Director General for a range of human resource issues.

Where appropriate, some operational HR responsibilities may be the responsibility of the Departmental Head of HR. Similarly, Departmental Safety Coordinators (DSCs) may assist Departmental Heads of HR on Health and Safety matters and Departmental Learning & Development Advisers (LDAs) on training issues. Conversely, some of the duties set out in this guidance may not have been delegated to Departmental Heads of HR, for example matters relating to staff more senior than themselves.

## 1.4 Human Resource Management & Development Directorate (HRM&D)

The Human Resource Management & Development Directorate (HRM&D) provides a comprehensive HR policy and learning and development service to all departments of the House. Its functions include the provision of advice on human resource management and development issues.

 HRM&D and the Pensions Unit are located on the 3rd floor of 7 Millbank.

## 1.5 Trade Unions

The recognised Trade Unions (TUs) in the House of Commons are consulted by management prior to the introduction of any change to conditions of service. Another function of the unions is to provide advice to their members and represent them, on request, in their dealings with their employer. It is therefore in your interest to join the appropriate union at the earliest opportunity  further details are given in Chapter 8.

 The Trade Union Side Administrator (TUSA) has an office at 2 The Abbey Gardens (Room G7)  5611.

## CHAPTER 2: YOUR EMPLOYER

### 2.1 Chapter aims

This chapter is designed to help you to:

- understand the legal basis of the administration of the House
- see where you fit within the organisation
- get to grips with names and terminology.

### 2.2 Our legal status

The House of Commons Administration Act 1978 states that the pay banding, pay and conditions of service of staff must be kept 'broadly in line' with the Civil Service (although the House is not part of the Home Civil Service). There is scope for varying these to fit the requirements of the House.

In general, you have the same rights to equal opportunities and employment protection under the Employment Rights Act 1996 etc. as other employees in the UK. Some legislation, even if not binding on the House, is usually applied as if it were binding, so ensuring that staff are not disadvantaged compared with 'outside' employees.

### 2.3 Your contract

The conditions of service of staff of the House are covered either by general legislation (such as equal opportunities, taxes etc.) or by the House of Commons Management Code. The code follows the principle of keeping conditions 'broadly in line' with the Civil Service. Most of the material in the code is covered in this handbook but if you would like more information you can refer to the relevant section of the code, which is available from your Departmental Head of HR.

#### 2.3.1 Hours of work

Your hours of work are set out in your Letter of Appointment.

#### 2.3.2 Facial coverings

While the House encourages everyone to be comfortable in their working environment, there are certain circumstances in which staff may be required to remove any covering which obscures their face. Circumstances might include for reasons of security checking (see paragraph 3.4.1), health & safety, food hygiene, in interviews, in meetings and when working in customer facing roles. Staff will be required to comply with such a request.

#### 2.3.3 Change of Personal Details

If at any time during your employment it is necessary for you to change or update your personal details (e.g. name, address, marital status, bank details etc) for whatever reason, you should take the following action:

To notify HR of a change in your personal details you should use the HAIS system using link. HR will then notify Pay team.

To notify Pay team of a change in your bank details you need to notify Pay team in writing (an email is not sufficient in this case).

To notify Capita to update your pension details you should email Capita directly on: [hoc.enquiries@capita.co.uk](mailto:hoc.enquiries@capita.co.uk) - this includes a request to change your death benefit nominee.

Failure to notify the House of a change may affect our ability to contact you, or to successfully process your pay and benefits.

## **2.4 Management of the House of Commons Service**

This section describes the main management groups and summarises the responsibilities of some of the senior officers of the House.

### **2.4.1 House of Commons Commission**

The Commission is the executive body responsible for the administration of the House of Commons. It is responsible for the overall staffing of the House including the number of people employed and their pay and conditions.

The Commission is made up of the Speaker (who chairs the meetings), the Leader of the House, a Member of the House nominated by the Leader of the Opposition and three back bench Members appointed by the House.

The Commission has appointed the Clerk of the House as Chief Executive and Accounting Officer. As Accounting Officer he is responsible for the money provided by Parliament for the service of the House.

### **2.4.2 Management Board**

Under the authority of the House of Commons Commission, the Board provides strategic management and coordinates all matters affecting more than one department. The Management Board is composed of the Director Generals of the four departments of the House (see below) and up to two external advisors with the Clerk of the House as Chief Executive and Chairman. The Director of PICT also attends (this is subject to review in 2009/10).

### **2.4.3 Resource Management Group**

The Resource Management Group's role is to advise, inform and support the Director General of Resources in the discharge of his responsibilities to achieve corporate benefit in HR, finance and commercial matters. The Group is composed of the Business Management Directors of each department, the Heads of Profession in DR (HR, finance and commercial) and the Head of the Office of the Chief Executive.

#### 2.4.4 Departments of the House

**Chamber & Committee Services** – to provide advisory and other services that support the work of the Chamber and Committees (including security and ceremonial).

Director General:

Clerk Assistant & Director General Chamber & Committee Services.

 Main Locations: Palace of Westminster and 7 Millbank.

**Facilities** – to provide the accommodation, catering and other facilities required by the House and to maintain the fabric of the buildings.

Director General:

Director General Facilities.

 Main locations: Palace of Westminster, 7 Millbank, 1 Parliament Street, Portcullis House, 1 Canon Row.

**Information Services** – to inform the work of the House and its Members, and to provide information and access to the public.

Director General:

Librarian & Director General Information Services.

 Main locations: Palace of Westminster, 1 Derby Gate, Norman Shaw and Portcullis House.

**Resources** – to provide HR and financial support to the House Service and to administer Members' pay, pensions and allowances.

Director General:

Director General Resources.

 Main Locations: 3rd and 4th floors of 7 Millbank.

#### 2.4.5 Office of the Chief Executive

The Office of the Chief Executive supports the work of the Clerk of the House and Chief Executive as head of the Commons Service. Its core work includes:

- providing the secretariat to the Management Board and its related groups, as well as the Audit Committee;
- strategy, planning, and performance and risk management for the unified House Service;
- providing a Private Secretary function to the Clerk and Chief Executive;
- internal audit function through the Internal Review Service; and
- central communications to Members and their staff, and Commons Service staff.

The Office was established on 1 January 2008 following the recommendation of the Tebbit report, and replaced the Office of the Clerk.

Headed by the Head of the Office of the Chief Executive

 Location: Palace of Westminster and 7 Millbank

 1707, or [officeofthechiefexecutive@parliament.uk](mailto:officeofthechiefexecutive@parliament.uk)

### 2.4.6 Parliamentary Information and Communications Technology service

The Parliamentary Information and Communications Technology service (PICT) has recently been established to provide Members and staff of the two Houses with a unified ICT service. PICT's purpose is to work closely with the business and Members to understand and define their ICT requirements and to deliver them through the development and operation of a safe and secure parliamentary infrastructure, hardware and business applications, and the training, support and education of its customers.

Head of Service. Director of Parliamentary ICT (D-PICT)

 Main locations: 7 Millbank with other work areas throughout the Parliamentary Estate.

## 2.5 Officers of the House

Some staff need access to the same areas of the Parliamentary Estate as Members of Parliament to carry out their duties. These people (usually in senior posts in Band A and above, and some other staff whose work requires them to have access) are designated 'Officers of the House'. Some other staff are made Officers on a personal basis. A list of all Officers is available from the Department of Chamber & Committee Services.

## 2.6 Types of appointment

Your appointment may be permanent, temporary, for a fixed period, full time or part time. The main types of appointment are:

**Permanent:** This appointment is of indefinite duration and can only be terminated by notice or retirement. The person appointed has been selected through open competition and has satisfied requirements regarding qualifications, experience, health, character etc. Those with permanent appointments will be entered in to the House of Commons Staff Pension Scheme (HOCSPS).

**Temporary:** These appointments rarely last longer than one year. It is not necessary for the person appointed to have been recruited through open competition. If the appointment is for 12 months or more, entry in to the HOCSPS will be automatic. If the appointment is for less than 12 months, entry in to the HOCSPS will not be automatic but there will be an option to join upon request

**Fixed term appointments:** These appointments are made for a limited period, which normally does not exceed four years. They are made either where the work is for a limited duration (usually more than six months) or where there are exceptional reasons for appointing someone to a continuing post for a limited period, for example where there are no career possibilities. Fixed term appointments may be converted to permanent status if this possibility was specified in the recruitment advertisement. Fixed term appointments are pensionable. If the appointment is for 12 months or more, entry in to the HOCSPS will be automatic. If the appointment is for less than 12 months entry in to the HOCSPS will not be automatic, but there will be an option to join upon request.

**Casual appointments:** These appointments are made without the need for open and fair competition and with no agreed working patterns. Casual workers are called in as and when required and are not obliged to accept an offer to work, nor is the House obliged to offer any work. If the appointment is for 12 months or more, entry in to the HOCSPS will be automatic. If the appointment is for less than 12 months entry in to the HOCSPS will not be automatic, but there will be an option to join upon request.

**Secondment:** Secondees are not House employees and continue to be subject to the terms and conditions of their employer and are paid directly by them.

**Reappointment:** (see paragraph 14.2.1).

The status of your appointment is shown on your letter of appointment.

☛ Chapter 15 section 15.2 for more information about the HOCSPS, and other schemes available upon joining the House.

## 2.7 Probationary period

Your employment at the House of Commons is subject to a probationary period, the length of which will be stated in your letter of appointment. At present the probationary period for permanent and fixed term employees is nine months. During this period your performance is assessed at intervals of six and nine months to ensure that you are suitable for continued employment. Your conduct and attendance record will also be taken into account in this assessment. You will be given any necessary advice and guidance to help enable you to meet the job requirements.

### 2.7.1 During the probationary period

If you have problems with your work, your manager will speak to you and, if your performance is below the acceptable standard, may give you an informal warning. You will be given reasonable time and support to improve. Please let your manager know if you are having difficulties.

In exceptional circumstances your probationary period may be extended if your performance is below expectations or you have a lot of sick leave. If your attendance or performance gives cause for concern, your manager will bring it to your attention and if there is insufficient improvement, the procedures for managing performance and attendance (☛ Chapter 5 paragraph 5.15) will be applied; however, the timescales may be of a shorter duration than for an established member of staff. If appropriate, your manager will advise you to seek help from your doctor or from the Welfare Officer, if you have a health, personal or domestic problem.

### 2.7.2 Confirming your appointment

After 6 months service, and at the end of your probationary period, your manager will hold an interview with you, to confirm that you meet the requirements of the job and that your conduct and attendance have been satisfactory. This information will be passed to HRM&D. If all is satisfactory at the nine month stage you will receive a letter confirming the appointment.

### **2.7.3 Transferring to another department**

You do not have to serve another probationary period if you transfer (or are promoted) to another department within the House.

👉 Arrangements for applying for vacancies in other departments are set out in Chapter 11.

## **2.8 Appointment policy**

Recruitment to permanent posts in the House of Commons is conducted on the basis of merit in fair and open competition. Commission policy on appointment of staff is that anyone who is eligible to apply for a post in the House shall have equality of opportunity for employment and advancement on the basis of their suitability for the work whatever their sex, marital status, race, colour, ethnic or national origin, religion, age, disability, sexual orientation or gender reassignment. The recruitment and promotion policies of the House are outlined in Chapter 11.

### **2.8.1 Nationality**

Candidates are required to provide evidence of their right to work in the UK prior to appointment.

### **2.8.2 Immigration**

Staff from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia are required to register with the Home Office within 30 days of commencing employment. Full details are provided in your letter of appointment.

If you are a national of Bulgaria or Romania you do not need to be registered with the Home Office but you may require an accession worker card and a work permit in order to take up employment in the UK.

Non-EEA nationals will need to apply for the right to work in the UK via the UK Border Agency.

### **2.8.3 Security Clearance**

All staff must be security cleared to work on the Parliamentary Estate prior to appointment. It is a condition of your employment with the House of Commons that you have security clearance. If it proves necessary for your security clearance to be withdrawn, this will render you liable to dismissal.

## **PART 2**

# **WORKING FOR THE HOUSE OF COMMONS SERVICE**

## CHAPTER 3: HEALTH, SAFETY AND WELFARE

### 3.1 Chapter aims

This chapter outlines House security procedures and also House policy on health and safety at work and your welfare. It is designed to ensure that you:

- are aware of general security arrangements in the House
- understand what you are entitled to expect from the House
- carry out your responsibilities by complying with health and safety policies
- know where your nearest medical facilities are located
- discover how to get reduced rates for medical care
- know what to do in a fire or medical emergency.

Responsibility for security within the Palace of Westminster rests primarily with the Serjeant at Arms, the Police and security officers but you are also expected to be vigilant. In particular, you are responsible for any visitors you bring into the Palace. You should take care of personal property and official property in your care. If you behave negligently and proven negligent behaviour results in the loss or damage of official property you may be called upon to make good the loss or damage.

All employers are required by law to provide a safe and healthy working environment for their staff. Although the provisions of the Health and Safety at Work, etc. Act 1974 are not currently legally binding on the House, the Commission has agreed to apply the Act as if it were binding.

The House of Commons Health and Safety Committee regularly reviews the measures taken to ensure the health and safety of staff employed at the House. The Committee includes management representatives, Safety, Health and Wellbeing Representatives, Departmental Safety Coordinators and Trade Union Health and Safety Representatives. The minutes of its meetings are widely distributed throughout the House and to the Trade Unions (TUs), are available on request from the Secretary to the Committee and can be found on the Department of Resources intranet site.

The Trade Union Representatives (TURs), also known as safety representatives, have a formal role in various aspects of health and safety in the workplace, although the legal responsibility remains with the employer.

The objectives, constitution, procedure and functions of the House of Commons Health and Safety Committee are available from the Safety, Health and Wellbeing Service (SHWS). If you do not know the name of your Departmental Safety Coordinator (DSC) ask your manager.

The names of Trade Union Health and Safety Representatives can be obtained from the Branch Secretary of your union or from the Trade Union Side Administrator (TUSA) ☎ 5611.

☞ The formal policy for employee health and safety, codes of practice, training prospectus and other useful information is available on the Department of Resources intranet pages under 'Health and Safety'.

### 3.2 Security alerts and fire alarms

A voice alarm system is used to convey information about fire and security incidents and there are procedures in place covering the action to be taken if it becomes necessary to evacuate a building and proceed to a safe area. Check with your manager to make sure that you have full up-to-date details for the building in which you work.

See paragraph 3.10 of this chapter for details of the action to be taken if you suspect that a fire has started and other matters connected with fire safety.

### 3.3 Suspicious packages/postal bombs

If you receive a suspicious letter or parcel you should:

- NOT attempt to open it under any circumstances
- place the package carefully on the nearest firm surface
- telephone Security Control ☎ 3333.

The emergency section of the House telephone directory lists further points that should be borne in mind when a suspicious package is received. If you have to deal with large quantities of incoming mail you will be provided with more detailed advice and training. Information about this can be obtained from your manager.

### 3.4 Security passes

All permanent and temporary staff of the House are given a photo security identity pass. You will be required to have a photograph taken for your pass. These photographs must be taken with no part of the face obscured or covered by anything (e.g. dark glasses, veils, head-dresses etc) which might impede immediate recognition.

### 3.4.1 Wearing of security passes

Your photo security identity pass must be worn prominently, with the photograph clearly visible, **at all times**, while you are on the Parliamentary Estate and **may be checked at any time**. Security staff must be able to match the photo security identity pass to the bearer with ease and without delay. You must not wear anything that conceals your facial features, or makes comparison with the photograph difficult. Therefore if a member of staff is wearing anything which obscures their features such as a crash helmet, veil or balaclava, they will be asked to remove it. Where possible, a female officer will be available to check female members of staff, but the Serjeant or their staff will require the face to be exposed even if a female officer is unavailable.

### 3.4.2 Restrictions for temporary staff

Photo security identity passes for temporary staff are marked 'TEMP'. Temporary staff are not entitled to:

- show visitors the Line of Route
- take guests to the Terrace cafeteria or to the 1 Parliament Street cafeteria
- use the Terrace cafeteria on sitting days between 12 noon and 3 pm
- cash cheques at the post office
- park their cars in the precincts.

When you leave the House, hand your pass to your manager on your last day of service.

If you lose your photo security identity pass or car parking permit you should report the loss without delay to Security Control ☎ 5311

## 3.5 Responsibility for health and safety

The Clerk of the House is ultimately responsible for the health and safety of employees. As an employee of the House, you must follow the House's health and safety policy. Your own department may have additional arrangements to cover any specific requirements.

On a day to day level, responsibility for health and safety lies with the Director Generals. They, in turn, appoint DSCs to help in carrying out this responsibility.

✓ All managers are responsible for managing health and safety within their areas of responsibility.

### 3.5.1 Staff with a disability

If you have a disability you should discuss this with your manager so that appropriate reasonable adjustments can be made. If you choose not to let your manager know they may expect you to undertake duties that it would be difficult for you to do.

(☛ paragraph 4.5.3)

## 3.6 Safety, Health and Wellbeing Service

The management of both Houses recognise the importance of providing a healthy and safe working environment to help employees work to their full potential. The SHWS offers specialist advice on all aspects of occupational health, safety and welfare in the workplace.

The aim of the SHWS team is to provide a professional, independent, advisory service to management and staff in order to support the development of a healthy and safe working environment and to encourage a positive attitude to individual health and fitness for staff. The service is provided to directly employed staff of both Houses. In addition, medical screening services are provided to Members of Parliament and to Peers.

You can make an appointment to see someone in the Safety, Health and Wellbeing Service at any time either direct or by referral. The practice nurse provides a routine 'walk in' treatment and advisory service.

To ensure best practice and continuity of individual occupational health care management you will be seen, except in an emergency, by the same Occupational Physician, Occupational Health Advisor or Nurse. Should you wish to be seen by any other member of the team you should put your reason(s) for this in writing to the Occupational Health and Welfare Manager, who will make the final decision. The outcome of this decision will be based on clinical best practice and will be confirmed to you in writing.

Information regarding the details of anyone's health or circumstances is confidential to the SHWS unless by express consent or contract with the client.

 The Safety, Health and Wellbeing Service is located in room 414, 7 Millbank.

 4782 for appointments and information.

 The Practice Nurse is located in the Lower Waiting Hall, Palace of Westminster.  5103

## 3.7 Health

### 3.7.1 Risk assessments

General workplace risk assessments of each department's activities are carried out on a periodic basis. It is a management responsibility to ensure that these assessments are undertaken and that appropriate control measures are identified and put into place. The Risk Assessment Code of Practice can be obtained upon request to your manager or from the Department of Resources intranet site.

Trade Union Health and Safety Representatives have the right to be involved in risk assessments and are informed of the results.

Specialist advisers are also involved if the department considers it necessary. If you become pregnant, you should inform your manager, who will arrange a risk assessment of your work activity (☛ Chapter 10, paragraph 10.9.4).

### **3.7.2 Display screen equipment**

The House of Commons Service aims to reduce risks of using display screen equipment and so provides work station assessments, training and eyesight tests. Everyone who works with display screen equipment (DSE) should be issued with a copy of the booklet 'Health and Safety Guidelines for DSE Users' which contains information about ergonomics/environment, posture, eye tests and work patterns. If you work on DSE and have not received a personal copy of the booklet ask your manager to obtain one for you. You must follow the guidance in the booklet.

If you experience any symptoms relating to keyboard work, report it to your manager and the Safety, Health and Wellbeing Service immediately. The incident report form should be completed and distributed appropriately.

If you operate display screen equipment you are entitled to an eyesight test from a qualified optometrist. To meet this obligation, the House participates in a scheme operated by Eyecare Vouchers, which is administered by the SHWS.

If you wish to have an eyesight test, contact the SHWS for a voucher. There is information on the back of the voucher telling you how to obtain the test. The optometrist will give you two copies of the results on a standard form; please forward one to the SHWS. If the optometrist recommends glasses for DSE use or with a special prescription for DSE use, you will receive another voucher to cover the cost of a basic frame and lenses. Further information about the scheme can be obtained from the SHWS.

☛ The Display Screen Equipment Code of Practice is available from your manager or the Department of Resources intranet site.

DSE User Awareness training must be provided for all users. ☛ Refer to the training prospectus on the Department of Resources intranet site.

### 3.7.3 Smoking policy

Smoking is not permitted on the Parliamentary Estate, except in designated areas. For further details refer to the Workplace Smoking Code of Practice on the Department of Resources intranet site or request a copy from your manager.

The House of Commons Commission has decided that with effect from 1 July 2007 the House will apply the relevant provisions of the Health Act 2006 by analogy and will revise the policy accordingly.

A scheme is in place, via the Safety, Health and Wellbeing Service, to provide support, encouragement and assistance to staff who wish to give up smoking.

### 3.7.4 Alcohol and drug misuse

If the misuse of alcohol and/or drugs adversely affects your performance and you do not take steps to overcome the problem your department will take disciplinary action. It is particularly important that staff who work in a hazardous occupation, have driving duties or work at heights should not consume alcohol at all while on duty, and should not attend for duty with their ability to perform their duties adversely affected.

If you are experiencing problems, irrespective of their nature, which may be affecting your work it is advisable to discuss these with your manager and/or the Welfare Officer ☎ 4789 at an early stage so you can be given appropriate advice and assistance before the matter becomes more serious.

☞ The Alcohol Consumption Code of Practice is available from your manager or on the Department of Resources intranet site.

### 3.7.5 Hazardous substances

It is important that the use and handling of potentially hazardous substances is properly controlled to minimise any risk to employee health and safety.

☞ House policy, standards and guidance are contained within the COSHH Code of Practice available from your manager or the Department of Resources intranet site.

### 3.7.6 Manual handling

Lifting and carrying of heavy or awkward objects can be hazardous and, if done in an unsafe or uncontrolled manner, may result in ill health, in particular back pain. The House is committed to reducing the risk of such manual handling activities through risk assessment and implementation of sensible risk control measures. 🗨️ House policy, standards and guidance are contained within the Manual Handling Code of Practice available from your manager or the Department of Resources intranet site.

### 3.7.7 Workplace Stress and Wellbeing

The House is committed to safeguarding the wellbeing of its staff and ensuring that appropriate measures are in place to identify, reduce and manage potential workplace stressors and provide a healthy working environment. 🗨️ House policy, standards and guidance are contained within the Workplace Stress and Wellbeing Code of Practice available from your manager or the Department of Resources intranet site.

### 3.7.8 Personal Protective Equipment

Personal protective equipment is all clothes and equipment that are provided to be worn or held by an employee so as to protect them from one or more risks to their health and safety, e.g. safety helmets, gloves, eye protection, high visibility clothing, safety footwear, safety harnesses, etc. 🗨️ House policy, standards and guidance are contained within the Personal Protective Equipment Code of Practice available from your manager or the Department of Resources intranet site.

### 3.7.9 Asbestos

All areas in the Parliamentary Estate containing asbestos are examined annually. A report on this inspection is recorded in an asbestos register, which is held by the Parliamentary Estates Directorate (PED). This register is available for inspection.

The presence of asbestos within a building does not necessarily mean the occupants are at risk. Asbestos only becomes a problem when it is disturbed or damaged in a way that allows fibres to get into the air. The PED operates safe and effective asbestos management procedures, using licensed contractors, to ensure that risks are minimised during any operation to remove asbestos. If you believe you may have been placed at risk, contact PED 📞 6572. You should also contact your manager who will arrange for a note of your concerns to be placed on your personal file.

### 3.7.10 Food hygiene regulations

Food hygiene regulations are covered by the food safety policy. Everyone involved with the handling of food should become familiar with this policy, which is available from the Catering & Retail Services.

## 3.8 Safety

### 3.8.1 Accidents/Incidents at work

Any accident on the Parliamentary Estate must be reported to your manager. If your manager is not available, another person will be nominated to take details in their absence. Contact your manager or the Safety, Health and Wellbeing Service for details.

### 3.8.2 Incident report forms

Accident/incidents must be documented on an official incident report form, which is held by your DSC or at other designated points, such as reception areas. The incident report form should be completed as soon as possible. This can be done by anyone who is aware of the event e.g. first aider, DSC or injured employee. Once the DSC is aware of the event he/she should ensure that an investigation takes place to identify the causes and the appropriate actions required to avoid a repetition.

Any major accident must be reported to the Safety, Health and Wellbeing Service, who are responsible for notifying the Health and Safety Executive.

### 3.8.3 Accidents/Incidents outside work

If you are absent from work because of an injury you did not sustain in the course of your employment, where appropriate the House may:

- require you to make a specific loss of earnings claim from the third party responsible for the injury
- provide an advance of salary in place of any sick pay (or other pay) due to you
- require you to repay proportionately any advance of salary where the claim for loss of earnings is wholly or partly successful
- ensure that where all or part of the advance is repaid, a period representing the repaid advance does not reckon towards the limits of the House sick absence scheme.

## 3.9 Medical facilities and first aid

This section explains the emergency medical facilities in the House.

In the event of serious accident or illness, or if an ambulance is required, phone Security Control ☎ 3333 who will make the necessary arrangements for the ambulance to be called, met at a nominated gate and escorted to the scene. On days when the House is sitting, the closed circuit television annunciator system may be used by Security Control to contact an occupational physician/first aider.

First aid is provided by staff who hold current first aid certificates. Their names are listed on the green sheet in front of the House Telephone Directory and on notices in many locations on the Parliamentary Estate and on the Department of Resources intranet site.

All fire officers and some police and security officers are also qualified first aiders. First aiders receive an annual remuneration in recognition of the contribution made by them. At present this is £200 per annum for full time members of staff who have been qualified as for at least six months and £100 per annum for part time members of staff on completion of the first six months qualification.

If you would like to become a qualified first aider contact your Departmental Safety Coordinator (DSC) for more details.

### 3.9.1 Medical Room/Practice Nurse

 Lower Waiting Hall, off the Central Lobby, Palace of Westminster ☎ 5103.

### 3.9.2 First aid rooms

 Basement, 1 Parliament Street.

 Ground floor, 7 Millbank.

### 3.9.3 First aid boxes

#### Palace of Westminster

- New Palace Yard: Police Room
- St Stephen's Entrance: Police Room
- St Stephen's Hall: Hallkeeper's Lodge
- Back of the Chair: in fire hose cupboard
- Lower Reporters Gallery: Reception Desk
- Lower Ground Secretaries Area: Reception Desk
- Strangers Gallery: Doorkeepers
- Committee Corridor (first floor): Committee Office
- Upper Committee Corridor (second floor): Reception Desk
- Government Whips Office
- Opposition Whips Office
- Library, Oriol Room
- Library, Cellars
- Official Report Offices, Mezzanine Floor, near Lower Reporters Gallery
- Press Area
- Catering & Retail Services: various locations as detailed on Staff Notice Boards.

## Outbuildings

- The Abbey Garden: Reception Desk
- Norman Shaw North: Reception Desk
- Norman Shaw South: Reception Desk
- 1 Parliament Street: Reception Desk
- Derby Gate: various locations
- Millbank: Reception Desk
- Portcullis House: Ground and First Floor Reception Desks.

First aiders and the Department of Facilities Attendants in the outbuildings are responsible for ensuring that first aid boxes are restocked. Replenishments are available from the Practice Nurse.

There are also First Aid Boxes in various locations in the House of Lords.

### 3.9.4 Stretchers

There are stretchers in the following locations:

#### House of Commons

- Outside the Medical Room
- Back of Chair (inside entrance to Official Box)
- Strangers Gallery
- Bar Lobby (near Principal Doorkeeper).

#### House of Lords

- Norman Porch (Linen Room)
- Peers Entrance Chamber (small room next to brass gates)
- Bar Lobby (near Principal Doorkeeper).

### 3.9.5 Wheelchairs

There are wheelchairs in the following locations:

#### House of Commons

- Outside the Medical Room (by the lavatories off Lower Waiting Hall)
- Members Cloakroom (available for loan to disabled visitors).

#### House of Lords

- Peers Entrance
- Chamber (small room next to brass gates).

## 3.10 Fire safety

### 3.10.1 Fire Safety

In the event of fire, or if a fire is suspected:

- Break the glass of the nearest fire alarm callpoint and ☎ 3333
- If there is time, close the windows and doors in the immediate vicinity

- Always close the door of the affected room
- Ensure that everybody has heard the alarm and is leaving the area
- Fight the fire if it is small and it is safe to do so
- Leave the building by the nearest available escape route
- **Do not use the lifts**
- Inform responding fire officers of the location and nature of the fire.

Further details for the procedure to be followed are given in the front of the House Telephone Directory, in the Fire Safety Manual and adjacent to each fire alarm call point.

### **3.10.2 Fire precautions**

The fire safety arrangements in the Parliamentary Estate are approved by the Home Office Fire Service Inspectorate and are confirmed in a number of Fire Certificates. A programme of fire risk assessments ensures that these standards are maintained. Everybody has a responsibility to ensure that fire safety is properly observed in their work areas and should inform their DSC if anything is concerning them.

All staff should make themselves aware of the emergency escape routes when they join the House or when moving to a new work area. Mandatory fire safety awareness training covers these points.

The following fire safety requirements should be adhered to:

- Inform security when working outside normal departmental hours,
- Do not misuse fire safety equipment,
- Do not prop open fire doors,
- Smoke only in designated areas and use the disposal facilities provided,
- Do not introduce unauthorised naked flames (candles etc.) on the Estate,
- Only use officially issued and tested electrical equipment on site,
- Only use toasters in official kitchen areas and ensure they are not left unattended,
- Use and store equipment and materials appropriately, keeping them away from combustibles and ignition sources.

### **3.10.3 Fire training**

A condition of the Fire Certificate is that staff must receive fire awareness training annually, so all staff must attend one of the sessions arranged through their department.

### **3.10.4 Fire alarm system**

Fire alarms on the Parliamentary Estate consist of voice messages transmitted over a public address system. All messages are preceded by a tone signal and are tested and demonstrated regularly. All staff should know what the sounds mean and follow the instructions given. If you do not hear such a test clearly you should report the matter to your DSC.

### **3.10.5 Fire drills and exercises**

Staff are required to take part in periodic fire drills and exercises organised by the House, to evacuate the building and to assemble in their pre-arranged assembly points.

### **3.10.6 Fire Safety Manager**

The Fire Safety Manager and Deputy Fire Safety Manager in the Department of Facilities, act as the House's competent fire safety persons as delegated by the Clerk of the House. They are responsible for the planning, discharge and monitoring of the fire strategy for both Houses and providing competent advice and training.

The Fire Safety Manual sets out Parliament's fire safety commitments (including fire precautions, dealing with fire incidents, fire drills, training and incident evacuation) and the arrangements for meeting those commitments. It is authorised by the Clerk of the House and Clerk of the Parliaments and is overseen by the Fire Safety Committee. The Manual consists of the Fire Safety Policy Statement, Fire Safety Management Strategy, Schedule of Premises and location of Muster Points.

### **3.10.7 Personal Emergency Evacuation Plans**

On joining the House, any member of staff who has a disability that might affect their evacuation or the evacuation of anyone else must tell their line manager and Departmental Safety Co-ordinator. The manager must make sure that a personal emergency evacuation plan (PEEP) is developed in conjunction with the Fire Safety team, and that colleagues in the locality are aware of the contents.

Each person, each building and workplace is different. A PEEP which is adequate for one building or work area is not necessarily suitable for another and this should be taken into account when developing the PEEP in line with the individuals work activities and movements.

It is important that colleagues are told of the plan and it is clearly explained to them.

Further information on developing such evacuation plans is available in the Fire Safety Manual.

### **3.10.8 Fire Safety Procedure**

All staff should make themselves aware of the emergency escape routes when they join the House or when moving to a new work area. Mandatory fire safety awareness training covers these points.

The following fire safety requirements should be adhered to:

- Inform security when working outside normal departmental hours
- Do not misuse fire safety equipment
- Do not prop open fire doors
- Smoke only in designated areas and use the disposal facilities provided
- Do not introduce unauthorised naked flames (candles etc.) on the Estate
- Only use officially issued and tested electrical equipment on site

- Only use toasters in official kitchen areas and ensure they are not left unattended when in use
- Use and store equipment and materials appropriately, keeping them away from combustibles and ignition sources.

### 3.11 Working Time Regulations

The Working Time Regulations (WTRs) aim to help safeguard the health and safety of people at work. Under the WTRs, you are entitled to:

- an average working week of no more than 48 hours. This will be averaged over a 26 week period beginning on 1 November or 1 May. Although the Regulations provide for workers to agree in writing to opt out of the 48 hour limit, the management of the House will not ask or require its staff to exceed the 48 hour average
- a 24 hour weekly rest period
- a 20 minute daily rest break if you work more than six hours
- an 11 hour daily break between spells of duty. This may be varied by agreement. Departmental managers are therefore seeking to make collective agreements with the relevant TUs in order to vary this requirement. These will follow the principles set out at paragraph 3.11.1 below. The text of any collective agreements will be placed on the TUS and departmental pages of the intranet
- 4.8 weeks' (24 days if you work a 5 day week) paid annual leave.

#### 3.11.1 Daily breaks

- managers will use their best endeavours to provide an 11 hour break between working days
- except in emergencies (which will include unexpected sittings of the House after midnight), each member of staff will receive a break of eight hours minimum
- when calculating the length of your daily break, the clock will start running 30 minutes after the rise of House, or immediately after the end of your working hours as specified in your contract or job description, if this would be later.

#### 3.11.2 Nightworkers

You are a nightworker if your daily work in the House includes at least three hours between 11 pm and 6 am *either* on the majority of the days you work *or* on a regular basis such as a rotating shift pattern.

If you are a nightworker you:

- must not work more than an average of eight hours per night unless you have agreed to do this
- must not work more than eight hours in any 24 hours if your work involves special hazards or heavy physical or mental strain
- will be offered a free health assessment before beginning night work and at intervals thereafter

- may transfer to other duties if you suffer from health problems connected with night work
- must have access to appropriate health and safety facilities.

Special rules apply to young workers see paragraph 3.11.3 below.

### **3.11.3 Young workers (under 18)**

You are a young worker if you are aged at least 15 but under 18. Special daily, weekly and night time work limits apply to young workers.

If you are a young worker, you may not ordinarily work more than:

- eight hours a day; or
- 40 hours a week.

These hours worked cannot be averaged out and there is no opt-out available. However, you may work longer hours where this is necessary to either:

- maintain continuity of service, or
- respond to a surge in demand for service.

This is provided that:

- there is no adult available to perform the task, and
- your manager ensures that your training needs are not adversely affected.

Your entitlement to rest breaks is as follows:

- a 30 minute rest break when working more than 4½ hours
- an uninterrupted period of 12 hours rest in each 24 hour period in which you work
- two days' rest each week. (This cannot be averaged over a 14 day period, but it may be reduced to 36 hours for technical and organisational reasons).

Your entitlement to breaks can only be changed in exceptional circumstances. Where this occurs, you should receive compensatory rest within three weeks.

In addition to the above, you may not ordinarily work at night between 10 pm and 6 am, or between 11 pm and 7 am. However, in specific circumstances and in certain work sectors (e.g. catering, retail, postal/newspaper deliveries etc.) certain exemptions apply. For further information, please contact the HR Management & Development Directorate.

### **3.11.4 Staff with other jobs**

If you have another job or are considering taking on any additional work with another employer you must let your manager know. He/she may refuse if it is felt the additional hours are (or would be) excessive and detrimental to your ability to undertake your responsibilities at the House effectively. If your manager feels the additional hours are not (or would not be) excessive, but is concerned they may approach or exceed the 48 hour average working week, then you will be asked to sign a waiver form.

☛ see also paragraph 5.17.2.

### 3.11.5 Procedure for dealing with concerns regarding WTRs

If you feel that you are exceeding limits on your working hours or are not getting the breaks and rest periods to which you are entitled, then speak to your manager. You may also consult the relevant TUR (details are available from the TUSA ☎ 5611). If you are still not satisfied, approach your countersigning manager. After this it is open to you to bring a grievance using the grievance procedures in Chapter 6.

## 3.12 Welfare

Most people encounter problems at some time or another. Such problems, whether they are at home or at work, can affect your performance in the workplace and your colleagues. A welfare service, which offers confidential counselling and support to staff, is provided to help.

The Welfare Officers have access to a wide range of specialist help and information services. You can make an appointment to see a Welfare Officer in confidence either during working hours or at another mutually convenient time. If you want to be seen during working hours it will be necessary to inform your manager. You do not, of course, need to tell them the reason for the visit. To make an appointment ☎ 4789/6542.

### 3.12.1 Welfare Fund

In emergencies, the Welfare Officers are able to provide short term financial support to staff. Payments from the fund are loans not gifts. Information is available from the Welfare Officer ☎ 4789/6542.

### 3.12.2 Civil Service Benevolent Fund

The benefits of the Civil Service Benevolent Fund are available to all serving and retired members of staff and their dependants, whether or not they contribute. The fund provides residential nursing home care, convalescent facilities and financial assistance to those in need. Further information about the fund is available from the Welfare Office as above.

### 3.12.3 Other organisations

Other societies and associations which provide services from which staff may benefit include:

- Benenden Healthcare
- Westfield Healthcare
- Civil Service Healthcare
- The Civil Service Insurance Society.

Further details may be obtained from the Welfare Officer as above.

BUPA offers a 45% discount to employees of the House. For more information contact BUPA direct on ☎ 0800 600 500.

#### **3.12.4 Jacoby Trust**

This fund can provide financial assistance to staff in Catering & Retail Services, Department of Facilities who are facing financial hardship or some other difficulty such as long term illness. Any assistance provided is non refundable.

Applications for assistance from Catering & Retail Services staff only should be made in writing to the Director of Catering & Retail Services stating the reason why help is required. The Facilities HR Office, Welfare Officer or any C&RS manager can assist with applications.

## CHAPTER 4: EQUALITY & DIVERSITY

### 4.1 Chapter aims

This chapter sets out the general principles of the House of Commons Service equality and diversity policies and procedures and how they are to be applied. These principles uphold the values of the House and serve to create a positive working environment for everyone.

This chapter contains information on the corporate diversity strategy, including the House Single Equality Scheme, the Corporate Diversity team and specific guidance for staff and managers on:

- working with disabilities
- caring responsibilities
- flexible working (which includes statutory flexible working, and other working patterns, including part time working)
- valuing others: encouraging positive behaviour and dealing with negative behaviour.

☞ The Annex to this chapter provides definitions of discrimination and a brief outline of legislation in this area.

### 4.2 Principles

The diversity strategy supports the House of Commons Service in valuing diversity and providing equality of opportunity in its workforce. As stated in the core values, the House seeks to ensure that this is a rewarding and fulfilling place to work by

- promoting mutual trust, support and respect
- ensuring equality of opportunity
- recognising the contribution of all
- maximising personal development
- promoting work-life balance.

The House of Commons Service is strongly committed to working with the best possible people from the widest talent pool available, so that it reflects the diversity of the United Kingdom. The House recognises that people work best in an environment where their unique contribution is sought after and valued. We all must recognise that ‘the best possible people’ do not come in one colour, gender, family background, age, ability, skill set, way of thinking, working pattern or academic background.

These principles of equality and diversity should be applied to all areas of employment and include recruitment, selection, terms and conditions, the way we are managed, learning and development, promotion, transfers and appraisals.

By actively promoting equality and diversity, we seek to:

- recognise and value differences
- recruit, retain and motivate the best talent possible

- ensure fair treatment in all policies and practices
- address discrimination
- act in accordance with all legislation
- ensure development is available and accessible for all who want or need it
- improve customer service by valuing everyone's contribution and giving them a voice.

The House of Commons Service expects staff to behave in a way that promotes dignity and respect at work at all times and under all circumstances. We should always treat our colleagues, Members and their staff, visitors and the public politely and fairly, upholding the core values of the House.

### 4.3 Corporate Diversity team

The Corporate Diversity team reports directly to the Director General of Resources and is responsible for developing and writing diversity policy, for collating diversity statistics and producing reports for the Management Board. The team also co-ordinates a number of outreach schemes for adults and students.

### 4.4 House Equality Scheme

In consultation with staff, Members, Members' staff and the public, the team has developed a single equality scheme, broadly in line with the public sector duties to promote race, gender and disability. It explains how the House plans to implement and manage equality, diversity and inclusion across the organisation. The scheme is due to be launched in the early summer of 2009.

### 4.5 Guidance for staff and managers

The House of Commons Service values all members of staff equally and therefore seeks to ensure that appropriate support mechanisms are available so that everyone can contribute their best.

#### 4.5.1 Caring responsibilities

If you have caring responsibilities, you may find that you need to take time off work for urgent family reasons such as the illness or injury of a dependant. For these purposes, a member of your family can include a child, parent or spouse; anyone who lives in your home but is not a tenant, lodger, boarder or employee; and anyone who relies on you for care or assistance if they are ill or injured. ☛ paragraph 10.4 for details on the arrangements for leave to carry out caring responsibilities.

The House of Commons Service will help you in the following ways to balance your caring responsibilities with your work:

Parental leave ☛ paragraph 10.6

Maternity, paternity and adoption leave ☛ paragraph 10.9

Caring leave ☛ paragraph 10.4

Career breaks ☛ paragraph 10.3

## 4.5.2 Childcare

The Welfare Officer can offer advice and help with finding childcare, whether local to your home or in Westminster. This includes childcare for school age children.

### *Childcare vouchers*

If you have children under five, or children aged five to 12 who require care during the school holidays, you may be entitled to claim childcare vouchers to help with the cost of childcare whether you work on the Parliamentary Estate or at home or any combination of this. Vouchers may also be claimed to cover periods of annual leave (a maximum of 40 days or 45 days for some Library staff). Vouchers are currently worth £8.00 per day. (Apply in advance to the Department of Resources ☎ 5973.)

☞ Refer to the Department of Resources intranet site for further information.

### *Help with extra childcare costs*

If you go on a training course financed by the House, or you work overtime or extra hours sanctioned by management, you may claim for any extra childcare costs which are incurred as a result.

## 4.5.3 Working with disabilities

Staff who have a disability within the meaning of the Disability Discrimination Act 1995 (☞ see Annex for definition) are encouraged to tell their manager and discuss possible adjustments to the job or the workplace. An 'adjustment to the job' might include, for example, providing special equipment or facilities such as a car parking space (if feasible), a personal emergency evacuation plan, retraining, transfer to another area of work or adjusting your tasks or working hours. Safety, Health and Wellbeing Service (SHWS) and the Diversity Managers can provide further advice and information. If needed, an application can be made to the Access to Work scheme.

☞ for more information on disability-related issues, including a parliamentary line manager's guide, written with the Employers' Forum on Disability, access arrangements, and other sources of information.

