

## **Staff Handbook PRE 2015 – GUIDANCE ONLY**

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### 2.7 Postings, Promotions and Transfers Guidance

#### 2.7.1 Highways England Internal Transfer Process

Internal transfers will be considered in the following circumstances:

##### 1. Career moves

Managed through Regional Resourcing Sub Groups

Primary responsibility for career development sits with the individual and should be supported by their line manager. Career moves will be instigated through PDPs and individual development plans and informed through discussion with the Line Manager as necessary for constructive personal development actions in line with the professional skills in government (PSG) framework. They should be put forward through the Divisional Representative and facilitated through the Resourcing Sub Group process. A career move, other than a temporary one, will normally be expected to last a minimum of 2 years.

Resourcing Sub Groups have a general responsibility to support managers in identifying and nurturing talent, and for ensuring that vacancies are used to develop and broaden the skills of individuals both in their career interests and those of Highways England.

##### 2. Compassionate moves

Will be approved and then facilitated by HR through the Regional Resourcing Sub Groups.

Compassionate moves will be considered in the following circumstances:

- Disability/ health based reasonable adjustments supported by an OHS referral or other specialist/ expert advice (e.g. Remploy, RNID, etc)
- Work restrictions which mean a change of role is needed (e.g. loss of driving licence for health reasons in Traffic Officer Service)
- Pregnancy related restrictions (e.g. change of role needed as a result of risk assessment)
- Disciplinary/ Unsatisfactory Performance (e.g. where a compulsory move is necessary following a disciplinary case or as part of the unsatisfactory performance procedures)
- Welfare (e.g. partner following partner, caring responsibilities for family, breakdown of domestic relationship leading to a change of location )

Decisions on compassionate transfers will be made by HRS in consultation with the line and will be raised at RSG's through the HR representative. Confidential personal information will not be disclosed at RSG meetings. RSGs will also be informed of career break returnees by HRS so these can be factored into recruitment and vacancy filling plans.

Where a move is as a result of an emergency (e.g. domestic violence requiring an urgent move of location on the advice of the Police or Social Services), or confidential (e.g. as a result of whistleblowing) this will be brokered directly by HR. If other reasons arise where, exceptionally, a managed move is the only realistic outcome, this will be also be brokered by HRS and the RSG kept informed.

### **3. Traffic Officer Service**

This policy does not apply to the TM grades in the Traffic Officer Service.



## Chapter 2.8 - Part C: Major Disruption to travel Q&A

[Part A: Policy](#)

[Part B: Procedure](#)

1. I may have difficulty getting in to work, what will my manager and I need to talk about?

Managers and employees should have a sensible conversation about the particular circumstances and explore all other reasonable alternatives to attend work. Managers will decide what is appropriate taking into account travel conditions and personal circumstances, including – whether it is reasonable to expect the employee to get to work whether or not a disability exists which may affect the employee's ability to attend work, and the nature of disruption. In addition, such discussions would need to take into account additional time spent and distance travelled, and the work tasks expected to be carried out on the day.

Managers will only agree to any paid time credit/paid special leave where they are completely satisfied that employees have made every reasonable effort to attend work but have been unable to do so and where all other reasonable alternatives have been explored and rejected.

2. How will managers ensure fairness and consistency when determining if an employee has made all reasonable efforts to get to work?

Managers will take into account personal circumstances of employees, including whether it is reasonable to expect the employee to get to work and any factors such as disability which may affect the employee's ability to travel to work when exploring options. The award of paid time credit/paid special leave should be a last resort.

3. An employee is unable to attend their normal place of work because of major disruption to travel on a particular day or over a longer period. What should the employee do?

The employee has a responsibility to notify their manager or, if they are not available, an agreed alternative manager of the situation and to keep them updated.

4. An employee is unable to contact their manager. What should the employee do?

Employees need to make sure that they are aware of local business continuity arrangements and have phone numbers for their agreed key contacts. Employees should continue to try and contact their manager or an agreed alternative manager until successful.

Managers will follow the procedure for absence with no contact (see chapter 10C Section [10.3.1 Managers Toolkit](#)) where no contact has been made by the employee.

5. An employee has received notification of planned industrial strike action that will have an impact on their travel to and from work. What should the employee do?

Where major disruption to travel is known about in advance e.g. industrial action on tube/bus/train etc., the employee must consider alternative ways to travel to their normal place of work, for example by changing their journey time or by finding an alternative route or mode of travel. In the event that this is not possible the employee must discuss alternative arrangements with their manager, such as [remote and flexible working](#). The key aim is to minimise the impact on their work.

6. An employee's journey to work has taken longer due to a signal failure on the railway. Should the employee be given a paid time credit for working time lost?

No. The impact of minor disruption to travel e.g. traffic jams, routine maintenance or delays and/or localised cancellations on public transport, whilst inconvenient, is not covered by this policy.