Other useful websites include:

- Employers' Forum on Disability [www.employers-forum.co.uk](http://www.employers-forum.co.uk), of which the Houses of Parliament are listed as a member
- British Dyslexia Association [www.bdadyslexia.org.uk/](http://www.bdadyslexia.org.uk/)
- AbilityNet [enquiries@abilitynet.org.uk](mailto:enquiries@abilitynet.org.uk)
- Royal National Institute of Blind People (RNIB) [www.rnib.org.uk/technology](http://www.rnib.org.uk/technology)
- Royal National Institute for Deaf People (RNID) [www.rnid.org.uk](http://www.rnid.org.uk)
- Ergonomics Society [www.ergonomics.org.uk](http://www.ergonomics.org.uk)
- Mind [www.mind.org.uk/](http://www.mind.org.uk/)

If you have informed your manager that you have a disability that could hinder your escape in an emergency, you will be invited to help develop a personal emergency evacuation plan. 🗨️ See Fire safety, paragraph 3.10.

Staff who become seriously ill or disabled whilst working in the employment of the House will be supported by their managers, together with SHWS so they can remain in work for as long as it is practicable to do so.

🗨️ See Rehabilitation Absence, paragraph 5.4.

## 4.6 Flexible working

### 4.6.1 Principle

The House recognises that the achievement of its aims and objectives will come through excellent management of people. This includes promoting the opportunities brought about by flexible working that enable the House Service to retain valued staff and ensure continuity of service to Members and others. Flexible working should bring benefits to the individual and the organisation. Therefore, staff should be aware that management reserve the right to refuse requests where there are long term issues around performance, discipline or attendance.

If you would like to change your work pattern, or alter your working hours, your managers will consider favourably any request to do so provided that this does not conflict with the demands of your work or impact negatively on the business or your colleagues. You should follow the Flexible Working procedures outlined below.

All job vacancies advertised within the House of Commons Service are open to part timers or job sharers unless there is a sound business reason to the contrary.

### 4.6.2 Flexible working arrangements

Flexible working patterns or arrangements may involve:

- a change in the number of hours you work per week
- a change to how those hours fit into a weekly pattern
- a change in your place of work for part or all of the week.

There are many different flexible working arrangements currently in use. For example:

- part time: employees who work less than the basic full-time contractual hours for that type of work. Can be part day, part week, part year
- flexitime/variable hours: allows employees to have some flexibility around their working hours, with agreed core working times
- compressed hours: full time employees working their full time hours over, for example, a four-day week instead of a five-day week, or a nine-day fortnight instead of a ten-day fortnight

- job share: employees who work less than the standard full time hours in the organisation and share a role with another employee, i.e. share the responsibilities of one full time employee (shared responsibility or divided responsibility)
- home working: employees who carry out all, or more than half their duties, in their own homes on a contractual basis
- working from home: employees who carry out a proportion of their duties (less than half the full working week) in their own homes on a contractual basis<sup>1</sup>
- career break: employees who take an unpaid break of up to five years in their career without leaving the employment of the House and return at the same level in their pay bands
- annualised hours: work time organised on the basis of a number of hours worked over a year rather than a week (usually to fit in with the peaks and troughs of work)
- term time working: taking unpaid periods of leave during school holidays.

#### 4.6.3 Part time work arrangements

As a part time worker, you will not be treated less favourably than a full time worker or less favourably than you were treated as a full time worker if this was in the last year, unless this treatment can be objectively justified (i.e., it can be shown that it is necessary and appropriate to achieve a legitimate business objective). If you think that you have been treated less favourably you may ask your manager for a written statement giving you the reasons for this treatment. Your manager must provide this within 21 days. 🖱️ See Annex.

Your pay and benefits will be calculated as a proportion of what would be received by an equivalent full timer. The proportion will be based on your net hours of work in relation to the net hours worked by a full time member of staff. For leave allowances for part time staff, 🖱️ paragraph 10.2.3 Public Holidays, and 🖱️ paragraph 9.6.3 Premium payments for part timers.

For pension purposes, your benefits will be calculated using your full-time equivalent rate for pensionable pay and by counting your reckonable service on the basis of the time you actually work. This method allows periods of full-time and part-time service to be added together, and you are not disadvantaged if you move to part-time working in the run up to your retirement. For example this means that a Premium Scheme member who works full-time for 10 years followed by half time for 10 years, will earn 15 years reckonable service towards their pension (10 years for full time work plus 5 years for half time work, all based on full time equivalent salary). 🖱️ \*Chapter 15 for the definition of reckonable service.

#### **4.6.4 Requests for flexible working patterns (non-statutory)**

All staff of the House are eligible to apply for flexible working after they have successfully passed their probation period.

If you wish to change your working pattern or reduce the number of hours you work, your managers will consider favourably any request to do so provided that this does not conflict with the demands of your work or adversely impact on colleagues. You should put your request in writing to your manager, stating:

- your preferred pattern
- the benefits to your section (if applicable)
- the effect, if any, on work within your section and how this might be addressed
- when you would like to start this arrangement if it is agreed. However, giving plenty of notice will allow your manager to explore the request thoroughly.

Your manager will then discuss the request with the Departmental Head of HR and they will decide whether or not to agree to it.

Any agreed request will be granted for a probationary period and may be brought to a halt with one week's notice if emergency circumstances occur within the workplace.

At the end of the probationary period, a meeting will be arranged for you, your manager and your Departmental Head of HR to discuss extending the probationary period, making the arrangement permanent, to consider any changes which may need to be made, or to terminate the arrangements.

#### **4.6.5 Statutory rights to request a flexible working pattern**

Parents of children aged under 16 and of disabled children aged under 18, and carers of certain adults who are in need of care, have a statutory right to apply to work flexibly. As a parent you must be the mother, father, adopter, guardian or foster parent or married to the partner of the child's mother, father, adopter, guardian or foster parent. As a carer of an adult, you must be, or expect to be, caring for a spouse, partner, civil partner or relative, or if none of these, must be living at the same address as the adult in need of care.

A relative for this purpose is mother, father, adopter, guardian, special guardian, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt or grandparent. Step-relatives and half-blood relatives are also included.

You must have been continuously employed by the House of Commons Service for 26 weeks and have, or expect to have, responsibility for a child's upbringing, or care of an adult. One application every 12 months can be made under the right. Each year runs from the date the application was made.

### 4.6.5.1 Applications

Applications for a statutory right to flexible working must:

- be made on the 'Statutory Right to Flexible Working' application form. If the request involves working from home, you should still complete this form but please ensure that you read this policy in conjunction with the homeworking policy and guidelines; see paragraph 4.7
- in the case of a child, be submitted no later than two weeks before the child's sixteenth birthday, or 16th birthday in the case of a disabled child.

The form, which includes further guidance notes, is found on the intranet at:

or can be obtained from your departmental HR section.

You should explain what effect (if any) you think the proposed change would have on your department and you must set out the reasons why your proposed working pattern would be compatible with the business needs of the House, as far as you are able to tell. This does not mean you are expected to know every factor that might have an influence, but you should be able to show that you have considered factors likely to have an effect on the performance or delivery of the business of the House. You must include suggestions on how you think any such effect might be addressed.

Unless your manager is able to grant the requested change immediately, a meeting to discuss your application will be held within 28 days of the date of receipt.

- You may, if you wish, have a fellow employee or trade union representative to accompany you to the meeting to discuss your application. This person can address the meeting or confer with you during the meeting but not answer questions on your behalf
- At the meeting be prepared to be flexible. Your manager may ask if there are any other working patterns that you feel you could adopt as an alternative to the one proposed in your application; in addition, he/she may suggest another start date or the operation of a trial period for the new working pattern
- A decision will be given within 14 days after the date of the meeting
- If your application is refused, an explanation will be given as to why. At the same time you will be informed of your right of appeal (to the counter-signing manager) and your right to be accompanied at any further meeting concerning your application by a fellow employee or trade union representative, and of the procedure that you should follow in order to submit an appeal.

#### ***4.6.5.2 Grounds for refusing a statutory flexible working request***

An application can only be refused on business grounds. If your request has been refused your manager will write to you providing one or more of the business reasons for refusal outlined below, along with an explanation as to why it applies to the circumstances of your case. The grounds on which an application can be refused are:

- the burden of additional costs
- the detrimental effect on the department's ability to meet customer demand
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- the detrimental impact on quality
- the detrimental impact on performance
- an insufficiency of work during the periods that you propose to work
- planned structural changes.

#### ***4.6.5.3 Appeals under the statutory procedures***

Applicants have the right of appeal to their countersigning manager against a decision not to agree to a flexible working request made using the statutory procedures.

- Any appeal against a decision not to agree to flexible working must be made on the 'Statutory Right to Flexible Working' appeal form and should be submitted to the countersigning manager within 14 working days of receipt of the written notification of the decision
- The appeal will be heard within 14 working days of receipt of the notice of appeal, unless both parties agree otherwise
- The appeal will be heard by your countersigning manager. Alternatively, the countersigning manager may delegate the hearing of the appeal to another senior member of staff who was not involved in the consideration of the initial application
- You may be represented by a fellow employee or trade union representative. This person can address the meeting or confer with you during the meeting, but not answer questions on your behalf
- You will be informed of the outcome of the appeal in writing within 14 days after the date of the hearing.

If the appeal is upheld the written decision, which must be dated, will:

- include a description of the new working pattern
- state the date from which the new working pattern will take effect.

If the appeal is dismissed the written decision, which must be dated, will:

- state the grounds for the decision
- provide an explanation as to why the grounds for refusal apply in the particular circumstances.

#### **4.6.5.4 Withdrawal of an application for flexible working**

Applications for flexible working will be deemed to have been withdrawn if you:

- notify your manager on the 'Statutory Right to Flexible Working – Notice of Withdrawal' form
- without reasonable cause, and on more than one occasion, fail to attend a meeting to discuss the application or a meeting to discuss an appeal where the application has been refused
- without reasonable cause, refuse to provide information necessary in order for your manager or person hearing an appeal to assess whether the contract variation should be agreed to
- without reasonable cause, refuse to provide information necessary in order for your manager or person hearing an appeal to assess whether the contract variation should be agreed to.

Except where you have provided written notice of the withdrawal of an application, your manager will confirm the withdrawal in writing.

#### **4.6.5.5 Record keeping**

Departmental Heads of HR must keep copies of all applications for flexible working and the responses to those applications. Papers relating to appeal hearings must also be retained by the Departmental Head of HR for a period of six years and made available to the appellant on request.

### **4.7 Working from home and homeworking**

Home-working is a general term which covers various alternative working patterns in which staff use their home as their main or subsidiary place of work either contractually or on an ad hoc basis. Home-working, along with other alternative working arrangements, can benefit employees but it is not an automatic right.

It demands careful consideration by both manager and employee before an agreement is entered into. Home-working is a flexible working arrangement but, because of additional considerations, such as health and safety and security requirements, the policy and procedures are laid out in more detail. The following guidelines should be read in conjunction with the flexible working procedures outlined above. See paragraph 4.6. and also in conjunction with Staff Notice SN06/09 regarding the protection of sensitive data beyond the Parliamentary Estate.

#### **4.7.1 Occasional working from home**

Where a member of staff may wish to work from home because they need a quiet, uninterrupted environment or there is an informal agreement that work may be carried out at home from time to time, such arrangements do not require a formal homeworking agreement. However, when considering these requests, line managers and staff involved must still take into account health and safety and security arrangements<sup>1</sup>.

<sup>1</sup> Ad hoc occasional working at home is agreed with your line manager and is not contractual.

#### ***4.7.1.1 Reasons for occasional working from home***

Working from home may be authorised for:

- staff completing a particular report/project with a deadline and require an uninterrupted work environment
- staff experiencing occasional difficulties with travel arrangements due to public strikes or adverse weather conditions
- other ad hoc circumstances at the discretion of the manager.

#### ***4.7.1.2 Suitability of occasional home working***

Managers and Departmental Head of HR, where appropriate, should take into account:

- the requirement that a full day's work at least is needed to earn a full day's pay. Work carried out at home should be completed to the same standard and within the same timescales as that which is carried out in the workplace. Managers should be fully aware of the work that is to be carried out
- the absolute need to maintain confidentiality and abide by data protection requirements
- the need for safe working practices to be in place and checked
- the suitability of the person, their job and their home (circumstances)
- any costs to the House and additional burdens to colleagues.

#### **4.7.2 Contractual working at home**

##### ***4.7.2.1 Regular, contractual working at home***

This applies when a formal arrangement is in place, approved and authorised by your manager or the Departmental Head of HR, as a permanent or time-limited variation to the contract of employment where the employee works some time at home and some time on the Parliamentary Estate. Managers and Departmental Heads of HR should note that where the employee works three or more days at home, the home is considered the primary workplace and so must comply with the Health & Safety at Work guidelines.

Long term, contractual arrangements require significant organisation and maintenance. Managers and Departmental Heads of HR must consider the nature of the work, the proposed working arrangements, the qualities and skills of the employee and the impact on the employee's colleagues.

##### ***4.7.2.2 Reasons for contractual working at home***

The employee whose work comprises some face-to-face contact with colleagues and/or customers and some time for tasks best carried out in isolation (such as reading, report writing, research) may be based jointly at home and in his or her office. The agreed split will be stated in his or her contract. The employee will be required to attend essential meetings, performance reviews, discussions and learning and development activities as required.

The employee whose work can be carried out with no face-to-face contact with colleagues and/or customers may be based totally at home (homeworker).

#### ***4.7.2.3 Suitability of contractual working at home***

It is not possible to provide a definitive list of occupations suitable for home working. However, research indicates certain job characteristics lend themselves to home-based working. These characteristics are:

- a high degree of written work rather than manual work
- work performed on an individual basis or with clearly defined areas of individual work, i.e., project work, research, report writing, case work, certain administrative tasks
- work that has clearly defined objectives and is not subject to sudden changes of priorities
- work that has performance measure indicators
- work that does not require frequent input from colleagues or managers
- work that does not require central paper-based filing systems.

#### ***4.7.2.4 Procedures for contractual working at home***

Regular working from home (contractual) must be approved by your manager or Departmental Head of HR.

If the request is made under the statutory flexible working procedures, requests must be made on a 'Statutory Right to Flexible Working' application form (see paragraph 4.6.5.1).

***Or***

If the request is not a statutory one, please use the homeworking (non statutory) guidelines and request form. This form can be obtained from your departmental HR section.

Answers to the questions on the request form should demonstrate that you have carefully considered:

- the differences arising from working from home
- the impact on working from home on your work, colleagues and the department
- the date on which you would like to begin homeworking
- the period of time you wish this arrangement to continue.

Your manager (or, if necessary, the Departmental Head of HR) will make the decision on whether a request to work from home can be accommodated.

All contractual homeworking arrangements are to be subject to at least a one-month trial period and thereafter kept under regular review by the manager and Departmental Head of HR. (In the case of statutory flexible working requests, the manager may choose to agree to an extended trial period of up to six months, in accordance with House of Commons Service standard practice.)

#### **4.7.2.5 Agreement to work at home**

Different working arrangements can allow the individual a greater input into how his or her working life is arranged. However, the employee must consider the following:

- all employees working between home and the Parliamentary Estate should be as flexible as possible in altering working arrangements to meet short-term emergencies or to attend meetings and learning events. If these activities need to be arranged on a 'home' day, then this could be exchanged for a workplace day. Journeys made to the Parliamentary Estate cannot be claimed as travelling expenses
- all employees working from home should keep their line manager informed of progress against agreed objectives
- all employees working from home should allow reasonable access to the home for security and health and safety purposes
- all employees working from home should follow normal procedures for reporting accidents/incidents
- all employees working from home should follow normal procedures for reporting absence and annual leave as well as notification of visits to doctors, dentists, etc, during working hours.

The manager and the employee need to consider equipment, health and safety and security issues, Performance and Development Management (PDM) and other details of the agreement. As stated earlier, only under exceptional circumstances and with permission from the Director General will an employee be permitted to work on sensitive information away from the Parliamentary Estate.

#### **4.7.3 Regular, contractual, full time homeworking**

This applies when a formal arrangement is in place, approved and authorised by your manager and the Departmental Head of HR, as a permanent or time limited contract of employment where the employee works full time at home, attending the office by prior arrangement for performance reviews, team meetings, training, etc. See paragraph 4.7.2.1.

#### ***4.7.3.1 Circumstances to be considered before homeworking may be permitted***

In such a diverse organisation as the House of Commons Service, it is not possible to be prescriptive about the type of work suited to homeworking. However, the following points should be seriously considered first by all parties involved:

- not all staff and not all jobs are suitable for this method of working and a high degree of trust is needed to ensure success for all parties involved
- the work must be able to be undertaken at home; for example, reports, papers that can be written away from the workplace, data inputting, reading/proof reading are suitable activities provided confidentiality issues can be properly addressed to the satisfaction of senior managers
- the working pattern should be cost effective to the business
- the potential increased workload which may fall on the homeworker's colleagues
- status and career prospects of the potential homeworker should not be lost and this should be illustrated in the revised terms and conditions of the contract
- both the House as the employer and the member of staff as the employee have responsibilities to ensure safe working practices. Employers have a duty of care to assess, reduce and record the risks created in the home environment by the decision to allow regular homeworking.

#### ***4.7.3.2 Circumstances in which homeworking may not be permitted***

Unless the member of staff is applying because of their disability status (under 'reasonable adjustments' to their job) or under statutory Flexible Working Regulations, homeworking should not be considered for:

- staff whose level of work output or standard of work/performance has been unsatisfactory
- staff who require clear supervision in order to deliver an output that is acceptable in quality and/or quantity
- staff with a record of poor timekeeping or attendance
- staff on probation, although staff eligible to make a statutory request for flexible working (which may include a request for homeworking) may apply after 26 weeks continuous employment
- staff who need a permanent or long term solution to caring difficulties. Employees must ensure they make adequate provision for any dependants to be cared for whilst they are working from home.

*Staff should also consider the following issues:*

- mortgage and tenancy agreements: employees planning to work at home must inform anyone with an interest in their property of their intention to work from home. This includes mortgages, contents/building insurers and landlords. The employee should ensure his or her home is not subject to terms, conditions or covenants which prevent him or her from working from home
- insurance and liability aspects: the introduction of a homeworking arrangement could increase the cost of home contents insurance. Employees should check with their insurers before arrangements begin
- tax implications: employees may be able to claim tax relief on ongoing wear and tear/additional running costs under Schedule E expenses rules. Further advice can be obtained from the tax office.

## 4.8 Valuing Others

The Management Board is committed to providing a work environment that is fair to all and where everyone is treated with respect and dignity. Each of us is responsible for sustaining this environment through how we behave towards each other and what we do every day.

In such an environment where people's contribution is recognised and acknowledged, staff, whatever their background and level, will feel encouraged to realise their full potential and support the House in achieving its objectives.

All staff deserve and should expect to be treated with respect for who they are and what they do. This treatment should be consistent and inclusive.

### 4.8.1 Valuing Others policy

The purpose of this policy is to set out the rights and responsibilities of managers and staff in ensuring that everyone is able to work in a positive environment free from unacceptable behaviours such as discrimination, harassment, bullying and victimisation.

The policy therefore describes and encourages the behaviours that support the principle of valuing others. These are:

- to ensure the dignity at work of all our employees
- to respect others and value their contribution to the organisation
- to demonstrate our commitment to equality and inclusion through our actions
- to be open and constructive in our communications
- to be fair and just in our dealings with each other
- to handle conflict promptly, effectively and creatively
- to raise awareness of the effects of unacceptable behaviour.

## 4.8.2 Rights and responsibilities of staff

### *Rights*

All staff are entitled to:

- be treated with dignity, respect and courtesy by managers, colleagues, Members of Parliament and their staff, contractors, visitors and members of the public
- be valued for the work that they do
- be free from any form of discrimination, victimisation, harassment or bullying when on the Parliamentary Estate or on Parliamentary business
- work in an environment free from unwelcome behaviour and language.

### *Responsibilities*

All staff should:

- conduct themselves in a professional and respectful manner
- be fair and just in all workplace dealings
- appreciate that what is acceptable behaviour to them may not be acceptable to the recipient
- help and protect the rights of others
- listen to the views of others
- understand the difference between normal work disagreements and harassment/ bullying (see definitions in paragraph 4.8.4)
- understand the difference between managing performance and harassment/ bullying (see paragraphs 4.8.3 and 4.8.4).

All staff are responsible for ensuring they understand what behaviour is required of them and that their conduct does not cause offence. Everyone shares a responsibility for understanding the sensitivities and feelings of others and avoiding behaviour that could cause offence or distress. Equally, all staff should be free to carry out their duties free from unfounded allegations of harassment or bullying.

## 4.8.3 Rights and responsibilities of managers

### *Rights*

All managers are entitled to the same rights as non-managerial staff (see paragraph 4.8.2, Rights). Managers also have the right to be able to manage their staff free from unfounded allegations or harassment or bullying. Therefore, all managers should:

- carry out management duties in a fair, reasonable and consistent manner
- be able to issue reasonable instructions and expect them to be carried out
- set expected standards of performance supported by the appraisal framework
- use attendance, performance, and disciplinary management procedures as laid down in Chapter 5.

## ***Responsibilities***

Managers are responsible for setting a good example by treating all staff with dignity. They should:

- encourage and foster an atmosphere of respect and tolerance
- lead by example through a fair, consistent and open management style
- give legitimate, constructive and fair feedback of work performance
- give appropriate performance marks
- ensure staff are aware of the behaviour expected of them and that unacceptable behaviour will not be tolerated
- act swiftly and appropriately if unacceptable behaviour occurs. Ignoring the issue is not an acceptable option.

Unacceptable behaviour excludes legitimate actions by a manager to encourage an employee to perform against key objectives and to conduct him or herself appropriately. It also excludes legitimate actions taken within the disciplinary or other formal procedures. It does not exclude people in authority using their position to bully, abuse or harass others or assume a threatening or intimidating management style.

### **4.8.4 Definitions of harassment and bullying**

Harassment is any unwanted behaviour of a physical, verbal or non-verbal nature that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. It may be directed against someone because of their sex, gender identity, race, age, religion or belief, disability, or because of their sexual orientation.

The key factors of harassment are that it is unwanted, unjustified and/or unreciprocated. It fails to respect the rights of others or the impact that such behaviours may have. Such behaviours may be persistent or one isolated, serious incident.

Bullying is offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Such unacceptable behaviour can take many forms and can range from physical abuse to more covert conduct. It includes behaviour that deliberately or inadvertently excludes individuals from normal activities in the workplace.

Examples of harassing/bullying behaviour include:

- spreading malicious rumours or insulting someone by word or behaviour
- ridiculing or demeaning someone
- exclusion or victimisation
- threatening remarks or actions
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, the display of offensive materials, suggestive remarks

- deliberate undermining of a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or development opportunities.

This list should not be regarded as exhaustive, but merely to illustrate some behaviours that may be construed as harassing or bullying.

## 4.9 Valuing Others procedure

The House takes incidents and accusations of harassment or bullying very seriously. These detailed procedures are laid out to ensure fair treatment for all parties and to minimise damage caused to working relations whilst the most appropriate resolution is reached. It details both the range of support available and approved courses of action for staff who believe they are subject to those unacceptable behaviours as well as those alleged to have committed them.

While employees will be fully supported when they are involved in raising concerns of harassment or bullying, complaints that are found to have been made maliciously will be dealt with under disciplinary proceedings ➡ Chapter 5 paragraph 5.30.

### 4.9.1 Dealing with negative behaviours

There may be occasions when you believe you are not being treated appropriately at work. In these situations, you need a resolution as quickly as possible to ensure the issue is dealt with quickly and you can continue to work in a positive environment.

You should consider why you believe you have been treated unfairly: what was said or done, by whom and under what circumstances? What did you do or say beforehand? Is it a case of a normal and acceptable workplace disagreement or harassment/bullying? Is there truth in what was said even though we feel uncomfortable with it? For example, criticism is acceptable when it is constructive, delivered in private and accompanied by reasonable suggestions for improvement.

Please read the definitions of harassment and bullying carefully. Your complaint may be resolved more appropriately using another procedure such as the grievance procedure ➡ see Chapter 6, Grievances.

### 4.9.2 Support and advice

**If you believe you have been subjected to harassment or bullying** you should be pro-active, seek support and take action.

**If you are accused of harassment or bullying**, you have the right to be fully informed of the allegation and seek support.

The following internal people are available to help you in confidence:

- **Manager**

If you are the complainant, or being accused of, harassment or bullying, your manager can be approached in confidence for advice. He or she may approach the other party on your behalf, or just act as a sounding board for you. Your manager is often the best person to take these problems to initially.

- **Harassment Support Officer (HSO)**

HSOs are volunteer members of staff who have been specifically trained in working with cases of harassment and bullying. The role of the HSO is to provide a confidential support service to staff who feel they are being harassed or bullied at work, **and** staff who have been accused of such behaviours. The HSO can:

- (i) be someone who listens, values and supports
- (ii) provide information on policies and other sources of help and advice
- (iii) describe possibilities for action
- (iv) explore the issues with you
- (v) discuss ways of resolving the problem
- (vi) help you understand how any accusation might have arisen
- (vii) suggest ways of dealing with possible victimisation from colleagues.

HSOs will not be advocates, or take issues forward on behalf of staff or represent staff. HSOs will maintain confidentiality except in extreme cases where physical or mental harm, or sexual harassment is reported.

HSOs can be sourced through the Diversity Manager ☎ 4961 who will send you contact details. A different HSO should be assigned to each party.

- **Trade Union Representative**

A trade union representative (TUR) can offer confidential advice on whether or not you have a case that could be defined as harassment or bullying, what he/she can do to support you and how to proceed. TURs will provide help and support to both parties, even if both the complainant and the alleged perpetrator are members of the same union. If you are unsure which TUR can support you, contact the Trade Union Side Administrator ☎ 5611.

- **Welfare Officer**

The Welfare Officer can offer confidential support and counselling for both parties. You can make an appointment to see one during working hours or at another mutually convenient time. ☎ 4789/6542.

- **Departmental Head of HR**

The Head of HR for your department can provide advice on what kind of complaint you may have and what the best option for addressing it might be in your case. If you have been accused of harassment or bullying, the Departmental Head of HR will advise you of the process, your rights and other support available to you. He or she will be able to advise both parties on any possible legal implications.

External advice can be sought through:

- Acas  
Website: <http://www.acas.org.uk>
- Citizens' Advice Bureau  
Website: <http://www.citizensadvice.org.uk>
- Andrea Adams Trust  
Website: <http://www.andreadamstrust.org>
- Equality and Human Rights Commission  
Website: <http://www.equalityhumanrights.com/en/Pages/default.aspx>

### 4.9.3 Internal Resolution

It is important that you consider trying to resolve the issue informally in the first instance. The internal people listed above can help you with this.

It can be useful to keep records such as a diary of all incidents of inappropriate behaviour or language. Record times, dates, witnesses and your feelings as a result of the way you have been treated. Keep copies of anything that you feel might be relevant, such as letters, e-mails, annual staff reports and notes of any meetings that relate to your complaint.

Talk to colleagues to establish whether anyone else is suffering or has witnessed what is happening to you. Where possible, avoid being alone with the person you believe is harassing/bullying you.

Contact any of the sources above (see paragraph 4.9.2) for advice and support.

#### Actions

- If you feel able to, you should approach the individual concerned and make it clear that his or her behaviour is unwelcome and you want it to stop. You may want to tell them that you regard their behaviour as harassment or bullying as defined in the Staff Handbook. You can ask a colleague or a TUR to accompany you when you meet the person.
- If you feel unable to speak directly to the person concerned, you may wish to write to him/her. Once he/she knows the behaviour is unwelcome (they may be unaware of this), your letter may be enough to stop it. Keep a copy of your letter and any reply.
- If you feel unable or unwilling to make personal contact with the individual, you may want this to be done on your behalf by your manager or your Departmental HR team on your behalf. They will ask you what you want to happen, then contact the other party to hear their viewpoint. Once they have heard both sides of the story, they may advise how best to take the matter forward.

It is up to you whether you wish to report the matter at this stage. If you feel the person concerned did not mean offence or has taken the point, you may decide not to pursue it further.

If the individual is someone other than a member of House of Commons staff, talk to your manager before taking any further action.

## Mediation

It may be suggested that mediation would be helpful in resolving your complaint. Mediation is a confidential process where a neutral person (i.e. someone who has not been involved with the issue to date) – the mediator – works with both parties to help them find a solution and reach an agreement that will improve the situation. The mediator will not take sides, apportion blame or judge what is right or wrong. He or she can recommend a way forward if both parties agree to this and are unable to find their own solution. Mediation can be used at any stage in a dispute but is often most effective if used early on and if both parties are willing to take part in the process.

The mediator will:

- meet both parties individually, explain the role of the mediator and the process of mediation, and identify the key issues
- arrange to meet both parties together in an agreed, neutral venue that ensures confidentiality, explain and agree the ground rules, and remind the parties of the process before seeking to secure their agreement to continue
- explore the issues with the parties, ensure that the ground rules are observed, and summarise areas of dispute and agreement
- try to keep the parties focused on the future, not on the past
- build agreements, ensuring the workability of solutions with the parties
- assist the parties in drawing up an agreement that is clearly worded and that may be signed by each party.

Involvement of a qualified, internal mediator can be arranged through your manager or Departmental HR team. Your manager or the Departmental HR team should contact the Diversity Managers ☎ 4961/1412. Please contact the Diversity Managers for a copy of the leaflet, 'Mediation: resolution of conflict in internal working relationships'.

### 4.9.4 External Resolution

Internal resolution should normally be explored and exhausted before external resolution is initiated. External resolution *may* be employed:

- when internal attempts to resolve the problem have been unsuccessful
- when the harassment or bullying persists or begins again
- for a single, serious incident of harassment or bullying which could be described as gross misconduct, which could result, for example, in suspension while the matter is being investigated
- at the discretion of a Departmental Head of HR.

### ***External Harassment Investigator (EHI)***

All external investigations will be conducted by an external person deemed competent by the House, who would be expected to allocate sufficient resources to complete the investigation within agreed time limits.

External Harassment Investigators are appointed by an interview panel made up of the Diversity Manager, a Departmental Head of HR /manager from HRM&D and a TUR. This is to ensure quality standards are maintained. After each investigation is complete, an evaluation of that EHI will take place and be shared with Departmental Heads of HR and TUS.

The appointed investigator will:

- investigate allegations fairly, thoroughly and within agreed time limits
- preserve confidentiality as far as possible
- advise the House if they suspect a complaint has been made maliciously.

A full job description is available upon request.

#### ***(i) Step 1***

You should submit a written complaint to your manager. This should contain the name of the alleged perpetrator, date and description of the incident(s), names of any witnesses and details of internal resolutions already undertaken. You may ask a HSO, TUR or HR Adviser to assist you with this letter.

The manager, on behalf of the House, will:

- assume the complaint is made in good faith and take the complainant seriously
- protect the complainant and the alleged perpetrator from victimisation
- provide appropriate support and information to both parties
- be fair to both parties
- keep both parties informed of progress.

The manager will send a copy of the letter to the alleged perpetrator with advice of where he/she can obtain support.

The manager will alert the Diversity Manager who will commission one of the approved External Harassment Investigators (EHI) to carry out a Preliminary Assessment, i.e., deciding if there is a case of harassment or bullying to be investigated.

The EHI will:

- interview the complainant and the alleged perpetrator. Both parties have the right to be accompanied by a TUR or colleague
- complete an assessment questionnaire. This gives the EHI a standard format by which to present his or her findings
- advise the Deciding Officer and the Diversity Manager of his or her decision.

If the EHI advises that there is a potential case of harassment or bullying, he/she will inform the manager and the Diversity Manager, who will engage that person for the investigation.

The manager will also ensure the complainant and the alleged perpetrator are kept informed of progress to this stage.

## ***(i) Step 2: External Investigation***

### ***Initiating the investigation***

The EHI will meet the Deciding Officer who will normally be the manager but may be another senior manager with no previous involvement in this investigation or previous procedures relating to the case. They will make arrangements for evidence gathering and agree a timetable for the investigation, taking into account recesses, business needs, annual leave, etc.

### ***Evidence gathering***

Evidence gathering will include face-to-face interviews with the complainant and the alleged perpetrator, unless this is impossible for acceptable reasons. Other witnesses such as work colleagues may be asked to supply evidence either face-to-face or in written format.

At all interviews, the EHI will take notes and the interviewee will be asked to agree these by signing them. They will receive a copy of these notes.

### ***Report***

The EHI will produce a report, in which all comments must be relevant to the case in hand and be substantiated.

Both the complainant and the alleged perpetrator may request a progress summary of the investigation from the Diversity Manager.

The investigation report will be sent initially to the manager of the person being complained against, as the Deciding Officer, unless this is inappropriate due to reason(s) material to the case. In such cases, the Senior Departmental HR Manager will appoint a different Deciding Officer from the line management chain. This person will be someone with no previous involvement in the case. A copy will also be sent to the Diversity Manager to ensure that the issue is dealt with promptly, that a fair and consistent approach is taken by managers across the House Service. The Deciding Officer will check the report for procedural correctness and to familiarise him or herself with the contents. He or she will then inform the complainant and the alleged perpetrator that the report has been received and that a decision has been reached.

### ***Decision***

A separate meeting will be set up with each of the parties as soon as possible and no later than two working weeks after the report has been received. If this does not occur because of exceptional circumstances, a reason will be provided as to why this timescale is not achievable and a meeting set up as soon as possible. Each party may be accompanied by a TUR or a colleague for support.

The decision meetings will be prefaced by a face to face meeting to issue a copy of the report and talk through the recommendations. Time will be given to digest it. The Deciding Officer will discuss the decision with both parties individually and put forward a recommended course of action.

Where possible, arrangements will be made whereby neither party will have the opportunity to discuss the case further until both parties have met the Deciding Officer separately. Confidentiality must be observed during this process.

The decision meeting will be held no later than five working days after the report-giving meeting. Following this, there will be seven working days in which to appeal.

### ***Resolutions and outcomes for internal and external procedures***

If the complaint is upheld, the Deciding Officer will ask the complainant what he/she wants to happen, and consider whether his or her suggestion is appropriate. Support will be provided to either or both parties to ensure, if possible, that relations are repaired sufficiently for everyday work to resume.

Possible solutions may include:

- asking the alleged perpetrator to apologise
- providing coaching for either or both parties
- providing training for either or both parties
- providing counselling for either or both parties
- mediation
- moving one party to a different work area
- undertaking disciplinary procedures, which may include informal warning, formal warning, dismissal.

☛ See Chapter 5 paragraph 5.33 for the full list of disciplinary procedures and sanctions.

Where the behaviour is malicious, or where one party cannot agree on the resolution, the manager may decide to move one party to a different work area, or apply a disciplinary sanction appropriate to the case. However, sanctions should not be applied without sufficient internal investigation having taken place

If there is to be a disciplinary hearing, the relevant manager should arrange this promptly in accordance with House disciplinary procedures. Each party should be given proper notice of the hearing, and advised of the right to be accompanied by a colleague or TUR. The hearing should follow the procedures for disciplinary hearings and the usual disciplinary sanctions should be considered.

If the accusation is not upheld, the Deciding Officer will recommend appropriate actions for that particular case, taking into account both parties' wishes.

### ***(ii) Step 3: Appeal***

Both parties' have the right to appeal. An appeal must be registered within seven working days of receiving the decision. There are two grounds for appeal:

- a) that substantial new evidence has come to light
- b) that the investigation did not follow the agreed steps or failed to take into account House of Commons procedures.

You should make your appeal in writing to the departmental Director of Business Management, stating the grounds for appeal in as much detail as possible. Assistance will be available to help you with this, on request (see paragraph 9.2). The departmental Director of Business Management or Deciding Officer will notify you of receipt of your appeal. He or she will decide whether there are grounds for appeal and notify the relevant parties within seven days of the appeal being received.

***In the event of the appeal being granted***

In the case of a), the investigation will be reopened. It will continue with the same EHI. He or she will submit another report, considering the additional evidence, to the Deciding Officer. You will be notified of the result within three weeks, unless unforeseen circumstances prevent it. In this instance, a new timetable will be agreed.

In the event of b), the decision on whether there has been a breach in procedure will be taken by a senior HR manager. If upheld, a new external investigator will be engaged to start a new investigation, as the start of the appeals process. If it is not upheld, the decision made by the departmental Director of Business Management will stand. He or she will write to both parties informing them of the result of the appeal, within seven days of the appeal being submitted.

If new evidence is brought up outside the appeal deadline of seven working days, a new case will need to be presented.

**4.9.5 Records**

Relevant and appropriate records of all stages of both internal and external procedures will be maintained confidentially in accordance with the Data Protection Act 1998.

Official letters are kept on personal files. All other information is kept by the appropriate departmental HR office for a period of six years.

The Diversity Managers will keep records including:

- preliminary assessment
- external harassment investigator report
- external harassment investigators' and internal mediators' evaluations from the parties.

## ANNEX

### Avoiding unlawful discrimination

*This annex contains only a brief outline of the law in this area. For more information please consult the Diversity Manager, or see the relevant Act of Parliament.*

*The main Acts of Parliament which prohibit discrimination are:*

- Equal Pay Act 1970, as amended, which provides that men and women should receive equal pay for work of equal value
- Sex Discrimination Acts 1975 and the Employment Equality (Sex Discrimination) Regulations 2005 which prohibit discrimination on the grounds of sex or marital status, and the Sex Discrimination (Gender Reassignment) Regulations 1999 which prohibit discrimination against transsexuals
- Race Relations Act 1976 which prohibits discrimination on the grounds of colour, race, nationality, ethnic or national origin
- Disability Discrimination Act 1995 which prohibits discrimination on the ground of disability
- Rehabilitation of Offenders Act 1974 which prohibits discrimination on the grounds of certain criminal convictions, subject to exceptions, e.g., for national security
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006.

### Sex discrimination

The most obvious form of sex discrimination is **direct discrimination**. This occurs where a person is treated less favourably on the grounds of their sex or marital status.

**Indirect discrimination** is often unconscious or unintentional. It occurs when someone applies a provision, criterion or practice which may not at first seem unfair but has a discriminatory effect. An employer might be found to have discriminated indirectly if he/she imposed a condition which puts or would put women at a particular disadvantage when compared with men *and* which the employer cannot show to be a proportionate means of achieving a legitimate aim.

For example:

- a minimum strength requirement might be discriminatory if it was not needed for the job, because it would be harder for women to comply than it would be for men.

## Race Discrimination

**Direct Discrimination** occurs where a person is treated less favourably on the grounds of colour, race, nationality or ethnic or national origins.

**Indirect discrimination** is where a provision, criterion or practice is applied equally to everyone but this disadvantages or would disadvantage people of a particular race or ethnic or national origin compared with other people and the employer cannot show the application of the provision, criterion or practice to be a proportionate means of achieving a legitimate aim.

Indirect discrimination also occurs where a condition or requirement is applied that people of a particular colour or nationality will find more difficult to comply with than people not of that colour or nationality, which is to their detriment, and the employer cannot justify that requirement or condition. For example:

- a refusal to accept foreign educational qualifications, even if they were of the same weight as the UK equivalent, might be indirect discrimination.

## Disability discrimination

The Disability Discrimination Act 1995 protects anyone who has a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities.

The condition must be one which has lasted, or is likely to last, at least 12 months or the remainder of the life of the person concerned. The definition includes:

- fluctuating and progressive conditions
- severe disfigurements

but not, for example, addiction to alcohol or drugs.

Some people with disabilities, e.g., epilepsy, receive treatment that alleviates or removes the effects of the condition. In assessing whether or not they are disabled within the meaning of the Disability Discrimination Act, the effects of this treatment should be ignored. (NB: the only exception to this rule is people who wear spectacles or contact lenses. In this case, when assessing whether or not they have a disability, the eyesight should be considered while the person is wearing contact lenses or spectacles.)

**Direct discrimination** occurs when an employer treats a disabled person less favourably on the ground of his or her disability.

**Disability-related discrimination** occurs where:

- an employer treats a disabled person less favourably than they treat others for a reason relating to his or her disability and that treatment is not justified; or
- an employer fails to make a 'reasonable adjustment' in relation to a disabled person.

Someone who provides services may be guilty of disability discrimination if he/she does not make reasonable adjustments for disabled people, and as a result it is impossible or unreasonably difficult for disabled people to use the services.

Service providers must:

- change any policy, procedure or practice that makes it impossible or unreasonably difficult for disabled people to use those services
- provide an auxiliary aid or service if it would enable or make it easier for disabled people to use those services
- provide a reasonable alternative service if some physical feature makes it impossible or unreasonably difficult to use them.

### **Discrimination against part time workers**

The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 make it illegal for employers to treat part time workers less favourably than full time workers, or less favourably than they were treated before they switched to part time status, if this happened within the last year. The right applies provided that the less favourable treatment is on the ground of part time status, and provided that it is not justified on objective grounds. Part time workers who believe that they have been less favourably treated may ask for a written statement giving the reasons for this treatment, and the employer must provide this within 21 days.

### **Harassment**

Harassment is unwanted conduct on the grounds of the recipient's race, ethnic or national origins or on grounds of religion or belief or for a reason relating to the person's disability, or on the grounds of sex, sexual orientation or unwanted conduct of a sexual nature which has the purpose or effect of violating the recipient's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her. For example:

- the exclusion of anyone because of their gender
- sex orientated jibes or abuse
- unwelcome comments about dress or appearance
- the display of pin-ups or pornographic pictures/materials
- the sending of e-mails containing sexually suggestive material
- unwanted physical contact or demands for sexual favours
- racially derogative remarks or racist jokes
- the display or sending of e-mails that contain racially offensive written or visual material
- physical threats, assault or abusive behaviour and gestures that relate to race
- the exclusion of anyone because of their race
- ridiculing or demeaning behaviour or exclusion focused at anyone because of their age and experience
- behaviour that condemns, ridicules or excludes anyone because of their sexual preferences
- behaviour which fails to tolerate or acknowledge the rights or needs of anyone with different religious beliefs or practices.

The examples of harassment listed above should not be regarded as exhaustive but merely as examples of behaviour that may be construed as harassment.

### **Victimisation**

Victimisation happens when someone is treated less favourably than another person because they have asserted their rights under the Sex Discrimination Act, the Race Relations Act, the Disability Discrimination Act, the Employment Equality (Religion or Belief) Regulations or the Employment Equality (Sexual Orientation) Regulations or because they have acted as witnesses in any investigation of a complaint. The House of Commons Service takes a serious view of victimisation and those responsible may face disciplinary action.

# CHAPTER 5: ATTENDANCE, PERFORMANCE & DISCIPLINE

## Management of Attendance

### 5.1 Section aims

This section will help you understand:

- the policy of the House of Commons Service on attendance and sickness absence
- what you need to do if you are off work due to ill health
- how this affects your pay and pension.

### 5.2 Introduction

*The House of Commons values the health of its staff. Managers in the House will work with the Safety, Health and Wellbeing Service (SHWS) to create a safe and healthy working environment and to minimise unnecessary absences from work while supporting those staff who are ill.*

The Management of Attendance Policy provides a framework for supporting those staff who are ill and for monitoring absence while taking action against any tendency to absenteeism.

The policy has five main elements:

- reporting absence from work
- monitoring
- action on return to work
- action in cases of poor attendance
- referral to the SHWS.

This policy should be seen in the wider context of policies on health, safety and welfare, such as issues relating to working time, discipline, stress, smoking and alcohol. Such policies cover not only illness, but also health and safety, injuries at work, risk assessments (to anticipate possible problems), reporting accidents and the taking of remedial action.

Departmental management will receive regular reports on sickness and absence levels. These will be used to monitor the effectiveness of the policy.

The Trade Unions (TUs) have played a part in developing such policies, and will continue to play a part in advising members who have concerns about their implementation, monitoring their application or the resulting statistics. Management will consult the TUs and health and safety representatives as appropriate about particular issues which arise and about the future development of the policy.

## 5.3 When to claim sickness absence

You are entitled to sickness absence if you are ill and unable to attend work, or if you are ill and your illness could endanger the health or well being of other people, or you have been exposed to a potentially contagious illness and the Occupational Health Manager (OHM) has recommended that you should stay away from work. This is particularly important for those who work in the Catering Directorate (CD). Further details are available from the Facilities HR Office.

You should not claim sickness absence if you have to take time off work for urgent family reasons, such as the illness of a child or elderly dependant. Instead you should apply for caring leave from your manager. See paragraph 10.4. Some caring leave is paid.

## 5.4 Rehabilitation absence

As part of a rehabilitation programme rehabilitation absence will be considered by management if you have a disability (as defined in the Disability Discrimination Act 1995) are recovering from a serious illness or operation, or if it is appropriate in order to prevent a diagnosed condition becoming worse. Rehabilitation absences will be paid and will cover the following when they are part of a rehabilitation programme, designed to help you to return to a normal working pattern:

- working fewer hours or a shortened working week (effectively part time working or job sharing), and/or
- time off during the working day, e.g. for rest breaks, physiotherapy etc.

You may also benefit from altered duties while your job is adapted.

This rehabilitation programme will be agreed between yourself, SHWS and your manager, who will consult your Departmental Head of HR before confirming arrangements. All three parties will be involved in the implementation and review of the programme. It will be set out in writing and the written agreement will cover the length and scope of the programme and the status of any absences from work. Rehabilitation programmes will not normally be authorised for longer than three months in total.

## 5.5 Reporting absence from work

If you cannot attend work you should telephone your manager. If you leave a message, your manager may need to call you back to confirm certain details relating to your absence. Only in exceptional circumstance should someone call on your behalf e.g. if you are in hospital.

When you telephone, explain what is wrong and when you expect to return to work. (However, you do not have to disclose the precise nature of your illness at this stage if you wish to keep it confidential). If you are off work for more than two days, you should keep your manager informed of when you expect to return. You should also agree when you will next contact him/her.

If your absence is due to an accident at work you must record it in the accident book. If you cannot do this, please ask your manager to do so on your behalf.

It is your responsibility to make sure that you know the procedures that apply in your department and who to call if you are absent from work. Your manager will explain this to you during your induction and thereafter you will be advised of any changes to procedures. If you do not follow the procedure for reporting your absence or you do not supply the appropriate self or medical certificates to fully cover your absence, your absence (or part of it) may be treated as unauthorised and disciplinary action may result. If you are unsure about any aspect of notification, please ask your manager for advice.

### **5.5.1 Sickness during annual leave and recesses**

These requirements apply even during recesses and in periods when you are not required to attend for work. You must still contact the department to report that you are sick, and also to let it know when you are fit again. (This is to enable the House to keep a proper record of statutory sick pay.) You should submit a certificate as soon as you can. (If you are in a place where telephoning is not practicable, you should notify your department of your illness as soon as you can.)

Staff who fall ill whilst on annual leave and who wish the period of their illness to be treated as sick leave will have their annual leave adjusted to take account of their sickness absence, provided it is covered by a certificate.

### **5.5.2 Annual leave and long term sickness absence**

If you are ill and absent from work for a long period you will still continue to accrue annual leave. However, depending on the length of your absence, the rate at which you will accrue annual leave may be slower than usual. ☛ paragraph 10.2.7. The HR Management & Development Directorate (HRM&D) will be able to advise on how your sickness absence may affect your annual leave allowance. Your manager will ensure that you receive your minimum leave entitlement under the Working Time Regulations.

### **5.5.3 Certificates**

You must produce a certificate for all sickness absence of one day or more. If you are absent for one calendar week or less (seven days or less) this will be a self certificate. You must give this certificate to your manager at your return to work interview. You may put the sick certificate in a sealed envelope if you do not want your manager to know the precise cause of your absence. If your illness is pregnancy related then you should explain this on the certificate. If you are ill for more than a week (more than seven calendar days, including weekends and rest days if appropriate) you must obtain a medical certificate, signed by a doctor or nurse. If you are still absent from work after one week you should send in your certificate to your manager or designated officer as soon as possible.

You should note that the whole of your period of sickness absence will need to be covered by continuous certificates. If you do not wish your manager or designated officer to know the precise cause of your absence you should place the certificate in a clearly marked sealed envelope. Again, if your illness is pregnancy related, make sure this is noted on the certificate.

If you are absent owing to sickness for half of the working day or more but have come in to work for some of the time the department may record this but it will not count as a sickness absence.

If you have to make a health appointment (e.g. doctor, dentist, hospital, or antenatal appointment) these should normally be made outside working hours. If this is not possible you should try and make them for the beginning or end of the working day and tell your manager beforehand. He or she may ask to see an appointment card or letter. You do not have to disclose what the appointment is for. Such appointments will not be regarded as sickness absence.

If you have been absent from work but you have not produced a certificate, and you have been reminded more than once, you may be treated as absent without authorisation. Your manager may then begin disciplinary action and if the charge of unauthorised absence is upheld your pay may be withheld.

## 5.6 Monitoring

Sickness absences are recorded on the HR database. Departmental Head of HR, or their nominees, may run reports of sickness absence at regular intervals and when requested. Individual departments will have regular sickness monitoring meetings with the SHWS.

Anonymised information will be shared with the Health and Safety Committee as requested and with the TUS.

The purpose of monitoring is to help managers and the SHWS to see if patterns of absence are developing and to take action. All managers are responsible for promoting a safe and healthy working environment and preventing injury and ill health among their staff, so far as it is within their power to do so.

## 5.7 Action on return to work

On your return to work you should contact your manager or other designated officer to let them know of your return. He/she will speak to you about your absence. If you have not done so already, you must produce your sick certificate. The manager will then forward the certificate to your Departmental Head of HR, or their nominee. You may put the sick certificate in a sealed envelope if you do not want the person interviewing you to see the cause of your absence.

The return to work interview will normally be an informal and friendly chat. Its purpose is:

- to show that your absence has been noted
- to make sure a certificate for your absence is sent to your Departmental Head of HR or his or her nominee
- for the manager to satisfy themselves that you have recovered
- to allow you to discuss any reasons other than sickness that may have contributed to your absence. (These might include bullying health and safety issues and poor working conditions. See policies on harassment in Chapter 4, and on health and safety and risk assessment in Chapter 3)
- to allow you and your manager to consider whether any action is needed, such as changes to working conditions
- to bring you up to date on developments during your absence.

It is not necessary to take a note if the interview is brief. But your manager should sign your self certification form to confirm he/she is satisfied with the explanation you have provided for your absence from work on the dates specified and that they authorise your absence to be treated as sickness absence. They will also be assessing, to the best of their knowledge, that you are fit to return to work and they have updated you on work developments. If you have sealed your self certificate in an envelope your manager should attach written confirmation of the above.

If a return to work interview form is completed you are entitled to a copy if you want one. Your manager must keep this note securely as it is likely to contain information about your health.

In certain circumstances the process may be more formal. You and your manager may agree a course of action which will be recorded. A copy of the action plan will be given to you.

If the manager is concerned about your health or about your absence he/she may ask, via your Departmental Head of HR, for further advice from the OHM or Welfare Officer.

If your manager is absent for any reason, another trained manager may hold the return to work interview, and may carry out other duties associated with managing attendance. If no suitably trained manager is available then your Departmental Head of HR may undertake these duties in person.

## 5.8 Action in cases of poor attendance

### 5.8.1 When attendance should give cause for concern

Each individual case is different and if a manager is concerned about the health of an individual or about their absence levels he/she should normally discuss the problem with that individual before considering further action. The next step may be another meeting with managers. If, however, a formal warning has to be given under the inefficiency procedures, then you will have the opportunity to be accompanied by a colleague or TUR.

As a rough guide, managers ought to be concerned about absence levels if someone has had a total of 10 working days absence<sup>1</sup> or five periods of absence in the last 12 months, whether self certified or medically certified. (Absence for medical or antenatal appointments etc. will not be taken into account when absence levels are assessed.) In some cases, however, action may be needed earlier than this. It is possible that no action at all will be needed, if for example management is aware that the reason for the absence is a single bout of illness, an operation or a minor accident, and long term consequences are unlikely. Otherwise, the options include:

- referral to the SHWS if medical advice is needed or there appears to be a welfare problem
- management action, for example, to change working conditions
- an interview with managers, for example, to establish the reasons for absences.

However managers are free to refer to the SHWS at any time if for instance they become aware that a colleague's working patterns have deteriorated or he/she seems to have suffered deterioration in their health. Managers should not wait for reminders from their Departmental HR team.

In addition, managers must refer staff to the SHWS if they are suffering from stress, depression, fatigue, or a work related injury or condition; or if they have been off work for four consecutive weeks or more or they are in hospital. Referrals should be made via the Departmental Head of HR. Work related injuries or conditions should be reported to the Departmental Safety Coordinator (DSC). See paragraph 5.9 for further guidance.

### **5.8.2 Staff on probation**

If your attendance record is unsatisfactory, and you are currently on probation, your appointment will not normally be confirmed. If your attendance or performance gives cause for concern your manager will bring it to your attention and if there is insufficient improvement, the procedures for managing performance and attendance will be applied; however, the timescales may be of a shorter duration than for an established member of staff. If appropriate, your manager will advise you to seek help from your doctor or from the Welfare Officer, if you have a health, personal or domestic problem. Managers have discretion to extend the probation if they believe that your attendance is likely to improve, and that your attendance and performance are likely to achieve an acceptable standard during the extended probation.

<sup>1</sup> Calculated on the basis of five day totals. The point at which part timers should be considered for referral to the SHWS or for other management action should be calculated on a pro rata basis, in proportion to the hours worked.

### 5.8.3 Staff with a disability

The House of Commons Service will support disabled members of staff and will help them to remain in work so far as it is practicable to do so. Under the Disability Discrimination Act 1995 a disability is defined as a physical or mental impairment which has a substantial, adverse and long term effect on someone's ability to carry out day to day activities. By 'long term' the Act means that the condition has lasted, or is expected to last, more than a year, or for the rest of the person's life. The Diversity Manager can advise further on whether particular conditions are likely to amount to disabilities within the meaning of the DDA. Managers should also take advice from the Diversity Manager before resorting to inefficiency action against a member of staff who has a disability within the meaning of the Act.

### 5.8.4 Reductions in pay

Staff who have had lengthy absences will have their pay reduced as follows:

Absence level	Action needed
A total of 91 calendar days' absence <sup>1</sup> , in one year	Allowances for additional duties to be withdrawn
A total of 182 calendar days' absence <sup>1</sup> , in one year <sup>2</sup>	Pay to be reduced to half rate
A total of 365 calendar days' absence <sup>1</sup> , in four years <sup>2</sup>	Pay to be reduced to sick pay at pension rate (that is, what you would have received in your pension if you had retired at this point on ill health grounds)

HRM&D will inform staff when these points are reached.

Pay may be withheld for unauthorised absences of whatever length after a disciplinary hearing if a charge of unauthorised absence is upheld (see paragraph 5.5.3).

☛ See paragraph 3.8.3 for information about pay and claiming for loss of earnings as the result of an accident/incident sustained outside work.

<sup>1</sup> When calculating the period of absence, weekends which fall between days of absence will be counted e.g. if someone is off sick on a Friday and a Monday then the weekend will be counted as absence. On the other hand, weekends which fall immediately before or after a period of absence will not be counted e.g. if someone begins their sickness absence on a Monday or finishes it on a Friday.

<sup>2</sup> For part timers, the point at which pay is to be reduced will be calculated in proportion to the hours worked.

### **5.8.5 Pregnancy related illness**

Absences for pregnancy related illness will be recorded to aid monitoring. But no member of staff will suffer a detriment as a result of pregnancy related illness. It will not be taken into account when calculating the point at which pay may need to be reduced, or for possible action under the inefficiency procedures. The advice of HRM&D should be sought in such cases.

### **5.8.6 Selection boards**

Internal selection boards will be provided with details of attendance records. They will only take non attendance into account if it has reached the level at which action is warranted. They will consider attendance levels, along with other factors, in considering candidates.

### **5.8.7 If attendance does not improve**

Very few staff are persistent poor attenders, but those who are do place a strain on colleagues who have to cover for them. If their attendance does not improve they will be subject to the procedures for managing attendance and performance problems, which can lead to dismissal. They have the right to be accompanied by a colleague or Trade Union Representative at any interview which is part of these procedures. See separate guidance in paragraph 5.15.

### **5.8.8 Long term absences**

Managers are responsible for keeping in touch with absent staff. They should make contact at least every two weeks with staff on long term sickness absence. In difficult or sensitive cases the OHM or WO may be asked to make the first contact and to advise on future contacts. Each time the manager speaks to or corresponds with the absent member of staff he/she should arrange how and when he/she will next make contact. If staff do not want to disclose the nature of their illness, or its progress, to their manager they can communicate this information to their Departmental Head of HR in confidence.

## **5.9 Referral to the SHWS**

When managers or staff have concerns about sickness absence, the work environment, working practices or other wellbeing issues which may affect ability to work effectively and in a safe and healthy manner, they can contact the SHWS for advice and support. This integrated service can offer support from a range of specialist professionals in the fields of occupational health, staff welfare and health and safety, whichever are appropriate to the needs of the case.

You may refer yourself to occupational health or welfare if you believe this would be helpful. They are able to talk to you in confidence if you so wish. It may be necessary for you to inform your manager of the appointment; however they need not know the reason for the visit.

Managers should refer staff, via the Departmental Head of HR, to the SHWS if their health, attendance or general wellbeing gives cause for concern. A referral may be made at any time, even if a person has not yet needed to take time off from work. However Human Resources staff routinely inform managers when staff reach sickness absence trigger points of ten working days, or five periods of absence in the last 12 months (pro rata for part timers), or four weeks consecutive absence. These triggers are designed to prompt management to consider appropriate action, which may include referral to the SHWS.

Examples of the types of issues/conditions where a referral may be appropriate include regular sickness absence, longer term sickness absence, symptoms of workplace stress or work related injury or ill health. Additionally it may be useful to refer to welfare where non work related personal or emotional issues are involved, as appropriate early support can be very valuable and help prevent future attendance or performance issues arising.

Under the Access to Medical Reports Act 1988, you have the right to see any report provided to the management of the SHWS e.g. from doctors and specialists, and by the SHWS to management.

## **Performance Management**

### **5.10 Section aims**

The main purpose of the staff reporting system is to give an objective assessment of the actual performance of staff. It is designed to provide information that is useful to you and your managers in developing your full potential. Becoming familiar with this section will help you:

- understand and get the most out of the staff reporting system
- know what to expect if your performance or attendance falls short of accepted standards.

Staff should note that there are currently proposed changes to the performance management system for staff in pay bands A to E. Sections 5.11 to 5.13 will be updated once changes have been agreed.

### **5.11 Staff reporting systems**

The staff reporting systems are designed to:

- provide the basis of regular dialogue between you and your Reporting Officer (RO), focusing on whether you are achieving expected results or how your performance might be improved
- assist your career and personal development and help the House with planning its HR needs
- provide information for decisions on performance pay and promotion
- help management reach decisions on such issues as early retirement, inefficiency or allegations of discrimination.

It is important to remember that the formal assessment at the end of the year is not an isolated action. It is the culmination of a process of continuing assessment between you and your manager throughout the year. If this happens, the content of your annual report should not be a surprise.

### **5.11.1 Confidentiality**

The annual report form is a confidential document. Access to your report is restricted to you, your manager, Countersigning Officer (CO), and departmental HR staff. Copies are retained for 5 years. Selection boards are provided with copies of recent reports relating to applicants for advertised posts. 🗑️ For information on performance pay see paragraph 9.4.

### **5.11.2 Reporting year**

The reporting year runs from 1 April to 31 March.

### **5.11.3 Reporting systems**

There are three separate reporting systems:

- Senior Commons Staff (SCS Pay Bands 1 – 3)
- Main Structure Staff (Pay Bands A – D)
- Staff in Pay Band E.

RD catering staff are not covered by a staff reporting system but are subject to an appraisal process.

## **5.12 Appraisal process**

This varies slightly with different groups but in essence follows the same process:

### **5.12.1 Completing the report form**

All Reporting Officers (ROs) must have training before completing their first report form.

Report forms should be completed on a word processor (where possible), using a template from your Departmental Head of HR. However, this can lead to issues around security and confidentiality. Therefore, word processed reports must be password protected before they are saved to your hard drive or e-mailed to other people involved in the reporting process. ROs, and where appropriate COs and jobholders, should sign each page of the form to indicate it is a true and valid copy. Once the reporting process is complete, the file must be deleted from the computer and any hard copies destroyed.

ROs should take care to ensure that reports are as objective as possible. They must not include remarks about the jobholder's personal life unless this is relevant to performance. Judgements should be based on the performance and abilities of the individual, not on any preconceptions about the capabilities of any group to which they may belong.

### 5.12.2 Senior Commons Staff

For senior staff, the system is designed to:

- link assessment of your performance to the core criteria for your post and so highlight both strengths and areas for development in a more structured way
- give you an active part in the process through self assessment and discussion of performance
- distinguish between different levels of performance.

The main components of the system are:

- a forward job plan (FJP)
- self assessment of your performance against key areas and core criteria
- your RO's assessment of your performance
- an assessment of your potential
- your CO's comments
- a record of performance review discussion.

Guidance notes and further details are available from your Departmental Head of HR.

### 5.12.3 Main structure staff

For staff in Bands A to D, performance assessment is based on:

- your overall effectiveness in performing the duties of the post
- the extent to which you have achieved the key areas agreed in your forward job plan (FJP).

The main components of the system are:

- a forward job plan
- your RO's assessment of aspects of performance and of your performance in the key areas
- your RO's comments on performance and promotability
- your CO's comments
- a review of the year's work (job appraisal review)
- your comments on the process
- assessment of the effectiveness of your learning and development in achieving your objectives.

Guidance notes and further details are available from your Departmental Head of HR.

## 5.13 Forward job plan (FJP)

During your job appraisal review, you and your RO will agree an FJP for the year ahead. FJPs are also completed when you take up a new post. Your FJP should be reviewed during the year as circumstances change.

The FJP has a number of purposes. It is designed to:

- help you and your RO establish a clear understanding of what is expected of you and how you contribute to the overall objectives of your section, department and the House of Commons service
- help increase the objectivity of the reporting system by concentrating on your performance and the results achieved
- enable work to be planned within an overall context
- give you and your RO regular opportunities to discuss your performance during the year
- highlight any learning or development areas which should then feature in your Personal Development Plan (PDP). (See paragraph 11.4.1)

Jobs and external circumstances can change so that work has to be reorganised or new priorities established. This means that FJPs need to be regularly monitored and revised. At the end of the reporting year, the most up to date FJP forms the basis of the assessment of the achievement of objectives for the annual report.

## 5.14 Poor performance

Managers should take responsibility for helping their staff to achieve and maintain a satisfactory level of performance and attendance. If performance or attendance falls short of the expected standards, managers should normally try to deal with this through counselling, improved supervision, guidance, coaching or training before considering recourse to formal procedures for managing performance and attendance problems.

Staff may find it useful to consider both formal and informal development opportunities. These can be found on departmental and the Corporate Learning and Development Intranet sites and in the booklet 'Learning at Work Through Work' available from departmental Learning & Development sections.

## 5.15 Managing performance and attendance problems

### 5.15.1 Policy

It is the policy of the House of Commons Service that if procedures for managing performance and attendance problems have to be used:

- managers should provide help and support where possible before resorting to formal action
- the advice of the OHM and/or the WO should be sought if appropriate
- members of staff should have the right to be accompanied by a Trade Union Representative (TUR) or a fellow employee of the House of Commons (during paid working hours) during any interview or hearing which forms part of the procedures for managing performance and attendance problems.

### 5.15.2 Taking action

Any action taken under the procedures should be with the aim of improving attendance or performance. The steps are generally as follows:

- stage 1: identify the problem
- stage 2: work towards improved performance and/or attendance
- stage 3: informal warning and first trial period
- stage 4: formal warning and second trial period
- stage 5: decide on further action.

In most cases guidance, training or advice at stages 1 and 2 will be enough to correct problems, and only rarely will further action be needed. Stage 3 may be omitted in exceptional circumstances. See last section of paragraph 5.15.7.

Staff whose performance and/or attendance gives cause for concern and who are still serving their probationary period will generally be taken through these procedures; however the duration may be shorter than for an established member of staff. Specifically, managers have discretion in these cases to omit stage 3 and move straight to giving a formal warning.

### 5.15.3 Maternity

Where performance or attendance is giving cause for concern and the cause is pregnancy related illness, the member of staff should be referred to the SHWS for advice after the 10 days' absence, or when the manager becomes concerned, in the usual way. However, no member of staff should suffer a detriment as a result of pregnancy related illness. Managers should provide help and assistance, but no warnings should be issued and pay should not be reduced.

### 5.15.4 Disability

The House of Commons Service is committed to supporting staff with health problems so far as practicable, and will not discriminate against staff with a disability. Nevertheless, managers may still, exceptionally, employ the procedures for managing performance and attendance problems in order to improve the performance or attendance of such staff, particularly if absence or poor performance reaches the point where it places a serious burden upon colleagues or results in a serious reduction in service levels.

Disability (as defined in the Disability Discrimination Act 1995) can include progressive and fluctuating conditions, terminal illnesses and illnesses which last, or are likely to last, more than one year. See Chapter 4 for a fuller definition. If poor performance or poor attendance is thought to be caused by a disability, the manager should consider, together with the member of staff and the Departmental Head of HR, with specialist advice as necessary, whether an adjustment to the job would alleviate the effects of the disability. Possible adjustments might include changes to duties or to hours of work or some homeworking.

The Departmental Head of HR should be asked to advise if managers are considering awarding an informal or formal warning to someone with a disability. If you have a disability, you will be dismissed only if:

- performance or attendance is not likely to improve in the short term *and*
- this has resulted in a serious burden on colleagues or a serious deterioration in service.

### *Procedures*

#### **5.15.5 Stage 1: identifying the problem**

If your performance or attendance is unsatisfactory, your manager will normally discuss it with you, consulting the SHWS, the Diversity Manager (DM) in cases of harassment or discrimination, or the Departmental Head of HR as appropriate. He/she will attempt to identify the cause, which may be wholly or partly related to ill health or to factors such as welfare problems, adverse working conditions or harassment or bullying by others. At this stage he/she may ask for comments from others, e.g. other managers or customers.

High absence levels are often attributable to health problems. As a rough guide, your manager might be concerned about your health and attendance if you have had a total of 10 working days absence<sup>3</sup> or five periods of absence in the last 12 months, whether self certified or medically certified. The 10 days may include one long spell of absence or several shorter spells of absence for reasons which may or may not be related, but absence for medical and antenatal appointments will not be taken into account when absence levels are assessed. At this stage he/she will consider what can be done to improve the situation, and will consider formal inefficiency measures only if these improvements fail.

#### **5.15.6 Stage 2: working towards improved attendance and or performance**

Your manager will encourage and support you in working towards a solution. He or she will explain the level of performance and/or attendance required and make clear the consequences of any failure to meet the standard. Measures which may prove helpful include advice, counselling, guidance, coaching, extra training or supervision, improvements to health and safety, changes to working conditions or working hours or a change of post. You will be given a reasonable amount of time for improvement, and you will be kept informed of progress.

If this does not succeed, you may receive an informal warning, but unless prevented by your absence from the workplace, your manager will wherever possible tell you that your performance or attendance is unsatisfactory long before the informal warning stage.

<sup>3</sup> Calculated on the basis of five day totals. The point at which part timers should be considered for referral to the SHWS or for other management action should be calculated on a pro rata basis, in proportion to the hours worked.

### 5.15.7 Stage 3: giving an informal warning and establishing the first trial period

At this stage your manager will invite you to a meeting to:

- explain the cause of dissatisfaction
- explain the standard required
- give you the opportunity to put forward an explanation for poor performance or attendance
- tell you what will happen if you fail to meet the standard.

You have a right to be accompanied by a TUR or a colleague from the House of Commons Service at this meeting.

Your manager will invite your views on possible remedial measures wherever possible. Depending on the situation, your manager might wish to consider:

- any of the measures listed in paragraph 5.15.6 above; and/or
- referral, via the Departmental Head of HR, to the OHM or Welfare Officer
- seeking advice from other sources including the Diversity Manager (in cases of harassment or discrimination) or the Departmental Head of HR, as appropriate.

Your manager will keep a note of the interview and any action taken, and will give you a copy.

After the discussion and after conducting any further investigations and obtaining advice if needed, your manager may give you an informal warning, which will be in writing and will set out a first trial period for improvement. The first trial period must be long enough to provide a reasonable opportunity for improvement and for any remedial measures to take effect. It will normally be no less than six weeks in length but it will be longer if you have a record of good service, if you are a long serving member of staff, the problem is intermittent or there is some reason which means that the required skills will be difficult to master.

During the trial period, your manager will:

- supervise and monitor performance and/or attendance, and
- keep you informed of your progress.

In most cases, the informal warning will bring an improvement. If so, your manager will write to you, noting the progress made. The letter will make clear that the improvement must be sustained and that the informal warning will remain in force for six months. If your performance or attendance deteriorates during that time, a formal warning may be given. If after the six months the procedures for managing performance and attendance problems are again invoked, a formal warning will not usually be given without a further informal warning, but expired informal warnings may be taken into account as evidence of a pattern of poor performance or poor attendance.

If your performance and/or attendance have not improved enough, your manager will normally produce an ad hoc staff report which will carry a box 4 marking for overall performance.

(NB This may not be feasible if your absences are so extensive that there is little performance to report on.) He/she will then take steps to give a formal warning. Alternatively, your manager may decide to extend the first trial period if he/she thinks that further improvement is needed but a formal warning is not justified.

Managers have discretion in exceptional circumstances to give a formal warning without first giving an informal warning. This discretion may be used if, for example, the member of staff concerned is on probation, (see 5.8.2) or the performance or attendance is so very poor that immediate action is needed.

#### **5.15.8 Stage 4: giving a formal warning and establishing a second trial period**

Before giving a formal warning, your manager will consider referring you for advice to the SHWS if he/she has not already done so, or if some time has elapsed since the original referral. This will be particularly appropriate:

- if he/she believes that health or welfare problems may have contributed to your poor performance or poor attendance
- if you believe that health or welfare problems may have contributed to your poor performance or poor attendance
- if he/she believes that the unsatisfactory attendance or performance may result from a medical condition which would make medical retirement appropriate
- if you wish to apply for medical retirement.

Your manager, or another manager if appropriate, will arrange a formal inefficiency interview after any report from the SHWS is made available. He/she will write to you. The letter will:

- give you a minimum of seven working days notice of the date and time of the interview
- tell you the reason for the interview
- tell you that you will be given an opportunity at the meeting to put forward an explanation
- explain that you have a right to be accompanied by a TUR or a colleague from the House of Commons Service.

During the interview your manager will explain why he/she is dissatisfied, remind you of any earlier warning(s) and say what progress (if any) has been made and what improvement is required. He/she should give you an opportunity to put forward your point of view, to put forward any explanations and to offer any reasons why inefficiency action should not be taken.

Your manager will then adjourn the interview to consider what has been said. If you have suggested that the problems may be due in part to health or welfare problems, or difficulties with working conditions, he/she will consider how far these may have contributed to the attendance or performance problems and whether action should be taken to deal with these.

If you have a disability, or are pregnant, your manager may seek advice from the Diversity Manager.

Following the interview, your manager may issue a written warning. This will state that the performance and/or attendance is not acceptable, and:

- explain the improvement that will be required
- explain the action that will follow, including the possibility of dismissal; and
- set up a trial period.

A trial period must always be set up under the formal written warning procedure, and any training, supervision and guidance given must be properly recorded. The period must be long enough to provide a reasonable opportunity for improvement and for any remedial measures to take effect. It will normally be for no less than eight weeks, but it will be longer if you have a record of good service, if you are a long serving member of staff, the problem is intermittent or there is some reason which means that the required skills will be particularly difficult to master.

If you are on probation the trial period may be shorter. (☛ Chapter 2 paragraph 2.7.1)

Either you or your manager may suggest a move (temporary or permanent) to a different job at this point.

During the trial period, your manager will:

- supervise and monitor performance and/or attendance, and
- keep you informed of your progress.

He/she will report on your progress in writing at the end of the trial period. In most cases, the formal warning will bring an improvement. If so your manager will write to you. The letter will make clear that the improvement must be sustained and that the formal warning will remain in force for 12 months. If your overall performance is still assessed as unsatisfactory or if attendance has not improved sufficiently, your manager will invite you to a further meeting, at which you have the right to be accompanied by a TUR or colleague. He/she will explain why your performance and/or attendance is still unsatisfactory and give you the opportunity to put your point of view. After taking advice from the Departmental Head of HR and HRM&D, he/she will decide whether to recommend that you should be:

- moved to a lower pay band or transferred (for fast stream staff, a transfer to the main stream may be appropriate)
- dismissed.

### **5.15.9 Stage 5: deciding on further action, including dismissal for inefficiency**

When he/she decides on any future action, your manager will also bear in mind the likelihood of useful service in the future and any previous record of service. He/she will consider whether it would be feasible to put in place a substitute member of staff to make good the deficiency on a temporary basis.

A decision to dismiss will not be taken below the level of a band B1 manager. He/she will write to you explaining the reasons for dismissal, the date on which employment will terminate and give information on the right to appeal and the right to be accompanied by a TUR or colleague from the House of Commons Service at any appeal hearing.

If you are dismissed under the procedures for managing performance and attendance problems, you will receive the same benefits as if you had resigned voluntarily.

#### **5.15.10 Appeals**

The internal appeals procedure is as follows:

- an appeal against notice of dismissal, movement to a lower pay band or transfer must be made in writing to the decision maker's manager within seven working days of the receipt of written notification of the decision. This appeal will normally be heard within seven days unless both parties agree otherwise
- the appeal will be heard by a senior manager who, so far as is reasonably practicable, has not previously been involved with the case, and a representative from HRM&D acting in an advisory capacity. You may be accompanied by a fellow employee of the House or TUR
- before any decisions are taken, you (or the person accompanying you) will be given the opportunity to introduce or comment on any new evidence arising before or during the appeal hearing.

The appeal hearing may decide to:

- confirm the original decision or
- rescind the original decision and substitute a formal or informal warning – or no penalty at all
- rescind the original decision and either substitute a different penalty or refer the issue back to the manager who took the original action for reconsideration.

If after your first year of employment in the House of Commons Service you are dismissed for inefficiency or retired early you will have a right of appeal against your dismissal to the Civil Service Appeal Board (CSAB). This is in addition to the internal right of appeal. You must be informed of this in writing. The address of the CSAB is 7 St James's Square London SW1Y 4JH ☎ 0207 276 3835. Within three months of the effective date of dismissal you must inform the Board that you intend to appeal. You then have a further 21 days in which to send a full written case. You can obtain further information on procedures from the CSAB.

In certain strictly limited circumstances you may be eligible for compensation if you are dismissed for inefficiency and have been employed by the House for one year or more. You may also appeal to the CSAB against non payment of compensation (or the amount of compensation paid). In these circumstances, you must write to inform the Board that you want to appeal within 21 days of the effective date of termination.

If you have also appealed against the dismissal, you must write within 21 days of a decision by the Board that the dismissal was fair. You then have a further 21 days in which to send a full written case.

#### **5.15.11 Record keeping**

Details of informal and formal warnings will be kept on HR files by HRM&D for 18 months after the warning expires. Each Departmental Head of HR should keep a file of all formal action taken under the procedures for managing performance and attendance problems, for future reference. This is to ensure that action taken is fair and consistent.

### **Conduct, Behaviour and Discipline**

#### **5.16 Section aims**

This section outlines the conduct and behaviour expected of everyone employed by the House. The guidelines are designed to help you:

- avoid difficult situations
- identify potential conflicts of interest
- know what you can expect from your colleagues and what they will expect from you
- understand some of the actions which can lead to disciplinary procedures.

It should be noted that none of the restrictions referred to below applies to membership of TUs recognised by the House or to activities by representatives and other members of such unions in performing legitimate TU functions. You should however bear in mind the need to make clear, when appropriate, that you are speaking/acting as a TUR rather than as a member of staff.

✓ If you are unsure of how any part of this section applies to you or your job or what to do in a particular situation talk to your manager.

#### **5.17 Principles**

The House relies on the mutual trust and trustworthiness of those working within it. This section explains the conduct and behaviour expected of you. It should be read in conjunction with paragraph 5.30 which explains the disciplinary arrangements for dealing with neglect of duty, failure to obey a reasonable instruction and other forms of misconduct, and Chapter 6 which sets out the procedure for taking up grievances (which may include dissatisfaction with a refusal to grant permission to take part in political activities).

You are expected to observe the following principles:

- be impartial at all times
- safeguard official information
- work with your manager and comply with reasonable instructions
- uphold the reputation of the House
- be honest and do not use your job for private advantage.

The paragraphs below explain in more detail the behaviour expected of you.

### **5.17.1 Honesty and avoidance of conflict of interest**

You should not let your judgement or honesty be compromised. Avoid putting yourself in a position where your duty and private interests might conflict and do not use your official position to further your own interests or for financial gain.

Areas which could lead to conflicts of interest include:

- lobbying Members of Parliament on matters related to your area of work
- any activity where your work activities could be used for private purposes, such as using information gained at work to invest in particular companies
- acceptance of gifts and hospitality which might reasonably be seen as designed to influence you in the performance of your duties
- buying goods or services from a company where you have personal or financial interests.

Seek advice from your manager as soon as you become aware of any transaction, arrangement or contract which has been or may be executed by any department if you (or a relative, friend or partner) have a direct or indirect financial interest in that transaction, arrangement or contract, or if you have any private or financial interests which might result in a conflict of interest with your official duties. This is especially important if you are involved with purchasing decisions. The Central Procurement Office, Department of Resources offers guidance and assistance to all staff of the House involved in procurement.

### **5.17.2 Outside appointments**

Consult your manager before accepting another job, and before taking on any outside work or any position (paid or unpaid). 🗨️ See also paragraph 3.11.4.

Senior staff and those involved in purchasing must become familiar with and follow the rules on the acceptance of outside appointments. The aim of the rules is to avoid:

- any suspicion that the knowledge and decisions of a House employee might be influenced by the expectation of future employment in a particular organisation.

*Or*

- the risk an organisation might gain an improper advantage over its competitors by employing someone who in their official duties has access to technical or other information which competitors might regard as useful.

For the most senior staff the Speaker decides whether conditions should be applied to business appointments and if so what they should be. Applications at SCS band 3 (or its equivalent) are considered by the Clerk of the House.

### ***Who must apply?***

Staff must obtain prior approval before taking any form of full, part time or consultancy based employment within two years of leaving the employment of the House if:

- they are SCS1A or above
- have had any official dealings with their prospective employer during their employment at the House
- have had access to commercially sensitive information of the competitors of their prospective employer in the course of their official duties
- during the last two years before leaving the employment of the House their official duties involved giving advice or making decisions benefiting their prospective employer, for which the offer of employment could be seen as a reward.

The rules do not apply to unpaid appointments in non-commercial organisations nor appointments in the gift of ministers. Approval is required for an initial appointment and also for any further appointment within two years of leaving the House employment.

Staff on secondment to and from the House are subject to the rules in the same way as are Committee Specialists, unless the latter are offered a post by the same employer which they left prior to being appointed by the House.

### ***Approval of applications***

Applications can be granted with unconditional approval or approved subject to conditions. Approval with conditions can apply for up to two years depending upon the circumstances of the case and may include the following:

- a waiting period effective from the final date in House employment
- an absolute or qualified ban on the involvement of the applicant in dealings between the prospective employer and a named competitor of that employer
- a ban on the involvement by the applicant in dealings between the prospective employer and a named competitor(s) of that employer
- in the case of consultancies, a requirement to seek approval before accepting commissions of a particular nature or from named employers.

In cases in which it is proposed to impose a waiting period or other condition the applicant is entitled to have a meeting with the decision maker to discuss this further.

### 5.17.3 Political Impartiality

The core tasks of the House service include supporting the House and its committees and supporting individual Members (and their staff). Members are entitled to expect that these services are provided with complete political impartiality and that briefing and advice are not influenced by the personal political opinions of individual members of staff.

Staff who advise Members must be, and appear to be, impartial. When the impartiality of such staff is compromised, not only may their ability to do their job be impaired, but the reputation of the House service may also suffer.

Impartiality is not an important requirement for all staff, catering staff, craft staff, Vote Office porters and cleaners may take part in political activities without restriction.

If you work in any other area you may be subject to restrictions if you seek to take part in any political activity. You must obtain the permission of your manager before engaging in such activity.

Political activity includes:

#### **At national level:**

- holding office in a party political organisation
- speaking in public on matters of national political controversy
- expressing views on political matters in letters to the press, or in books, articles or leaflets
- being a candidate for Parliament (including the European Parliament)
- canvassing on behalf of a candidate for Parliament or a political party
- attending conferences or functions arranged by party political organisations
- being involved in a national referendum campaign.

#### **At local level:**

- speaking in public on matters of local political controversy
- expressing views on political matters in letters to the press, or in books, articles or leaflets
- being a candidate or canvassing on behalf of a candidate for election to a local authority.

This is not a definitive list. In addition, you must obtain the permission of your manager if you wish to take part in any activity in which, irrespective of your intention, it is likely that you will be brought prominently to public notice in a matter of political controversy.

If you apply for permission to engage in a political activity your manager will consider:

- the extent to which your impartiality may be compromised by the activity, or by your participation in the activity being brought prominently to public notice
- the extent to which impartiality is a requirement of your post
- the possible impact on the House service of your impartiality being compromised.

If your manager refuses your request to engage in a political activity you will be given a full explanation of the reasons for the decision.

If you are given permission to engage in a political activity you must not do so in circumstances where it could reasonably be assumed that you were acting as a representative of the House of Commons.

Impartiality is a fundamental requirement for the following staff:

- members of the Senior Commons Service
- staff who are in regular direct contact with Members in support of the business of the House and its committees
- staff who provide information, briefing or advice to Members on subjects of political significance.

Staff in these categories will not generally be given permission to take part in any political activity. Managers will, however, assess any applications from staff in these groups against the criteria listed above. Where staff can demonstrate that their ability to give impartial service will not be compromised, permission can be granted.

## 5.18 Safeguarding official information

You may need to deal with information that is sensitive or confidential. All members of staff are responsible for making sure that information is not misused. Each department has its own system of classifying information. You must not talk about information which is classified confidential or restricted to anyone outside the House or pass it on to anyone outside the House unless specifically authorised to do so.

Information that has been made public officially is no longer confidential and can be discussed openly.

✓ If you need advice on dealing with information consult your manager (or whoever is authorised by the Director General to deal with this issue).

### 5.18.1 Information which must not be disclosed

Through your work for the House of Commons Service you may acquire confidential information. You must keep this safe and observe any procedures which apply to the handling or storage of such information. If you are not sure about these procedures, you must ask your manager. For the purposes of security, safety and daily cleaning, confidential information should be put away (preferably locked) overnight and when rooms are left empty during the day.

You must not disclose confidential information unless you are given authority to do so. Such authority may arise from the terms of your employment contract with the House of Commons Commission or from an express instruction by your manager.

You must continue to keep such information confidential even after your work at the House of Commons has finished.

You may also come into contact with or acquire information which has a confidentiality or privacy marking (restricted, confidential, secret, top secret, in confidence or similar). It is your responsibility to keep this information safe. In particular, you must not talk about this information outside your immediate workplace, and you must not pass it on to anyone else unless you are given authority to do so, either as a result of the terms of your contract of employment with the House of Commons Commission or in accordance with an express instruction from your manager.

If you acquire any information which is covered by the Official Secrets Act 1989, it may be an offence to disclose that information to any person not authorised to receive it. This also applies to information covered by the Official Secrets Act 1989 which is provided to you by a person acting in breach of the Act.

**!!** If you disclose official information without authority you could be subject to disciplinary action.

### **5.18.2 Data Protection**

The House is obliged to comply with the principles set out in the Data Protection Act 1998. This Act sets conditions for processing personal data (i.e. holding, obtaining, recording, using, sharing). Personal data are data that relate to a living individual. The Act protects individuals if they can be identified from those data or from those data along with other information.

The Act applies to all personal information, regardless of its format or organisation, including paper and electronic, structured and unstructured records. It therefore covers HR records and records held on employees. It also covers some information held on other individuals such as Members and constituents.

The Clerk of the House is the data controller of the personal data held by the House. All staff are required to handle individuals' personal data appropriately, with respect for those individuals' privacy and their rights regarding information about themselves.

You must not:

- gain access to personal data, whether on paper or on a computer, or use the data, unless you have proper authority
- allow another person to access personal data, or pass it to them, unless you have proper authority
- destroy personal data unless you have proper authority.

**!!** If you knowingly contravene the Data Protection Act 1998 disciplinary action may be taken against you.

You are entitled to ask to see any personal data that the House holds on you. The House will allow you to see this information unless there is a legal reason why you should not see it, such as if it includes legal advice and references of a confidential nature.

If you wish to see any information you should send a written request to the person who holds the information (usually your Departmental Head of HR or HRM&D). If providing you with the information would involve disproportionate effort you may be allowed to see any file or information held about you, rather than receiving copies of specific documents.

Further information about data protection, including copies of the House of Commons Service Data Protection Policy and best practice guides is available on the intranet site.

In addition your department may have its own procedures and guidance. Details can be obtained by contacting your Departmental Data Protection Representative. An up to date list of Representatives appears in the House of Commons Data Protection Compliance Policy and procedures document (mentioned above); alternatively ask your manager if you are not sure who your representative is.

☛ Computer security, e-mail and internet procedures are covered in Chapter 7.

### **5.18.3 Freedom of Information**

Under the Freedom of Information Act 2000 (Fol) people have the right to request information from public authorities, which includes the House. You may, in your role, have to respond to requests in accordance with the Act. Under the Act people have the right to request information from public authorities, which must be provided within 20 working days unless the information sought is in an exempted category. All requests for information are covered by the Act if they are in writing (this includes e-mails and faxes). However, enquiries, including those received by phone, on topics such as energy consumption and waste disposal will need to be considered separately under the Environmental Information Regulations (EIR), which are explained more fully in our Fol guidance.

If you receive a request for information under Fol or EIR you should notify the Fol team ☎ 2559 or 1178 or e-mail 'FOICommons@Parliament.uk'. Detailed guidance about handling a request is available on the intranet site.