The policy should only be used when exceptional major disruption occurs which affects a significant number of people. Examples of major disruption to travel may include but are not restricted to: heavy snow, industrial strike action, severe flooding, acts of terrorism/war, volcanic ash cloud and restrictions due to pandemic illness.

7. An employee is unable to attend work due to disruption in caring arrangements (e.g. school closure) caused by major disruption to travel. Will this be covered under the Major Disruption to Travel Policy?

No, this is not covered. Where you are unable to make alternative arrangements and cannot attend work, you may be eligible for special leave. See the Chapter 2A Section 2.4.35 Special leave with pay - special domestic responsibilities.

8. An employee is unable to return home when working away from their normal place of work due to major disruption to travel. Can the employee claim reasonable expenses?

Where practicable, employees must first seek permission from their manager about what can be claimed. The manager has a duty of care to ensure that employees on official business who are stranded are safe and will make a decision based on an individual's circumstances. See the travel and subsistence policy, [Chapter 9A Section 9.1](#).

9. Heavy snow has disrupted rail travel. Employee A manages to get to work but Employee B does not. They both live in the same area and both use rail travel to get to work. What should happen?

The manager should explore the reasons why Employee B could not attend work. The manager can determine whether reasonable efforts to attend work have been made by the employee by checking travel and weather reports and other relevant factors. The manager should also consider the employee's personal circumstances including whether a disability exists which may affect the employee's ability to travel. Employees that have not made reasonable efforts to attend work should be managed under the unauthorised absence guidance (see Chapter 10C Section [10.3.1 Managers Toolkit](#)).

10. An employee has decided to leave work early due to major disruption to travel. Should the employee be given paid time credit/paid special leave?

Where employees decide they wish to leave work early they should use annual leave and/or flexi. This will be treated like any normal request and subject to their manager's approval. Where employees do not have any remaining leave/flexi entitlement the employee and manager need to discuss how the employee could make up any working time lost, or consider alternative arrangements for continued work such as remote and flexible working.

Paid time credits/paid special leave should only be given when the office has been officially closed early and/or the manager has decided to send employees home due to major disruption to travel.

## **Chapter 2.11 - Part C: Working Time Regulations Waiver form**

[\*Part A: Policy\*](#)

[The Working Time Regulations Waiver form](#)

## Chapter 2.12 - Part C: Considering Equality and Diversity as Part of Decision Making

### 2.12.1 The requirements

Our cultural standards require that we engage with people and are open and inclusive in creating value through diversity. This is good business practice and translates to how we plan, operate, and most importantly, through the decisions we make.

Additionally, [The public sector equality duty \(PSED\)](#) requires public bodies, and the supply chain, when they deliver services on our behalf, to give due regard to the need to; identify opportunities to improve equality of opportunity, eliminate unlawful discrimination, harassment and victimisation, and foster good relationships between those with a protected characteristic and those that do not.

[The Equality Act 2010](#) expanded protection to cover race, gender, disability, age, religion/belief, sexual orientation, gender identity, pregnancy and maternity and marriage and civil partnership in terms of service delivery and employment. These groups are known as 'protected characteristics'.

The legislation is non-prescriptive about the process for demonstrating 'due regard'. However, best practice recommends operating a robust process to capture and consider evidence when making equality decisions.

### 2.12.2 A structured approach

Equality Impact screening and assessment (EqISA) is the systematic process used for understanding the impact of proposed or current programmes, practices, policies or services on people with 'protected characteristics' whether these are the workforce, customers or the public. The process should be conducted as part of routine work, and from the outset when any changes are being considered. This will help determine what is both reasonable and proportionate in terms of the duty.

### 2.12.3 What should I do?

There are three stages in the process for gauging equality impact.

#### 1. Equality Impact Screening

Screening is the 'identification' stage and is designed to help decision makers determine whether or not the programme, practice, policy or service is relevant in terms of the duty. E.g. Is it a change to a technical process that has a neutral impact on people? Or is it an employment practice that has the potential to impact of different people in different ways? It enables the decision maker to look at current evidence and judge if the programme, practice, policy or service is adequate and meets the requirements of the duty, or where it needs to be strengthened.

If the decision maker is satisfied that they have adequate information to judge that the duty is being met, this should be captured in the screening template, and the decision not to conduct an equality impact analysis should be confirmed by the decision maker and process owner.

#### 2. Equality Impact Analysis

If, having established that a programme, practice policy or service is relevant, or if other information is required to determine the impacts, then a more detailed analysis should be undertaken. The template provides a framework to show the evidence considered, what it reveals, levels of consultation with interested/impacted groups or communities, specific actions (including any specialist or legal advice) and time-frames for expected outputs and monitoring.

This approach enables decision makers to decide if there are differential impacts that are permissible and justifiable, or if the programme, practice, policy or service needs to be amended to ensure fairness and compliance with the duty. It is critical that the senior process owner is kept informed as they need to validate the decisions made, particularly where there is a need to amend the practice, programme, policy or service as other areas of the business may also need to be involved.

### 3. Monitoring Action Outcomes

It is important that once the recommended actions or changes are in place that the actual outcomes are monitored so that the ongoing impacts are clear. Thinking about monitoring from the outset and building this into the analysis documentation will ensure that appropriate mechanisms are incorporated. It is important to utilise existing mechanisms where possible, or this is not possible, the decision maker needs to decide how this information will be gathered.

If the monitoring reveals comparatively negative outcomes for particular protected characteristics, the decision maker will need to consider whether this can be justified or if further mitigating actions are required.

## 2.12.4 The importance of an audit trail

As part of good governance it is vital to track progress and be able to call up records to address requests or challenges from regulators and other bodies. It is particularly important that decision makers use the standard templates for screening and analysis. Every directorate has a Highways England Diversity Group representative who is responsible for updating their EqISA register. The representatives can advise on where and how the document should be saved electronically, and will provide support and quality control submissions.

The Equality Governance Manager is a further source of advice and produces progress reports on organisational compliance with the Public Sector Equality Duty.

## 2.12.5 Guidance and Templates

- EqISA [Guidance - including screening \(proforma\) \(Annex 1\) & EqIA proforma \(Annex 2\)](#)
- Equality Impact Screening template <http://share/Share/llisapi.dll/overview/27238808>
- Equality Impact Analysis template <http://share/Share/llisapi.dll/overview/22715307>
- Good Practice commonly known as the brown principles <http://share/Share/llisapi.dll/overview/23996857>
- Manual for Development of Documents (Re technical documents - DMRB) Authors guidance section  
13. [http://share/share/llisapi.dll/26750885/Manual\\_for\\_Development\\_of\\_Documents\\_-\\_Version\\_1.0.pdf?func=doc.Fetch&nodeid=26750885](http://share/share/llisapi.dll/26750885/Manual_for_Development_of_Documents_-_Version_1.0.pdf?func=doc.Fetch&nodeid=26750885)

## 2.12.6 Legislation

- [The Equality Act 2010](#)
- [The public sector equality duty \(PSED\)](#)
- Pensions Act 1995
- The Fair Employment (NI) Acts 1976 & 1989
- Article 119 of the Treaty of Rome and Directives made under the Treaty EC law on free movement of workers, services and capital and freedom of establishment

## **Chapter 2.15 - Part C: Death in Service Guidance Notes for Line Managers and HR Staff**

[Death in Service document](#)

## **Chapter 2.16 - Part C: Dignity at work Guidance**

[The Dignity at Work document](#)

## **Chapter 2.17 - Part C: Guidance for Line Managers on Assisting Victims of Sexual Assaults**

### **2.17.1 The purpose of the guide**

Being raped or sexually assaulted is a shocking experience and the effects can last a long time. It is likely that every department and agency have employees who have been affected by sexual offending either as a victim, a family member, partner or friend of a victim or, possibly, as a perpetrator.

This guide provides advice on how Highways England can develop policies to assist those who have been victims of a sexual assault for the benefit of their staff.

### **2.17.2 What constitutes a sexual offence?**

Sexual activity is lawful when undertaken by fully consenting adults over the age of consent. However, without consent, the same activity constitutes an offence as it violates an individual's autonomy at a most intimate and personal level. Sexual offences can be committed against both men and women. The age of consent to sexual activity is 16 years of age but, in a few instances, specific offences protect children over the age of consent but below the age of 18. This is because there are certain situations in which children can be vulnerable to particular pressure to engage in sexual activity. For example, this may be the case within the family context or where someone is in a position of authority over the child.

Whilst most sexual offences involve physical contact in one way or another, there are some (such as voyeurism) which do not involve any contact but which can have just as much of a profound effect on the victim due to the violation of privacy involved.

The Sexual Offences Act 2003, introduced in May 2004, re-defined many sexual offences, removed from the law some areas in which it was discriminatory and aims to encourage greater confidence in the criminal justice system which, in turn, may lead to increased reporting of previously under-reported crimes.

The following is a list of sexual offences, although not exhaustive, as defined by the Home Office:

- Rape
- Assault by penetration
- Sexual assault
- A range of sexual offences committed specifically against children
- Causing a person to engage in sexual activity without consent
- Sexual offences committed by those in a position of trust
- Trafficking for the purpose of sexual exploitation
- Sex with an adult relative (previously incest)
- Exposure
- Voyeurism

Some of the offences against children are general ones and others are specific to particular situations, e.g. those committed by family members. Where the victim is a child, offences include those listed below:

- Sexual activity with a child
- Causing or inciting a child to engage in sexual activity
- Engaging in sexual activity in the presence of a child
- Causing a child to watch a sexual act
- Meeting a child following sexual grooming
- Sexual activity with a child family member



Research has shown that people with a mental disorder can be specifically targeted for abuse by those involved in their care. A range of offences exists to ensure that such victims can seek justice for what has happened to them.