### ***Information about you***

Under the Act the House may be required to release information about you. For example, if the House is asked for the names of staff, their pay band, job functions or decisions they have made in their official capacity, then this would normally be released.

On the other hand, information such as home addresses or internal disciplinary matters would not be volunteered and would be disclosed only in exceptional circumstances and after consultation with the member of staff concerned, if such disclosure were required by the Act.

If you have any concerns about your name or any other information about you, in your official capacity, being made public, you should talk to your manager.

## **5.19 Gifts and hospitality**

You may increase the risk of finding yourself in a compromising position if you accept gifts from anyone you are buying from or negotiating to buy from. Do not accept gifts or hospitality from any member of the public or organisation you have contact with through work, except for:

- small occasional gifts such as calendars or diaries
- occasional modest hospitality, such as working lunches on official visits or invitations to annual dinners of organisations with which you are in day to day contact as a representative of the department
- modest amounts of hospitality from bodies such as the Commonwealth Parliamentary Association, Inter Parliamentary Union and Industry and Parliament Trust.

### **5.19.1 Keeping records of gifts and hospitality**

To ensure that your honesty and impartiality cannot be challenged in the future, inform your manager of all gifts or hospitality that you accept, except for cases covered by the exceptions mentioned in paragraph 5.19 above. These will be noted in the Hospitality File which is kept by each department. In the special circumstances of official delegations and committee visits, staff should seek the advice of the leader of the delegation, chairman and/or the relevant manager if in any doubt about whether there is a need to register any gifts or hospitality received.

**!!** Please remember that accepting inappropriate gifts or hospitality may constitute misconduct and could lead to disciplinary action.

### **5.19.2 Responding to invitations by suppliers**

You may be invited to free receptions or lunches organised by consultants or other potential suppliers where there is no direct business purpose (other than to promote their services or products). Attendance should be limited to occasions when there is a business advantage such as obtaining information or making contacts.

### 5.19.3 Providing official hospitality to guests from outside the House

When entertaining on House of Commons business keep the hospitality to modest refreshments appropriate for the time of day. In general, any gifts or hospitality relating to the House business are provided by the Speaker although Director Generals can authorise occasional token gifts.

Questions on hospitality which cannot be resolved with managers should be raised with your Departmental Head of HR.

## 5.20 Publications, speeches and broadcasting

If you are asked to publish an article or book, to give a speech or broadcast on radio or appear on television on any subject in any way connected with your official duties, you must seek the permission of your manager. Similarly, you need permission to take part in your official capacity in surveys or research projects, even anonymously, if they deal with attitudes or opinions on political matters or matters of government or party policy.

Those working for the House of Commons Information Office follow special rules, which are available from their manager.

Your manager should always be consulted before any fee is accepted for speeches, articles or attendance at seminars in your capacity as an employee of the House of Commons.

If you are elected as national, departmental or branch representative or officer of a recognised TU, or if you hold the TUSA post, you may publicise union views on an official matter which directly affects the pay and conditions of service of members of the union as employees, without permission. In all other circumstances, however, you must follow the procedures above.

## 5.21 Contact with the media

Do not talk to the media about your work, or about matters relating to it, without authority from your Director General. If you receive a call from a journalist, either refer the caller to your Director General or take details of the enquiry and arrange for the call to be returned.

Always consult your Director General and follow their advice before talking to the media. They may be aware of relevant considerations which are not widely known and may consult the House Communication Advisor before taking a decision.

If for any reason you come into contact with a journalist outside work, for example at an official reception or function, you should inform your Director General of any discussion of substance which relates to your work at your earliest opportunity.

✓ Your department (especially in relation to staff of the Committee Office) may have more detailed guidance on dealing with the media. Check with your Departmental Head of HR.

## 5.22 Official property and use of official equipment and supplies

Please take all reasonable precautions to ensure the safekeeping of official property. The deliberate or negligent loss or damage of official equipment or property is a serious offence and may lead to disciplinary action.

✓ Remember that the safekeeping of your official papers and equipment is your responsibility. All losses should be reported to your manager. If you suspect theft, notify Security Control ☎ 3333 as soon as possible.

### 5.22.1 Official stationery

Official stationery may only be used for House of Commons business. Official paid envelopes and franking stamps must not be used for private correspondence.

!! Use of official stationery other than for official purposes is regarded as misconduct and will be dealt with under the disciplinary arrangements.

### 5.22.2 Telephone calls

The House of Commons Service recognises that we all need to make the occasional personal telephone call; please keep these to an absolute minimum. Making personal calls is a privilege, so take care not to abuse it.

If you need to make a personal international call, you must do so via the switchboard and a charge will be made.

## 5.23 Private property

You are responsible for looking after your private property. Personal property, particularly money, should not be left in vulnerable places such as on desktops, in unlocked drawers or empty rooms.

If you lose or damage any personal property, report it immediately to your manager, preferably in writing. If you suspect theft, notify Security Control ☎ 3333 as soon as possible.

## 5.24 Conduct and behaviour off duty

Please ensure that your conduct and behaviour off duty do not bring the House into disrepute. If in doubt talk to your manager or HRM&D.

✓ You must ensure that your manager is notified as soon as possible if you are arrested and refused bail, or if you are convicted by a Court of any criminal offence (except a traffic offence that does not involve imprisonment).

## 5.25 Private financial affairs

You must not lend money to, or borrow money from, another member of staff as a matter of business.

If you become bankrupt or have serious financial difficulties you must report this to your manager with a full statement of the circumstances.

The Welfare Officer will provide confidential advice on request with a view to assisting you to overcome any financial difficulties. It is best to seek such advice before the situation becomes serious. You can make an appointment to see the Welfare Officer ☎ 4789.

## 5.26 Staff involved in legal proceedings related to official duties

Legal representation will be provided if you are sued for damages resulting from actions carried out in the course of your employment. However the right to provision of legal representation will not apply if:

- it is considered that you acted outside the scope of your terms of employment
- you refuse to instruct your solicitor in terms required by the House of Commons.

You will not be normally be asked to pay for any loss or damage that results from actions carried out honestly and in good faith during the course of your employment, provided your actions are not deemed to be reckless.

If a disciplinary offence has been committed you may be asked to pay for any loss or damage.

✓ You should seek advice from your manager as soon as you become aware that proceedings are to be taken against you.

## 5.27 Photography, filming, mobile phones and pagers

The following details set out the regulations governing photography, filming and the use of mobile phones/pagers within the precincts of the Palace of Westminster including the Parliamentary Outbuildings.

### 5.27.1 Photography and filming

- Neither the image nor the voice of any person may be recorded without his or her express permission anywhere within the Parliamentary Estate. Anyone who attempts to market, publish or transmit such information will be referred to Black Rod or the Serjeant at Arms and their future admission to the Houses of Parliament could be prejudiced.
- Under exceptional circumstances staff may operate without the above ruling but will have to obtain a permit to do so. Applications for a permit should be made to the Serjeant at Arms, Black Rod, Director of Catering & Retail Services or the appropriate Director General, depending on the location concerned.

Owing to the nature of the Parliamentary Estate and surrounding environment there is very often media recording equipment in use. You should therefore realise that your image or voice could be recorded whilst you are on or about the Parliamentary Estate and may be broadcast or used for other journalistic purposes. This is particularly the case in some locations, such as Central Lobby, Portcullis House Atrium, and St Stephens entrance.

### 5.27.2 Mobile phones and pagers

The following rules apply to the use of mobile phones and pagers whilst on the Parliamentary estate:

- the use of mobile phones is forbidden in any public areas within the precincts of the Palace, Outbuildings, Terrace or Catering Directorate premises of both Houses, in the Chamber, in meetings of Committees of the House, Library areas and while moving around the House
- mobile phones may be used in the Committee Corridor, the Centre Curtain Corridor and St Stephen's Hall where public pay telephones are installed but must be switched off in all other areas of the House to which members of the public have unrestricted access. Staff who do use mobile phones should do so discreetly so they cannot be overheard
- there is no restriction on the use of pagers, provided that they are silent when taken into the Chamber and Committees of the House. Pagers must not be used to transmit messages to Members in the Chamber or Committees of the House for use in proceedings.

It is a criminal offence to use a hand held mobile or similar device whilst driving. Mobile phones issued by the House should be switched off so that messages can be left. Staff should not make or receive calls, pictures, text messages or access the Internet on a hand held phone whilst driving. If you anticipate you will receive calls you should use voice-mail or call diversion and stop regularly, in a safe place, to check messages and return calls. Any fine which is imposed for driving whilst using a hand held phone will be your sole responsibility to pay.

**!!** If a member of staff commits a driving offence as a result of using a work issued mobile phone they may be subject to disciplinary proceedings.

## 5.28 Crises of conscience

Your personal opinions are not a valid reason for you to refuse to carry out reasonable requests by management or Members. If, however, you object strongly to doing or not doing something in connection with your work because it appears to be illegal or improper or may raise questions of maladministration, you have the right to appeal to your Director General. In the last resort, you may also appeal to the House of Commons Commission.

## 5.29 Discipline

The disciplinary procedures are set out in paragraphs 5.30 – 5.35.

The aim of the disciplinary procedures is to uphold standards of individual conduct. They are designed to ensure that all cases are handled consistently and fairly and that any alleged disciplinary offence is fully and properly investigated.

If your conduct falls short of the expected standards, your manager will normally try to bring about an improvement through training, coaching, advice and encouragement or an informal warning. In most cases, these informal methods will be successful in improving conduct.

In those rare cases where informal methods do not succeed and conduct does not improve, it may be necessary to begin disciplinary procedures. Your manager may also begin disciplinary procedures without going through this informal stage if the case involves something which is regarded as serious or gross misconduct.

Your manager should always consider disciplinary cases against as full an understanding as possible of relevant personal, domestic or social circumstances. Managers should bear in mind any advice or assistance which the Welfare Officer or OHM may be able to give.

In some cases, such as those where there are attendance or performance problems, the procedures set out in paragraph 5.15 may be more appropriate.

☛ See also paragraph 14.6 on dismissal from the House.

## 5.30 Disciplinary procedures

### 5.30.1 Principles

It is most important to the House of Commons that staff should maintain high standards of conduct. It is the policy of the House that if you are subject to disciplinary procedures:

- you should be told the charge as soon as formal procedures start, if not before
- you should be subject to formal procedures only if there is good reason and clear evidence of an offence, compiled after thorough investigation
- the investigation and sanctions should be appropriate to the nature of the alleged offence
- any sanctions should be demonstrably fair and consistent with previous action in similar circumstances
- you should have the right to be represented by a TUR or fellow employee of the House (during paid working hours) during any interview or hearing which could lead to a warning or some other disciplinary procedure
- you should have the right of appeal against any disciplinary action.

### 5.30.2 Authority to exercise disciplinary powers

The Director General, acting on delegated authority from the House of Commons Commission, has the authority to exercise disciplinary powers. On a day to day basis this power is delegated to managers. Managers will administer formal procedures in consultation with the HRM&D and the Departmental Head of HR. If your manager is not available or is inappropriate in any case, the Departmental Head of HR may nominate an alternative manager to administer the disciplinary procedure.

The Departmental Head of HR must confirm the sanction in a disciplinary case, consulting the HRM&D as necessary. A decision to dismiss will only be taken by band B1 or above after the appropriate investigations and interviews have taken place.

You have the right of appeal against disciplinary sanctions or dismissal to the decision maker's manager, see paragraph 5.34. If you are dismissed, in some circumstances you will also have a right of appeal to the Civil Service Appeal Board or an employment tribunal.

### 5.30.3 Levels of misconduct

There is no code automatically assigning particular sanctions to particular offences. Your manager will take full account of the circumstances in deciding what the sanction should be. The following is set out for guidance only.

Examples of misconduct might include:

- refusing or neglecting to follow an instruction by management
- misuse of alcohol or drugs in the workplace (but see below)
- rude, offensive or unacceptable behaviour to colleagues, Members or others
- misuse of official equipment or property
- unauthorised possession of official equipment or property
- bad timekeeping or unauthorised absence
- refusing or neglecting to follow prescribed working procedures
- breaches of confidentiality
- failure to maintain appropriate standards of dress or personal hygiene
- excessive use of the e-mail and internet systems for personal, social or recreational reasons during work time.

Particularly grave instances of the above might be viewed as serious misconduct. Alternatively, if there were powerful mitigating circumstances, an offence which would normally be serious misconduct might be regarded as misconduct. Serious misconduct might include:

- for those engaged in hazardous or dangerous work, working at a height, or whose actions might cause a danger to third parties, consumption of alcohol during duties or working after consuming alcohol
- harassment or bullying
- other major or persistent acts of discrimination on the grounds of, for example, race, sex or disability
- persistent bad timekeeping or unauthorised absence
- breaches of health and safety procedures
- theft or fraud, including false claims for travel, subsistence or overtime payments or misuse of telephones, computers or office stationery
- misuse of personal information, as prohibited under the Data Protection Act
- conviction for a criminal offence other than a traffic offence (but see below)
- circulation of material of an offensive or discriminatory nature.

The most serious type of misconduct is gross misconduct. This might include:

- fighting or assault at work
- serious theft, fraud, falsification or corruption
- unauthorised possession or misuse of controlled drugs at work
- breaches of health and safety procedures which led, or would have led, to serious loss, damage or injury

- certain criminal offences (but see paragraph 5.30.4)
- the circulation or retrieval of obscene material or the visiting of web sites which contain such material.

#### **5.30.4 Criminal offences**

You must let your manager, Departmental Head of HR or Director General know as soon as practicable if you are arrested and refused bail or convicted by a court of any criminal offence. This does not apply to a traffic offence unless the penalty includes imprisonment.

A criminal offence is not an automatic reason for dismissal. Each offence will be considered on its merits. An offence will normally be of concern if it:

- is relevant to your duties as an employee
- affects working relationships with your fellow employees or third parties
- may affect the reputation of the House of Commons Service in any way.

#### **5.30.5 Special considerations: trade union officials**

Normal disciplinary standards apply to the conduct of TU officials as employees. If any disciplinary action is considered (including an investigation which could lead to disciplinary action), the case should be discussed, after obtaining the employees consent, with a senior TUR or full time official. Managers should take care that disciplinary action on a TUR is not seen as an attack on the union's functions.

#### **5.30.6 Investigations**

##### ***Preliminary enquiries***

In all cases, preliminary enquiries must be carried out to establish the facts before any formal charges are considered.

If you are the subject of a disciplinary investigation, the investigating officer (who in most cases will be a different manager, designated by the Departmental Head of HR) may interview you and any possible witnesses. This will form part of his/her investigation into what happened. This interview will not be a formal disciplinary hearing, but will be for the purpose of investigating the matter before deciding whether disciplinary action will be instituted. You are entitled to be accompanied by a colleague or trade union representative. As a matter of good practice, he/she may take a note of any such interviews and ask you to sign the record. Special care should be taken with employees who may be hard of hearing or speak poor English, or need help for some other reason.

##### ***Conducting searches of House of Commons Service employees***

The House reserves the right to search employees, their desk, locker, personal property and effects where there is a reasonable belief that some unauthorised<sup>4</sup> or criminal activity has taken place.

<sup>4</sup> Unauthorised activities may include actions such as secreting or withholding work related documents (e.g. secreting invoices which require processing), unauthorised possession of official equipment or property, accepting inappropriate gifts, etc.

Any such search will be conducted by an authorised security or police officer (as appropriate to the particular circumstances) from the Palace of Westminster Division. The search will be undertaken by an officer of the same sex as the employee. The manager requesting the search and/or the Departmental Head of HR will also be in attendance if felt necessary. You will be entitled to be accompanied during any such search by a colleague or Trade Union official of your choosing.

In addition to the above, the House also reserves the right to search any vehicle either entering, leaving or on the Parliamentary Estate at any time.

If you are found to be in unauthorised possession of House property or property belonging to a third party, you may be suspended from duty until the matter has been investigated. Further information concerning House disciplinary procedure is set out in paragraph 5.33.

Staff should bear in mind that during their absence, to avoid disruption to service, their managers may need to gain access to any cupboards, drawers or cabinets they may use for the storage of work related items.

### ***Suspension***

If the allegation is of serious misconduct, your manager may suspend you while enquiries take place. Any suspension must be confirmed by your manager in consultation with the Departmental Head of HR.

Suspension may be made with or without pay, depending on the nature of the allegation and the particular circumstances. If suspension without pay is being considered you will be invited to a meeting at which you have the right to be accompanied by a TUR or colleague.

If you are accused of gross misconduct, you will normally be suspended for five to 10 working days (usually on full pay) while investigations are made.

### ***Deciding on Action***

Once all the facts have been gathered, your manager will decide whether to:

- drop the matter
- give advice and guidance or (if the offence is minor) perhaps an informal warning, to try to ensure there is no repetition and avoid the need to use formal disciplinary procedures. If after an informal warning there is no repetition, the matter will end there
- proceed to a hearing.

## **5.31 Dealing with allegations of dishonesty at work**

### **5.31.1 Principles**

The House of Commons is committed to protecting its assets, including the public funds under its control, from theft or other criminal activity. This section describes what you should do if you suspect that a theft or other crime has been committed in the workplace. It also tells you the procedures that apply if you are suspected of dishonesty at work, and what may happen to you under House policies and procedures.

### 5.31.2 How to report a crime

Any credible evidence that a crime may have been committed should immediately be reported to the individual's manager, your Departmental Head of HR or Director General. If this is not possible the matter should be reported to the Director of the Internal Review Services (IRS) ☎ 6460.

You may report any suspicions you might have anonymously to your Departmental Head of HR or to the Director of IRS. However, information given in this way may be less valuable than information provided by a named person and may not result in appropriate action being taken. Staff should not make malicious or unsupported accusations. Making such accusations may lead to disciplinary action.

You should try to preserve any evidence material to the event.

### 5.31.3 Investigation process

#### *Preliminary enquiries*

The manager (of the member of staff against whom an allegation is made) will investigate, or if appropriate will nominate another manager to conduct an investigation. If necessary, the Departmental Head of HR will arrange for the manager concerned to receive prior briefing in the techniques of conducting work place investigations.

The investigating manager will begin by undertaking preliminary enquiries. The purpose of these is to:

- establish the initial facts
- look at any available evidence
- assess the nature and quality of the evidence
- make a written record of facts and any subsequent decisions made or action taken.

From these enquiries, it will be established whether a full internal investigation or a criminal investigation is necessary. If, at this stage, there is evidence that a theft or other crime has been committed, the police will be called immediately.

#### *Internal investigation*

Where there is only a suspicion that a crime has been committed, a full internal investigation may be conducted. The relevant Departmental Head of HR, in consultation with his or her Director General, will decide who will carry out the investigation; this may be a different manager from the person who carried out the preliminary enquiries.

The aim of the internal investigation is to fully assess whether there is enough evidence to warrant referral of the matter to the police as a criminal investigation, and to inform any decision on whether disciplinary action is necessary (see paragraph 5.31.4)

Staff have the right to be accompanied by a colleague or TUR during any investigation.

#### **5.31.4 Suspension from duty**

If you are the subject of an investigation you may, at your manager's and the Departmental Head of HR's discretion, be suspended with or without pay pending the conclusion of the investigation. Before reaching their decision they may wish to consult both the Legal Services Office and the Director General Resources. If the police are conducting their own investigation and decide not to take further action, or if a prosecution is not proceeded with or results in acquittal, your manager in consultation with the Departmental Head of HR will consider whether disciplinary procedures are appropriate (see paragraph 5.30.4). You will be informed promptly if it is decided that no action will be taken against you and arrangements will be made for you to return to duties as soon as possible.

### **5.32 Disciplinary hearings**

You will be given: (in writing)

- at least seven working days' notice of the hearing
- details of the alleged offence, and an outline of the evidence
- an opportunity to respond to the allegation in writing
- notice that the interview is a disciplinary one
- details of your rights to be accompanied by a TUR or a fellow employee of the House of Commons Service.

If you are unable to find a representative or if your representative is not available on the date of the hearing you can ask that the hearing be delayed (for not more than five working days) so you can make further arrangements.

The purpose of the disciplinary interview is to hear both sides of the case and reach a decision on what sanction, if any, is appropriate. You will have the opportunity to present your case and ask questions. In arriving at the decision, any unexpired previous warnings will be taken into account. Earlier warnings may also be mentioned in disciplinary cases as evidence of a pattern of unsatisfactory conduct over a period of time.

The hearing will normally adjourn before making any decision. This will provide an opportunity if necessary to obtain and consider any additional evidence and to consult the Departmental Head of HR and HRM&D about possible sanctions.

### **5.33 Disciplinary procedures and sanctions**

The treatment of a disciplinary offence will be affected by the circumstances of the offence in question. It is not necessary in every case to begin with a Level 1 recorded warning and to proceed to a final warning. For example, for serious misconduct, the formal procedure may begin with a Level 2 recorded warning. In cases of gross misconduct, summary dismissal may follow.

### ***A. Level 1 recorded warning***

If your conduct does not meet agreed standards, you will normally be given a Level 1 recorded warning by your manager. You will be told of the reason for the warning, that this is the first stage of the disciplinary procedure and of the right to appeal. If appropriate, you should also be told the improvements required and the date by which these must be made. If there is no satisfactory improvement action under the next stage of the procedures may be taken. Further misdemeanours could lead to your dismissal. A brief note of the warning will be sent to your personal file and a copy will also be sent to you for information. Subject to satisfactory conduct, a Level 1 warning will be disregarded for disciplinary purposes six months after it is issued.

### ***B. Level 2 recorded warning***

If your misconduct is serious or a further offence occurs within the six month period, a Level 2 recorded warning will be given. This will give details of the complaint, the improvements required and the date by which these must be made. It will warn that action under the next stage of the procedures will be considered if there is no satisfactory improvement and that further misdemeanours could lead to your dismissal. It will advise of your right to appeal. A brief note of the warning will be sent to your personal file, and a copy will be sent to you for information. Subject to satisfactory conduct, a Level 2 warning will normally be disregarded for disciplinary purposes 12 months after it is issued.

### ***C. Final warning***

This option should be used when there is still a failure to improve and conduct is unsatisfactory or if the misconduct is sufficiently serious to justify at least a Level 2 warning but not serious enough to justify dismissal. You will be given a final written warning. The warning will give details of the complaint, warn that dismissal will result if there is no satisfactory improvement within a given timescale and will advise of the right to appeal. A brief note of the warning will be sent to your personal file, and a copy will be sent to you for information. Subject to satisfactory conduct, a final warning will be disregarded for disciplinary purposes 24 months after it is issued.

### ***D. Dismissal***

If your conduct remains unsatisfactory, dismissal will normally result. The decision on whether to dismiss should only be taken by band B1 or above after the appropriate investigations and interviews have taken place. You will be provided as soon as reasonably practicable with written reasons for dismissal, the date on which the employment will terminate and the right of appeal.

### ***E. Summary dismissal***

If on completion of the investigation and the disciplinary hearing, the person taking the decision to dismiss (see D above) is satisfied that you have committed gross misconduct, the result will normally be summary dismissal without notice. On occasion the House may make payment in lieu of notice.

### ***F. Additional sanctions***

In addition to, or instead of, the sanctions outlined above, the manager concerned may in appropriate circumstances apply any of the following sanctions:

- suspension for a specific period with loss of pay
- payment for any loss or damage you have caused
- loss of pay for unauthorised absence
- loss of seniority or ban on promotion or on consideration for promotion (including temporary promotion or substitution) for a specified period
- movement to a lower pay band for a specified minimum period after which you will be eligible for consideration for promotion. This also includes removal from a post attracting additional allowances.

In dismissal cases involving loss of public money, any unpaid salary may be withheld and offset against the loss. Similar set offs can be made if a member of staff resigns before the dismissal can be put in to effect. Pension benefits may be withheld in whole or in part if you are convicted of any criminal offence that is gravely injurious to the State or may lead to a serious loss of confidence in the House of Commons Service. The decision to withhold pension benefits is a matter for the Accounting Officer and the Pensions Unit will administer the decision. Staff have the right of appeal to the Civil Service Appeal Board if pension benefits are withheld.

If you are dismissed or suspended (subject to any appeal) you must not return to the Parliamentary Estate without first having sought guidance from your Departmental Head of HR. Dismissed or suspended employees are entitled to gain access to their TUR, having first sought guidance on access arrangements from their Departmental Head of HR.

Where in the view of the House the nature of an offence makes it inappropriate for you to continue in your present post, the House may:

- move you to another post in the department; or
- transfer you to a suitable post in another department.

## **5.34 Appeals**

You have the right to appeal to the decision maker's manager after any formal stage of the procedures if you consider the action taken was unfair. He/she may delegate the hearing of the appeal to another member of staff who was not involved in the original investigation and proceedings.

In the case of dismissal, you have the right of appeal to the Civil Service Appeal Board if you have been continuously employed at the House for one year or more (see paragraph 14.7.1) For other advice on eligibility, consult the CSAB. You may also have the right to appeal to an employment tribunal.

### ***Internal Appeals procedures***

If you have received a disciplinary sanction, you will be notified of the appeals procedure, which is as follows:

- any appeal against a disciplinary decision must be made in writing within seven working days of receipt of the written notification of the decision
- your appeal will be heard within seven working days unless both parties agree otherwise
- your appeal will be heard by a senior manager who, so far as reasonably practicable, has not previously been involved with the case, together with an HR representative who acts in an advisory capacity. You may be represented by a fellow employee of the House or TUR
- you, or your representative, must be given the opportunity to introduce or comment on any new evidence arising before or during the appeal before any decisions are taken.

The appeal hearing may decide to:

- confirm the original decision
- refer the issue back to the manager who took the original action for reconsideration
- substitute some lesser sanction
- vary the conditions attached to the sanction
- allow the appeal entirely and dismiss the allegation.

Where an allegation is dismissed entirely, any details will be removed from your personal record held in HRM&D and from other personal files.

## **5.35 Records**

Managers should normally keep notes of any informal warnings and informal help given to help improve conduct.

The following details will be kept of any disciplinary hearing:

- full circumstances of any offence
- the action taken
- whether an appeal was lodged
- outcome of the appeal and any subsequent developments.

The details will be held on a confidential basis on your personal file in the HRM&D for six years. In addition, anything that affects terms and conditions (e.g. movement to a lower pay band) should be kept until age 77.

Depending on the nature of the offence, reference may be made to the disciplinary action in the annual reporting or promotion proceedings or in references.

Records of any anonymous or unsubstantiated allegations will be destroyed when allegations of misconduct are proven to be unfounded.

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## CHAPTER 6: GRIEVANCES

### 6.1 Chapter aims

This chapter outlines what happens if you have a grievance against the House. It will help you to:

- follow what is happening to your case
- understand who is involved and what their role is.

### 6.2 Grievances

Managers and staff are expected to make every effort to resolve grievances informally, (as described in paragraph 6.2.1). Managers will take a proactive approach to tackling any grievance. However, if your grievance is not resolved at this stage you may use the formal procedures which are explained in paragraphs 6.2.2 to 6.2.5.

#### 6.2.1 Informal stage

Find out who was responsible for the decision or act which caused your grievance. (If you do not know who this is, ask your manager.) Approach them yourself or write a letter. Explain what your complaint is and what you want done about it. You can ask a colleague or Trade Union Representative (TUR) to help you with the letter or to attend a meeting. The manager concerned will do what he or she can to resolve your grievance at this stage.

#### 6.2.2 Formal procedures

You may use the formal grievance procedures if your complaint is about a management decision, or about a management act or failure to act which affects you, and it has not been resolved informally. However, there are slightly different procedures to use in the following cases:

- if your concern is about health and safety, raise it first with your manager and after that with the DSC, in accordance with the Health and Safety Policy guidelines. You may also seek advice from the SHWS
- if you want to complain about harassment, use the dedicated procedures in Chapter 4
- if you have concerns about the storage, collection, use or disclosure of personal information about you, write to the person who holds the information about you. If you do not receive a satisfactory response, write to the relevant data protection representative (see the Data Protection Policies and Procedures on the Department of Resources pages on the intranet.) If your grievance is not resolved, you may go straight to the second formal stage of the grievance procedures and approach the Head of HR of the department concerned.

If it is not clear which of these procedures applies to your complaint, you may choose which one to use. For example, if you wish to complain about a manager's behaviour towards you, it is open to you to decide whether to pursue the matter under the harassment procedures (if appropriate) or the grievance procedures.

### **6.2.3 First formal stage**

Approach your manager. If you can, write a letter to him or her explaining what your complaint is and what you want done about it. You can ask a colleague or Trade Union Representative (TUR) to help you with the letter and/or to attend a meeting or hearing.

Your manager will do what he/she can to resolve the grievance. In order to do this, he/she may:

- investigate further, for example, to find out more about a particular incident
- ask for advice from another manager or other managers. For example, if you are complaining about an agreed policy, he/she may consult HR staff, the Resource Management Group or even the Management Board
- interview you to find out more about your grievance. However, there is no requirement for a hearing at this stage.

If your grievance is against a specific person your manager will advise them who has raised the grievance and give them an opportunity to comment on it.

Your manager will reply to you within 10 working days of receiving formal notice of your grievance, or of any hearing if one is held. If he/she cannot resolve the problem within this timescale, he/she will write to say when you can expect a reply and to explain the reasons for the delay. Paragraph 6.2.7 opposite explains what he/she might do to resolve your grievance.

### **6.2.4 Second formal stage**

If you have made your complaint to a manager as described above but are not satisfied with the outcome of the first formal stage, you may take your grievance to the next level manager in your organisation. This should be done within 10 working days of receiving the response to the first formal stage. If you can, write a letter explaining your complaint and what you want done about it. You can ask a colleague or TUR to help you with the letter and/or to attend any hearing. The manager will arrange to hear your grievance, where possible within 10 working days of receiving your letter.

The manager will do what he/she can to resolve the grievance. He/she will normally reply to you within 10 working days of the hearing. If he/she cannot reply to you within this timescale, he/she will write to you to say when you can expect a reply and to explain the reasons for the delay.

### **6.2.5 Final stage**

In almost all cases managers will have been successful in resolving the grievance. If, however, it has still not been resolved, you may take your grievance to the next level of management. This should be done within 10 working days of receiving the response to the second formal stage. If you can, write a letter explaining your complaint and what you want done about it. You can ask a colleague or TUR to help you with the letter and/or to attend a hearing. The manager will arrange to hear your grievance, where possible within 10 working days of receiving your letter.

The manager will reply within 10 working days of the hearing. If he/she cannot give a full reply within this timescale, he/she will write to you to say when you can expect this and to explain the reasons for the delay.

### **6.2.6 Hearing your grievance**

Managers will:

- arrange for any further enquiries to be made before hearing your grievance
- give you a minimum of seven working days' notice, in writing, of any hearing
- treat your grievance in confidence. They will involve others only if necessary for the investigation
- tell you of your right to be accompanied by a TUR or a fellow member of the House of Commons Service at any hearing under the formal grievance procedures. This person may not answer questions for you, but they may address the hearing
- if your grievance is against a specific person, invite that person to attend the hearing, either at the same time as you or separately, with a TUR or colleague if they so wish. This representative may not answer questions on behalf of that person, but may address the hearing
- arrange for someone to take notes at the hearing. See paragraph 6.2.10 on record keeping.

Managers may adjourn or postpone any hearing to allow further information to be obtained.

### **6.2.7 Ways of resolving grievances**

The manager responsible for considering the grievance must declare whether or not the grievance is justified. He or she may then do either or both of the following:

- order some action by a responsible manager
- recommend further action such as training, mediation or counselling.

### **6.2.8 Cases involving managers, Departmental Heads of HR or Director Generals**

If your grievance is against your manager, the first formal stage will be handled by your countersigning manager instead of your manager.

If your grievance is against a Director General, the Clerk of the House will either consider it himself or arrange for it to be considered by another member of the Management Board.

### **6.2.9 External advice**

Managers may ask for external advice at any stage in order to help resolve a grievance. Alternatively, they may suggest training, counselling or mediation to resolve a situation. In such cases, provided the complainant agrees, the hearing may be postponed until the training etc. has taken place.

### **6.2.10 Record keeping**

All managers who consider grievances are responsible for record keeping. They should ensure that notes are taken of any hearings and copies given to the individual(s) concerned (after any amendments needed to protect the confidentiality of others). Records will be maintained on a central, confidential register. This information will be made available to the Corporate Learning and Diversity Manager and the Diversity and Training Administrator in order for them to fulfil their duties with regard to monitoring grievances by diversity category.

The information will be kept securely and for a period of 6 years.

## CHAPTER 7: COMMUNICATION

### 7.1 Chapter aims

This chapter outlines the communication processes within the House. It tells you how you will hear news about the House and about your own terms and conditions of employment.

☛ The system for consultation with recognised Trade Unions (TUs) is described in Chapter 8. This chapter only covers communications across the departments of the House. It does not include channels of communications which are specific to individual departments.

### 7.2 Staff notice system

The main method of communicating management information to staff is through the staff notice system. The notices about pay, conditions of service and statutory information are distributed to all staff, usually by e-mail. Paper copies are made available to staff who do not have access to the e-mail system.

### 7.3 Notice boards

Each department is responsible for the contents of its own notice boards. Most notice boards include notices about health and safety, current vacancies and general matters of interest such as blood donor sessions, the holiday play scheme etc. Additional copies of notices are available from HRM&D. Staff should seek permission from their manager before posting a notice on any departmental notice board.

### 7.4 Parliamentary News

*Parliamentary News* is the newsletter received by all staff directly employed in the Houses of Parliament. It is published monthly (except during August and September), jointly by the management of both Houses, and aims to inform, encourage and generally give a sense of belonging to those working on the Parliamentary Estate.

Anyone in either House can submit an article for consideration, which must be of likely general interest, promote forthcoming events or publicise the activities or achievements of individuals, groups or departments.

Articles should be sent directly to the Commons Central Communications Team in the Office of the Chief Executive by internal mail or e-mail at the following addresses:

Joanne Fletcher  
Central Communications Team  
Room SA4  
The Colonnades  
Palace of Westminster  
London SW1A 0AA  
e-mail: [parlnews@parliament.uk](mailto:parlnews@parliament.uk)  
Tel: x 4801

The deadline for submitting copy is given in each issue of *Parliamentary News*.

The Internal Communications Groups of each House act as editorial groups (see published list in each issue) and will be pleased to discuss proposed articles or help in any way with the planning or drafting of texts. Contact Jo Fletcher or [parlnews@parliament.uk](mailto:parlnews@parliament.uk) if you would like a photograph to be taken to illustrate your article.

## 7.5 Information notices

Information notices are usually sent via e-mail (or occasionally distributed in paper form). They are designed to brief Members, their staff and staff of the House about developments on the Estate, particularly about building works.

## 7.6 Use of the Parliamentary Network

### 7.6.1 Principles

It is every computer user's responsibility to ensure the confidentiality, integrity and availability of data stored on computers and to use the computers in a proper manner. Following the procedures set out below will help you fulfil this responsibility. These procedures are the basic minimum and your department may operate stricter procedures locally.

Remember that computers are supplied for business use. Any personal use should be incidental. Unauthorised access to any Parliamentary or external system is prohibited. Any non compliance with this policy may lead to the application of the House of Commons disciplinary procedure which, in serious cases, could lead to your dismissal.

### 7.6.2 Procedures

To ensure privacy of data and to prevent unauthorised users gaining access to systems, log-in to the Parliamentary Network (PN) and many database systems is password protected. Passwords:

- must be changed on the PN as soon as you are prompted to do so
- must be changed on other systems according to local guidelines
- must not be written down
- must not be easily guessed words
- should be made up of a combination of letters and numbers (but not your address or car registration number)
- should not be disclosed to others. If you have to reveal your password to your departmental IT section or to PICT to enable them to reconfigure your computer or account, change your password immediately afterwards.

### 7.6.3 Absences from desk

To prevent unauthorised access to your data you should consider logging out if you are likely to be away from your desk for some time (e.g. for a meeting or lunch). Alternatively (if this is not automatic) use a password protected screen saver.

### 7.6.4 Data storage and disposal

Data stored on your PC's hard disk are vulnerable to unauthorised access and to corruption and/or loss. You should:

- back up all important files to the network drive (follow your local guidelines)
- if you have a specific requirement to store sensitive information please seek guidance from your local IT/IS section.

Only work related data should be stored on the network.

### 7.6.5 Viruses

Viruses and other malicious software programmes have the potential to cause many problems including corrupting your data. As a rule (but check with PICT for detailed procedures):

- never load anything, including information from the internet, onto your computer without virus checking first
- never download programs from the internet
- always virus check a floppy disk or CD ROM before use
- never send anyone else a virus infected floppy disk or CD ROM.

### 7.6.6 Treatment of computers

Computers and related equipment should be used in a responsible manner, respected as complex tools and treated with care:

- do not load software without the knowledge and assistance of your local IT section as this may corrupt your set up
- do not 'pirate' software or use any unlicensed copies
- do not smoke, drink or eat too close to the computer keyboard (ash, coffee and crumbs do not mix well with electrical equipment)
- keep portable computers under lock and key when not in use.

### 7.6.7 E-mail and the internet

#### *Statement on monitoring*

At the discretion of the Director General or Director of Business Services, the House reserves the right to monitor incoming and outgoing e-mails, and other use of the Parliamentary Network, including the internet, to establish that the system is being used properly and for necessary and lawful purposes.

Any access or monitoring will be conducted in accordance with requirements of the Data Protection Act 1998, Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 SI 2000/2699 and the Regulation of Investigatory Powers Act 2000. The Parliamentary Network may apply automatic message monitoring, filtering and rejection systems as appropriate, and deny transmission of messages with content that is unacceptable in the terms of the Policy.

### ***E-mail use***

At the discretion of the Director General or Director of Business Services, e-mails may be reviewed for the purpose of responding to requests for disclosure under legislation such as the Data Protection Act, the Freedom of Information Act or the Environmental Information Regulations. When writing e-mails you must be aware that they form part of the official business record and that the House may be required to disclose the content of them in response to a request. You are permitted to make occasional personal use of the e-mail system, provided that this does not interfere with the performance of your normal duties. However, management reserves the right to monitor e-mails, so privacy cannot be guaranteed (see statement on monitoring above).

- You must not send or distribute e-mail messages, attachments, or other material which employ language or contain images that may reasonably be considered to be discriminatory, obscene, derogatory, offensive, threatening, insulting, illegal, harassing or harmful to recipients
- You must not originate or distribute chain letters via e-mail.

**!!** Any non compliance with this policy on use of the e-mail system may lead to the application of the House of Commons disciplinary procedure, which in serious cases could lead to your dismissal.

If you receive what you consider to be an inappropriate internal e-mail you should forward a brief note to the sender explaining that you do not wish to receive any further e-mails of that nature. If the sending of inappropriate e-mails continues you should advise your manager immediately.

If you receive an inappropriate e-mail from outside the House of Commons which falls into the category of SPAM<sup>1</sup> do not respond to the e-mail but please notify your manager and PICT (via the Service Desk ☎ 2001).

If you intend to be away from the office for any length of time, remember to use the 'Out of Office Assistant' (MS Outlook) to inform your customers and colleagues that you are away. Please remember to include details of how long you will be away for and who will be dealing with your work in your absence. If you are away unexpectedly, your manager may contact the PICT Service Desk to activate your Out of Office Assistant with an appropriate message.

<sup>1</sup> SPAM is a term used to describe unwanted and unsolicited e-mails sent to multiple e-mail addresses.

### ***Internet use***

You are permitted to make occasional personal use of the internet provided that this does not interfere with the performance of your normal duties. You should understand that the House may monitor your use of the internet (see statement on monitoring Chapter 7, Page 3).

When using the internet:

- do not use the internet for any illegal purposes
- do not download information or pictures which are likely to cause offence to any other potential observers unless you have to do so in the proper discharge of your duties
- do not use the internet for commercial activities, except in connection with your official duties.

**!!** You must not deliberately visit web sites, or disseminate or retrieve information or software which contains material of an offensive, obscene or discriminatory nature.

In the event that you inadvertently access an inappropriate internet site (as described above) you should immediately use the 'Back' button on the browser to return to the previous page or the 'Home' button to return to the Parliamentary intranet home page.

**!!** Any non-compliance with this policy on use of the internet may lead to the application of the House of Commons disciplinary procedure, which in serious cases could lead to your dismissal.

### ***Disciplinary sanctions***

Managers will take account of all relevant circumstances when deciding on the appropriate sanction. As a guide to staff, the following examples of unacceptable behaviour and the possible sanctions that may be applicable are provided:

- excessive use of the e-mail and internet systems for personal, social or recreational reasons during work time could be classed as misconduct
- circulation of material of an offensive or discriminatory nature could be classed as serious misconduct
- the circulation or retrieval of obscene material or the visiting of web sites which contain such material could be classed as gross misconduct.

This policy also applies when accessing the PN via a remote link.

#### **7.6.8 Parliamentary intranet**

Everyone who is connected to the PN has access to the Parliamentary intranet when using the provided browser. It provides access to a wide range of useful information including a searchable version of the Members Handbook, menus for the Commons refreshment facilities, the House Telephone Directory, Library information, including publications, and the PIMS database. Hansard and select committee reports are added on the day of publication.

Other new information is also added at appropriate intervals. When new categories of information are added to the Parliamentary intranet, a notice is included in the 'What's new' section as well as the entry being added to the index.

The Library offers two hour sessions on the use of the Parliamentary intranet and the internet which are open to all PN users. Help sheets are also available in the Library reading rooms in the Palace and Derby Gate. ☎ 2345 for further information or click on the Parliamentary intranet index entry.

### **7.6.9 Where to go for help and advice**

If you have any queries about computer use, contact your departmental IT section, or manager. If you require specialist advice or guidance, please contact the Parliamentary IT Security Officer ☎ 3468.

## ANNEX A

### Parliamentary Information and Communications Technology Service Security Policy

*The Houses of Parliament are committed to ensuring the protection of all information on the Parliamentary Estate. This policy identifies best practice and is to be used in association with the staff handbooks of both Houses and the acceptable use policies applicable to Members and their staff.*

*All Parliamentary IT system users have personal responsibilities:*

- to use IT systems, laptop computers and personal digital assistants securely
- to protect the availability, integrity and confidentiality of Parliamentary IT systems and associated data
- to ensure, both on the Parliamentary Estate and when working remotely, that best practices are adopted to reduce the risk of unauthorised data access, virus infection and equipment theft
- not to connect any device or application to any Parliamentary IT system without authorisation
- to comply with Parliamentary IT security policies and associated standards and procedures
- to ensure appropriate technical and organisational measures are taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data (Data Protection Act 1998)
- under the Computer Misuse Act 1990, not to gain, or attempt to gain, unauthorised access to, or unauthorised modification of, computer material
- under the Copyright, Designs and Patents Act 1988, to ensure that software is not copied or used without the permission of the copyright owner.