Perpetrators of sexual offences against others often do so in order to exercise their perceived power and control over them.

### 2.17.3 Sexual offences: the facts

During 2004/5 a total of 60,946 sexual offences were recorded by the police including 24,120 indecent assaults on a female and 3,515 indecent assaults on a male. There were 14,002 recorded rapes in 2004/5, 92 per cent of which were rapes of a female. Sexual assaults committed against men and boys are as traumatic as when committed against women and girls and may be even harder to report because of the stereotype that men should be able to protect themselves.

It is a myth that only strangers carry out sexual attacks. Many assaults are committed by someone the woman knows, including partners and close friends. Rape is a significant element of domestic violence. The British Crime Survey Interpersonal Violence module 2001 estimated that 54% of rapes are committed by a partner or former partner of the victim. Guidance has been produced for Highways England employees on responding to domestic violence, and this should be consulted where domestic sexual violence is an issue. For more information on myths and truths concerning rape and sexual assault go to <http://www.rapecrisis.org.uk>.

It is estimated that one in 20 women in England and Wales has been the victim of rape. In the year preceding the 2000 British Crime Survey it is estimated that 167 women were raped every day in England and Wales. Only one in five attacks is reported to the police.

Under 6% of rape cases reported to the police in 2004/5 resulted in a conviction and Home Office research shows that 80% of cases do not get beyond the investigation stage. A range of action is underway to improve this situation.

Whilst victims of sexual assaults represent a wide cross-section of society, it may be the case that individuals from particular groups (such as those from Black and Minority Ethnic groups, victims of same sex sexual assaults and those with learning disabilities) may be less likely to seek help or access services available.

### 2.17.4 The effects of sexual assaults on the individual

Research, and the experience of practitioners, has indicated that the following effects may result from sexual violence:

- Physical injury (including internal injuries, cuts and bruising)
- Sexually transmitted infections and unwanted pregnancies, and
- Mental health symptoms including post-traumatic stress disorder, anxiety and panic attacks, depression, somatic symptoms, social phobia, substance abuse, eating disorders and suicide

In July 2005, the Home Office published *The Economic and social costs of crime against individuals and households 2003-04*. This estimated the cost to society of rape at £76,829 per case and of other sexual assaults at £24,895. These figures include the emotional and physical impacts of injuries and illnesses and estimates of the associated costs to health services, of lost output from time spent at less than full health, and the cost to the criminal justice system. The resultant total cost of sexual crime for 2003-04 was estimated at nearly £8.5 billion, including a cost in lost output of £1.19 billion. This illustrates the seriousness of the impact of sexual offences on society and businesses as well as the victim.

Rape is a devastating experience. Profound feelings of violation, a sense of continuing danger, shock and numbness can affect the person's ability to function for days and weeks after the attack. The

effects of rape on the physical, sexual and mental health of victims can be detrimental and long-lasting with many symptoms reported over extended periods of time.

## The Effect on the Individual in the Workplace

Sexual assault impacts on people's capacities to fully undertake a wide variety of activities. One of these is employment. It can result in enforced time away from the office which in the long term can lead to a reduction in pay. Being in the office can result in reduced performance or timekeeping which can lead to inefficiency action, reduced possibilities or promotion or ultimately dismissal.

The employer may also suffer losses as a consequence of reduced workplace performance and the costs of recruitment should an individual not be able to return to their post.

By having policies in place to assist victims of sexual assaults, departments and agencies should be able to enhance the environment in which their employees work, as well as reduce absence-related costs and increase productivity.

## 2.17.5 What can managers do?

### Sexual assault in the workplace

Individual managers can also play a key role in supporting staff who are being subjected to or have been a victim of sexual assault, which might be affecting an individual's performance or attendance at work. They might also have a role in taking action against perpetrators who may themselves be conducting the assaults during work time.

The Employee Assistance Programme is a resource that individual line managers (and individuals) can call upon to help them manage difficult and distressing solutions. Their role is to compliment that of the managers (not replacing but assisting them). The Employee Assistance Programme (EAP) are ideally placed to assist HR Divisions in providing the services set out in [paragraph 2.17.7](#).

### Sexual assault outside of the workplace

Where a member of staff has been sexually assaulted outside of the workplace, unless they have confided in a colleague, it may be difficult to detect. If a member of staff does so confide, individual managers should treat the matter sensitively and refer to the advice provided in this chapter.

### Responding in the immediate aftermath

In the immediate aftermath of an assault, people do not always have access to medical care that is geared to the specific harm they have suffered. Traditionally, treatment for injuries has been provided in busy A & E departments in hospitals by generalist doctors dealing with many other emergencies. Victims of rape may also report to their GP, not all of whom will be well-equipped to respond to the immediate trauma of rape, nor to the forensic requirements involved for potential prosecution. If the person decides they want to report the rape to the police, this has generally been a separate process, with examinations conducted in doctors' surgeries or police stations.

Sexual Assault Referral Centres (SARCs) now exist in some areas and more are being developed to provide a single co-ordinated response to the immediate needs of rape victims. Services include immediate physical care for any injuries, emergency contraception and medication to prevent sexually transmitted infection, as well as the opportunity to undergo a forensic examination and report the assault to the police. Specialist staff provide these services and research has confirmed that SARCs provide the highest standard of victim care.

Questions that the Manager might wish to ask themselves when assisting members of staff who have been subject to sexual assault include:

- Is the member of staff fit to carry out their duties?
- Do they need medical attention?
- Do they need assistance with transport to get between home and work?
- Has the member of staff been given the opportunity to talk to someone within the workplace should they wish to do so?
- Does the member of staff require further/specialist support counselling?
- Is a change of working practice or working environment required?
- If the assault has taken place in a domestic setting, is the member of staff at risk from further violence at home?

The manager should not look to decide what's best for the individual but rather create an atmosphere where the individual feels able to make their own decisions.

## Responding to longer-term effects of sexual assault

After a period of time has passed following a sexual assault, the victim is likely to have more significant emotional and psychological health needs than physical needs. For the possible types of effects on the victim's mental health see [paragraph 2.17.4](#) above.

To determine the needs of the victim, the Manager should consider the questions set out above although due to the lapse of time since the sexual assault, some questions may be less relevant.

### 2.17.6 Confidentiality

Once a member of staff has confided in their manager that they have been a victim of a sexual assault, the manager should reassure the individual that this information will remain confidential as far as is possible. A manager should respect any decision that the individual makes.

The exception to this will be at the express wish of the individual concerned. In these circumstances, members of staff privy to the information should be reminded that it is confidential and is not for public distribution.

Whilst respecting the confidentiality of the individual concerned, total confidentiality might not be possible in all cases, and should not be promised.

### 2.17.7 The Role of Human Resources

HR have a central responsibility in recognising as well as responding to sexual assaults, and should be able to advise both employees and managers.

Whilst HR do have a key role in setting up central support to managers and victims of sexual assault, HR professionals are not counsellors and should not feel that they need to give advice. Furthermore, employees who have been victims of a sexual assault may prefer to discuss their experiences with someone who has no connection to the workplace and may therefore wish to seek the services of locally based specialist voluntary organisations.

HR responsibilities include:

- publicising the policy to staff
- publicising the availability of the Employee Assistance Programme (EAP)
- advising employees and managers on assisting victims of assaults
- working with managers to respond to assaults, including granting leave, allowing flexible working, arranging salary advances, making staff aware of sources of financial assistance, providing assistance towards safer travelling arrangements and, if required, opportunities for redeployment

- maintaining an up to date list of organisations and contacts able to support victims of assault which is available to all staff
- advising managers on the sensitive use of performance/absence management procedures
- providing, as part of management training, sessions that include the recognition of signs of assaults including non-visible, and appropriate responses including the duty of care to pass on information where a child is thought to be at risk
- reflecting the role that recognised unions can play in supporting their members in any issued guidance, and
- regularly reviewing policies to ensure that they Highways England's requirements

## 2.17.8 What can all employees do?

Co-workers and colleagues may recognise that a fellow employee has been a victim of an assault. Any employee should be able to speak in confidence to either their line manager or a HR division contact if they have concerns about the safety of a colleague.

It might be difficult for the individual involved to acknowledge the problem directly with their work colleagues, but all employees can take basic steps to assist friends and colleagues who have been victims of sexual assault:

- talk to the individual and explain that you're concerned and ask if there is any way that you can help
- offer the opportunity to talk without applying pressure to reveal more details than the individual is prepared to give
- explain that they are not alone and that there many others who have been victims of assaults. Acknowledge that it takes strength to trust someone enough to talk to them about their experiences
- help report incidents to managers or HR with the victim's consent; and
- help them to get support themselves

Employees, as with line managers, should recognise that they are not counsellors and should not feel that they need to give advice. It is important that they do not promise more than they are able to provide in the way of support.

## 2.17.9 What assistance is available to the victim of a sexual assault?

An individual who has been a victim of sexual assault should remember that there is help available. HR or the Employee Assistance Programme (EAP) are always available to assist, as well as their line manager, although it is accepted that individuals might not always feel comfortable talking to their line manager. They will also be able to provide information on organisations able to offer advice and support.

If required changes can be made to the workplace to make it a safer place for the individual to be, including changing work patterns, work load or just providing support. If an individual is absent, a method of communication should be arranged with line managers so that they are aware that the individual is safe.

Local trade union officials should also be in a position to provide information and support.