The Parliamentary Information and Communications Technology service has responsibility for:

- the security of the Parliamentary network and protecting its associated equipment, applications and data from loss, damage, corruption or misuse
- the security of servers and associated equipment entrusted to them by Departments and Offices
- providing protection against offensive or unwanted e-mail.

Heads of Departments and Offices have responsibility for:

- ensuring that their development staff build appropriate levels of security into IT systems and provide for business continuity in the development process
- identifying and implementing security requirements for new applications
- ensuring that their staff and contractors are aware of and comply with this policy and operate and maintain security controls in their area of responsibility.

The Parliamentary IT Security Officer has responsibility for:

- promoting security awareness, maintaining this policy and providing advice on any matters arising from it
- ensuring that IT security controls are comprehensive and integrated with the other components of Parliamentary security
- improving IT security standards and ensuring compliance with British security standards and codes of practice associated with BS7799/ISO17799.

Breaches of security must be immediately reported to the PICT Service Desk ☎ 2001.

**CLERK OF THE HOUSE**

**February 2003**

**CLERK OF THE PARLIAMENTS**

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## ANNEX B

### Note to Parliamentary Network Users on the Arrangements for Dealing with Unwanted E-mails

SPAM, or junk e-mail, is a growing concern for internet users everywhere. The Parliamentary Information and Communications Technology service (PICT) provides filtering services which should detect and quarantine the majority of such e-mails. This service also blocks inbound viruses.

If you receive an e-mail that you consider should have been blocked or an e-mail that you believe you should have received has been blocked please contact the PICT Service Desk on ☎ 2001.

The service is managed by a trusted third party and offers users complete control over the handling of blocked messages. Only incoming e-mails are scanned by this process. Outgoing and Internally circulated e-mails are not filtered. The service may be subject to refinement over time.

In addition to the above PICT also offer the following advice with regard to minimising the intrusion and the amount of SPAM that is generated.

1. Users may wish to activate the junk or adult senders facility in Microsoft Outlook and add the senders of unwanted e-mails that they receive to these lists. Any e-mails from senders on these lists can be automatically handled by using the Microsoft Outlook Rules Wizard. If you wish to set rules in Microsoft Outlook to handle unwanted e-mails you should refer to the user manual that you received when attending your initial Network training. In addition to this users should avoid using the 'preview pane' if they do not wish to be presented with the contents of such e-mails automatically.
2. Beware of purchasing SPAM-advertised products e.g. e-mails advertising special offers. Aside from encouraging spammers, this makes more personally identifiable information (e.g. name, address, phone number, credit card numbers, etc.) available to them. It will also guarantee that more SPAM is sent to your e-mail address.
3. Refrain from using the 'reply', 'remove' or 'unsubscribe' options to unwanted e-mail, as using any of these responses, will confirm to the sender that your e-mail address is in fact valid and in use. Some senders may remove your address, but others may flag your e-mail address as 'live' and send you more SPAM or even sell your address to other spammers.
4. Do not post your e-mail address online for newsletter subscriptions, in chat rooms or to join online groups unless you are satisfied that the organisation concerned will safeguard this information by not displaying it for others to see or use it for purposes other than those you have agreed to.
5. If you receive any images which you believe may be illegal, you should retain the detail in your e-mail inbox for further investigation and contact the PICT Service Desk ☎ 2001.

## CHAPTER 8: CONSULTATION

### 8.1 Chapter aims

This chapter outlines House policy on consultation with the Trade Unions (TUs). Reading this will help you to:

- understand the House position on TUs
- follow our consultation procedures.

The House of Commons considers it to be in your interest to belong to a TU. The union can represent your point of view on all kinds of questions affecting pay, conditions of service and welfare. Staff are strongly encouraged to join the appropriate TU.

### 8.2 Trade Unions

#### 8.2.1 Facilities Agreement

The Facilities Agreement (a copy of which is available from your Departmental Head of HR or your union representative) sets out the arrangements by which management and elected Trade Union Representatives (TURs) undertake their employee relations duties. It covers time off for TU business and provision to union representatives of facilities such as office accommodation, equipment, and access to documents.

If you are elected as a TU official, or if you manage someone who is, you will need to become familiar with this agreement.

#### 8.2.2 Opting out of the Political Levy

Staff have the right to opt out of the political levies operated by those recognised trade unions which have a political fund.

Members of staff pay their trade unions subscriptions by deduction direct from their salaries via payroll or by direct debit from bank accounts. You can also make regular payments to the political levy (a payment to the trade unions political fund) by either of these methods. The payment to the political levy is likely to be less than the sum of £1 per member per year. Each union is required by law to have a separate political fund which is used to support campaigning work on behalf of union members. If you wish to receive more information on the way your Union uses its political fund, you should contact your Trade Union Representative.

Should you decide that you no longer wish to contribute to the political levy you should notify your trade union membership representative. They will follow the procedures for the individual union. This may involve the representative in notifying the pay team on your behalf. Alternatively the representative may provide you with a form for you to notify Union Headquarters of your wishes. Your trade union subscription will continue to be collected either directly from your salary or by direct debit in the usual way.

## 8.3 Whitley Committees

Consultations with recognised TUs take place under the umbrella of the House of Commons Whitley Committee. Membership of the main Whitley Committee comprises:

- Management Side: members of the Board of Management
- Trade Union Side (TUS): the President and Vice President of the TUS, two representatives from each of the recognised unions, the TUSA, a number of specialist representatives who deal with specific subjects, such as the health and safety representative, and all headquarters officers.

The Clerk of the House chairs the committee and the secretary is from the Office of the Chief Executive. The President of the TUS is Vice Chairman of the Whitley Committee.

The aims of the Whitley system are to:

- secure cooperation between management and staff with a view to increasing efficiency and ensuring the well-being of staff
- provide a mechanism for consultation, discussion, negotiation and dealing with grievances
- bring together the experience and points of view of all concerned.

The main Whitley Committee meets once a year and some of its responsibilities are delegated to the General Purposes Sub Committee (see paragraph 8.3.1).

The Committee does not have a role in pay negotiations. These are negotiated directly between the unions representing particular groups of staff and the management of the House.

### 8.3.1 General Purposes Sub Committee (GPSC)

The GPSC is made up of members of the Business Management Directors of the Commons Service (the PICT Director attends as an observer) and the director of HRM&D and the TURs as for the main Whitley. The Chairman of the Resource Management Group chairs the Committee with the President of the TUS as Vice Chairman.

The Committee normally meets three times a year. If necessary, special meetings can be called at any time by agreement between the Chairman and Vice Chairman.

### 8.3.2 Joint Consultative Committees (JCCs)

There are two other Whitley sub committees:

- the Catering Directorate Joint Consultative Committee deals with the concerns of catering staff in pay bands represented by the GMB and PCS
- the Parliamentary Estates Directorate Joint Consultative Committee looks after the concerns of the craft employees.

The GPSC and both JCCs provide reports on their activities during the year and these are considered at the annual Whitley Committee meeting.

### **8.3.3 Health and Safety Committee**

This committee consists of Departmental Safety Coordinators (DSCs), Trade Union Health and Safety Representatives and management representatives (see paragraph 3.1 for further details).

### **8.3.4 Distribution of minutes**

Minutes of the meetings of the Whitley Committee, GPSC, JCCs and Health and Safety Committee are made available to all staff. Departmental arrangements for distribution differ, but if you do not see these documents, or if you wish to see previous minutes, contact your Departmental Head of HR. The minutes are available electronically on the Department of Resources web page.

### **8.3.5 Access to the House of Commons Commission**

The TUs have a right of access to the Commission, as provided in the House of Commons (Administration) Act 1978.

## CHAPTER 9: PAY & EXPENSES

### Pay

#### 9.1 Section aims

This section sets out the pay systems within the House of Commons. Reading this will help you:

- understand how your pay is made up
- understand performance pay and how it is calculated
- know whether you are entitled to overtime payments.

The pay systems of the House are designed to:

- distinguish between different levels of performance without unfair discrimination on grounds of sex, ethnic origin, disability, working patterns or sexual orientation
- encourage staff to improve their individual performance by providing a close and regular link between performance and reward
- provide incentives for improving and maintaining efficiency.

#### 9.2 Pay structure

There are three pay systems in the House which cover the following groups of staff:

- Senior Commons Staff (SCS)
- Pay band A – E staff (including the PED Craft team)
- Catering Directorate CG pay bands.

##### 9.2.1 Senior Commons Staff

The House has four pay bands for SCS: 1, 1A, 2 and 3. Each band has minimum and maximum rates of pay and an individual may be paid at any rate between these two rates. Progression through the bands is directly linked to performance.

Details of the SCS pay bands can be found by contacting HRM&D ☎ 1343, 3761, or 1496.

##### 9.2.2 Pay Band A-E Staff

There are five pay bands that are identified by letters A to E and, with one exception, the bands are further sub divided:

- A1, A2, A3
- B1, B2
- C
- D1, D2
- E1, E2.

The band for your job depends on the weight and responsibility it carries. Your letter of appointment contains both the job title of your initial post together with the pay band to which it has been allocated. Each band and sub division has minimum and maximum rates of pay. Your salary will fall somewhere between the minimum and maximum of the band and the rate at which you progress up the band is subject to satisfactory performance. Staff may be transferred to any reasonable post at the same level.

Details of each pay band and the progression arrangements can be found by contacting HRM&D ☎ 1343, 3761, or 1496.

### **9.2.3 Catering & Retail Services CG pay bands**

There are five pay bands for Catering & Retail Services CG staff. For each band there is a single rate of pay and you will receive the rate of pay for your band. There are minimum and maximum rates of pay for Commis Chefs and Apprentice Chefs. If you are a Commis or Apprentice Chef your pay will depend upon your length of service and experience but will be between the minimum and maximum.

Details of the CG pay bands can be found by contacting HRM&D ☎ 1343, 3761, or 1496.

## **9.3 Pay increases**

### **9.3.1 Senior Commons Staff**

The pay of SCS is broadly linked to pay rates in the Senior Civil Service as recommended by the Senior Salaries Review Body (SSRB). Overall pay awards are subject to approval by the House of Commons Commission. A Senior Pay Panel has been set up by the Management Board and is responsible for general oversight of the senior pay system and for making recommendations to the Clerk of the House for the distribution of personal performance awards to staff in the senior structure. For more details see paragraph 9.4 on performance pay.

### **9.3.2 Staff other than SCS**

The House is directly responsible for negotiating rates of pay for all other staff, including the craft and catering staff. Changes to pay and conditions of service are negotiated with the recognised Trade Unions (TUs). Information about pay offers and details of final agreements are circulated through the staff notice system.

At the start of each financial year the House of Commons Commission approves pay negotiating remits for each pay group (A – E structure and the Catering & Retail Services CG bands).

This sets the limit within which pay increases can be negotiated with the TUs. This limit is based on recommendations of the Management Board that take into account the need to stay 'broadly in line' with Civil Service pay. Separate negotiations take place with the unions representing staff in these three groups.

Once the negotiations have been completed the TUs involved ballot their members on the final offers. The increases are normally payable from April although the time taken for negotiations usually means that the awards are implemented later in the year with payment backdated to 1 April.

Copies of the pay agreements are available from HRM&D ☎ 1343, 3761 or 1496.

## 9.4 Performance pay

For permanent staff in the SCS performance is assessed annually under a staff reporting system. The reporting year runs from 1 April to 31 March each year. The amount of performance pay you receive depends on your overall box mark. The increase will normally be payable with effect from 1 April. The performance pay system for staff in pay bands A to E differs.

### 9.4.1 Senior Commons Structure

Each year a budget is allocated for performance pay awards to SCS which is in line with the annual recommendations of the Senior Salaries Review Body (SSRB). Performance awards are distributed according to the box marks in the performance review reports. A share system is used and the shares allocated depend on the overall box mark individuals receive in their performance review. There is also provision for non consolidated awards for higher performers, the amount payable is informed by the quantum suggested for the Senior Civil Service. The Senior Pay Panel assisted by the Bonus Sub Committee which is Chaired by a member of the Senior Pay Panel determine the number and value of awards.

### 9.4.2 Bands A to E inclusive

As a result of the 2008-2010 pay deal, the link between appraisal reporting and performance pay has ended. Staff can be nominated for a performance award at three times each year (the year runs from October to September). Nominations are invited in February, June and October and successful nominees will receive their performance award in March, July and November respectively. Staff can receive one award per term and a maximum of 2 awards in one year. Performance Awards are paid as a one-off lump sum. They do not count for pension purposes.

### 9.4.3 Band E

Staff in pay band E receive long service pay points following the satisfactory completion of their probationary period. Further details of the Band E pay bands can be found by contacting HRM&D ☎ 1343, 3761, or 1496.

#### **9.4.4 Staff in the CG pay bands**

If you are in a CG pay bands there are no pay ranges and you receive the rate for the job from the date of appointment. For further details contact HRM&D ☎ 1343, 3761 or 1496.

#### **9.4.5 Staff promoted within the reporting year**

If you are promoted between 1 April and 31 December you will receive full revalorisation and progression in the higher pay band.

If you are promoted between 1 January and 31 March you will receive notional pay progression based on the lower band prior to promotion. Pay on promotion will then be re-calculated using the revised spine point with effect from the following 1 April.

Arrangements for staff in the SCS pay bands differ. If you are promoted between 1 April and 30 September of the reporting year you are entitled to pro rata performance awards for that year for performance in both the higher and lower pay bands. This means your progress up the pay band will reflect the time spent in each band.

If you are promoted between 1 October and 31 March you will have your performance pay determined by reference to whichever is the more favourable of the following calculations:

- pro rata awards in both lower and higher bands (as explained above) or
- by recalculating pay on promotion following adjustment for pro-rated performance pay notionally awarded at the lower pay band.

#### **9.4.6 Staff appointed after the start of the reporting year**

If you were appointed between 1 April and 31 December you will receive revalorisation (if applicable), and progression in full.

If you were appointed between 1 January – 31 March you will receive full revalorisation (if applicable).

## 9.5 Starting pay on promotion

### 9.5.1 Pay on substantive promotion

When you are promoted, you will receive the greater of either:

- a 10% pay increase (rounded up, where appropriate, to the nearest step on the new band)
- the minimum of the higher pay band.

If you require further clarification about your pay on promotion please contact HRM&D ☎ 1343, 3761 or 1496.

### 9.5.2 Pay on temporary promotion

If you are on temporary promotion you assume all the conditions of service of the higher band, and you will receive the same pay increase as for substantive promotion.

#### *Pay on reversion*

On reversion to your substantive pay band at the end of a period of temporary promotion your pay will be the point on the scale of the substantive pay band you would have reached had it not been for the temporary promotion. If you are subsequently re promoted (either temporarily or substantively) your pay on promotion will be the more favourable of either the normal pay on promotion rules or the point on the pay scale you were on when you were last on temporary promotion.

### 9.5.3 Pay on substitution

To qualify for substitution pay, you must substitute in a role in the higher pay band for at least five consecutive working days (one day for catering pay bands). You will receive a pay increase equal to that for substantive promotion subject to the following:

- You will not be paid at the higher band rate for any absences you may have on sick or annual leave during your period of substitution
- The period of substitution will be counted from the first to the last working day, and includes any non-working days which fall within the period
- If the period of substitution ends on a Friday it will include the final weekend provided that you have substituted for at least five consecutive working days immediately before the weekend.

## 9.6 Overtime

Some groups of staff can claim overtime pay if they work extra hours at their manager's request, or alternatively, if mutually agreed, time off in lieu may be granted. Staff in pay band A and above are generally not eligible for overtime payments, but may receive an allowance for regular late night working (see table on next page).

### 9.6.1 Staff in bands A-E

You will be eligible for overtime payments if:

- you work more than the normal weekly working hours of 39
- overtime has been authorised in advance by the budget holding manager for your section.

If you are asked to work on a Saturday, Sunday, public or bank holiday, you may be eligible for premium payments.

Rates of overtime payments				
Pay band	Monday to Thursday	Friday	Saturday	Sunday & Bank/Public Holidays
E to C (except C PTO)	Plain time + $\frac{1}{2}$	Plain time + $\frac{1}{2}$	Plain time + $\frac{1}{2}$ plus a premium payment at $\frac{1}{2}$ plain time rate	Double time (or plain time + $\frac{1}{2}$ and time off in lieu)
B C (PTO) Craft team	Plain time	<i>Normal</i> Plain time  <i>Special</i> (Applicable after 3pm and 6 $\frac{1}{2}$ hours attendance due to a late sitting of the House)  Plain time + $\frac{1}{3}$	<i>Normal</i> Plain time + premium payment at $\frac{1}{2}$ plain time rate  <i>Special</i> (Applicable if overtime is necessary due to the House sitting)  Plain time + $\frac{1}{2}$ plus premium payment at double time	Double time (or plain time and time off in lieu)
A	Nil	Nil	Premium payment at $\frac{1}{2}$ plain time rate (plus time off in lieu if possible)	Premium payment at plain time rate (plus time off in lieu if possible)

- Plain time rate is your normal rate of pay and is calculated as follows: your basic salary divided by your total working hours per year (52 x gross weekly hours)
- Overtime payments do not count towards your pension
- Overtime and premium payments are normally paid one month in arrears
- You can find an overtime claim form.

### 9.6.2 CG staff overtime

Vote and Banqueting (not session) overtime is calculated on a weekly basis and is paid at an hourly rate for hours worked up to 39 hours per week (full time contracted hours), and at time and a half rate for overtime worked over 39 hours. Rates differ according to pay band. Banqueting Session overtime (paid to those employees who are not contracted to work in Banqueting who do overtime in Banqueting between Monday and Friday) is paid at time and a quarter rate. The rate paid is according to the pay band of the position worked. Full details of these rates are available from the facilities HR Office.

<b>Vote and Banqueting (Not session) Overtime</b>	
<b>Up to 39 hours per week</b>	<b>Plain time hourly rate</b>
<b>Over 39 hours per week</b>	<b>Time and a half hourly rate</b>
<b>Banqueting Session Overtime</b>	<b>Time and a quarter hourly rate of position worked</b>

### 9.6.3 Premium payments for part timers

You are eligible for overtime payments only when your hours exceed the normal weekly full time hours. If you work extra hours on a weekday, within the normal full time limit, you may be paid for the extra hours at your normal hourly rate. Payments for extra hours worked within the normal full time limit count towards your pension.

If you are asked to work at weekends or on a public holiday you will qualify for premium payments.

## 9.7 Allowances

Some posts in the House attract allowances or unsocial hours payments for additional hours worked. Details of these payments are shown either in your letter of appointment (if you are eligible on appointment) or another written notification (if you subsequently become eligible).

Allowances are paid for the following reasons:

- additional responsibilities, e.g. responsibility allowance
- additional hours
- different working hours or pattern of attendance, e.g. shift disturbance allowance.

Allowances and unsocial hours payments count towards your pension and are updated annually after any necessary negotiations with the unions which will take account of alterations to basic salaries, hours of work etc.

## 9.8 Payment of salary

The Payroll Services Team, Department of Resources, pays the salaries of staff in the House. Your salary is paid by direct credit to a bank or building society on the last working day of each month. Your monthly gross pay is one twelfth of your annual salary. If you join or leave part way through a month your pay is calculated by:

- dividing your total annual salary by 12
- dividing this by the number of days in the month and
- multiplying this by the number of calendar days you are due to be paid for.

You will receive a pay slip showing your salary, any deductions, and the total paid into your account at the end of the month.

If you have any queries about your pay, contact the Staff Payroll Team ☎ 5534. (Catering Directorate staff can contact the CD HR Office in the first instance ☎ 5323). If you think you are being paid at the wrong rate you should tell the Staff Payroll Team in writing. You should also let it know as quickly as possible if you change your bank or building society so that it can arrange for your salary to be paid into the correct account.

### 9.8.1 Deductions from pay

The Payroll Services Team makes certain deductions from your salary. These may be statutory deductions or voluntary deductions.

Statutory deductions include:

- income tax
- National Insurance contributions
- contributions to the House of Commons Staff Pension Scheme (HOCSPS), unless you have opted out of the scheme
- in some cases, attachment of earnings (on the authority of a Court).

Voluntary deductions include:

- deductions for extra premiums to enhance your pension benefits
- subscriptions of approved organisations such as TUs
- payments to organisations such as:

health care providers

benevolent funds

insurance societies

savings schemes.

Full details of approved organisations are available from the Staff Payroll Team.

A deduction may also be made from your pay due to a disciplinary sanction.

☛ Chapter 5 paragraph 5.33.

### 9.8.2 Advances of pay

If you are employed on a permanent basis, you can ask for an advance in the first month of employment. The maximum amount is two weeks of your salary, which can be paid once you have completed two weeks' service in the House. You may also apply for a pay advance before Christmas. Requests for this must be made to the Staff Payroll Team by the end of November. The maximum amount you may request is £250. Advances are generally paid by 15 December and are recovered in full from your salary which is paid at the end of December.

### 9.8.3 Giving to charity

The House operates a give as you earn scheme. Your payments are tax free and any charity can be nominated. More information is available from the Staff Payroll Team.

### 9.8.4 Tax office

The tax office that deals with staff of the House is at:

PD2  
Ty-Glas Road  
Llanishen  
Cardiff CF4 5XZ  
☎ 01222 753271

If you contact the tax office you will need to quote the following tax reference:  
PD2 948/40 MU4

## 9.9 Overpayment of salary

Although every effort is made to avoid such an occurrence, it is possible that at some time you may be overpaid. If this happens, the Staff Payroll Team will seek to recover any overpayments in line with the procedures set out in Government Accounting guidance. This is the guide to accounting and financial procedures which is used in government departments. If you wish to see a copy of this guide you should speak to your Departmental Head of HR.

If you have been overpaid, the Payroll Services Team will write to you as soon as the error has been discovered. The letter will include details of the overpayment and how it occurred. You will be asked how you wish to repay the amount overpaid: whether you wish the repayment to be staged over a period of months (usually a maximum of six) or whether you would prefer to make a one off lump sum payment. Advice may be sought from a Trade Union Representative (TUR) before you respond to the letter. In some circumstances the amount overpaid may be recovered automatically. These occur when:

- a correction can be made before an individual has received his/her pay advice slip
- an overpayment was made only in the previous month's salary (overpayments that have been paid two or more months earlier cannot be recovered automatically)

- the overpayment is of a minor nature, e.g. an individual should have received two days sick pay at pension rate.

In some cases the overpayment may be obvious, such as payment of overtime where none has been worked or payment for temporary promotion that has ceased, and the House will seek to recover the full amount. In cases where you could not reasonably have known that you have been overpaid, the period in which the House can seek recovery is limited to one year.

Recovery is normally only waived in cases of genuine hardship. You will need to support any claims for hardship with evidence that the proposed recovery would be detrimental to your welfare and/or that of your family.

## 9.10 Transport loans

If you are a permanent or fixed term employee and have at least two months' service you can ask for a loan to buy:

- either a season ticket to cover your journey to and from work and/or
- a bicycle for travel to and from work.

These loans are given under the following conditions:

- the loan is only for the cost of the season ticket or towards the cost of buying a bicycle
- the cost is recovered by deductions from salary over a maximum of 12 months
- if you leave the House of Commons you will have to repay the outstanding loan in full
- you use the bicycle for at least part of your home to office journey although you do not have to use it every day
- you must buy the season ticket or bicycle within one month of receiving the loan and also produce the receipt.

Any abuse of this privilege could result in disciplinary action.

If you want to take advantage of this facility you can download an application form from the intranet.

or contact the Payroll Services Team ☎ 5534. Contact the same office if you are leaving and have any loan that needs to be repaid.

Loan payments will be paid into your bank or building society account with your salary (see paragraph 9.8). If, however, you can demonstrate to your Departmental Head of HR that payment direct to your bank or building society account will leave you disadvantaged, the Department of Resources will issue a cheque. This will be made payable to the relevant transport authority (or, in the case of bicycle loans, usually the retailer).

## 9.11 Subscriptions

Permanent members of staff can be reimbursed for the following:

- membership fees paid to professional institutions
- membership of the Guild of Qualified First Aiders.

The fee or subscription paid to one professional body will be reimbursed where the membership is:

- either essential for carrying out your present duties or
- directly relevant to your post.

Your Director General or Departmental Head of HR will decide whether you satisfy these criteria.

Submit any claims for reimbursement to the Financial Processing Team, Department of Resources, via your Departmental Head of HR or other officer nominated for this purpose within your department. Your claim should state why membership is relevant to your current post and have attached to it evidence from the relevant institution that the fee has been paid.

Qualified first aiders are entitled to claim the cost of membership of the Guild of First Aiders. Claims for reimbursement should be submitted to the Accounts Payable Team together with evidence of membership of the Guild.

Claims are paid without deduction for tax and you are not entitled to claim tax relief against such payments. If you have any questions about this contact the Accounts Payable Team.

If you have any questions about your pay you should contact HRM&D ☎ 1343, 3761 or 1496. Copies of all pay spines, pay ranges and progression charts may also be obtained from HRM&D.

### Expenses

## 9.12 Section aims

In the course of your work you may incur expenses, such as travel and subsistence, for which the House will reimburse you. This section aims to help you by:

- explaining the House policy on expenses
- informing you when to obtain and keep receipts etc.
- providing details about completing claim forms so that they can be processed quickly and easily.

The House will meet the cost of any travel or other expenses you necessarily incur when undertaking official business, subject to any conditions set out in this Handbook. This does not include the cost of your normal daily journey to or from work.

You must obtain your manager's agreement before you incur any travel or subsistence costs. If you are away from the office for a period of time your manager should agree the limits of your expenditure in advance.

## 9.13 Subsistence

The purpose of subsistence payments is to meet the necessary additional costs of food and accommodation incurred by staff when working on official business away from home or the House of Commons.

Slightly different arrangements to those below exist for staff travelling with Members on committee visits. Details may be obtained from the Committee Office.

### 9.13.1 Day subsistence

Staff may claim day subsistence allowance when they are on official duty at a location at least five miles from their usual place of work and they have had to purchase a meal (or meals) at a greater cost than if they were at their usual place at work. Day subsistence covers periods of absence from the normal place of work of:

- more than five hours
- more than 10 hours
- a balance of more than five hours or more than 10 hours after a complete period of 24 hours attracting night subsistence allowance (see 9.13.3).

### 9.13.2 Meals on trains

Staff may claim for the full cost of a main meal (a full breakfast, lunch or dinner) which they take on a train during a period qualifying for day subsistence allowance. The claim may include:

- VAT
- a gratuity of up to 10% of cost excluding VAT.

Alcoholic beverages should not be included. Staff should provide receipts or vouchers when making their claim.

The subsistence allowance payable varies as follows:

- absence of more than five hours but not more than 10 hours: one main meal on a train in lieu of payment for the five hour rate
- absences of over 10 hours: one main meal on a train, plus the normal five to 10 hour rate of day subsistence; or two main meals on a train (in both cases in lieu of payment of the 10 hour rate).

Day subsistence cannot be paid:

- concurrently with night subsistence
- when meals are provided free.

The current day subsistence rates are set out in Annex A.

### 9.13.3 Night subsistence

Night subsistence is to cover the actual cost of accommodation and meals while staff are away from home on official business.

Staff on official duty may claim a subsistence allowance for each overnight absence of up to 24 hours. This allowance covers any additional period which does not reckon for day subsistence allowance. All overnight stays must have prior approval.

Staff who necessarily incur abnormally high expenses on accommodation and meals (e.g. because of a heavy demand for local hotel accommodation) may put forward a claim for more than the normal night subsistence, subject to approval. All claims must be supported by receipts.

A reduced rate of subsistence will be paid in the following circumstances:

- when overnight accommodation *only* is provided free of charge. In these circumstances staff will be entitled to claim an overnight subsistence allowance; the current rates are set out at Annex A
- when staff travel by rail and occupy (or could occupy) a sleeping berth they are entitled to claim an overnight subsistence allowance; the current rates are set out at Annex A.

Subsistence is not payable in the following circumstances:

- when staff attend a residential training course for which the House meets all the boarding expenses associated with the course
- when staff are given bed *and* board free of charge
- when meals are provided free.

### 9.13.4 Personal or incidental expenses allowance

Staff on residential training courses for which the House meets boarding expenses may claim a personal or incidental expenses allowance. When staff are given bed and board free of charge, they may claim out of pocket expenses or ask for a special allowance within the limit of the personal or incidental expenses allowance; the current rate is set out at Annex A.

### 9.13.5 Assistance with Child Care Costs

If you have to pay for the care of your child(ren) to enable you to come to work, then you may be eligible to claim under the House of Commons scheme which makes a contribution towards the cost of your childcare. This is an employer funded scheme, and is completely separate from any Child Care Benefit you may be claiming through the HM Revenue and Customs.

Employees of the House of Commons or PICT with a contract of employment for one month or more may apply to join the scheme. This applies whether you work on the Parliamentary Estate or at home, or a combination of both.

You are eligible to apply if the following apply to you:

- You have, or are responsible for, a child or children under 12 years of age
- You are an employee of the House of Commons or PICT
- Your partner, if you have one, is either working or studying or for some other reason is unable to look after your child(ren)
- You have to pay someone to look after your child(ren) to enable you to work.

If your partner works for works for either the House of Commons or a Member of Parliament, you cannot both claim under this scheme.

You are entitled to receive the benefits of the scheme if you are a House of Commons /PICT employee on secondment unless the organisation to which you are seconded provides something similar.

### ***Terms and levels of payment***

Payments made through the scheme are made monthly in advance in the form of a child care credit amount, and will be available to you to pay your carer by the first working day of each month.

The level of payment is currently £8 per working day (maximum 253 days a year) for each child under 5 years old. For each child between 5 and 12 years old the House makes a contribution towards the cost of child care for 50 days (at £8 a day) to help pay for holiday care. No payment is made for week-ends or bank holidays. Part time employees will receive a proportion of the standard rate based on their average weekly working hours when compared to the standard working week of 34 hours.

This is a taxable benefit, and income tax will be deducted from your salary at your usual level. The tax deduction will appear on your payslip at the end of the month following benefit payment – For example, payment (vouchers) you receive on 1st July will be taxed with your salary paid at the end of July.

In general you are only eligible to claim under the scheme if you are actually in work and being paid your salary. Exceptions are that you can still claim while on paid or unpaid maternity leave or paid sick leave if you can show that you continue to have to pay someone to look after your child(ren).

You will continue to receive payment to cover normal periods of annual leave (a maximum of 40 days or 45 days for some library staff), as it is recognised that carers will usually require a “retainer” to keep your nursery place open whilst you are away.

You should make a claim as soon as you know that you are going to need to pay for childcare. Back-dating of claims may be allowed at the discretion of the Management, for up to a maximum of 12 months if you have a genuine reason for not having claimed when entitled to do so.

### ***How payments towards the cost of child care are made***

Payment is made in electronic vouchers. Paper vouchers are no longer available to new applicants. Once your application is approved, an account will be set up in your name with our service provider, Accor Services. You will receive a Membership Card and details of how to access your account.

Your carer must register with Accor Services to receive payment. If they are not already registered they should complete the carer's application form on-line selecting ACCEPT VOUCHERS in the Childcare Provider's area. They will be issued with their own unique account number.

Once you have your carer's account number and your Membership Card, you can give instructions for payment to your carer(s). This can be done either by using Accor's automated telephone system, or on-line on their secure website. Payment will be made by cheque or BACS transfer the next working day following your request. If you want to make regular repeat payments you can set up a standing order.

### ***Carers***

Your care provider cannot be your partner. More information on who can be your care provider is available under the frequently asked questions link:

### ***Applying for assistance with Child Care costs***

You will find an application form on the intranet

## 9.14 Travel

The House is responsible for meeting the cost of travel by staff on official business. Staff are however normally responsible for the cost of their daily travel between their home and their permanent place of work.

When undertaking official duties away from the House of Commons, staff should use the most efficient and economic means of travel, e.g. day returns and make use of the services of the Travel Office (situated in the Palace of Westminster) where appropriate, when making their travel arrangements.

### 9.14.1 Travel by rail

Although staff at band A3 and above are entitled to use first class rail travel they are encouraged to travel standard class, where possible, in the interests of economy. Staff below band A3 may be allowed to travel first class:

- if they are travelling with a Member or a member of staff who is travelling first class; or
- when they certify they could not find a seat in standard class (this does not apply to travel on suburban lines).

The House will meet the additional cost of seat reservations.

When making a claim for rail travel expenses the claim must be supported by tickets, receipts etc. or ticket numbers if it is not possible to produce the originals.

### 9.14.2 Sleeping berths

Staff entitled to standard class travel who are required to travel at night and are travelling alone or who are unable to share a second class berth with a colleague may be allowed to travel first class.

### 9.14.3 Travel by other means of public transport

Staff are entitled to claim for travelling on official business by other means of public transport, e.g. by bus. However, they may only claim for journeys other than their normal home to work and return journeys. Claims are not allowed for journeys covered by the member of staff's season ticket or any other ticket which they use for their usual home to work and return journeys. The procedure for making a claim for travel expenses is similar to that for rail travel.

### 9.14.4 Travel by taxi

As stated above, staff should use the most efficient and economic means of travel whilst on official business. This is normally taken to mean train or bus travel. Exceptionally, staff may use taxis as an alternative form of public transport provided that their use meets the criteria of efficiency and economy in the circumstances, and that staff produce bona fide receipts to support their claim for reimbursement of taxi fares.

### **9.14.5 Travel by private car**

Where journeys are not possible or are unreasonably difficult by public transport, staff will be reimbursed at the standard motor mileage rate (see Annex B), subject to the approval of the Departmental Head of HR. Such approval must be obtained before undertaking the journey.

Staff who intend to use a car to travel to the location where official duties are to be carried out must comply with certain administrative details. Staff using their car for their own convenience will be paid the public transport rate or the maximum equivalent of the cost of the journey by public transport, whichever is the lowest.

The following rules and conditions will apply to all staff using a car on official business:

- prior to using a car on official business, approval must be obtained from the member of staff's Departmental Head of HR or other designated person on his/her behalf
- when first using a car on official business, a member of staff must declare in writing that they know and understand the ownership and insurance requirements and that they meet those requirements
- motor mileage allowances (MMAs) will be paid only if staff hold a comprehensive insurance policy which covers:
  - a. bodily injury to or death of third parties
  - b. bodily injury to or death of any passenger
  - c. damage to the property of third parties
  - d. damage to or loss of the vehicle.

The member of staff must show the Departmental Head of HR a copy of an insurance certificate or policy indicating that use of the vehicle in question for the purposes of the business, trade or profession of the member of staff (whether as policyholder or spouse/partner) is fully covered by insurance.

MMAs will not be payable unless the vehicle is owned, or hired, by the member of staff or his/her partner.

Claims for MMAs are limited to a maximum equivalent to the cost of the journey by public transport.

In addition to MMAs, a passenger supplement may be paid for each official passenger carried (see Annex B).

### **9.14.6 Parking**

Staff using their own cars on official business who have to use parking space for which charges are levied may be reimbursed the necessary additional expenditure involved. This also applies to the London Congestion Charge. Proper receipts/vouchers, where issued, should accompany claims for reimbursement. Penalty charges incurred as a result of illegal parking will not be reimbursed.

### 9.14.7 Travel by air

Air travel may be approved in advance when there is a cost advantage because of savings of subsistence expenses and official time or when the urgency of the journey justifies any extra cost.

Where possible air travel should be booked through the Travel Office which will endeavour to make value for money a criterion in booking flights. This means:

- selecting the airline on the basis of cost and convenience
- making full use of discounted fares
- negotiating special arrangements with airlines where significant discounts can be obtained in return for volume of business.

However, staff may use alternative arrangements for booking air travel provided that they are able to satisfy the Departmental Head of HR or departmental authorising officer that the alternative offers better value for money than the arrangement provided by the Travel Office.

Staff who travel on official business in the UK should normally travel economy class.

### 9.14.8 Travel by sea

Staff who necessarily travel by sea on official business are entitled to travel first class regardless of their band. Staff travelling overnight are entitled to sleeping berths at the expense of the House and to claim an overnight subsistence allowance. The current rates are set out at Annex A.

## 9.15 Travel from home to location of official business other than the office

### 9.15.1 Subsistence

On occasions it may be more convenient and economical for staff to travel to the location of official business from their home rather than from the office. Staff on official business at a location which is at least five miles from their place of residence and who necessarily have to travel there from home rather than from the office are entitled to claim the following:

#### More than five hours

The actual cost of one meal, provided it does not exceed the five hours day subsistence allowance. See Annex A (1).

#### More than 10 hours

The actual cost of two meals, provided it does not exceed the 10 hours day subsistence allowance. See Annex A (1).

To claim the above, staff must submit relevant receipts and vouchers. No claim may be made if meals are provided free.

### 9.15.2 Travel

Staff may claim travel expenses as set out in paragraph 9.14. However, no claim is allowed if the journey is covered by a season (or other) ticket which the employee uses for their journey to and from work. For staff travelling by private car, see paragraph 9.14.5.

Staff who elect to use their own cars for their own convenience and whose journey entails passing through or around London will be entitled to claim mileage from London only.

## 9.16 Travelling time

When staff travel to the location where official duties are to be carried out, they may claim reimbursement for travelling time in excess of their normal travelling time for home to office/office to home journeys. No period of time can qualify for both overtime and travelling time payments. To qualify for this payment staff must be in band B1 or below. The rates at which travelling time are payable are as follows:

- weekdays: payment at plain time
- Saturday: payment at the rate of time and a half
- Sunday: payment at double time.

## 9.17 Claims

You should make claims via HAIS employee self service. If you do not have access to a computer, claim forms can be obtained from your Departmental Head of HR. These should be submitted to your Departmental Head of HR or other designated officer for approval before being passed to the Financial Processing Team, Department of Resources.

This chapter is not intended to cover every eventuality. If staff have queries concerning travel and subsistence, they should consult the Travel Payments Team before travelling on official business.

## 9.18 Late night travel

A late night transport service is provided for staff on official duty if:

- the House rises between 11 pm (or if the motion for the adjournment is moved at or after 10.30 pm) and 9 am the next morning
- a committee rises between 11 pm and 9 am the next morning.

If there is a major disruption to public transport, the late night transport service will be provided from 10 pm irrespective of what time the House rises.

Full details of the booking arrangements can be obtained from the Admission Order Office ☎ 3700.

You should check with your Departmental Head of HR for special arrangements that might apply in your department.

Where an individual member of staff, who has worked to 9 pm or later, encounters unreasonable delays or difficulties in the course of a journey home, or cannot get started owing to a problem which occurred too late for arrangements to be made under the late night transport procedures described above, the person affected may use alternative public transport routes or hire a taxi themselves (though not through the Admission Order Office). Application for reimbursement of the additional cost should be made on form FO1 which may be obtained from your Departmental Head of HR.

## 9.19 Expenses during a transport emergency

You are expected to make every reasonable effort to get to work during a transport emergency, such as industrial action, and to use alternative public transport where possible. The House recognises that this will be difficult for some people depending on circumstances, such as where you live or your state of health. The need to spend extra time travelling and/or stay overnight will be shared as evenly as possible although the attendance of some people is more crucial than others.

There are some tasks in the House which are essential and must be covered even when getting to and from work is difficult. Your department may establish which tasks are 'essential' and form a rota of people to carry them out. Other departments may designate certain staff 'essential'. Whatever method is used, the designation of 'essential staff' is likely to vary with the nature and duration of the emergency. If you are uncertain of where you fit in, speak to your manager.

If your managers are satisfied that you have taken all reasonable steps to reach the office but have been unable to do so, they may at their discretion approve your absence on full pay.

### 9.19.1 Extra travel expenses

When public transport is seriously disrupted you can claim for the extra travelling expenses you incur in travelling to work provided that:

- your journey from home to office is more than four miles
- you don't claim unnecessary or avoidable expenses.

In exceptional circumstances (for example, if you are disabled) reasonable travelling expenses may be reimbursed if you live less than four miles from work. This is subject to approval from your Departmental Head of HR.

The 'four mile rule' also applies to travel from London main line termini to work, in the absence of public transport. You are expected to walk from the terminus to work unless there are exceptional circumstances, in which case your managers have the discretion to reimburse you for your taxi fare.

### **9.19.2 Use of taxis**

If you have been designated as essential and:

- no alternative public transport or late night transport is available; or
- your health precludes walking the prescribed distance.

You may, with the prior authority of your manager, take a taxi to or from work. You must obtain receipts to claim your expenses.

To make the use of taxis as cost effective as possible each department has appointed a representative who tries, where possible, to coordinate taxis to carry a number of people to and from work. Details of your departmental representative are available from your Departmental Head of HR.

### **9.19.3 Car parking arrangements**

If you have a permit for the Palace of Westminster car park, normal parking arrangements apply on a first come, first served basis. Category 6 permit holders may park on Fridays and days when the House is not sitting.

Arrangements for essential staff who have not been issued with a parking permit may be made with the Serjeant at Arms' Office via your Departmental Head of HR. This is subject to the likely availability of space.

If it is not possible to provide parking space for essential staff using their own cars, charges for alternative car parks will be reimbursed if you keep your receipts.

### **9.19.4 Accommodation and subsistence**

If you are designated as 'essential staff' and cannot make the journey home you may make private arrangements to stay within daily travelling distance. This may include House sponsored sleeping accommodation if agreed by management. Your claim for expenses will be settled at the following rates:

- claims with receipts covering the actual costs of bed, breakfast and evening meal may be settled within 85% of the normal night subsistence allowances plus any necessary additional travelling expenses
- claims without receipts may be settled at 50% of the normal night subsistence allowance. This is intended to cover out of pocket expenses on meals, travel and accommodation
- if you sleep in House sponsored accommodation, you may claim a personal or incidental expenses allowance (see Annex A for the current rate).

Sleeping accommodation for those who wish to stay overnight in House sponsored accommodation is available on a first come, first served basis.

### 9.19.5 Staff on regular night duty

If you are undertaking regular night duty during a transport emergency and sleep in House sponsored accommodation or stay elsewhere without returning home in order to attend for duty, you may also claim under the arrangements set out previous page, but only if you incur additional expenses (see Annex A for subsistence rates).

You may not make a claim if you normally sleep at the office or make your own arrangements.

### 9.19.6 Submitting claims

Claims should be made via HAIS employee self service. If you do not have access to a computer claim forms can be obtained from your departmental HR team. These should be submitted to the Financial Processing Team, Department of Resources via your Departmental Head of HR, who will need to certify that they are reasonable, and show clearly:

- how and when the excess expenses arose; and
- the amount, after taking into account any credit due on season tickets, etc.

No deduction is made from the reimbursement for use of private cars for savings on normal travel costs.

## 9.20 Staff travelling overseas on official business

Staff who travel overseas on official business will be covered by the House's personal accident insurance policy.

It is possible that staff working overseas could be charged a higher life insurance or endowment premium than would be charged in the UK. In these circumstances the House has discretion to meet the additional cost. The additional premiums on any capital sum which is not more than four times the member of staff's annual salary will be refunded providing their salary or allowances do not contain an element which compensates them for the factors leading to the higher insurance cost. Only the excess premiums will be refunded, and only to policies covering a period of ten years or more.