Further information on the support available for victims of domestic sexual violence can be found in the guidance on domestic violence on the NHS website at <http://www.nhs.uk/Livewell/abuse/Pages/violence-and-sexual-assault.aspx>.

## 2.17.10 Time away from the office

It is highly likely that staff who have been victims of serious assaults will require time away from the workplace. Line managers should consider and view sympathetically requests for special leave for staff who have disclosed they have been subject to a sexual assault. These requests could include:

- appointments with support agencies including counsellors
- medical appointments
- meeting with Solicitors, and
- court proceedings

Line managers and HR should explore other supportive measures such as temporary change in hours if they will assist the individual.

The reasons behind either the approval of special leave or a change in working hours should be kept confidential from other staff members.

Applications should also be looked on favourably from members of staff whose partner or family member has been the victim of an assault, or who is providing particular support to a work colleague.

This would be separate from any sickness absence directly resulting from the assault.

## 2.17.11 Perpetrators of sexual assaults in the workplace

Any act of sexual assault is unacceptable and could result in disciplinary as well as criminal proceedings.

Perpetrators of assaults might be using workplace resources such as telephones, e-mails and fax to threaten, harass or abuse their victims, and may involve other colleagues, who may or may not be aware of their motives, in assisting them.

Such abuse requires an effective and immediate employer response because it could be damaging and potentially dangerous for victims, as well as possibly bringing Highways England into disrepute if the abuse is allowed to continue.

If an employee assaults another member of staff they will face disciplinary action. The suitability of an employee with a conviction for a sexual assault for continued employment should be considered with regard to Highways England's disciplinary procedures.

Where appropriate, action needs to be taken to minimise the potential for the perpetrator to use their position or Highways England resources to find out details or the whereabouts of the victim of the assault. This may include a change of duties or withdrawing access to certain computer programmes.

In addition to responding to individual cases, workplace initiatives may include:

- reviewing existing policies to identify ways to promote and improve safety in the workplace
- developing and implementing workplace sexual assault policies
- taking action against perpetrators - on conviction, injunction or other proof
- training and educating employees on sexual assault issues
- making resources, posters and information available in the workplace in public and private areas, including changing rooms and toilets
- providing access to workplace counselling, healthcare and other benefits
- providing information and leaflets in new employees' handbooks and to all employees, and
- publishing articles about sexual assaults in departmental newsletters and publications

## 2.17.12 National support services and other useful contacts

If you ever feel you are in immediate danger, dial 999

## Rape Crisis Centres

[www.rapecrisis.org.uk](http://www.rapecrisis.org.uk) - provides an up to date list of rape crisis groups

## The Truth about Rape including the Campaign to end Rape

[www.truthaboutrape.co.uk](http://www.truthaboutrape.co.uk)

## Victim Support

The Victim Support line (0845 3030 900, open Mon-Fri, 9am-9pm) gives emotional and practical help/support to victims of crime (including sexual violence).

## The Survivors Trust

An umbrella group that provides links to over 70 member organisations working with victims of sexual crime, including childhood abuse.

The Survivors Trust  
27b William Street  
Rugby  
CV21 3HA

Tel: 01788 551150

## Sexual Assault Referral Centres (SARCs)

Region	SARC	Contact details
Leicester	Juniper Lodge,	Tel: 0116 273 3330
London - Camberwell	The Haven - Camberwell	Tel: 020 7346 1599
London - Whitechapel	The Haven - Whitechapel	Tel: 020 7247 4787
London - Paddington	The Haven - Paddington	Tel: 020 7886 1101
Manchester	St Mary's Sexual Assault Referral Centre	Tel: 0161 276 6515 <a href="http://www.stmaryscentre.org">www.stmaryscentre.org</a>
	Reach - The Ellis Fraser Centre,	Tel: 0191 565 3725 <a href="http://www.reachcentre.org.uk">www.reachcentre.org.uk</a>
Northumbria (Sunderland, Newcastle)	Reach - The Rhona Cross Centre,	Tel: 0191 212 1551 <a href="http://www.reachcentre.org.uk">www.reachcentre.org.uk</a>
Preston	SAFE Centre,	Tel: 01772 523 344
Swindon	The Swindon Sanctuary,	Tel: 01793 709512 <a href="http://www.swindonsanctuary.com">www.swindonsanctuary.com</a>
Walsall (West Midlands)	The Rowan Centre	24 Hour Emergency Line: 0800 73 111 62.
Dartford (Kent)	Renton Clinic	Tel: 01322 428 595
Codnor (Derbyshire)	Millfield House	Tel: 01773 573840/1
		Tel: 01685 379310
Merthyr Tydfil (South Wales)	New Pathways	e-mail: <a href="mailto:enquiries@newpathways.co.uk">enquiries@newpathways.co.uk</a>
Durham	The Meadowfield Suite	Tel 0191 3018644

[Support for male survivors](#)

## Survivors UK

Provides a helpline (0845 122 1201, open Tues, Thurs 7-10pm), face to face counselling and support groups for men who have been raped or sexually abused.

### **Stop IT Now**

A free telephone advice line (0808 1000 900) for those who have concerns either about their own thoughts or behaviour towards a child or about such behaviour by someone they know.

### *Black and Minority Ethnic Survivors*

#### **Southall Black Sisters (SBS)**

Provides information, advice, advocacy and counselling to Black and Asian women and children experiencing domestic and sexual violence. (Tel: 020 8571 9595).

**Asian Women's Resource Centre (London)** 020 8961 6549 - English speaking

020 8838 3462 - Multilingual line

#### **Jewish Women's Aid**

0800 591203

#### **Muslim Women's Helpline**

020 8904 8193/ 020 8908 6715

### **Support for Survivors with Learning Difficulties**

#### **Respond**

Helpline (freephone 0808 808 0700, Mon-Fri, 1.30-5pm) and other support services for people with learning difficulties who are either victims or perpetrators of sexual abuse, and for their carers.

#### **Women with Learning Difficulties**

020 8522 0675

### **Support for Victims of Domestic Violence**

#### **Women's Aid**

Women's Aid is the national charity working to end domestic violence against women and children, by promoting the protection of abused women and children and supporting a range of national and local specialist domestic violence services.

#### **National Helplines**

- Women's Aid National Domestic Violence 24 Hour Helpline 0808 200 0247
- Northern Ireland 24 Hour Helpline 028 9033 1818
- Scottish Domestic Abuse Helpline 0800 027 1234
- Republic of Ireland 24 hour Helpline 1800 341900

#### **Regional Helplines**

- Manchester WA Helpline 0161 839 8574
- Nottingham WA Advice Centre 0808 800 0340
- SHE Helpline (East Anglia, Kent, East London) 01702 300006

- Refuge Crisis Line (London-wide) 0870 599 5443

### **Gay/Lesbian/Bisexual/Transgender Helplines**

- Broken Rainbow 07812 644 914
- London Lesbian and Gay Switchboard 020 7837 7324
- London Friend 020 787 3337

### **If you need emergency help you also phone**

- Your local Social Services Emergency Duty Team
- Your local police station

### **Other useful numbers**

#### **Samaritans** 08457 909090

The Samaritans is a national charity which provides 24-hour confidential emotional support for anyone in crisis. The Samaritans has introduced a single national telephone number to link up all branches with one easy to remember, low cost number although callers will still be able to use their local branch number if they wish. This number can be found in your local telephone directory.

#### **Freecall message home** 0500 700740

This is a confidential, non-traceable service for those who have left home but want to pass on a message to family and friends without communicating directly. Women escaping domestic violence can use this service without having to give details of where they are. This is a free service.

#### **The National Child Protection Helpline (NSPCC)** 0800 800500

This is a free, confidential service for anyone concerned about children at risk, including children themselves. The service offers counselling, information and advice.

#### **Careline** 020 8514 1177

A national, confidential counselling line for children, young people and adults on any issue including family, marital & relationship problems, child abuse, rape & sexual assault, depression and anxiety.

#### **Imkaan** 020 8453 1566

A national second-tier initiative focusing on training, strategic advocacy and policy development, capacity-building initiative for the specialist Asian Women's Refuge sector.

#### **Refuge Domestic Violence Helpline** 0870 5995 443

Sheltered Housing abused women and their children.

### **Counselling for Perpetrators of Domestic Violence**

#### **Domestic Violence Intervention Project** 020 8563 7983

Counselling and support to male perpetrators of domestic violence who wish to break their cycle of abuse. A support service is also available to the female partners of those undergoing counselling.

#### **Respect** 020 8563 68523

To promote education, support and research amongst projects and individual practitioners who are; undertaking intervention work with perpetrators of domestic violence; undertaking support work in associated women's services.

### **Trade Unions**

#### **Public & Commercial Services Union**

160 Falcon Road



London SW11 2LN  
020 7924 2727

**Prospect**

Prospect House  
75-79 York Road  
London SE1 7AQ  
020 7902 6600

**First Division Association**

2 Caxton Street  
London SW1H 0QH  
020 7343 1111

Part C: Personal Conduct Guidance

[3.2 Maintaining satisfactory standards of conduct – including advice on Counselling and preparing for and conducting interviews](#)

[3.5 Gifts and hospitality guidance](#)

[3.7 Application for permission to accept an outside appointment following retirement or resignation from crown service](#)

## **Chapter 3.2 - Part C: Maintaining satisfactory standards of conduct guidance**

*Part C of this chapter is the guidance to support the maintaining of satisfactory standards of conduct.*

[3.2.12 Advice on Counselling](#)

[3.2.13 Preparing for and conducting interviews](#)

## Chapter 3.2.12 - Part C: Maintaining satisfactory standards of conduct - Advice on Counselling

### Chapter 3C – Personal Conduct Guidance

## 3.2 Maintaining Satisfactory Standard of Conduct Guidance

### 3.2.12 Advice on counselling

#### *What is counselling?*

In many cases, the right word, at the right time and in the right way may be all that is needed and will often be a more satisfactory method of dealing with a breach of discipline than a formal interview.