This also applies to new policies providing you can demonstrate that competitive estimates have been obtained from other insurers and the premiums charged would be higher than those normally charged in the UK.

For further information ☎ 5973/6216

# ANNEX A

## Subsistence rates

### 1. Day subsistence allowances

- (i) More than 5 hours all classes: £4.25
- (ii) More than 10 hours all classes: £9.30

### 2. Overnight stays

The actual cost of bed and breakfast will be reimbursed. Please contact your DHRO or DEO for a list of hotels where we are able to obtain preferential rates.

In addition an allowance will be paid to cover meals:

- (i) inner London: £20.50
- (ii) elsewhere: £18.65

### 3. Personal or incidental expenses allowance

£5.00 per night.

Slightly different arrangements to those above apply to staff travelling with Members on committee business. Details may be obtained from the Committee Office.

## ANNEX B

### Mileage allowances

There are two rates of mileage allowance:

- (i) the standard rate. There is a rate for the first 10,000 miles in each tax year; and a further (lower) rate for any additional mileage;
- (ii) the public transport rate. This is payable when the conditions for paying standard rate are not met (see 9.14.5).

### Standard rate

	First 10,000 business miles in the tax year	Each mile over 10,000 miles in the tax year
Cars and vans	40p	25p
Motor cycles	24p	24p
Bicycles	20p	20p

### Public transport rate

23.8p per mile.

### Passenger supplement

- (i) **journeys attracting standard mileage rate**  
2.0 p per mile for the first passenger carried, plus  
1.0 p for each additional passenger
- (ii) **journeys attracting public transport mileage rate**  
2.0 p per mile for the passenger carried, plus  
1.0 p for each additional passenger.

Payment is restricted to the distance which would have been travelled if the passenger's journey had started and finished at his/her permanent station, or if less than the distance necessarily travelled.

## CHAPTER 10: LEAVE FROM WORK

### 10.1 Section aims

This chapter has general information about holiday or leave entitlement. Reading this will help you understand:

- how your annual leave is calculated
- how you might be affected if the House is recalled
- other circumstances when you might be entitled to leave, such as career breaks and the need to provide care for members of your family.

### 10.2 Annual leave

The following principles apply to everyone who works in the House. Your leave entitlement is shown in your letter of appointment. Your leave allowance for each year is recorded on a leave sheet, which also notes your manager's authority for you to take that time off. The leave sheet will state your leave entitlement for the year in question.

The amount of annual leave builds up on a daily basis. When you leave the House, your leave entitlement for that year is calculated on a pro rata basis according to the number of days worked. If you resign before taking all of your leave entitlement to date, you will be paid for these extra days. Similarly, if you have taken more than your entitlement, the pay for the appropriate number of days will be deducted from your final pay. If you are absent from work you may still be eligible to accrue annual leave, see paragraph 10.2.6 see Page 5 for further details.

- Leave should be taken in the year it is earned. However, some Parliamentary Estates Directorate (PED) staff and some former Library staff have reserved rights to carry forward a certain amount of leave. See paragraph 10.2.2. Staff on maternity leave may also carry over leave. See paragraph 10.2.7
- The precise arrangements for booking leave, and any restrictions on the timing of leave, vary. Your manager will be able to give you further details of how these operate
- You should apply for leave from your manager well before you wish to go on holiday since leave has to fit in with the operational requirements of the House.

If you are sick during a period of annual leave, this is treated as sickness absence and not annual leave (unless you request otherwise, see paragraph 5.5.2). You must still telephone your manager or designated officer to report that you are sick, and also to let them know when you are fit again. (This is to enable the House to keep a proper record of statutory sick pay.) You should submit a certificate as soon as you can. The days in question will be restored to your leave allowance for the current year, but they will be subject to the restriction on carrying leave forward to the next year.

## 10.2.1 Entitlements

### Staff in pay bands A to E and catering staff in Catering & Retail Services

Staff in pay bands A to E and catering staff in Catering & Retail Services have a common leave year starting on 1 November and annual leave entitlements as follows:

- on arrival (part year): pro rata based on 28 days per year
- first full year of service: 28 days
- second full year of service: 30 days
- third full year of service: 32 days
- fourth full year of service: 33 days.

Your entitlement will then increase by one day per year to a maximum of 40 days' leave. Entitlements for periods of service of less than a year are calculated on a pro rata basis. There is no entitlement to carry forward leave to the next leave year nor any entitlement to be paid for leave not taken at the end of the leave year, except for some PED and some former Library staff who have reserved rights. See paragraph 10.2.2.

Each department administers the leave entitlements for its own staff.

### Staff in the SCS pay bands

Annual leave for SCS staff appointed from outside the House will be guided by the principles applied to other staff in the House and is at the discretion of the Director General Resources.

## 10.2.2 Reserved rights

### PED staff

There is a local agreement in the PED for the carrying forward of leave at the end of the leave year.

### Department of Information Services (Library staff)

Library staff in post prior to 1 November 1999 will have reserved rights to accrue annual leave entitlements up to a maximum of 45 days a year. On promotion or transfer to another department, staff with an entitlement to more than 40 days a year will revert to the 40 day maximum.

Promoted staff (this is not limited to one promotion) may retain, on an unpaid basis, any accrued entitlement to leave greater than 40 days. For staff promoted on or before 31 October 2001, an election to retain leave on an unpaid basis must have been exercised by 1 November 2001. Thereafter it should be exercised at the time of promotion. The right to retain unpaid leave continued until 31 October 2004, at which point the postholder's decision became binding.

## Department of Resources

Department of Resources staff, in post before 1 November 1999, will retain their existing rate of progression to the maximum leave entitlement of 40 days.

### 10.2.3 Leave allowances for part time staff

There are three main methods for calculating leave allowances for part time staff, dependent on the particular circumstances:

- where the part timer works less than five days per week, but where each day worked is equal in length to the number of hours a full timer would work on those particular days. Take the example of someone who works three full days each week, e.g. from Monday to Wednesday. A full timer in the same job would work five days. They work 3/5 of full time hours. They are therefore entitled to 3/5 of the leave allowance of a full timer
- where the part timer works five days per week, but where each day worked is shorter in length to the number of hours a full timer would work on those days. Under these circumstances, the leave entitlement, expressed in days, will be the same as it would be for a full timer. (Use this method only for part timers who work the same number of days as a full timer and who work days of equal length. For those who work days of varying length use the method below)
- where the part timer's pattern of work varies or where the number of hours worked differ from day to day or week to week. Under these circumstances the calculation will be based on the part timer's net hours as compared to the net hours of a full timer. Take the example of someone who works five days, three of six hours (net) and two of five hours (net). If the working week of a full timer is 34 hours (using net figures again), they would be working 28/34 of a full time week. Their leave allowance will be 28/34 of the allowance of a full timer.

### 10.2.4 Leave allowances for staff working compressed hours

Leave allowances for staff working a compressed working week (e.g. working full time hours over four rather than five days) are currently being discussed with the Trade Unions. If you work compressed hours you should seek advice from your Departmental HR Manager. You may also want to seek further advice from your trade union representative.

### **10.2.5 Public holidays**

All full time staff are entitled to the following eight public holidays each year:

- Christmas Day
- Boxing Day
- New Year's Day
- Good Friday
- Easter Monday
- May Bank Holiday
- Spring Bank Holiday
- Late Summer Bank Holiday.

If you have to work on any of these days you will be able to take time off in lieu by agreement with your manager.

Part time staff entitlement to public holidays is calculated on a pro rata basis based on the number of hours worked in a normal week. If in any leave year the number of public holidays falling on the days when you normally work is either more or less than your strict pro rata entitlement then you will be asked to work additional days or invited to take extra leave, in order to compensate.

To take time off for a religious festival other than Christmas or Easter arrange this in advance with your manager. Consideration will be given in line with the needs of the House. You should apply for leave well before you wish to go. If authorised your manager will normally ask you to take these days as part of your annual leave entitlement or work other days in lieu.

### **10.2.6 Attendance for recall of the House**

Occasionally the House is recalled during a holiday or recess period. If this happens, and you are needed by your department, you will be expected to return to duty. Arrangements for recall of staff vary from department to department. Your Departmental Head of HR will provide details on request. If you are on annual leave and have booked a holiday when the House is recalled, check with your manager whether you will need to cancel or delay your holiday. If this happens, you can claim for any financial losses incurred. Any claim must be authorised by your Director General and should include evidence of the loss incurred, such as a letter from a travel company or hotel. A recall of Parliament counts as a normal working day and the usual rules on travel and subsistence expenses apply.

### 10.2.7 Accrual of annual leave entitlements when absent from work

You continue to build up leave at the usual rate when you are absent and still receiving full or half pay (e.g. paid maternity/paternity leave or paid sick leave).

If you are on unpaid leave (e.g. unpaid maternity leave, special leave, parental or caring leave) or on long term sick leave and receiving sick pay at pension rate or if you are on unpaid sick leave, then you will accrue annual leave at the Working Time Regulations rate (pro rata for part time staff).

This leave may not be carried forward to the next leave year except for:

- those on maternity leave (provided the leave is taken immediately at the end of your maternity leave)
- staff in PED who have reserved rights (see paragraph 10.2.2).

## 10.3 Career breaks

The career break scheme allows you to take a break without leaving the employment of the House and having to start your career again.

The primary purpose of a career break is to enable staff to meet family commitments or to undertake further education. For example, they may be granted to provide long term care for a dependant, to accompany a partner to work in a distant area, to cope with domestic responsibilities or to undertake full time study.

The scheme operates at the discretion of individual departments although the following general principles apply to all staff:

- you are eligible for a career break if you have completed your probation and have a good record for attendance and performance
- the scheme is open to everyone regardless of pay band
- career breaks will last for no longer than five years in total. If you arrange to take less time you can ask for an extension up to the maximum allowed
- after your break, you are eligible to return to a job at the same level within your pay band, unless this is not reasonably practicable, but you will not necessarily return to the same post.

You should not normally undertake work for another employer during a career break, but your manager may agree to a request to take on other work in some circumstances.

### 10.3.1 Applying for a career break

Write to your manager giving your reasons for wanting the break and the dates when you want it to start and end. Please apply as early as possible (at least 3 months notice would be helpful wherever possible). The length of the break depends on individual circumstances.

Your manager may deal with your request, or they may pass your request to a senior manager in the department who will be in a better position to reasonably ensure there is a post for you to return to following your career break. Although every effort is made to deal with any applications sympathetically, approval depends on the operational needs of your department. In some areas it is difficult to accommodate lengthy absences and no one is entitled to a career break. You will be notified of any reasons for refusal.

### 10.3.2 During your career break

In order to help you keep in touch, the person who has approved your career break will ensure that you are kept informed of developments at work by:

- sending you staff notices
- sending you details of vacancies you can apply for on transfer or promotion
- telling you if the availability of work for your return changes.

Please ensure that you:

- keep in contact with your department
- tell the person who approved your career break and your Departmental HR Team of any change of address
- try to take up any opportunities your department provides for training or work (you may be asked to do this for up to 10 days each year)
- give your department at least six months notice of your return to work.

### 10.3.3 Effect on your conditions of service

Time spent on a career break does not count towards your incremental progression, sick pay, annual leave or reckonable for your pension entitlements. During your break you will not lose your entitlement to any benefits you have earned in the past e.g. a higher leave allowance. If during your break, you undertake some work or have training at the request of the House, you will be paid and this payment will count towards your reckonable service for your pension.

During a career break you will remain an employee of the House of Commons service and so terms and conditions of your employment still apply. You must still observe House rules on conduct and behaviour and the rules relating to outside appointments  Chapter 5 paragraph 5.17.2.

You remain a member of the House of Commons pension scheme. As a member of the pension scheme you will still remain eligible for death in service benefits. While you are on a career break you are still eligible for promotion.

Your Departmental HR team will make arrangements for you to be informed if a suitable vacancy arises.

### 10.3.4 Returning to work

You need to give six months' notice of your date of return. The person who approved your career break will arrange for you to visit the department to talk about such things as the jobs available, your preferred working pattern (e.g. full or part time), any training needs and your return date. You are encouraged to be as flexible as possible.

You will be re-employed in a job at the same pay band, unless this is not reasonably practicable, but not necessarily in the same post. If circumstances make it impossible for you to be offered a job in your department, your details will be circulated to other departments to check availability of a suitable post. The House will give priority to re-employment of an existing member of staff before filling vacancies through a trawl or external recruitment.

If you decide not to return from your career break you should write to your Departmental Head of HR.

### 10.3.5 Career breaks and maternity leave

If you have a baby during a career break, you are not entitled to maternity leave but your career break may be extended for up to one more year, provided that it does not exceed five years in total.

Some people choose to take a career break after their maternity leave finishes. To maintain your benefits you will need to work for at least four weeks either immediately before or after the break has finished, otherwise you will have to refund the difference between your full and statutory maternity pay. Annual leave may be taken for some or all of this period by prior agreement with your manager.

## 10.4 Caring leave

Caring leave is available to enable you to fulfil your caring responsibilities in cases where your assistance is urgently needed. It is intended to cover emergencies. This means that it is available only to enable you to deal with the initial needs of somebody who depends on you or to make arrangements for his or her care. If you wish to stay off work longer to provide care yourself, or if you know in advance that you will need to take time off work, you may be able to arrange this with your manager by taking another form of leave.

You may take reasonable time off:

- to provide assistance if a dependant falls ill, gives birth or is assaulted or injured
- to make arrangements to provide care for a dependant who is ill or injured
- on the death of a dependant or close relative
- to deal with an unexpected disruption in care arrangements
- to deal with an incident involving your child while he/she is at school
- to attend a medical appointment (including one that is pre-planned) with a dependant. However, as with your own medical appointments, these should normally be made outside working hours.

For these purposes a dependant may be:

- a spouse
- a child
- a parent
- someone who lives in the same household but is not an employee, tenant, lodger or boarder
- someone who relies on you for care or assistance if they are ill or injured.

A close relative is usually taken to mean:

- mother/father
- brother/sister
- grandparent.

You will not be penalised in any way for taking caring leave.

If you need to take caring leave you must seek permission from your manager as soon as you can. You must make clear when you would like your caring leave to start and (if you can) when you expect it to finish. Your manager, or his/her representative, will authorise caring leave. Your manager will also arrange for your departmental HR team to be notified for recording purposes. It is expected that in most cases caring leave of one or two days will be enough. Caring leave will normally be limited to a total of five days of paid leave per annual leave year (pro rata for part time staff) although managers have discretion to authorise more in exceptional cases. Further caring leave will generally be unpaid.

Caring leave should be noted on annual leave sheets and is recorded on the HR database.

## 10.5 Paternity leave

The following rights are in addition to caring leave.

To qualify for paternity leave you must be the biological father of a child, or the mother's husband or partner. In case of adoption you must be the spouse or partner of an individual who has adopted a child (or who is one of a couple who have jointly adopted a child).

Only one period of paternity leave is available, even if more than one child is born as the result of the same pregnancy or if more than one child is placed with an individual or couple for adoption under the same arrangement.

Paternity leave must be completed within 56 days of the actual date of birth of the child, or if the child is born earlier than expected, between the birth and 56 days from the first day of the expected week of birth. In the case of adoption, paternity leave must be completed within 56 days of the child's placement.

All fathers are entitled to one weeks' paid paternity leave, and a parent who is adopting a child may apply for one weeks' adoption leave.

Fathers who have worked continuously for 26 weeks leading into the 15th week before the baby is due are entitled to take two consecutive weeks paternity leave on full pay. In cases of adoption this will be by the end of the week in which the child's adopter is notified of being matched with a child.

Paternity and adoption leave on full pay count towards your reckonable service for pension.

Paternity leave cannot be taken as odd days or as two separate weeks. Leave can start on any day of the week but must be completed within 56 days of the baby being born or a child's placement (in adoption cases).

### 10.5.1 Notification

You will be required to inform your manager of your intention to take paternity leave by the fifteenth week before the baby is expected. If you are taking paternity leave with regards to adoption you must inform your manager of your intention to take paternity leave within seven days of you being notified by your adoption agency that you have been matched with a child.

You may change your mind about the date on which you intend to start your paternity leave, so long as you inform your manager of the revised start date at least 28 days before the date in question (or as soon as is reasonably practicable).

### **10.5.2 Terms and conditions**

Employees are entitled to benefit from all the normal terms and conditions of employment, which would normally apply when not on paternity leave. Employees have the right not to be victimised, dismissed, selected for redundancy or subjected to any other detriment for exercising their right to paternity leave, or for questioning or challenging their employer's alleged infringement of that right.

## **10.6 Parental leave**

If you have been in continuous employment either with the House of Commons service or a previous employer for one year or more you may take parental leave to care for a child. The child concerned must be:

- someone for whom you have parental responsibility, and
- either below the age of five
- or if they have a disability, below the age of 18. Disability living allowance or a doctor's letter will be accepted as proof of a disability.

You may take up to 13 working weeks' parental leave for each child who meets these conditions (less the amount of any parental leave which you have already taken to look after that child while working for a previous employer). Managers, in consultation with others e.g counter-signing officers are responsible for authorising and monitoring parental leave.

As a general rule parental leave will normally be taken in blocks of one working week or more, unless the child concerned has a disability (see below) or the leave is in connection with adoption. You may not take more than four weeks of parental leave in one year. However managers have discretion, if circumstances permit, to allow parental leave to be taken in shorter units or by means of part time working. They may also allow additional parental leave in respect of children with disabilities. Parental leave will be unpaid, and does not count towards your reckonable service for pension.

Provided you give proper notice (see paragraph 10.7.9) you may take parental leave straight after a period of paternity leave, caring leave, statutory maternity leave or House of Commons maternity leave, or you may add it to a career break.

### **10.6.1 Applying for parental leave**

If you wish to take parental leave you should:

- apply to your manager giving at least 21 days notice. (If you are the father of a child and you want to take the leave after paternity leave or straight after your child's birth, you must apply at least 21 days before the week when you expect the baby to be born. If a child is about to be placed with you for adoption, you should give 21 days notice of the expected week of the placement unless this is not reasonably practicable)
- on request, give your manager evidence that you have/expect to have parental responsibility for the child and also of his/her age and if relevant, his/her entitlement to disability living allowance.

Managers will honour requests for parental leave unless the work of your section or unit would be unduly disrupted. If this is the case your manager may postpone the beginning of your leave for up to six months. He/she will write to you within seven days to explain why your parental leave will have to be postponed, and to put forward new dates for that leave. (Leave on the birth of your child, or on adoption or placement for adoption, will not be postponed.)

### **10.6.2 Parental leave for part time staff**

If you work part time you will still benefit from parental leave on a pro rata basis. For example, if you work two days per week you will be entitled to 26 days parental leave.

### **10.6.3 Terms and conditions of service during parental leave**

You will not be penalised in any way if you take parental leave. During your parental leave you will still be employed by the House and you will retain your seniority and pension rights. Some parts of your employment contract will still apply. This includes provisions relating to notice and compensation in case of redundancy, and discipline and grievance arrangements. (This list is not exhaustive.) In addition:

- you must still observe the rules on confidentiality
- you must still observe the rules on the acceptance of gifts
- you must not participate in another business or work for another employer.

### **10.6.4 Returning from parental leave**

When you return from parental leave you will return to the same job. However if:

- you are taking parental leave of four weeks or less; and
- you are taking parental leave straight after a period of House of Commons maternity leave; and
- it is not reasonably practicable for you to return to the same job; and
- it would not have been practicable for you to return to the same job if you had come back to work straight after your House of Commons maternity leave
- then you will return to a job with the same or better pay, terms and conditions.

If your parental leave has been taken immediately before or immediately after a career break, you will be treated as if you are returning to work after a career break.

## 10.7 Adoption leave

Adoption leave and pay will be available to individuals who adopt or one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).

The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay (see section 10.5).

To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an approved adoption agency<sup>1</sup>
- have worked continuously for the House of Commons for 26 weeks leading into the week in which they are notified of being matched with a child for adoption (on or after 1 April 2007 no qualifying period of service for AAL).

### 10.7.1 Length of adoption leave

Adopters will be entitled to up to 26 weeks Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks Additional Adoption Leave (AAL).

The first two weeks of your adoption leave will be on full pay followed by 37 weeks on Statutory Adoption Pay (SAP). SAP will be £112.75 a week or 90% of your average weekly earnings, whichever is the lower. Adopters who have average weekly earnings below the lower earnings limit for National Insurance contributions (£87 a week) do not qualify for SAP.

Employees in low-income families may be able to seek financial support from their local authorities. Additional financial support may be available through housing benefit, council tax benefit or tax credits. Further information is available from your local Jobcentre Plus office or Social Security office.

You can choose to start your leave:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement.

Leave can start on any day of the week.

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

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

<sup>1</sup> Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.

### 10.7.2 Notification

You will be required to inform your manager of your intention to take adoption leave within seven days of being notified by the adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You will need to tell them:

- when the child is expected to be placed with them, and
- when they want their adoption leave to start.

Your manager will inform the departmental HR team of your adoption leave plans. You are able to change your mind about the date on which you want your leave to start providing you tell your manager at least 8 weeks in advance (unless this is not reasonably practicable).

Your departmental HR team will have 28 days in which to respond to your notification of leave plans.

### 10.7.3 Matching certificate

You will have to provide documentary evidence – a ‘matching certificate’ – from the adoption agency as evidence of your entitlement to SAP and adoption leave. You should ask the adoption agency for a matching certificate which will include basic information on matching and the expected placement dates.

### 10.7.4 Terms and conditions

While you are on ordinary adoption leave your terms and conditions of service remain unchanged, except for the terms relating to your salary. You will continue to accrue annual leave; childcare vouchers and professional subscriptions can still be paid; your service will still count towards your pension; and you will be entitled to a performance appraisal to cover the period of your paid adoption leave if this might lead to promotion or increased pay.

After the first 26 weeks, if you are still on adoption leave, then the position will change slightly. Some parts of your employment contract will still apply. This includes arrangements for notice and compensation in case of redundancy, and discipline and grievance arrangements. (This list is not exhaustive).

In addition:

- you must still observe the rules on confidentiality
- you must still observe the rules on the acceptance of gifts
- you must not participate in another business or work for another employer.

Ordinary Adoption Leave counts towards your reckonable service for pension. Additional adoption leave does not count towards your reckonable service for pension.

You will continue to accrue annual leave but this will be at the Working Time regulations rate (pro rata for part time staff).

You will be protected from suffering detriment or unfair dismissal for reasons related to taking, or seeking to take, adoption leave. If you believe you have been treated unfairly you have the right to complain to an employment tribunal.

### **10.7.5 Right of return to your job**

Once they have received notification of your requirement to take adoption leave your departmental HR team will write to you within 28 days stating the date on which they expect you to return to work after either your ordinary adoption leave or your additional adoption leave finishes.

If you want to come back to work before either your 26 weeks or 52 weeks then you must give 8 weeks notice in writing.

If you would like to change your working pattern (for example, to part time hours) upon your return you should write to your manager as early as possible (preferably two or three months before your return) informing him/her of your wishes. See flexible working arrangements section under paragraph 4.6).

### **10.7.6 Children with disabilities**

If your child is entitled to disability living allowance you do not have to take your parental leave before he/she reaches the age of five. You can take parental leave at any time before his/her 18th birthday, and you can take your parental leave in blocks shorter than one week. Parental leave for children with disabilities is 18 weeks.

## **10.8 Performance of public duties**

Staff who become Justices of the Peace (JPs) or who take on other civic duties are entitled to reasonable time off for these duties. The amount of leave allowed, and whether it is paid or unpaid, will depend on how much time is required, how much has already been taken for this purpose and the effect of your absence on the work of your section. If you are considering taking on such responsibilities you should speak to your manager.

Staff who are members of the auxiliary or reserve forces may be allowed leave to attend training courses or camps. Before volunteering to join these forces you must obtain the written consent of your Director General.

Public duties may include membership of any of the following: a local or police authority; a statutory tribunal; a NHS trust or health authority; the governing body of a school or college; a prison Board of Visitors; and the Environment Agency.

### **10.8.1 Jury service**

Immediately you receive a call for jury service you should inform your manager. The normal expectation is that everyone summoned for jury service will serve at the time for which they are summoned. In exceptional circumstances, where the business of the House means that it is not reasonable for you to serve at that time, your manager will advise you to seek a deferral from the jury summoning officer. Staff are granted Special Leave (paid) whilst undertaking jury service.

## 10.9 Maternity leave and benefits

### 10.9.1 Introduction

This section explains

- what you can expect from the House if you become pregnant
- your rights to maternity leave and pay.

 You can find out more from the booklet ‘Maternity leave and pay: a guide for employees’ which is available on the Department of Resources or from your Departmental HR Team.

Under the maternity regulations, childbirth means either the live birth of a child, or a stillbirth, after a pregnancy lasting 24 weeks or more. If, unfortunately, your baby is stillborn after 24 weeks you will still receive the full normal allowance of paid and unpaid leave as explained below.

### 10.9.2 Notifying the House of Commons Service

As soon as possible after your pregnancy is confirmed, and no later than the end of the 15th week before your expected week of childbirth (EWC), you must tell your manager in writing that you are pregnant and wish to take maternity leave. You must also tell them the week in which your baby is due and the date when you want to start your maternity leave. Use form HoC Mat 1 issued by your Departmental HR Team. Your Departmental HR Team will respond to your request within 28 days of receiving your notification.

You will be able to change your mind about when you would like to take your maternity leave providing this is notified at least 28 days in advance.

#### *Your entitlements*

If you are pregnant you are entitled to:

### 10.9.3 Time off for antenatal care

You will receive reasonable time off (with pay) for medical and antenatal appointments and also, for example, for relaxation classes or parent craft classes. You must be prepared to show your manager:

- a certificate to say that you are pregnant. This can come from a registered practitioner, registered midwife or registered health visitor; and
- an appointment card or other details of the appointment. If this is not a medical appointment, you may need to show that the appointment is made on the advice of a medical practitioner, midwife or health visitor (this does not apply for your first appointment.).

Fathers may apply for special leave to attend classes or antenatal appointments.

#### **10.9.4 A risk assessment of your work activity (see Health and Safety Policy statement)**

When you tell your manager that you are pregnant they will review the risk assessments (or immediately initiate appropriate risk assessments if they have not previously been completed) relating to your work activities. For instance, your job may involve the lifting/moving of heavy or awkward objects or the use of certain hazardous substances, prolonged sitting or standing, noise, shocks, vibration, radiation, extreme temperatures, and working conditions (e.g. long or late hours). If there is a significant risk to your health or safety this will normally be controlled by following the requirements of specific legislation.

If the risks cannot be avoided or reduced to an acceptable level, your manager should consider adjusting your working conditions and/or hours of work. If this is not possible or feasible, your managers will make every effort to provide suitable alternative work. If suitable alternative work is not available or feasible, you will be suspended from work for as long as necessary to protect you and your child.

Managers should regularly monitor the work being undertaken by new or expectant mothers. This must be done during pregnancy, especially in the developmental stages, and also during the six months after the birth and while breastfeeding. This is important to ensure your continuing ability to work safely.

If you find that your health is suffering or being adversely affected by your work you may contact the Occupational Health Manager (OHM) or ask to be referred by your manager.

#### **10.9.5 A suitable place to rest**

When you are pregnant and still at work, and after you return to work if you are breastfeeding, you should be given a suitable place to rest. If you need a place to rest or to express milk ask your manager where the most convenient location for you is. Staff who need to may use the Babycare Room which is situated on the Upper Committee Corridor in the Palace.

#### **10.9.6 The right not to be subjected to detrimental treatment**

This means that you will not be penalised for example for pregnancy related absence. The HRM&D will record pregnancy related absence separately if it is identified as such on the sick certificate. Pregnancy related absence will not be taken into account when considering absence levels with a view to inefficiency action. However, it is the policy of management to review absences at about the 10 day level, and pregnancy related absence will be included in this.

Antenatal appointments will be recorded in the same way as other health appointments. None of these appointments will be counted for the purpose of the 10 day review or when possible inefficiency action is being considered.

## **10.9.7 Maternity leave**

### ***Statutory Maternity Entitlement***

All pregnant employees are entitled to Ordinary Maternity Leave (OML) of 26 weeks and 26 weeks Additional Maternity Leave (AML) if the expected week of childbirth (EWC) is on or after 1 April 2007, regardless of how long they have worked for their employer. This leave can begin at any time after the start of the 11th week before your expected week of childbirth.

### ***House of Commons Maternity Entitlement***

If you have continuous service of one year or more as at the start of the 11th week before your EWC, you are entitled to take both OML of up to 26 weeks followed by AML of up to a further 26 weeks; however, you will also be entitled to receive House of Commons maternity pay. See paragraph 10.9.8. After your OML you are entitled to return to the same job under the same terms and conditions.

An employee who takes AML is entitled to return to work in the job in which she was employed before her absence began (with her seniority, pension and other rights intact) or, if that is not reasonably practicable, to another job that is both suitable and appropriate for her to do in the circumstances. The terms and conditions of the new job must be no less favourable to her than those that would have prevailed but for her absence from work on maternity leave.

It is important that you understand which leave you are entitled to. If you have any doubts please discuss this with your Departmental HR Team.

### 10.9.8 Maternity pay or maternity allowance

The pay you receive during your maternity leave will depend upon your length of service. This is what you are entitled to (EWC on or after 1 April 2007):

<b>Staff with less than 26 weeks continuous service ending with the Qualifying Week may be entitled to:</b>			
<b>Weeks</b>	<b>1 - 26</b>	<b>27 - 39</b>	<b>40 - 52</b>
<b>Pay</b>	MATERNITY ALLOWANCE	MATERNITY ALLOWANCE <sup>†</sup>	NO PAY
<b>Leave</b>	ORDINARY MATERNITY LEAVE*	ADDITIONAL MATERNITY LEAVE <sup>†</sup>	

<b>Staff with 26 weeks continuous service (but less than 1 year) ending with the Qualifying Week will normally be entitled to:</b>				
<b>Weeks</b>	<b>1 - 6</b>	<b>7 - 26</b>	<b>27 - 39</b>	<b>40 - 52</b>
<b>Pay</b>	SMP HIGHER RATE	SMP LOWER RATE	SMP LOWER RATE <sup>†</sup>	NO PAY
<b>Leave</b>	ORDINARY MATERNITY LEAVE*		ADDITIONAL MATERNITY LEAVE	

<b>Staff with 1 year's continuous service or more by the beginning of the 11th week before the EWC will normally be entitled to:</b>			
<b>Weeks</b>	<b>1 - 26</b>	<b>27 - 39</b>	<b>40 - 52</b>
<b>Pay</b>	HOUSE OF COMMONS MATERNITY PAY (FULL PAY)	SMP LOWER RATE <sup>†</sup>	NO PAY
<b>Leave</b>	ORDINARY MATERNITY LEAVE*	ADDITIONAL MATERNITY LEAVE	

\* During OML, the two weeks following the birth of your baby are compulsory maternity leave

† Only available when your baby is due on or after 1 April 2007

📖 The booklet 'Maternity leave and pay: a guide for employees', gives more detail about maternity entitlements and procedures. This is available on the Department of Resources intranet site or from your Departmental HR Team.

### **10.9.9 The impact of ordinary maternity leave (OML) and additional maternity leave (AML) and your pension**

OML counts towards reckonable service for your pension. Unpaid AML does not count towards reckonable service for your pension, but any period of AML during which SMP is paid, does count towards reckonable service for your pension.

When you are on OML, and/or are receiving SMP, you will pay pension contributions based on the amount of pay you actually receive, even if this is less than the salary you would be receiving if you were still at work. The House of Commons however, will continue to pay employer contributions based on the salary you would be receiving if you were still at work.

### **10.9.10 The same terms and conditions of service**

While you are on paid maternity leave your terms and conditions of service remain unchanged, except that you will not be working. Your pay will depend mainly on your length of service. So, for example, you will continue to accrue annual leave; childcare vouchers and professional subscriptions can still be paid; your service will still count towards your pension; and you will be entitled to a performance appraisal to cover the period of your paid maternity leave if this might lead to promotion or increased pay.

After the first 26 weeks, if you are still on maternity leave, then the position will change slightly. Some parts of your employment contract will still apply. This includes arrangements for notice and compensation in case of redundancy, and discipline and grievance arrangements. (This list is not exhaustive.)

In addition:

- you must still observe the rules on confidentiality
- you must still observe the rules on the acceptance of gifts
- you must not participate in another business or work for another employer.

You will continue to accrue annual leave but this will be at the Working Time Regulations rate (pro rata for part time staff).

Your Departmental HR Team will be able to confirm your annual leave entitlement for the period of your maternity leave.

### **10.9.11 The right of return to your job**

Once your manager has notified your Departmental HR Team of your requirement to take maternity leave they will write to you within 28 days stating the date on which they expect you to return to work after either your ordinary maternity leave or your additional maternity leave finishes.

Your manager will assume that you are returning to work on the date that is specified in the letter. If you want to come back to work before either your 26 weeks or 52 weeks then you must give eight weeks notice in writing. You cannot return earlier than two weeks following the birth of your child.

If you would like to change your working pattern (e.g. to part time hours) upon your return you should write to your Departmental Head of HR as early as possible (preferably two or three months before your return) informing him/her of your wishes. ➡ Chapter 4 paragraph 4.6 on flexible working.

## **10.10 Trade Union activities**

You may be granted leave to carry out specified duties connected with Trade Union (TU) or Whitley Committee business. ➡ See Chapter 8.

## **10.11 Study leave**

➡ Chapter 11 paragraph 11.6

## **10.12 Special leave**

You are expected to use your annual leave as far as possible for dealing with private matters not covered by the preceding paragraphs. Circumstances in which special leave may be granted include performance of public duties, attendance at the funeral of a blood relative, and home emergencies such as burst water pipes, gas leakages and power failure.

Special leave may be paid or unpaid and is authorised by your manager. Apply for special leave to your manager. Special leave should be recorded on annual leave sheets.

Special leave is also granted to members of the Reserve Forces who receive a call-up notice. This will usually be unpaid.

# CHAPTER 11: DEVELOPMENT, PROMOTION & TRANSFER OPPORTUNITIES

## Learning, training and development

### 11.1 Section aims

This section outlines the general principles of learning, training and development within the House. It is designed to help you understand:

- the commitment of the House to ensure that everyone should have the opportunity to learn and develop
- your own responsibilities for learning and participating in planning and reviewing that learning
- the variety of learning, training and development methods and opportunities available and how you can obtain further information.

### 11.2 Introduction

The Management Board has made clear that to support the achievement of the House of Commons Service objectives, it needs to provide a skilled and motivated workforce and ensure that all staff realise their full potential regardless of level or background.

This means the House is committed to:

- providing learning and training opportunities to support the business objectives so that everyone has the skills and knowledge to perform their present job role competently

#### *and also*

- supporting development opportunities so that individuals can work towards roles with different responsibilities.

It is essential, therefore, that everyone understands their responsibilities in this area and has the appropriate knowledge to make informed decisions on learning and development for the benefit of the individual, the team and the House.

As an organisation that values diversity, it is also essential that these opportunities should be accessible to staff regardless of sex, marital status, race, colour, ethnic or national origin, religion, age, disability, sexual orientation, gender reassignment pay band or working pattern.

### 11.3 Investors in People

The House was first recognised as an Investor in People employer in 2003 and was re-accredited in July 2006 and is aiming for re-accreditation in November 2009. It seeks to maintain the standard by ensuring that:

- staff at all levels are involved in business planning
- everyone is valued for his/her contribution to the organisation
- appropriate investment is committed to learning and development opportunities for everyone who wishes to participate.

## 11.4 Career Advice

The Careers Adviser role was developed as a direct result of the findings of the 2006 staff survey which indicated that three quarters of respondents were interested in developing careers beyond their current role. The Careers Adviser post was created to provide in House support and guidance for permanent and fixed term staff in all departments of the House and in PICT.

### 11.4.1 Careers Adviser role

The Career Adviser is part of the Corporate Learning and Development team, based in the Department of Resources, 3rd Floor, 7 Millbank.

The main purpose is to offer advice, information and guidance to individual members of staff on a one to one basis and to work with small groups on a wide range of career development topics. The Careers Adviser can provide information about working in other departments and is working to develop links with other organisations. The role also involves delivering coaching sessions for managers dealing with staff development and career management issues.

### 11.4.2 Careers advice available

The range of advice is tailored to individual needs and is based largely on coaching methods. Examples of the advice that can be provided include:

- skills review
- completing internal applications and applying for vacancies
- CV models and drafting
- learning and development opportunities available in House and through external organisations, including professional development and education
- long term career planning
- shadowing / informal development
- interview skills coaching
- options for developing current role and skills further
- information and advice about other departments and roles
- staff development and advice for line managers
- personal development planning.

You can book an appointment directly via e-mail to [mcpartlank@parliament.uk](mailto:mcpartlank@parliament.uk) or ☎ 2948. Sessions on a one to one basis are held in confidence.

Please ensure that the time off to attend the session is agreed with your manager. If you would prefer not to disclose this, a session can take place during the lunch period or before/after standard working hours.

## 11.5 Core Competence Framework

The competence framework, which was introduced in 2007, is designed to help you develop the competences necessary for your current role and future roles which you may be interested in. Working with your line manager, it will help you identify the gap(s) between your current performance and where you would like to be i.e. working more effectively in your present job or preparing for a change of job in the future.

‘Competence’ is simply a description of the behaviours that are recognised and valued in the organisation. Within the House Service and PICT, the following competence headings have been agreed:

- **Leadership and Development** – Setting Objectives, Strategic Involvement and Encouraging Learning
- **Delivering Results** – Managing Objectives, Managing Resources and Continuous Improvement
- **Relationship Building** – Valuing Others, Teamworking, Influencing and building Key Relationships and Personal Impact.

Each of these specific behaviours is further broken down into statements which describe how we should be working in particular areas and are known as ‘descriptors’.

These competences apply to all jobs across the House Service and PICT whether they are administrative, specialist, manual or technical.

Please ask your LDA for the Competence booklet or look on Corporate Learning’s website.

## 11.6 Making the most of learning opportunities

Only by being willing to learn and upgrade our skills and knowledge constantly will we ensure that we continue to provide improving service in an increasingly demanding and changing environment. To make the most of learning opportunities and the House investment in it, we must plan, participate and review in a structured fashion.

### 11.6.1 Identifying learning needs and planning learning

During your induction, it is likely that you and your manager will identify areas where you require new or enhanced skills to ensure job competence and to become familiar with the practices of the House. Appropriate training on and off the job should be arranged for you by your line manager in conjunction with the departmental and corporate learning teams.

However, on completion of your probationary period, you are expected to take more personal responsibility for your own learning and development, which you should discuss with your line manager. As part of your Performance and Development Management (PDM), you should agree learning objectives to support your work and personal objectives.

Personal development can take place in a variety of ways and often the most effective development takes place in a work situation rather than on a course. It should also be considered that different people prefer to learn differently i.e. they have different learning styles. Therefore, learning should cover a variety of activities and methods such as on-job experience, shadowing, mentoring, research, secondment opportunities, coaching, mentoring and participating in a project at local or house wide level as well as attending formal courses and workshops. You can find out more about different types of learning in the 'Learning at work, through work' booklet available from your LDA or Corporate Learning & Diversity. All learning, by whatever method, should be recorded on your PDM. It is recommended that this is done regularly so that everything has been captured for evaluation and for your review meetings.

You can also record your informal learning on HAIS, (House Administrative Information System), using Employee Self Service (ESS). A report of all your learning is also available on HAIS ESS. Recording your informal learning here enables you to run a HAIS report detailing both your formal and informal learning activities. ESS is accessed via the HAIS icon on your pc desktop. Guidance on how to use ESS is found on the HAIS website. If you do not have access to the icon you should contact the PICT Service desk on extension 2001. If you do not have access to a pc at work, contact your LDA for assistance.

Your learning objectives should be reviewed regularly throughout the year, especially when you undertake a new task, job or objective.

### **11.6.2 Participating in learning activities**

The House supports a wide range of learning activities and events – formal and informal. This means that learning and development need not be restricted to ensuring job competence in your present role, but should also provide opportunities for career development for the future. However, whatever type of learning activity takes place, it is essential that time is spent beforehand between you and your line manager to discuss learning objectives for the particular event.

These questions should help structure that discussion:

- what is the purpose of the learning (new skill/below standard performance/future role etc)?
- what is in it for me – the learner?
- what is the desired outcome?
- how and when will the learning be measured?
- what impact will it have on me, my team and the House?

### **11.6.3 Reviewing learning**

Reviewing and evaluating learning is essential for a number of reasons:

- the event should meet the learner's immediate needs and expectations and there should be no barriers to learning. This feedback usually takes place at the end of the learning activity and will assist those who source and organise the event in deciding if changes are needed

- the learning should impact on how the jobholder does her/his job i.e. how the new skills/knowledge/behaviour is being used in the workplace. This level of evaluation should take place some time after the learning so the jobholder has had an opportunity to put it into practice. The evaluation should be discussed in reviews and recorded in the PDM. Please look at the Guidance notes for further information on this:
- the investment in learning, training and development should support the House and/or our department in achieving their business objectives
- the development should help staff in their present role and/or prepare them for a future one.

*Considerable investment is made in learning and development within the House and we all have a part to play in ensuring that best value for money is obtained and that there is a return for everyone involved on that investment.*

## 11.7 Learning and development arrangements

### 11.7.1 Corporate learning activities

The Corporate Learning team is responsible for collating corporate learning needs from the departments and ensuring appropriate learning interventions are organised to meet these needs. Corporate Learning offers activities in generic areas such as induction, disability awareness, life skills and also in management development at all levels.

The calendar of these events (which is regularly updated) can be found on the HAIS Course Calendar using Employee Self Service (ESS). ESS is accessed via the HAIS icon on your pc desktop. Guidance on how to use ESS is found on the HAIS website. If you do not have access to the icon or do not use a pc at work, please refer to 11.5.1 above.

The information is also available from departmental training sections and on departmental notice boards.

#### 11.7.1.2 Managing for Excellence (M4E)

Managing for Excellence is a corporate development programme for all managers. It is supported by the Management Board and has been designed specifically for the needs of the House. It is a blended learning programme which means it will provide a combination of online learning and trainer-led workshops. The complete programme will typically run four times per year and contains 12 modules. Completion of all modules plus a short assignment will lead to an Introductory Diploma in Management from the Chartered Management Institute (CMI).

The objectives of the programme are to:

- give new managers the relevant skills, knowledge and behaviours to become effective managers within the House of Commons Service
- promote understanding of the role and responsibilities of a manager – whatever their level – at the House
- help managers manage their work and their people more effectively, thus enabling them to give better support to the work of the House
- help all managers further develop with the Core Competence Framework.

Managing for Excellence supports managers' learning and development in the following ways:

- First time managers should attend the full programme of 10 modules
- Experienced managers new to the House should attend an introductory workshop where they can learn about managing in the House and get details of each of the modules. They will discuss these with their line manager and decide whether it would be most useful to attend the full programme or specific modules
- Experienced House managers will have the opportunity to select and attend the modules which will add to/improve their existing skills and knowledge. Again, they may choose to attend the complete programme.

Further information is available from Corporate Learning & Diversity and your departmental training sections. There is also information on the Corporate Learning website.

### **11.7.1.3 Senior Management Development Programme**

New development programmes for senior managers are currently being developed. More details of these will be available during the summer. In the meanwhile, a number of stand alone activities are available. Contact the Corporate Learning team for details.

#### **11.7.1.4 Mentoring scheme**

A mentor is someone outside your reporting line and your own department who will provide a 'listening ear', and be a 'sounding board' to discuss with you – from an impartial point of view – issues and ideas to help you reach the most useful conclusions.

The Careers Adviser is programme manager for the corporate mentoring scheme which was launched in March 2009. This is an extension of the smaller scheme which was set up for managers participating in the Managing for Excellence programme.

The scheme is now open to all staff who wish to have a mentor and there are opportunities for experienced staff to train as mentors.

#### **11.7.2 Departmental learning activities**

As part of its business plan each department will include an assessment of its learning and development needs. These will aim to support achievement of its business objectives. Each department will review its departmental learning and development plan regularly and evaluate it annually when assessing achievement against its business plan and in keeping with lIP principles.

Each department manages its own training budget and has its own personnel responsible for learning and development usually referred to as the Departmental Learning & Development Adviser (LDA). They have direct responsibility for collating learning needs from PDMs, organising departmental learning and development events and liaising with the corporate team. Information on current activities can be found on the HAIS Course Calendar. Alternatively contact your LDA.

Trade Union Learning representatives are also very useful sources of information. If you are a trade union member and want further information or contact details for your Union Representative, please contact Trade Union Side Administrator ☎ 5611 or e-mail [tusa@parliament.uk](mailto:tusa@parliament.uk)

#### **11.7.3 Health & Safety training**

Training events concerning health and safety are organised and administered by the Safety, Health and Wellbeing Service (SHWS). These include Health & Safety Awareness, DSE Awareness/office ergonomics and First Aid training for nominated first aiders. SHWS can also provide further development for Health & Safety representatives and Departmental Safety Co-ordinators.

A training prospectus is published by the service which provides details of all courses provided, who they are suitable and when they are run. This can be found on the Department of Resources intranet.

#### **11.7.4 Intranet/Internet & Parliamentary Awareness courses**

The Department of Information Services provides two sets of programmes on a Housewide basis: a range of Intranet / PIMS / Internet training courses and a series of Parliament - Introduction and Documentation courses. Details of current courses are provided on the Department of Information Services intranet pages.

#### **11.7.5 ICT Training**

Parliamentary ICT (PICT) provides The Houses of Parliament with all IT Training on a range of software including the Microsoft Office suite, Adobe amongst others. We also offer advice on bespoke ICT training for projects which have an ICT element.

If you have more specific requirements which are not shown on the schedule please contact PICT Training on 020 7219 8284 or e-mail [pictraining@parliament.uk](mailto:pictraining@parliament.uk) who would be happy to discuss options.

#### **11.7.6 Finance and procurement training**

Training in all aspects of Finance and Procurement is provided by the Department of Resources. For Finance; the training covers areas including Financial Awareness, Resource Budgeting and Business Case Preparation. A list of courses currently available or to be made available in the future can be found on the Department of Resources intranet pages. Or contact Debra Shirtcliffe ☎ 3532 for further information. For Procurement: the training covers areas including Governance, the Procurement Process and Contract Management. A list of the courses currently available or to be made available in the future can be found on the Department of Resources intranet pages or contact Sue Cunningham ☎ 1369 for further information.

### **11.8 Funding and support for external development and further education**

The House is committed to ensuring that staff have an opportunity to achieve professional and educational qualifications during their employment and some job roles have qualifications with a professional body written into the job description. If you are interested in pursuing a professional or a further educational qualification, you should discuss this with your line manager as part of your PDM. You will then be requested to complete an application form or expression of interest.

At present, this type of development is funded departmentally so you must be aware that it may not be possible to provide funding and support in a particular year and either a less expensive alternative may need to be found or it may have to wait until another year when funds are available. Alternatively, other learning opportunities may provide a viable route to attaining the necessary competence.

### 11.8.1 Funding for development leading to an external (professional) qualification

Funding for such programmes will normally be granted as follows:

- 100% where the course is basic or foundation and is written into the job description e.g. Certificate of Personnel Practice for an HR administrator
- 100% if the qualification is mandatory i.e. included in the current job description and necessary for business performance e.g. Diploma in the Management of Human Resources for an HR Officer
- 90 – 95% if the qualification is not mandatory, but would improve performance in a measurable way
- 80 – 90% if the qualification is related to longer term career development rather than a direct link with current role e.g. MBA
- 50% minimum reimbursement for books. Between 50% and 100% is at the manager's discretion
- exam re sittings will normally be funded by the employee. It should be noted that this is a new condition.

### 11.8.2 Study leave

- foundation/basic course – five days per year including exam days
- intermediate & advanced qualification – ten days per year including exam days. Certain professional qualifications such as accountancy may require additional time because of the intensity of the subject. This will be agreed between the line manager and the Head of Profession.

Please give your manager as much notice as possible when booking study leave, to ensure there will be minimum effect on the section.

### 11.8.3 Further education

The House of Commons encourages you to continue your education by taking courses and may be able to offer financial support. All applications for assistance should be made to your line manager who will pass it onto your Learning & Development section for consideration. The following criteria will be applied:

- attendance will mainly be in your own time
- you can describe the benefits you will gain from the course
- the course will lead to a recognised educational certificate or diploma and the subject has relevance to your current or future work or is necessary for promotion
- the course is normally available under the public education system. In exceptional circumstances, a course at a private college or correspondence course may qualify for assistance.

In general, you may receive financial assistance for up to two courses. If your ultimate aim is a university or professional qualification, the prerequisite GCSE and 'A' levels would probably be regarded as one course.

For approved courses, the House may be able to help with:

- a contribution towards the cost of fees, books and travelling
- time off to attend evening classes and special leave with pay for such things as Open University summer schools, pre-examination revision and exams.

If your application is approved, assistance is given within the following limits:

- a contribution towards the cost of fees, books and travelling
- 80% funding of any amount not paid by your local education authority (LEA)
- 50% of the total costs of books up to £100 per course
- travel costs of attending the course may be claimed over and above the normal cost of travelling between home and office. Claims are subject to the usual rules governing payment of travel expenses
- study leave may be approved for exam days plus 4 additional days per year. Up to ten additional days per year may be granted at the discretion of the line manager.

## Promotion and Transfer Opportunities

### 11.9 Section aims

This section outlines the process for gaining promotion or transfer to another post within the House. This will help you:

- know what to expect when you apply for promotion or transfer
- understand what is meant by a temporary promotion and substitution.
- outline the process for applying for an internal transfer
- how to request an intra departmental move.

Our policy and procedures are aimed at promoting and transferring individuals on the basis of suitability for the job. They also aim to ensure consistency across departments and to act as a mechanism for movement between departments.

All vacancies advertised within the House of Commons Service are open to part timers and job sharers unless there is a sound business reason to the contrary. If you work part time, or you wish to do so, you may apply for any full time vacancy within the House. Your application will be considered on its merits. Further details are available from your Departmental Head of HR or HRM&D.

### 11.10 Selection procedures

#### 11.10.1 Advertising vacancies

When a post becomes vacant HRM&D, together with the recruiting department, usually draw up a vacancy notice. This sets out the duties of the post and the closing date for applications. Draft notices are sent to the TUS for comment before they are finalised. Vacancy notices are circulated around the House. In certain circumstances it is appropriate to use additional methods of notifying vacancies. Departmental Heads of HR ensure that staff who are absent for any reason are informed.

You are eligible to apply for any advertised post provided you are a permanent or fixed term member of staff and have successfully completed your probationary period. Applicants are advised that they should make a sensible judgement about their capabilities to carry out the duties of the post, before completing an application.

### **11.10.2 Advertising vacancies – external recruitment**

A number of posts are also advertised externally and this is on the basis of concurrent open competition both inside and outside the House. Selection under these arrangements is on the basis of outright merit, with internal and external candidates competing on a level playing field.

Many posts in the House at pay band D1 and some at pay band C require similar skills and levels of experience. Generic recruitment campaigns are therefore being introduced. These will be run concurrently and will take place roughly every 6 months. These campaigns will allow you an additional means of applying for a transfer or promotion without having to apply for a specific post. Further information may be obtained from the Department of Resources Intranet site or from your Departmental HR Team.

### **11.10.3 Selection boards**

Selection boards are usually set up by the Head of HR of the relevant department and HRM&D. They are generally made up of three or four people comprising a chairman who is normally two pay bands above the level of the post(s) to be filled and one or two members who are normally at least one pay band above the level of the vacant post(s). A Human Resources representative will also be present and they may be the same band as that of the vacancy.

Members of the selection board are given copies of:

- your application
- Guidance Notes setting out the procedures to be followed (any member of staff wishing to read the notes can obtain a copy from HRM&D)
- a completed reference usually from your manager (for internal campaigns only).

All members of selection boards are either trained in selection and interviewing or have long experience of them.

The board conducts a preliminary sift in order to compile a short list of candidates for interview. Those candidates who best fit the criteria for the post as specified in the trawl notice or in the external recruitment will be considered for interview.

There is prior consultation with the appropriate TU and the relevant Deputy Head of HR if the final selection will be conducted using a paper board. A paper board means that the candidate is not required to attend for interview. The paper board considers all relevant documentation before it and comes to its decision based on this. Paper boards are usually held when there has been only one applicant for a post.

Should the post become vacant again within six months, and before the vacancy is re-advertised, individuals who have passed the board but who were not the preferred candidate can be considered for appointment without being required to sit a further board.

#### **11.10.4 Selection board report**

After the interviews, the panel chairman prepares a report in consultation with the other members of the board. The report is sent to the Director General in the department where the vacancy exists. The authority to approve the report may be delegated to the Departmental Head of HR or a member of the departmental HR team.

#### **11.10.5 Notifying the candidates**

HRM&D notifies candidates of the result in writing as soon as possible after approval of the board report.

#### **11.10.6 Feedback**

If you would like feedback on your performance at the selection board or if you are unhappy with not being called for interview following the sifting process you can ask your Departmental Head of HR for a discussion. He/she may refer you to the person who chaired the sift/board for feedback. The discussion is aimed at helping you with future applications.

☞ If you are unhappy with the outcome of the board or have any complaints about the process you may raise this with your manager under the grievance procedure set out in Chapter 6.

#### **11.10.7 Confidentiality**

All proceedings of boards are strictly confidential and all concerned are made aware that they should not be discussed with any unauthorised person. Candidates should not be told the result of the board or be given information about their performance before official notification by HRM&D or their Departmental Head of HR.

#### **11.10.8 Internal transfer scheme**

The Internal Transfer Scheme replaced the Level Transfer Scheme from November 2007. This scheme covers staff in all departments of the House of Commons and PICT staff on permanent appointments, whether full or part-time, with the exception of staff on probation, temporary staff and staff on casual contracts. Staff can contact their LDA, HR team or the Careers Adviser, ☎ 020 7219 2948 should they have any queries about the scheme.

This scheme has a number of benefits to staff and the House, some of these are listed below. Anyone who is considering applying for an internal transfer should consider which benefits apply to them before discussing this with their manager as part of the appraisal process, throughout the year when reviewing PDMs, or at mid year reviews. A move to another area of the House should have a clear purpose and identifiable benefits to both you and to the House. In applying we ask that you consider, and note on your PDM how a move will benefit you. Some examples could include:

- acquiring skills and knowledge useful for your career
- utilising current skills and knowledge to support a better understanding of the business of the House
- developing networks which would assist your home department or your longer term career goals
- encouraging further cross departmental working and understanding as well as gaining new knowledge and skills, that you can then develop back in your home department (if temporary placement).

Staff on fixed-term contracts, who have been appointed through fair and open competition are also eligible to apply for a transfer. Generally it is expected that staff will have spent two years in their current department before applying for a transfer to another department.

Staff seeking a transfer are expected to fully meet the requirements of their current post and to have satisfactory attendance. Transfers to another area are made at the existing grade of the job holder. This scheme cannot be used to request a move to a higher grade. However, it is possible to request a move to a lower grade if this is the wish to the employee.

### ***When can a transfer request be made?***

Most requests will be discussed and noted on your PDM. However this scheme is flexible and allows for an application, initially via an updated PDM at any point during the year, following discussion with your manager.

The PDM entry will outline the reason for the request, the development needs and some details of how you feel these could be met by a move to another department.

Ideally the PDM request should note the area for transfer and if the transfer request is a temporary or permanent one. Requests should be noted 'INTERNAL TRANSFER REQUEST' on the PDM to enable your LDA to see these easily amongst other requests.

Some moves will be on a permanent basis. Where the move is not permanent, the duration of the transfer will vary in each case. For a non-permanent transfer, a period between six months and two years would generally be the norm. For transfers that are less than 12 months in duration staff will return to their home department. For non permanent transfers over 12 months the right to return will depend on what was agreed between departments in each case.

At the outset of the transfer, one department will take responsibility for future postings of the member of staff which will make use of the skills that they have acquired. This is generally the home department the employee is leaving. Each case will be arranged with the member of staff, their manager, HR and the home or the new department.

### ***The manager's role***

Managers should consider whether a move to another department would meet the career development needs of staff who report to them. They may either respond to a job-holder's request, or suggest that you consider a move. Following discussion of development needs, you then indicate your approval by signing the PDM.

### ***How is the request taken forward?***

When your completed request is sent to your Departmental Learning & Development Adviser (LDA) they will collect the information then pass details of internal transfers to departmental HR. Departmental HR will then forward the request to the Careers Adviser who will log it on the Internal Transfer list held by HRM&D. HRM&D will refer to this list when they are advised by departmental HR of vacancies.

The forum will note all requests received by LDAs. These are then discussed at regular meetings of the forum and recruiting departments will also consider this list when a vacancy arises, (as with the previous scheme). Temporary transfer requests and short term placements are also considered by the forum. Departments may also consider requests when dealing with internal expressions of interest for short term postings.

### ***Expiry of transfer request and re-confirming interest***

Internal transfer requests are valid for 12 months from the date the request was signed off. If during the 12 month period the interest in obtaining a transfer has not been met, then staff need to re-confirm their interest by ensuring that they submit a new request.

If you decide to withdraw your request for an internal transfer, you should inform your manager in writing (e-mail is acceptable) and copy to the LDA/departmental HR.

### *Intra-departmental moves*

In departments where circulation is not the usual process, staff seeking an intra-departmental move should discuss this with their manager and note it on their PDM.

Generally intra-departmental moves on a short term basis can be arranged by managers who will liaise between teams, with HR teams assisting if necessary. Benefits to team, department and member of staff can be noted on the PDM as before.

## **11.11 Temporary promotion**

Temporary promotion occurs when you are asked to carry out the duties and responsibilities of a vacant post in a higher band that cannot be filled substantively in the short term. If you are on temporary promotion you automatically take on all the conditions of service of the higher band.

### **11.11.1 Selection for temporary promotion**

When choosing candidates for temporary promotion, the emphasis is on immediate suitability for the post rather than seniority.

The selection process for temporary promotions varies depending on how long the promotion is expected to last. If the vacancy is expected to last:

- up to 6 months: the temporary promotion can be approved by the Departmental Head of HR
- more than 6 months: this requires a full selection board, normally including interviews.

Where it is necessary to temporarily promote a member of staff to cover for maternity leave the Departmental Head of HR may approve the temporary appointment for a period of up to 12 months without the need for a selection board. Where the requirement continues past the 12 month period a full selection board will be required. This procedure will also apply to other post movements associated with the maternity leave cover.

If you are awarded a temporary promotion, you are still able to apply for full or substantive promotion. Your suitability for promotion continues to be assessed against your previous band although your manager also assesses your performance against the higher band, because those are the duties you are carrying out.

## 11.12 Substitution

Substitution happens where a member of staff is absent from work or temporarily covering another post and it is not feasible for the duties to be shared temporarily amongst other members of staff. The person considered most suitable for the job in the short term, regardless of the merits of others in the same pay band, is awarded substitution pay. Substitution usually applies only for short periods and, in any case, must be terminated at the end of three months. If the absence of a member of staff continues beyond three months, temporary promotion becomes appropriate and the selection procedures set out in paragraph 11.7 are followed, i.e. a board is needed if it is clear that the temporary promotion will last for 6 months or more from the commencement of the temporary promotion.

## 11.13 Pay on promotion (substantive, temporary or substitution)

☛ Chapter 9 paragraph 9.5

## 11.14 Band A3

Staff in pay band A3 normally enter at the minimum of the pay band (pay point one of seven) and progress annually on 1 April by two pay points (provided they receive a box 3 or higher in their annual report). On the fourth anniversary of their appointment Clerks in the Department of Chamber & Committee Services and Department of Information Services can expect to be promoted to Senior Clerk/Library Clerk and progress to the minimum of pay band A2.

## CHAPTER 12: FACILITIES FOR STAFF

### 12.1 Chapter aims

This chapter covers the main staff facilities on the Parliamentary Estate. It will help you to:

- know where to eat in different parts of the Estate
- find the gym and other sports and social facilities
- locate the cash dispensers, post office, travel office and souvenir shops
- know how to gain access to the Line of Route and the Terrace.

### 12.2 Catering

Catering & Retail Services in the Department of Facilities have pages on the parliamentary intranet. These contain a description of the services on offer, the weekly menus, access arrangements, opening times and a 'what's new' section. If you do not have access to the intranet you may obtain an explanatory booklet from reception desks throughout the estate or by contacting Catering & Retail Services General Enquiries ☎ 3686.

Members of Parliament and Officers of the House of Commons are entitled to host private functions. For further details contact Catering & Retail Services' Banqueting Office ☎ 4804, 2275 or 3677.

Should you have any queries regarding Catering & Retail Services ☎ 3686 or 5303.

### 12.3 Sports and social facilities

#### 12.3.1 Westminster Gymnasium

The gym is open to all Palace of Westminster pass holders, not just staff of the House. It is run by a team of experts and offers a wide range of facilities including:

- sauna
- steam room
- sunbed
- treatment room
- beauty therapy
- physiotherapy
- massage
- exercise studio for aerobics, step, conditioning, yoga, and tai chi, all taught by qualified staff.

#### Opening hours

- Monday to Thursday: 7.30 am to 9.00 pm
- Friday: 7.30 am to 6.00 pm

If you would like to join the gym or would like more information ☎ 5546.

 Basement of No 1 Canon Row, Derby Gate.

### 12.3.2 Sports and Social Club

The Houses of Parliament Sports and Social Club is open to all staff with a permanent security pass. There is a small annual subscription.

The club's facilities include a bar with hot and cold snacks. Private functions can be booked by arrangement with the bar staff. Football and rugby matches are arranged and the club organises outings throughout the year.

 Palace of Westminster.

### Other organisations

Staff of the House of Commons are also eligible to join the following organisations:

- Civil Service Club: this club has dining and drinking facilities and some overnight accommodation. It is situated at 13 Great Scotland Yard. For further details ☎ 020 7930 4881
- Civil Service Sports Council: facilities include extensive sports grounds at Duke Meadows, Chiswick and a recreation centre for indoor games such as snooker and table tennis at Monck Street, Westminster. For further details ☎ 020 8930 4881
- Civil Service Motoring Association: this organisation provides a wide range of facilities and services including recreational accommodation and a motor vehicle breakdown service. For further details ☎ 2159.

## 12.4 Church facilities

### 12.4.1 St Margaret's Church

St Margaret's Church has been associated with both Houses of Parliament for more than 300 years. You are welcome to attend its regular services, and the church is available for baptisms, weddings and memorial services. Please contact the Rector if you would like more details.

### 12.4.2 Chapel of St Mary Undercroft (Crypt Chapel)

The Speaker's chaplain celebrates Holy Communion in the chapel at 12.45 pm on Wednesdays. Members of all denominations are welcome.

The entrance to the chapel is in Westminster Hall, at the south end on the west side of the main steps.

The Speaker's Chaplain is normally available for spiritual guidance or to offer support and can be contacted on ☎ 3768 or 020 7654 4847.

There is an active Parliamentary Christian Fellowship which is open to all staff. For further details please contact the Speaker's Chaplain or visit his website on the Parliamentary intranet.

The chapel is available to officers for family weddings and baptisms. For more details ☎ 3768.

## 12.5 Access to parts of the Palace

### 12.5.1 Terrace

Access to the Terrace is limited to prevent overcrowding. If you are an Officer of the House you have the same access as a Member.

If you are in pay band B1 and B2 you can use the southern part of the House of Commons Terrace, but you may not take visitors on to it.

Other staff are not able to use the Terrace unless they are guests of a Member or an Officer. There may from time to time be notices waiving this rule, e.g. during the summer recess.

### 12.5.2 Visitor Route

If you have a full Palace of Westminster photo identity pass you may take up to six personal friends along the Visitor Route (formerly Line of Route) when it is open. You must accompany your guests at all times. This facility is not open to temporary passholders. Further details can be obtained from ☎ 3070.

### 12.5.3 Tickets for the Strangers Gallery

A maximum of nine tickets (Admission Orders) is available for members of staff on each sitting day (except for Prime Minister's question time on Wednesdays.) If you wish to visit the Strangers Gallery you need to apply, in person, to the Admission Order Office six days before you want to visit. Requests are accepted from 2.00 pm daily on a first come, first served basis. Tickets are issued for your personal use or for use by your friends and relatives. Tickets are limited to two per person per month for these days.

 Next to Central Lobby directly behind the statue of Gladstone.

### 12.5.4 Special occasions

Pavement tickets for occasions such as the State Opening of Parliament are allocated through Director Generals.

### 12.5.5 Disabled access

Staff with disabilities or who have visitors with disabilities may find the leaflet 'Facilities for visitors with disabilities in the Palace of Westminster', showing disabled access routes. The leaflet may be obtained from the parliamentary intranet or by contacting your Departmental Safety Coordinator.

## 12.6 Cash dispensers

The cash dispensers are located at three sites:

- in the corridor, off Cloister Court (near the Terrace Cafeteria): National Westminster, Barclays and Alliance and Leicester/Link dispensers
- near the House of Lords staff restaurant: National Westminster, Barclays, Coop Bank/Link dispensers
- Post Office in Portcullis House: Link dispenser.

## 12.7 Post Office

There has been a post office presence in the House of Commons since 1698. There are currently three offices:

- Members Lobby: for the use of Members and Officers
- Central Lobby: open to all staff
- Portcullis House: open to all staff.

## 12.8 Travel Office

The Travel Office provides services to Members and staff, including discounted air/rail travel and commission free foreign exchange. Personal travel (subject to an 8% administration charge) should, where possible, be booked on less busy days (Mondays, Tuesdays or Fridays). Further details and a range of travel information are available on the Travel Office intranet site.

 Basement of Star Chamber Court.

## 12.9 Lost property

Please hand in all unidentified property found in common areas to the Hallkeeper's Lodge as soon as possible. The Hallkeeper (☎ 4626) looks after lost property. There may be departmental rules about the receipt of lost property.

 The Hallkeeper's lodge is situated through St Stephen's entrance behind the souvenir kiosk

## 12.10 Bank references

Requests for references for mortgage applications, personal loans, tenancy agreements etc. are dealt with by the HR Management & Development Directorate (HRM&D). If you need a reference, contact your Departmental HR Team. Requests are normally turned around in 24 hours.

## 12.11 Car parking

A limited amount of space is available in the underground car park and outside the Norman Shaw buildings. Priority in the allocation of space is given to staff on regular night duty. Permits for other staff are normally limited to (i) Officers of the House and (ii) other staff with at least 15 years' service.

☛ Chapter 9 paragraph 9.19.3 for information about car parking arrangements during transport emergencies.

## 12.12 Late night transport service

☛ Chapter 9 paragraph 9.18.

## 12.13 Sleeping accommodation

The House provides limited sleeping accommodation in John Islip Street for staff who undertake occasional late duties, as authorised by Departmental Heads of HR. This is bookable through the Department of Facilities Service Centre ☎ 4226. If there is a greater requirement for sleeping accommodation than the capacity of 22 John Islip Street (17 rooms), hotel accommodation will be arranged within reasonable access to the House. Staff using these facilities will be entitled to use the late night taxi service. See paragraph 9.18. Further information is available on the Department of Facilities intranet site.

☛ Chapter 9 paragraph 9.19.4 for information about sleeping accommodation during transport emergencies.

## CHAPTER 13: RECORDS MANAGEMENT

### 13.1 Chapter aims

This chapter tells you about:

- records and records management in Parliament
- why records management is important
- what your responsibilities are
- where you can get further help and advice.

### 13.2 Principles

A record is any document or piece of information created or used by you which provides evidence of your work in the wider context of Parliament. Some examples are correspondence, advice, Bill files, minutes, invoices, reports, payment authorisations and HR records. It is important to understand that the term 'records' refers to the documents which you create, edit, file and consult every working day, not just historic documents which are preserved in the Parliamentary Archives. Word processed documents, spreadsheets, e-mails and other electronic documents held on your computer also fall within the definition of records.

Records management is the organisational function of managing records to meet operational needs, accountability requirements and the public's expectations of the House of Commons. It supports the work of the House of Commons in the following ways:

- by providing evidence of decisions taken
- by ensuring records are kept according to legal requirements
- by destroying obsolete records promptly, leading to better use of space and improved working conditions for staff
- by enabling important records, the memory of Parliament, to be selected more easily for permanent preservation in the Parliamentary Archives.

### 13.3 Roles and responsibilities

Each department, office and committee is responsible for ensuring that it manages its records in accordance with the guidance issued by the Parliamentary Archives, through its Departmental Record Officer.

It is the responsibility of every member of staff to ensure that their own record keeping adheres to the standards laid down in their department, office or committee.

## 13.4 Where to go for help and advice

For more information about records management in Parliament, including the name and contact details of your Departmental Record Officer and to access records management policies, guidance and tutorials, consult the intranet pages on the subject, listed under 'Records Management' in the A-Z index.

If your Record Officer cannot help you, contact the Records Management team in the Parliamentary Archives, who can provide advice and training on all aspects of records management. You can contact the team on ☎ ext 6291 or 1702.

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## **PART 3**

# **LEAVING THE HOUSE OF COMMONS SERVICE**

## CHAPTER 14: LEAVING THE SERVICE OF THE HOUSE

### 14.1 Chapter aims

This chapter gives information that will help you to:

- know what to do if you want to resign from the service of the House
- understand what happens as you come up to retirement age
- understand dismissal procedures.

**!!** You are reminded that the rules on confidentiality and acceptance of business appointments remain in force indefinitely, even after leaving the House. This applies whether you resign, retire or are dismissed.

### 14.2 Resigning

If you wish to resign from the House, write to your manager. You do not have to give reasons for resigning. If you have a season ticket or other loan, you will need to contact the Staff Payroll Team, Department of Resources as soon as possible so that arrangements can be made for you to repay any outstanding amounts. You should also contact HRM&D if you receive childcare vouchers; any unused vouchers must be returned.

Your contract will state the amount of notice you need to give. In most cases this is one month. The only exception is if you were recruited or promoted to Pay Band A2 or higher after 1 April 1991. In this case your notice period is a minimum of three months.

You should normally take any outstanding leave during your notice period. However this may not always be possible, for example, if you are required to give notice of leave. If your manager agrees that it is not practicable to take any leave which is owing, you may be paid for any days that are left. If you have exceeded your leave entitlement, the appropriate amount will be deducted from your final pay.

Your Departmental Head of HR or his/her designated representative will usually hold an exit interview with you prior to your leaving date. On your final day, please ensure that you hand in your photo identity pass, car parking permit (if you have one), any equipment or uniform belonging to the House, and other work items such as desk keys and other materials to your manager.

The House may in the future be asked to supply a prospective employer with a reference about you. You will be asked in your leaver letter what information (if any) you agree to the House releasing.

#### 14.2.1 Reappointment

If at any time in the future you wish to return to the House, you can apply directly to your Departmental Head of HR for reappointment. There is, however, no automatic right to reappointment and each application is considered individually. If your application is refused, you will be notified in writing of the reasons.

## 14.2.2 Pension benefits

You may have some choice of what to do with your pension benefits under the House of Commons Staff Pension Scheme (HOCSPS). When you leave:

- if you have less than two years of qualifying service you can either transfer your pension benefits to a new occupational or personal pension scheme or you may apply for a refund of contributions. If you apply for a refund of contributions, an amount will be deducted from this refund to cover the cost of reinstating you in the State Second Pension scheme (S2P). An amount for tax is also deducted
- if you have two or more qualifying years of service, you can either transfer your pension benefits to a new occupational or personal pension scheme or your benefits can be retained in the scheme and paid at age 60 (Classic, Classic Plus and Premium schemes) or age 65 (Nuvos scheme).

If you are a member of the Partnership Pension Scheme you should contact your provider for details.

Information about the HOCSPS is given in Chapter 15.

## 14.3 Retirement for staff in A-E & Catering Group pay bands

The House of Commons Service operates a 'no retirement age' policy for staff in A – E and Catering Group (CG) pay bands. The policy for staff in the Senior Commons Structure (SCS) pay bands differs and further information can be found at 14.4.

You can still retire at any time after your 60th birthday (65th birthday for staff in the Nuvos pension scheme) and draw benefits based on the number of years of service to date of retirement. You can also partially retire under the partial retirement scheme outlined at section 14.3.3. Early retirement before age 60 (65 for staff in Nuvos) is also possible on the terms set out in paragraphs 14.5 and 14.6.

Whilst the House does not operate a specific retirement age for A – E and CG staff, your 65th birthday will be treated as a trigger point to prompt administrative processes.

You will receive a letter from your manager or the departmental HR team at least six months before your 65th birthday. An accompanying form will set out the options available, and you should respond to this as soon as possible.

The options are to:

- retire on your 65th birthday
- continue working in your current post, retaining terms and conditions
- continue working with a change in your terms and conditions (e.g. reduced hours)
- continue working, but in a different post
- continue working under the partial retirement scheme (see 14.3.3).

The purpose of the response is to notify your manager and departmental HR of what you wish to do when you reach your 65th birthday. Please return this form within 10 working days so that the department has enough time to deal with a request. Requests to continue working under partial retirement, in a different post or with different terms and conditions will be considered by your manager and the Departmental Head of HR using the flexible working procedures which can be found at section 4.6 of this Handbook.

### **14.3.1 Pension benefits**

Each year you will be sent a pensions benefit statement by the pension administrators, Capita Hartshead. These statements are an estimate of your pension at pension age (age 60 for Classic, Premium & Classic Plus, age 65 for NUVOS). If you are over pension age the statements provide an estimate of benefits earned to the previous 31 March. You will therefore have an indication of your expected pension before retirement.

If you state on your form that you intend to retire at age 65 your HR team will notify Capita who will then send you a retirement statement at least 2 months before your 65th birthday. If you intend working beyond your 65th birthday you may ask Capita to provide you with a forecast for retiring at a later age.

Capita require a minimum of three months notice of the date of your retirement. If, during the three month period, changes are made to the retirement date, you should be aware that this could delay the payment of your pension benefits. Capita will try to arrange for benefits to be paid on time, but this cannot be guaranteed.

☞ For Capita contact details please refer to Chapter 15.

The Department for Work and Pensions (DWP) will send individuals approaching State Pension age separate information about entitlement to a State Pension. If you require information in advance of retirement you should ask your local social security office for form BR19. This form can also be found on the Department of Work and Pensions website.

### **14.3.2 Staff working beyond 65**

If you wish to continue working but with a change to your current job or terms and conditions, a meeting should be arranged with your manager and Departmental Head of HR to discuss options. Requests will be considered by your manager and the Departmental Head of HR using the flexible working procedures which can be found at ☞ section 4.6.

If you continue to work beyond 65, and subsequently decide to retire, the House would appreciate as much notice as possible of your planned retirement date. You should bear in mind that Capita will require at least 3 months notice to ensure that pension benefits are paid on time. Once the retirement date is agreed, your manager should contact the departmental HR team, who will in turn notify Capita via the Agresso alerts system.

Capita will arrange for you to be provided with further information, including a statement of the expected pensions benefits.

Benefits, terms and conditions and standards of performance, attendance and conduct are the same for all staff whatever their age. Where these standards are unsatisfactory, dismissal may occur, following normal House procedures.

☛ Please see 14.7 and Chapter 5 for further information.

### **14.3.3 Partial retirement**

On 1 March 2008 new partial retirement arrangements were introduced. These allow staff who “downshift” so that their pensionable earnings are reduced by at least 20%, to draw some or all of their pension and carry on working. Downshifting can be achieved by working fewer hours, or at a lower level. This flexibility is intended to facilitate a gradual move from full-time work to full-time retirement. You may also request to reshape your job but not yet take partial retirement.

If an agreed reduction in working hours occurs, but you have not drawn any pension, you can later exercise the option to do so. However, this has to be no later than three months after a reduction in pensionable earnings of at least 20% has occurred.

Partial retirement or job reshaping is subject to approval by the appropriate manager and your Departmental Head of HR and is not an automatic right. There is also no right to demand changes to working hours or job level, in order to facilitate partial retirement. Requests will be considered by your manager and the Departmental Head of HR using the flexible working procedures which can be found at section 4.6 of this Handbook.

If you wish to take advantage of partial retirement, you must bear the following points in mind:

- Pension benefits cannot be taken before age 50 (age 55 for staff who joined on or after 6 April 2006 and for all staff from 6 April 2010)
- benefits taken before pension age will be reduced for early payment
- pension benefits will continue to accrue if you are still in work, subject to any overall pension scheme reckonable service limit
- abatement will apply where benefits in payment plus pay exceed pay before downshifting (this means the pension will be reduced or suspended)
- partial retirement will reduce reckonable service for subsequent benefits
- partial retirement can only be taken if the downshifting is expected to be permanent. If, exceptionally, your pay increases significantly in the future, the pension will be subject to abatement. Normal pay rises are unlikely to trigger abatement.

Please use the form CSP15 to apply for job reshaping.

*Example:*

*Beth is 61 and agrees with her employer to move from full-time working to 3 days per week. Beth's full-time salary is £20,000 and her part-time salary will be £12,000. Beth has built up an annual pension of £10,000 (based on 40 years) in **classic** but Beth realises that any pension drawn over £8,000 a year will be abated (because pension drawn plus pay would then be more than pay before downshifting). Because she is over pension age, she can draw pension without it being reduced for early payment. Beth decides to draw £8,000 pension a year (and a lump sum of £24,000), which represents 32 years' service.*

*Beth has 8 years' reckonable service left and this, combined with her reckonable service in her part-time job, will build up further pension and lump sum in **classic**, which Beth will take when she finally retires.*

#### **14.3.4 Pre-retirement seminars**

A pre-retirement seminar, 'Adjusting to a New Lifestyle' is organised by Corporate Learning & Diversity and advertised through the intranet and on the HAIS Learning & Development calendar. The course is available to all staff, although it is most useful to those five years or less away from their likely retirement date. You can secure a place on this course by booking it through HAIS Employee Self Service or contacting your Departmental Learning & Development Adviser.

### **14.4 Retirement for staff in Senior Commons Structure (SCS)**

The House of Commons Service have decided to remain broadly in line with the Civil Service, where the retirement age for SCS staff remains at 65. This section therefore only relates to SCS staff. For House of Commons Service staff in pay bands A – E & CG, the House operates a no retirement age policy, details of which can be found at section 14.3.

Retirement age of SCS within the House will remain at 65 years. However, in line with the Employment Equality (Age) Regulations 2006, SCS staff have the right to request to remain in service after that date. Requests will be seriously considered in line with current service policy and the business needs of the House.

#### **14.4.1 House of Commons Service procedure**

You will receive a letter at least six months before your 65th birthday from your Departmental HR team. The letter contains a response form which you should return as soon as possible.

If you state on your response form that you intend to retire at age 65, your HR team will notify Capita via the Agresso alerts system. You will then receive a retirement statement from Capita Hartshead at least two months before your 65th birthday. If you intend to work beyond your 65th birthday, you may ask Capita to provide you with a forecast for retiring at a later age.

The purpose of the response is to notify your manager and Departmental Head of HR of what you wish to do when you reach your 65th birthday: either intending to retire or wishing to extend your employment and by how long. Although it is requested that you return this form within 10 working days so that the department has as much time as possible to deal with your request, you have the right to make a request to remain in employment up to three months before your retirement date.

If you have requested to remain in employment, a meeting will be set up with your manager and Departmental Head of HR ordinarily within two working weeks of the letter being received and the meeting should usually take place within a further two working weeks.

Your request with your manager's and the Departmental Head of HR's recommendation will be sent to the Retirement Panel after the meeting. The Retirement Panel will consider the request in line with the agreed criteria. The Retirement Panel's decision and reasoning will normally be sent to the Departmental Head of HR within four working weeks of the recommendation being received. The Departmental Head of HR will then send a letter of decision with the reason to you, normally within two working weeks.

#### **14.4.2 Pre-retirement meeting of your manager, Departmental Head of HR and SCS member of staff**

You should be aware that for an extension of service to be granted, it must meet the needs of the business. Therefore, prior to the meeting with your manager and Departmental Head of HR, and be prepared to discuss this with them.

You could also consider extensions of service not just in your present role, but in other areas also in the same role but reduced hours, in a different role within your department, in a different department or on a casual basis.

The type of extension requested (fixed date, fixed term or indefinite) must be also be taken into consideration within each option:

- you remain in the same job with the same terms and conditions
- you remain in the same job with different terms and conditions e.g. part-time, job share
- you seek a different job opportunity across the House with different terms and conditions including casual roles.

If you are considering working beyond 65 you are strongly encouraged to seek advice from the House's Pension Unit or Capita at the earliest opportunity so you can consider the pensions implications carefully.

### **14.4.3 Appeals process**

Where a request has been refused, or unfavourable continuation terms imposed, you have the right to appeal. A letter of appeal should be with Departmental Head of HR within two working weeks.

Grounds for appeal could be:

- a failure to follow the procedure correctly
- a failure to take into account relevant information
- taking into account irrelevant information
- additional information has come to light.

The appeal board will usually consist of your Director General and a Departmental Head of HR who has not been involved in the case. The appeal will normally be heard within two working weeks and the decision communicated within a further working week of the hearing. You will be informed of your right to be accompanied by a TUR or a work colleague of your choice at the appeal hearing. The accompanying person may address the panel or confer with you.

You will continue to be employed until the appeal is heard and the decision delivered even if your 65th birthday has passed.

The appeals procedure is relevant at each repeated request to remain in service.

## **14.5 Retirement on health grounds**

If your health deteriorates to a point where you cannot carry out your duties effectively and your incapacity is likely to be permanent, you may:

- want to apply for early retirement on health grounds, or
- be approached by the House to consider ill health retirement.

Once an application for ill health retirement is received the case is referred to the Safety, Health and Wellbeing Service (SHWS). A consultant from SHWS will consider the available medical evidence and, if necessary, will ask for your consent to arrange for you to have a medical examination. This could be with your own GP or with a hospital specialist, who is then asked to write a report. You have the right to see this report under the Access to Medical Reports Act 1988.

The decision as to whether to authorise medical retirement rests with the Director General Resources. You may appeal to a medical board if you are not happy with a decision to retire you (or a refusal to retire you) on medical grounds and you have additional medical evidence. Appeals are made through the SHWS.

☛ Details of the pension benefits for early retirement on medical grounds are set out in the relevant booklet:

- 'Pension Benefits on Ill-Health Retirement' (for Classic members)
- 'Classic Plus and Premium Ill-Health Retirement Pension Benefits'.

These are available on the Civil Service Pensions website.

☛ See also Chapter 15.

## 14.6 Early retirement and severance

There are four categories under which staff can be retired early (in addition to medical grounds). They are only used in exceptional circumstances:

- compulsory early retirement or severance
- flexible early retirement or severance
- approved early retirement
- actuarially reduced retirement.

The term 'early retirement' is used if you are aged 50 (55 from April 2010) or over, the term 'early severance' is used if you are aged 49 or less, or are aged 50 and over (55 from April 2010) and have less than 5 years service.

### 14.6.1 Compulsory early retirement or severance

This category covers:

- compulsory redundancy
- limited efficiency ☛ for more details see Chapter 5
- structural grounds – to help with problems caused by age imbalance, succession planning and organisational changes
- voluntary redundancy in cases where your Director General or Departmental Head of HR asks for volunteers to avoid compulsory redundancy.

### 14.6.2 Flexible early retirement or severance

Under this category, the House may ask you to retire early on grounds of structure, limited efficiency (at least one box 4 in your performance review) or limited postability (i.e. inability to perform a reasonable range of duties across posts at your band level). There is no element of compulsion.

### **14.6.3 Approved early retirement**

This occurs when the House invites volunteers to retire early where this would help solve management problems and improve overall efficiency. This is open to staff aged 50 or over with at least five years of qualifying service. The criteria for selecting people and the terms of the retirement package will be discussed with the Trade Unions (TUs) at the time.

There is a second scheme where, if you are aged 55 or over with at least 25 years of qualifying service, you can seek management agreement to retire (or vice versa). This involves a cost to the department.

### **14.6.4 Actuarially reduced retirement**

From age 50 (or 55 from April 2010), it may be possible for you to retire and draw an actuarially reduced pension. This means that both the pension and any lump sum are reduced on a permanent basis by around 5% for each year before pension age 60. The reduction takes into account the longer period your pension is likely to be paid.

To claim an actuarially reduced pension you need to give six months notice. The administrators, Capita Hartshead, will provide estimates of the benefits payable. The reduction can be considerable and you should not take this course of action without careful consideration. (see also paragraph 14.3). Please note your deduced pension will have to pass a test to show it is at least equal to your Guaranteed Minimum Pension (GMP). This is broadly the pension you would have received if you had been in the second tier of the state pension system.

☛ Refer also to Chapter 15

### **14.6.5 Reserved rights**

If you were in post on 1 April 1987 and retire under one of the early retirement arrangements described above you may be entitled to 'reserved rights' benefits. Further details of these categories and the benefits payable (including 'reserved rights' benefits) are available from the Pensions Unit.

## **14.7 Dismissal**

Managers at B1 and above normally take responsibility for dismissals, after consulting their Departmental Head of HR. Some of the reasons for dismissal are:

- poor performance
- poor attendance
- inefficiency
- misconduct
- non renewal of a fixed term contract.

If you are dismissed after being continuously employed for six months or longer, you are entitled, under current legislation, to receive a written statement of the reasons for your dismissal.

Staff of the House cannot demand a period of notice as of right if their appointments are terminated. Normally, however, if the dismissal is on any grounds other than gross misconduct the House may apply the following periods of notice:

- less than four years of continuous service: five weeks' notice
- four years or more of continuous service: the minimum period is not less than one week per year of continuous employment plus one extra week up to a maximum of 13 weeks.

#### **14.7.1 Effect of dismissal on pay**

When a member of staff is dismissed, the House may apply appropriate rules to recover any losses to public funds. This means that your pension benefits can be withheld (in whole or in part) if you are convicted of any criminal offence that might lead to serious loss of confidence in the House of Commons Service.

For dismissals involving loss of public money, any unpaid salary may be withheld and offset against the loss. The balance can be recovered from your pension benefits.

👉 Chapter 5 paragraph 5.33

#### **14.7.2 Non renewal of fixed term and temporary (longer than a few weeks) contracts**

If you are employed on a fixed term or temporary contract you will be informed, in writing, that your appointment may not be renewed and you will be invited to a meeting with your line manager to discuss this. You are entitled to be accompanied by a TU representative or a colleague. The outcome of the meeting will be confirmed in writing and you will have a right of appeal against the decision to your countersigning manager within seven working days of receiving your dismissal letter. The appeal date may be after your last day of service.

### **14.8 Appeals against dismissal or compulsory early retirement**

If you are under notice of dismissal or compulsory early retirement (other than for ill health retirement) you may appeal to an independent appeal board if:

- you have been continuously employed in the House for at least two years before the date on which a decision to dismiss was taken; and
- you are under the minimum pensionable age of 60 on or before the date of the termination of employment notice.

You also have the right to appeal against dismissal or compulsory premature retirement to an employment tribunal.

### 14.8.1 Civil Service Appeal Board

The Civil Service Appeal Board (CSAB) is an independent appeals body which deals with appeals from House of Commons staff who feel that they have been dismissed or retired early against their will.

The CSAB has three functions:

- to decide whether a decision is fair
- to consider appeals against a proposal to withhold pension benefits under the HOCSPS
- to consider appeals against a decision not to pay compensation in cases of dismissal on grounds of inefficiency.

To pursue an appeal, the CSAB needs to have:

- notification of your intention to appeal within eight weeks of being told of the decision to dismiss following any internal appeals procedures; and
- a full written case within four weeks of the date of lodging an appeal.

The House pays the following in connection with attendance at a Board hearing:

- the travelling and subsistence expenses of the appellant and any colleague representing them
- the travelling and subsistence expenses of any non member of House staff (other than a full time trade union representative, solicitor or barrister) who the Board have agreed may attend
- any loss of earnings incurred.

All communications with the Board should be sent to the Secretary of the Board at the following address:

Civil Service Appeal Board  
7 St James's Square  
London  
SW17 4JH

# CHAPTER 15: HOUSE OF COMMONS STAFF PENSION SCHEME

## 15.1 Chapter aims

This chapter provides general information about the pension schemes for House of Commons staff. It will:

- help you understand how the schemes work
- show you where to obtain more information.

The HOCSPS operates by-analogy to the Civil Service pension arrangements. This means pension arrangements are identical in most respects to the Civil Service pension arrangements.

The information given represents a summary of the House of Commons Staff Pension Scheme. In case of any conflict with the rules of the Scheme, the rules take precedence. The Rules of the HOCSPS follow those of the Civil Service Pension Scheme, which can be found on the Civil Service Pensions website. The following information is provided in this chapter:

- 15.2 Schemes available
- 15.3 Nuvos scheme
- 15.4 Premium scheme
- 15.5 Classic scheme
- 15.6 Classic Plus scheme
- 15.7 Partnership scheme
- 15.8 Stakeholder pension
- 15.9 State Second Pension
- 15.10 Annual benefit statements
- 15.11 Transfer of pension benefits
- 15.12 Previous membership of the Civil Service Pension or a by analogy scheme
- 15.13 Re-employment after taking pension
- 15.14 Opting out of the scheme
- 15.15 Injury benefits
- 15.16 Other pension-related information in the Staff Handbook
- 15.17 Internal Dispute Resolution Procedure
- 15.18 Useful addresses and contact details

## 15.2 Schemes available

There are five pension schemes, which are available according to when you started your service in the House:

- Classic – for staff in service before 1 October 2002
- Classic Plus – for staff in service before 1 October 2002 who opted to join this scheme from this date
- Premium – for staff who joined on or after 1 October 2002, and before 30 July 2007; also for staff in service before 1 October 2002 and who opted to join this scheme from this date

- Nuvos – for staff who join on or after 30 July 2007
- Partnership scheme – offered as an alternative option to the Premium scheme for staff who joined between 1 October 2002 and 29 July 2007, and as an alternative to the Nuvos scheme for staff who join on or after 30 July 2007.

Most staff who join the House of Commons on or after 30 July 2007, and are offered an appointment for 12 months or more, will automatically be entered into the Nuvos scheme, but will be able to join Partnership instead, or to opt out of Nuvos. Please read 15.14 if you are considering opting out of the HOCSPS. Staff who are offered an appointment for less than 12 months will not be automatically be entered into Nuvos, but may join Nuvos or Partnership if they choose to do so.

There are some exceptions. See 15.12 for further information.

## 15.3 Nuvos Scheme

This scheme is one of two pension arrangements available to staff who join from 30 July 2007. It is a career average revalued earnings (CARE) scheme.

### 15.3.1 Contributions

Your contribution rate is 3.5% of your pensionable earnings. This is your contribution towards all the benefits in the scheme. You receive tax relief on your contribution so the net cost to you is less. Your pensionable earnings consist of your basic salary, plus any other allowances deemed pensionable by the House, in agreement with the TUS. The cost to the House of Commons varies from year to year, but is currently approximately 20% of your pensionable pay.

### 15.3.2 Pension

Each year your pension account is credited with an amount of annual pension calculated as a proportion of your pensionable earnings in the year. The “pension build-up factor” is currently 2.3%. Each year’s pension is then increased up to retirement in line with price inflation (RPI).

Example:

Ahmed joins the House of Commons in September 2007 and has pensionable earnings of £10,000 in the period to 31 March 2008. At 31 March 2008, Ahmed will have earned a pension of £230pa ( $£10,000 \times 2.3\%$ ) which will then be increased each year up to retirement. The first increase will be as at 31 March 2009. If the increase in RPI to September 2008 was 2.6%, Ahmed's pension at 31 March 2009 is increased to £236pa ( $£230 \times 1.026$ ).

Suppose Ahmed earns £22,000 in the year to 31 March 2009. This would earn him a further pension of £506pa bringing his total pension earned to £742pa. If the increase in RPI was then 2.4%, his pension would be increased to £759.81pa ( $£742 \times 1.024$ ).

### **15.3.3 Lump Sum**

When you retire you will have an option to exchange part of your pension for a tax-free lump sum. Every £1 of surrendered pension currently buys £12 of lump sum. Limits apply to the amount of lump sum you can take.

### **15.3.4 Pension Increase**

Once your pension comes into payment, it will be increased each year in line with the cost of living. The increases are linked to the Retail Price Index.

### **15.3.5 Normal retirement**

The normal retirement age in Nuvos is 65. This is the date from when your pension benefits can be paid in full. This is also known as the pension age. It should not be confused with the House's policy on retirement, whereby staff in grades A – E may retire at any age, and Senior Commons Staff (SCS) and Catering Grades (CG) have a retirement age of 65 with a right to request working after age 65. See Chapter 14 of the Staff Handbook for further information on the House's retirement policy. See 15.3.7 for what happens to your pension if you work beyond age 65.

### **15.3.6 Early retirement**

You can retire at any age from 55, but your benefits will be permanently reduced to take into account the pension is likely to be paid for a longer period.

### **15.3.7 Late retirement**

If you retire after age 65, your pension will be increased to take into account the likely shorter period of payment.

### **15.3.8 Ill health retirement**

An ill health pension is payable at any age, subject to medical criteria being met. There are 2 levels of provision:

**Lower tier** – if you are unable to do your own or a similar job, a pension is payable upon retirement, with no reduction for early payment;

**Upper tier** – if you are unable to do any job, an enhanced pension is payable upon retirement.

The decision by the House to grant an ill health pension is subject to confirmation from the House of Commons Occupational Health medical advisers that the scheme's ill health criteria has been met.

### **15.3.9 Death**

- death in service – a lump sum of twice your annual pensionable pay will be paid to your nominee(s), as detailed on the death benefit nomination form
- death after leaving the scheme but before your pension comes into payment – a lump sum of five times your deferred pension, or a lump sum of twice your final pensionable earnings when you left the scheme, whichever is lower
- death within five years of retirement – a lump sum equal to the balance of five years' worth of pension payments.

In all cases and provided you have had at least 2 years reckonable service, the scheme will pay an ongoing pension for life to your surviving spouse, civil partner, or nominated partner. This pension will normally be 3/8ths of your pension. The pension may be enhanced if you die in service. The scheme will also pay a pension to any children who were dependant on you at death, up to a maximum age of 23. 'Reckonable service' includes your service in the scheme, any transfers in, and any added years.

Death nomination forms can be downloaded from the Civil Service Pensions website, or obtained from Capita Hartshead. Completed forms should be sent to Capita Hartshead. If you die without having made a nomination, any lump sums will be paid to your estate. See 15.18 for Capita's contact details and Civil Service Pensions website address.

### **15.3.10 Partners**

If you are not married or in a civil partnership, but nevertheless live with someone as their partner, you may be able to nominate them to receive a pension. You should complete a partner declaration form and send it to Capita Hartshead. Partner declaration forms can be downloaded from the Civil Service Pensions website, or obtained from Capita Hartshead. Your partner will not receive a pension after your death if you not completed a partner declaration. See 15.18 for Capita's contact details and Civil Service Pensions website address.

### **15.3.11 Topping-up your pension**

You can top-up your pension by any or all of the following methods, subject to contribution limits laid down by HMRC:

- added pension
- money purchase Civil Service Additional Voluntary Contributions (CSAVCs)

- the House's designated stakeholder pension scheme with Standard Life (see 15.8)
- your own savings arrangements, including stakeholder pensions.

Added pension may be purchased either on a monthly basis, or by lump sum. A maximum of one lump sum purchase is permitted each year. You will buy a fixed amount of pension, which will be paid with your Nuvos pension when you retire, and which will increase in payment as explained in 15.3.4. You may purchase added pension either for yourself only, or for yourself and your dependants. The maximum amount of added pension that you may purchase is £5,000 a year. The amount a fixed sum will buy depends on your age and current interest rates. The Civil Service Pensions website has an added pension calculator, which helps you find out how much it costs you to buy added pension. See 15.18 for Civil Service Pensions website address.

If you are interested in buying added pension, you should contact Capita Hartshead. See 15.18 for Capita's contact details.

The CSAVC Scheme gives you the opportunity to make additional contributions under a money purchase arrangement to secure additional pension payable on retirement based on contributions paid, investment returns, and annuity rates at retirement. These benefits are in addition to those you receive under the Nuvos scheme. You can choose to invest with one or more of the Scheme's providers: Scottish Widows or Standard Life. You use your fund on or after retirement to buy an annuity from an insurance company – a pension for life. You can make your choice of which annuity you want to buy at any time between payment of your HOCSPS benefits and the day before your 75th birthday. You also have the option to take up to 25% of your AVC fund as tax free cash.

The CSAVC Scheme gives you flexibility in both the way you pay your contributions and the way you take your benefits. You can pay by a lump sum and/or by regular payments. You can make lump sum payments from your salary throughout the year. Alternatively, you can make regular payments by percentage deductions from your salary each month. You can select the level you wish to invest and you can, within certain limits, increase or decrease your contributions, and start or stop them as you wish (providing you give appropriate notice).

If you are interested in paying CSAVCs, you should contact Capita Hartshead. See 15.18 for Capita's contact details.

Since 6 April 2006, it is possible for anyone to contribute to stakeholder or personal pension schemes, regardless of earnings, and in addition to their employer's pension scheme. You may contribute up to 100% of your earnings towards your pension benefits, or £3,600 if lower.

## 15.4 Premium Scheme

This scheme is available for staff who joined on or after 1 October 2002, and before 30 July 2007. It is also available for staff in service before 1 October 2002, who opted to join Premium from this date. It is a final salary scheme. Exceptions may occur as outlined in 15.2.

### 15.4.1 Contributions

Your contribution rate is 3.5% of your pensionable earnings. This is your contribution towards all the benefits in the scheme. You receive tax relief on your contributions so the net cost to you is less. Your pensionable earnings consist of your basic salary, plus any other allowances deemed pensionable by the House. The cost to the House of Commons varies from year to year, but is currently approximately 20% of your pensionable pay.

### 15.4.2 Pension

Your pension is calculated as final pensionable pay (FPE) multiplied by reckonable service, divided by 60. FPE is your best pensionable earnings in the 13 years prior to leaving or retirement. 'Reckonable service' includes your service in the scheme, any transfers in, and any added years.

*Example:*

*Davina retires after 20 years' service. Her FPE is £20,000. Her pension is (£20,000 multiplied by 20) divided by 60 = £6,666.66 a year.*

### 15.4.3 Lump sum

When you retire you will have an option to exchange part of your pension for a tax-free lump sum. Every £1 of surrendered pension currently buys £12 of lump sum.

*Example:*

*Davina decides she would like a lump sum of £12,000. Taking the above example, this means that her pension is reduced by £1,000 to £5,666.66 a year.*

Limits apply to the amount of lump sum that can be taken. For staff whose last day of service in Premium is before 1 October 2007, the maximum lump sum payable is 2.25 x the pension. For staff whose last day of service is on or after 1 October 2007 the limit is increased to pension x 30/7.

*Examples:*

*Jon's last day of service is 5 August 2007, and he has a pension of £10,000. The maximum lump sum he may have is £10,000 x 2.25 = £22,500.*

*Nita's last day of service is 12 December 2007, and she has a pension of £10,000. The maximum lump sum she may have is £10,000 x 30 / 7 = £42,857.14.*

### 15.4.4 Pension increase

Once your pension comes into payment, it will be increased each year in line with the cost of living. The increases are linked to the Retail Price Index.

### 15.4.5 Normal retirement

The normal retirement age in Premium is 60, when your pension benefits can be paid in full. This is also known as the pension age. It should not be confused with the House's policy on retirement, whereby staff in grades A – E may retire at any age, and Senior Commons Staff (SCS) and Catering Grades (CG) have a retirement age of 65 with a right to request working after age 65. See Chapter 14 of the Staff Handbook for further information on the House's retirement policy. See 15.4.7 for what happens to your pension if you work beyond age 60.

### 15.4.6 Early retirement

You can retire at any age from 50 (55 from 6 April 2006 for those who joined on or after this date, and from 6 April 2010 for everyone else), but your benefits will be permanently reduced to take into account the pension is likely to be paid for a longer period.

### 15.4.7 Late retirement

The maximum number of years of pensionable service you can have in Premium is 40 years (45 years from 1 March 2008). If you reach the maximum limit of 45 years, you can no longer remain in Premium, but may join the Partnership scheme.

### 15.4.8 Ill health retirement

An ill health pension is payable at any age, subject to medical criteria being met. There are 2 levels of provision:

**Lower tier** – if you are unable to do your own or a similar job, a pension is payable upon retirement, with no reduction for early payment;

**Upper tier** – if you are unable to do any job, an enhanced pension is payable upon retirement.

The decision by the House to grant an ill health pension is subject to confirmation from the House of Commons Occupational Health medical advisers that the scheme's ill health criteria has been met.

### 15.4.9 Death

- death in service – a lump sum of three times your annual pensionable pay will be paid to your nominee(s), as detailed on the death benefit nomination form
- death after leaving the scheme but before your pension comes into payment – a lump sum of five times your deferred pension, or a lump sum of twice your final pensionable earnings when you left the scheme, whichever is lower
- death within five years of retirement – a lump sum equal to the balance of five years' worth of pension payments.

In all cases and provided you have had at least 2 years reckonable service, the scheme will pay a pension for life to your surviving spouse, civil partner, or nominated partner. This pension will normally be 3/8ths of your pension. The pension may be enhanced if you die in service. The scheme will also pay a pension to any children who were dependant on you at death, up to a maximum age of 23. 'Reckonable service' includes your service in the scheme, any transfers in, and any added years.

Death nomination forms can be downloaded from the Civil Service Pensions website, or from Capita Hartshead. Completed forms should be sent to Capita Hartshead. If you die without having made a nomination, any lump sums will be paid to your estate. See 15.18 for Capita's contact details and Civil Service Pensions website address.

#### 15.4.10 Partners

If you are not married or in a civil partnership, but nevertheless live with someone as their partner, you may be able to nominate them to receive a pension. You should complete a partner declaration form and send it to Capita Hartshead. Partner declaration forms can be downloaded from the Civil Service Pensions website, or from Capita Hartshead. Your partner will not receive a pension after your death if you not completed a partner declaration. See 15.18 for Capita's contact details and Civil Service Pensions website address.

#### 15.4.11 Topping-up your pension

You can top-up your pension by any or all of the following methods, subject to contribution limits laid down by HMRC:

- added years (this facility ceased on 1 March 2008) except members who have already commenced payment of added years contributions
- added pension (this facility commenced on 1 March 2008 for all Premium and Classic Plus members, and on 1 October 2007 for Premium and Classic Plus members over 60)
- money purchase Civil Service Additional Voluntary Contributions (CSAVCs)
- the House's designated stakeholder pension scheme with Standard Life (see 15.8)
- your own savings arrangements, including stakeholder pensions.

Added years enable you to buy a specific amount of years which will increase the service on which your pension is based. You can buy added years at any age below 59, provided you have enough scope to do so. You can pay no more than 15% of your gross earnings during the tax year towards your Premium benefits. The 15% includes the 3.5% you are already contributing towards your benefits. It will not include any contributions you are making to the CSAVCS or other personal or stakeholder arrangement. You also cannot buy so many extra years that you will have more than 40 years' service if you work through to age 60. Added years are bought through monthly contributions which are collected until you reach age 60. If you leave the scheme before age 60 (through resignation, early retirement or death) you will be credited with the added years you have actually bought.

Added pension allows you to buy specific amounts of additional pension. You can buy added pension by periodical contributions from pay or, after 12 months of service, by lump sum contribution. A maximum of one lump sum contribution is allowed per year. Payment of added pension by periodical contributions can only commence in April each year. The maximum amount of added annual pension payable on retirement you can buy is £5,000 pension (2007 rate) and this limit increases each year. The cost to you of buying added pension varies according to your age and current interest rates. The Civil Service Pensions website has a calculator which you can use to get an indication of how much a particular amount of added pension will cost you as a one-off lump sum or by periodical contributions over a specified number of years.

If you are interested in buying added years or added pension, you should contact Capita Hartshead. See 15.18 for Capita's contact details

Civil Service Additional Voluntary Contributions – see 15.3.11

Your own savings arrangements, including stakeholder pensions – see 15.3.11

## 15.5 Classic Scheme

This scheme is available for staff who were in service before 1 October 2002. It is a final salary scheme. Exceptions may occur as outlined in 15.2.

### 15.5.1 Contributions

Your contribution rate is 1.5% of your pensionable earnings. This is your contribution towards benefits for widows, widowers, or civil partners, and is known as WPS contributions. You receive tax relief on your contribution so the net cost to you is less. You do not contribute to any other benefits in the scheme. If you are unmarried or not in a civil partnership when you leave the scheme, you will receive a refund of your contributions when you retire. Your pensionable earnings consist of your basic salary, plus any other allowances deemed pensionable by the House, as agreed with TUS. The cost to the House of Commons varies from year to year, but is currently approximately 20% of your pensionable pay.

### 15.5.2 Pension

Your pension is calculated as final pensionable pay (FPE) multiplied by reckonable service, divided by 80. FPE is worked out from whichever period of 12 months in your last three years of actual service as a member of Classic gives the highest figure. 'Reckonable service' includes your service in the scheme, any transfers in, and any added years.

*Example:*

*Davina retires after 20 years' service. Her FPE is £20,000. Her pension is (£20,000 multiplied by 20) divided by 80 = £5,000 a year.*

### 15.5.3 Lump Sum

The standard tax free lump sum is calculated as 3 times the annual pension.

*Example:*

*In the example above, Davina's lump sum would be £15,000.*

Limits apply to the amount of lump sum that may be taken. For staff whose last day of service in Classic is before 1 October 2007, the maximum lump sum payable is 3 x pension as explained above. For staff whose last day of service is on or after 1 October 2007, the standard lump sum of 3 x pension is still payable, but an additional element to the lump sum may be paid, calculated as pension x 33/14. Every £1 of surrendered pension currently buys £12 of lump sum.

Example:

*Ruth is retiring from Classic in November 2007. She has an initial pension entitlement of £10,000 a year plus a lump sum entitlement of £30,000. She can, if she wishes, take an additional lump sum up to a maximum of £10,000 x 33/14 = £23,571. If Ruth opts to take an additional £12,000 lump sum, her pension will be reduced by £1,000 a year. She would then end up with a tax-free lump sum of £42,000 and an annual pension of £9,000 a year.*

If you are single and eligible to receive a partial refund of WPS (widows'/widowers' pension scheme) contributions on retirement, you will have less scope to give up pension for an additional lump sum. This is because the total of any WPS refund plus any additional lump sum you choose to take cannot exceed the limit of 33/14 times your initial pension.

#### **15.5.4 Pension increase**

Once your pension comes into payment, it will be increased each year in line with the cost of living. The increases are linked to the Retail Price Index.

#### **15.5.5 Normal retirement**

The normal retirement age in Classic is 60, when your pension benefits can be paid in full. This is also known as the pension age. It should not be confused with the House's policy on retirement, whereby staff in grades A – E may retire at any age, and Senior Commons Staff (SCS) and Catering Grades (CG) have a retirement age of 65 with a right to request working after age 65. See Chapter 14 of the Staff Handbook for further information on the House's retirement policy. See 15.5.7 for what happens to your pension if you work beyond age 60.

#### **15.5.6 Early retirement**

You can retire at any age from 50 (55 from 6 April 2010), but your benefits will be permanently reduced to take into account that the pension is likely to be paid for a longer period.

#### **15.5.7 Late retirement**

Reaching age 60 before 1 March 2008, the maximum number of years of pensionable service you can have in Classic is 40 years up to age 60. If you have 40 years reckonable service, you can continue to accrue further reckonable service up to 45 years, provided you have reached age 60. If you reach the maximum limit of 45 years, you can no longer remain in Classic, but may join the Partnership scheme.

From 1 March 2008 the maximum number of years of pensionable service you can have in Classic is 45 years, and if you reach 40 years' service before age 60, you no longer have to wait before age 60 before accruing further pensionable service.

#### **15.5.8 Ill health retirement**

An ill health pension is payable at any age, subject to medical criteria being met. Upon retirement you will receive payment of your pension and lump sum. Your pension may be enhanced, but this depends on your length of service.

The decision by the House to grant an ill health pension is subject to confirmation from the House of Commons Occupational Health medical advisers that the scheme's ill health criteria has been met.

### **15.5.9 Death**

- death in service – a lump sum of twice your annual pensionable pay will be paid to your nominee as detailed on the death benefit nomination form
- death after leaving the scheme but before your pension comes into payment – a lump sum equal to the preserved lump sum that would otherwise have been paid to you if you had taken your pension
- death after retirement – a lump sum reflecting the difference (if any) between five times your annual pension on the date you died, and the total pension and lump sum payments you have already received.

In all cases and provided you have had at least 2 years reckonable service, the scheme will pay a pension for life to your surviving spouse or civil partner. This pension will in most cases be half of your pension, but variations may apply according to individual circumstances. The pension may be enhanced if you die in service. The scheme will also pay a pension to any children who were dependant on you at death, up to a maximum age of 23.

Death nomination forms can be downloaded from the Civil Service Pensions website, or obtained from Capita Hartshead. Completed forms should be sent to Capita Hartshead. If you die without having made a nomination, any lump sums will be paid to your estate. See 15.18 for Capita's contact details and Civil Service Pensions website address.

### **15.5.10 Partners**

The Classic scheme will only pay benefits to your partner, if you are married or in a civil partnership.

### **15.5.11 Topping-up your pension**

You can top-up your pension by any or all of the following methods, subject to contribution limits laid down by HMRC:

- added years (this facility ceased on 1 March 2008, other than for existing contributors, and Classic members who commit, before this date, to a new contract starting from their next birthday, provided this falls before 1 January 2009)
- added pension (this facility commenced on 1 March 2008 for all Classic members, and on 1 October 2007 for Classic members over 60)
- money purchase Civil Service Additional Voluntary Contributions (CSAVCs)
- the House's designated stakeholder pension with Standard Life (see 15.8)
- your own savings arrangements, including stakeholder pensions.

Added years enable you to buy a specific amount of years which will increase the service on which your pension is based. You can buy added years at any age below 59, provided you have enough scope to do so.

You can pay no more than 15% of your gross earnings during the tax year towards your Classic benefits. The 15% includes the 1.5% you are already contributing towards your benefits. It will not include any contributions you are making to the CSAVCS or other personal or stakeholder arrangement. You also cannot buy so many extra years that you will have more than 40 years' service if you work through to age 60, but see note above on new limits from 1 March 2008. Added years are bought through monthly contributions which are collected until you reach age 60. If you leave the scheme before age 60 (through resignation, early retirement or death) you will be credited with the added years you have actually bought.

Added pension allows you to buy specific amounts of additional pension. You can buy added pension by periodical contributions from pay or, after 12 months of service, by lump sum contribution. A maximum of one lump sum contribution is allowed per year. Payment of added pension by periodical contributions can only commence in April each year. The maximum amount of added annual pension payable on retirement you can buy is £4,000 pension plus lump sum of £12,000 (2007 rate) and this limit increases each year. The cost to you of buying added pension varies according to your age and interest rates. The Civil Service Pensions website has a calculator which you can use to get an indication of how much a particular amount of added pension will cost you as a one-off lump sum or by periodical contributions over a specified number of years.

If you are interested in buying added years or added pension, you should contact Capita Hartshead. See 15.18 for Capita's contact details

Civil Service Additional Voluntary Contributions – see 15.3.11

Your own savings arrangements, including stakeholder pensions – see 15.3.11

## 15.6 Classic Plus Scheme

This scheme is available for staff in service before 1 October 2002 and who opted to join this scheme from this date. It is a final salary scheme.

### 15.6.1 Contributions

Your contribution rate is 3.5% of your pensionable earnings. This is your contribution towards all the benefits in the scheme. You receive tax relief on your contribution so the net cost to you is less. Your pensionable earnings consist of your basic salary, plus any other allowances deemed pensionable by the House. The cost to the House of Commons varies from year to year, but is currently approximately 20% of your pensionable pay.

### 15.6.2 Pension

Your pension is based on your final pensionable earnings (FPE) and reckonable service. There are two elements to your pension. The Classic element relates to your service before 1 October 2002, and the pension is calculated as explained in 15.5.2. The Premium element relates to your service from 1 October 2002, and the pension is calculated as explained in 15.4.2.

*Example:*

*Tom retires after 30 years' service, of which 10 years were before 1 October 2002 and 20 years were from 1 October 2002. Tom's FPE is £20,000. His pension based on his service before 1 October 2002 is (£20,000 x 10) divided by 80 = £2,500. His pension based on his service from 1 October 2002 is (£20,000 x 20) divided by 60 = £6,666.67. His total pension therefore is £9,166.67.*

### **15.6.3 Lump sum**

Limits apply to the amount of lump sum you can take. For staff whose last day of service in Classic Plus falls before 1 October 2007, a tax free lump sum of 3 times the Classic element of the pension is provided automatically. You can opt to take more lump sum by giving up some of the Premium element of your pension, up to a maximum of 2.25 x the Premium element of pension. Every £1 of Premium element pension surrendered will provide £12 of lump sum.

*Example:*

*Justin is retiring from Classic Plus. For service before 1 October 2002, he has a pension of £8,000 a year plus a lump sum of £24,000. For service from 1 October 2002 he has a pension of £2,000, making a total pension of £10,000. If he wishes, he may take a maximum lump sum of £4,500 from the Premium element of his pension, making a total lump sum of £12,500. This would reduce the Premium element of his pension to £1,625, making a total pension of £9,625.*

Increased limits for staff whose last day of service in Classic Plus falls on or after 1 October 2007 mean that an additional lump sum made up of the total of:

- 33/14 times the initial pension relating to service before 1 October 2002 *plus*
- 30/7 times the initial pension relating to service from 1 October 2002

Every £1 of pension surrendered will provide £12 of lump sum.

*Example:*

*Justin is retiring from Classic Plus. For service before 1 October 2002, he has a pension of £8,000 a year plus a lump sum of £24,000. For service from 1 October 2002 he has a pension of £2,000.*

*Justin can, if he wishes, take an additional lump sum to the maximum of:*

$$(33/14 \times £8,000) + (30/7 \times £2,000) = £18,857.14 + £8,571.43 = £27,428.57$$

*If Justin chooses to take the maximum additional lump sum, he will have to give up annual pension of £27,428.57/12 = £2,285.71.*

*Justin will end up with a total tax-free lump sum of £51,428.57 and an annual pension of £7,714.29 a year.*

### **15.6.4 Pension increase**

Once your pension comes into payment, it will be increased each year in line with the cost of living. The increases are linked to the Retail Price Index.

### 15.6.5 Normal retirement

The normal retirement age in Classic Plus is 60, when your pension benefits can be paid in full. This is also known as the pension age. It should not be confused with the House's policy on retirement, whereby staff in grades A – E may retire at any age, and Senior Commons Staff (SCS) and Catering Grades (CG) have a retirement age of 65 with a right to request working after age 65. See Chapter 14 of the Staff Handbook for further information on the House's retirement policy. See 15.6.7 for what happens to your pension if you work beyond age 60.

### 15.6.6 Early retirement

You can retire at any age from 50 (55 from 6 April 2010), but your benefits will be permanently reduced to take into account that the pension is likely to be paid for a longer period.

### 15.6.7 Late retirement

The maximum number of years of pensionable service you can have in Classic Plus is 40 years (45 years from 1 March 2008). If you reach the maximum limit of 45 years, you can no longer remain in Classic Plus, but may join the Partnership scheme.

### 15.6.8 Ill health retirement

An ill health pension is payable at any age, subject to medical criteria being met. There are 2 levels of provision:

**Lower tier** – if you are unable to do your own or a similar job, a pension is payable upon retirement, with no reduction for early payment;

**Upper tier** – if you are unable to do any job, an enhanced pension is payable upon retirement.

The decision by the House to grant an ill health pension is subject to confirmation from the House of Commons Occupational Health medical advisers that the scheme's ill health criteria has been met.

### 15.6.9 Death

- death in service – a lump sum of three times your annual pensionable pay will be paid to your nominee(s) as detailed on the death benefit nomination form.
- death after leaving the scheme but before your pension comes into payment – a lump sum of your preserved lump sum for your service before 1 October 2002 plus the lower of (1) five times your preserved pension based on your service from 1 October 2002 or (2) twice your final pensionable earnings when you left the scheme.
- death within five years of retirement – a lump sum consisting of two elements: (1) the balance of five years' worth of pension payments based on your service from 1 October 2002 plus (2) the balance of two years' pension based on your service before 1 October 2002.

In all cases and provided you have had at least 2 years reckonable service, the scheme will pay a pension for life to your surviving spouse, civil partner, or nominated partner. This pension will normally be based on two elements: (1) 3/8ths of your pension relating to service from 1 October 2002 and (2) 1/2 of your pension relating to service before 1 October 2002. The pension may be enhanced if you die in service. The scheme will also pay a pension to any children who were dependant on you at death, up to a maximum age of 23.

Death nomination forms can be downloaded from the Civil Service Pensions website or from Capita Hartshead. Completed forms should be sent to Capita Hartshead. If you die without having made a nomination, any lump sums will be paid to your estate. See 15.18 for Capita's contact details and Civil Service Pensions website address.

#### **15.6.10 Partners**

This is the same as explained for Premium scheme members – see 15.4.10.

#### **15.6.11 Topping-up your pension**

This is the same as explained for the Premium scheme in 15.4.11.

### **15.7 Partnership Scheme**

This is a money purchase stakeholder scheme, also known as a defined contribution scheme. It is available to staff as an alternative to Premium (from 1 October 2002) and as an alternative to Nuvos (from 30 July 2007). You have a choice of three pension providers: Scottish Widows, Standard Life, and TUC.

#### **15.7.1 Contributions**

You do not have to contribute, but if you do, the House of Commons will match your contributions up to 3% of your pensionable earnings. For example, if you contribute 1% of your pensionable earnings, this will be matched by the House by 1%. If you contribute 4% of your pensionable earnings, this will be matched by the House by 3%. You receive tax relief on your contribution, so the net cost to you is less. You can pay up to 100% of your pensionable earnings into your pension. Your pensionable earnings consist of your basic salary, plus any other pensionable allowances. In addition to any matching contributions, the House of Commons also pays age related contributions. These are calculated according to your age at the beginning of the current tax year (1 April last). The table over leaf shows the age related contributions:

Age at start of current tax year	Contribution by House - % of pensionable earnings
Under 21	3.0
21 - 25	4.5
26 - 30	6.5
31 - 35	8.0
36 - 40	10.0
41 - 45	11.5
46 and over	12.5

The contributions are paid into your chosen provider, who invests them on your behalf. Each provider offers a range of investment funds, including a 'default' and 'lifestyle' option where the funds are selected for you.

### 15.7.2 Pension

The amount of your pension on retirement depends on:

- the amount of money that you and the House of Commons contribute
- the investment returns on the invested contributions
- the amount of any lump sum you take
- the type of pension you choose
- annuity rates at retirement.

You decide on retirement whether you want a pension for yourself only, or if you wish to also provide a pension for your spouse, civil partner or partner after death.

### 15.7.3 Lump sum

You can choose to take up to 25% of your pension fund as a tax free lump sum.

### 15.7.4 Pension increase

You can choose to have a pension that will increase in payment for the rest of your life, or one that is paid at a flat rate.

### 15.7.5 Retirement

You can draw your Partnership pension at any time between the ages of 50 (55 from 6 April 2010) and 75. You do not have to cease working at the House of Commons to take your Partnership pension benefits.

### 15.7.6 Ill health retirement

An ill health lump sum is payable at any age before age 60, subject to the House of Commons' medical advisers agreeing that you cannot do your job because your health has broken down permanently. Depending on your circumstances, the maximum lump sum that will be paid is 3 years' pensionable pay. You may also consider drawing your pension early, but your pension is likely to be smaller, as you will have less funds built up and also the pension is likely to be paid for a longer period. If you are so ill that you have a shorter life expectancy, your pension provider may take this into account when calculating your pension.

### 15.7.7 Death

- death in service – a lump sum of three times your annual pensionable pay will be paid to your nominee(s) as detailed on the death benefit nomination form.
- death before drawing your pension – the value of your pension fund to the person you have nominated. (If you die in service, this will be paid in addition to the three times annual pensionable pay mentioned above).

### 15.7.8 Topping-up your pension

Since 6 April 2006, it is possible for anyone to contribute to one or more stakeholder or personal pension schemes, regardless of earnings, and in addition to their employer's pension scheme. You may contribute up to 100% of your earnings towards your pension benefits, or £3,600 if lower. You may also pay more into your Partnership pension.

## 15.8 Stakeholder scheme

Standard Life is the House's designated stakeholder pension provider. This should not be confused with arrangements with Standard Life in the Partnership scheme.

Any member of staff may contribute towards a stakeholder pension with one or more of the stakeholder providers available in the market. This is in addition to the main HOCSPS arrangements. As this is a personal arrangement, the House does not make contributions to your stakeholder pension.

When choosing a stakeholder pension provider, you are advised to take independent financial advice. If you choose Standard Life under the House's designated arrangements, you have the choice of making your contributions through payroll, or by direct debit. If you choose a different stakeholder pension provider, you will not be able to make contributions through payroll.

## 15.9 State Second Pension

Staff who join the HOCSPS (with the exception of Partnership) are contracted out of the State Second Pension. As a result, both staff and the House pay a lower rate of National Insurance contributions on pensionable pay. In return, the HOCSPS has to guarantee that the pension paid in respect of service from 6 April 1978 to 5 April 1997, will be at least equivalent to the pension foregone by being contracted out of the State Second Pension.

This pension is known as the Guaranteed Minimum Pension (GMP) and must be paid at State Pension Age, or within 5 years of SPA. The GMP forms part of the HOCSPS pension. For service after 6 April 1997, the HOCSPS must provide a pension that is at least as good as the State Second Pension foregone. The Basic State Pension is also payable, subject to contribution limits.

Staff in Partnership are not contracted out of the State Second Pension, and pay the standard rate of National Insurance contributions. In return, staff in Partnership accrue rights in the State Second Pension as well the Basic State Pension (subject to contribution limits), in respect of service in the House of Commons.

## 15.10 Annual Benefit Statements

Members of Classic, Classic Plus, Premium and Nuvos receive annual benefit statements each year from Capita Hartshead. Annual benefit statements are sent to home addresses, so if you move house it is important for you to notify your departmental HR of your change of address, or to update your details on HAIS. Change in marital status may also have an impact on your pension benefits, so you should similarly ensure your personal details are updated if you marry or register a civil partnership, or divorce or dissolve a civil partnership. If you think your statement is incorrect, please contact Capita Hartshead – see 15.18 for their details.

If you are in the Partnership scheme, you will receive annual benefit statements each year from your chosen provider. You should raise any queries directly with your provider.

## 15.11 Transfer of pension benefits

If you have pension benefits with a previous employer or in a personal pension plan that you are considering transferring into the House of Commons, please note the following transfer time limits:

- transfer in of public sector club pension benefits (for example Local Government Pension Scheme) – you must request the transfer within 12 months of joining the House of Commons
- transfer in of non club pension benefits from a previous employer's scheme – up to one year before pension age. This includes transfers from a previous employer's pension scheme, including transfers from schemes in the public sector transfer club outside the 12 month time limit mentioned above
- transfer in of benefits from a personal pension or similar arrangement – within 12 months of joining the House of Commons.

If your previous employment was within a Civil Service Department please note that your pension benefits will not be automatically transferred to the House of Commons and you will need to apply for a transfer of your pension benefits.

Please contact Capita Hartshead if you wish to transfer any pension benefits – see 15.18 for their contact details.

## 15.12 Previous membership of the HOCSPS, Civil Service Pension Scheme or a by analogy scheme – rejoiners from Classic, Classic Plus, Premium or Partnership

All staff are asked to complete a pension questionnaire before starting work with the House of Commons, so that previous members of the HOCSPS, Civil Service pension scheme or a by analogy scheme can be identified. In general rejoiners will join the HOCSPS as outlined below, but Pensions Unit will advise on individual cases:

### 15.12.1 Returning to scheme within 28 days

You will be put into the scheme you have left – Classic, Classic Plus, Premium or Partnership. This is allowed, subject to your transferring your previous scheme benefits into the HOCSPS. Please note you have one year from the date of joining, to transfer in your benefits from the Civil Service Pension Scheme or a by-analogy scheme. A transfer is not required if you are in Partnership, or if you were previously in the HOCSPS.

### 15.12.2 Break from scheme – 28 days to 5 years – former members of the HOCSPS only

If you resigned from your previous employment with the House with 2 or more years' service, you will be given the choice of Premium or Partnership. This means you retain the right to a pension age of 60.

In all other cases, you will be given a choice of Nuvos or Partnership.

### 15.12.3 Break from scheme – over 5 years

You will be given a choice of Nuvos or Partnership.

## 15.13 Re-employment after taking pension

This section applies to you if you worked previously for the House of Commons and have received either:

- a pension (this includes only receiving a lump sum) or
- an annual compensation payment (ACP) or
- a compulsory early severance (CES) package that included a reserved rights 'top up' payment.

If any of the above applies to you, you should be aware that your pension may be subject to abatement upon re-employment. Abatement is the reduction or suspension of your pension if you are re-employed and your pension plus salary when you left your previous employment exceed your new re-employed salary. Abatement is fully explained in the booklet "What is Abatement" on the Civil Service Pensions website – see 15.18 for the website address. You are responsible for notifying the House of Commons if you are a re-employed pensioner, so that a check may be done to see whether or not abatement applies in your case. Failure to do this may mean an overpayment of pension which will later have to be recovered.

## 15.14 Opting out of the scheme

You do not have to be a member of any pension scheme although you will be automatically entered into the Nuvos scheme, provided your appointment is expected to last for at least 12 months upon joining the House of Commons. Although you can opt out of the HOCSPS, you should seek independent financial advice before doing so.

If you opt out of the HOCSPS, you will not be contracted out of the State Second Pension, and will pay a higher rate of National Insurance contributions. In return, you will accrue rights in the State Second Pension as well the Basic State Pension, in respect of your service in the House of Commons.

The decision whether to opt out may have a significant impact on your own benefits and those benefits for your family.

## 15.15 Injury benefits

The House of Commons injury benefit scheme provides for injury benefits to be paid to bring your income up to a guaranteed level if you are injured or killed while on duty. It may be paid to you or your dependants. The injury benefits scheme rules set out who can receive the benefits and the level of the guaranteed income.

If you would like further details on the injury benefit scheme please refer to the Civil Service Pensions website, or contact Capita Hartshead.

## 15.16 Other pension-related information in the Staff Handbook

For the effect of the following circumstances on your pension, see the chapter references shown below:

- career break: 🖱 Chapter 10 paragraph 10.3
- maternity leave: 🖱 Chapter 10 paragraph 10.9.9
- early retirement and severance: 🖱 Chapter 14 paragraph 14.5
- estimate of pension benefits: see paragraph 15.3.
- part time working – Chapter 4 paragraph 4.6.3

## 15.17 Internal Dispute Resolution Procedure

If you have a problem with your benefit entitlement, the best way to resolve it is to discuss it with Pensions Unit, or to telephone Capita Hartshead. If you are a union member you may also contact your union representative for assistance. House trade unions have regular meetings with Pensions Unit staff to discuss general pension issues. Other meetings on concerns relating to an individual or a specific group of staff may also take place. If however matters cannot be sorted out in that way, you may use the formal complaints procedure, known as internal dispute resolution (IDR). Please contact Pensions Unit for details of this. If you are a trade union member you may also contact your union representative for details and assistance with this procedure.

## 15.18 Useful addresses and contact details

### Pensions Unit

☎ 7219 moghaddamia@parliament.uk

☎ 1588 martinp@parliament.uk

☎ 1356 bassig@parliament.uk

☎ 4962 tindall@parliament.uk

### Capita Hartshead

(please quote your National Insurance number when contacting them)

☎ 01325 746080

e-mail: hoc.enquiries@capita.co.uk

address: HOCSPS Team, Mowden Hall, Staindrop Road,  
Darlington, Co Durham DL3 9EE

### Pension pages on the Parliamentary Intranet

#### Civil Service Pensions website

<http://www.civilservice-pensions.gov.uk/>

#### Department of Work and Pensions website

<http://www.dwp.gov.uk>

#### Stakeholder pensions

<http://www.thepensionsregulator.gov.uk/stakeholderPensions/index.aspx>

#### The Pensions Advisory Service

<http://www.pensionsadvisoryservice.org.uk/>

#### Trade Union Side Administrator (TUSA)

for further details on trade union representatives

☎ 5611 tusa@parliament.uk

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