#### *How should it be done?*

- wherever possible, hold the discussion out of the hearing of other employees. It should be a two way discussion, aimed at pointing out any shortcomings in conduct or performance and encouraging improvement. Criticism should be constructive and the emphasis should be on finding ways in which the employee can remedy any shortcomings:
- listen to what the employee has to say. If it becomes apparent that there is no case to answer, this should be made clear to the employee:
- where an improvement is required, make sure that the employee understands what needs to be done, how performance or conduct will be reviewed and over what period. The employee should be told that if there is no improvement, the next stage will be a formal disciplinary procedure:
- take care that a counselling interview does not turn into a formal disciplinary hearing as this may unintentionally deny the employee certain rights, such as the right to be accompanied. If during the meeting, it becomes obvious that the matter is more serious, the discussion should be adjourned. It should be made clear that the matter will be pursued under a formal disciplinary procedure:

keep a brief note of any counselling for reference purposes. It should not be confused with action taken under a formal disciplinary procedure.

## **Chapter 3.2.13 - Part C: Maintaining satisfactory standards of conduct - Preparing for and conducting interviews**

### Chapter 3C – Personal Conduct Guidance

## **3.2 Maintaining Satisfactory Standard of Conduct Guidance**

### **3.2.13 Preparing for and conducting interviews**

1. If you are acting as:
  - a. the line manager responsible for formal action
  - b. an Investigating Officer
  - c. the Decision Officer
  - d. the Appeals Officer

you must prepare for and conduct interviews in accordance with Chapter 3A Section 3.2.

#### *Interviews*

2. If you are the line manager responsible for formal action, you must interview the individual concerned before deciding whether or not to give a formal warning at any stage in the formal misconduct procedure.
3. Similarly, if you are appointed as:
  - a. an Investigating Officer to investigate any subsequent recommendations for disciplinary action, you are required to interview the individual concerned before making your report for the Decision Officer, or
  - b. a Decision Officer, you are required to interview the individual concerned before making your decision, or
  - c. an Appeal Officer, you are required to interview the individual concerned before making your decision.

#### *Preparing for interviews*

4. In preparing for the interviews referred to above you must:
  - a. not pre-judge the situation;
  - b. review again any factors that might be causing the perceived misconduct - ask yourself the questions set out in Chapter 3B Section 3.2;
  - c. prepare carefully and ensure all the relevant facts are available (for instance, consider the causes);
  - d. consider whether or not there are grounds for referring the case to the Medical Adviser and, if the case is referred take the Medical Adviser's advice into account;

- e. carry out sufficient investigation and come to a clear view as to the facts;
- f. consider how the interview will be structured and make notes of the points that need to be covered.

### *Arranging the interview*

5. In arranging the interviews referred to above, you must notify the individual in writing and include the following details:

- a. an appropriate time and place for the interview
- b. the place of the meeting must be an enclosed office away from interruptions or distractions (eg, any telephone in the interview room should be diverted)
- c. the identity of another manager (at your Band or higher) or a member of HR to be present to take a note of proceedings and act as a witness
- d. advice that the individual is required to attend an interview and give them reasonable notice of the time and place (normally at least ten working days' notice). Ensure when notifying the individual that you set out the purpose of the interview, the conduct issues involved (i.e. details of inappropriate behaviour) and the procedure to be followed
- e. remind the individual of their right to be accompanied and represented by a colleague or trade union representative (see Chapter 3B Section 3.2). This right applies whether or not the alleged misconduct could lead to criminal proceedings. You must ask the individual to confirm in writing that the right to be accompanied and represented has been drawn to their attention. If the individual chooses not to exercise the right to be accompanied and represented, you must ensure that this fact is recorded in the note of the interview (see sub paragraph 7(c) below).

6. In arranging the interview you must also consider the following:

- a. allow the individual time to prepare their case
- b. if the individual's chosen colleague or trade union representative is not available at the time you have arranged for the interview, the individual is entitled to propose an alternative time. If the proposed alternative time is reasonable and falls within 5 working days of the date you originally arranged for the interview, you must postpone the interview and reconvene it at the new time proposed by the individual
- c. before the interview (normally at least ten working days before), make available to the individual copies of any written material on which you intend to rely
- d. ensure, for interviews at with Stage 4 - disciplinary action - that, where possible any witnesses (called by either side) who can do so attend the interview, do so, unless:
  - both parties accept in advance that witness statements are statements of fact, or
  - under very exceptional circumstances, it is not appropriate for the witness to attend
- e. where, for interviews at Stage 4, it is appropriate for a witness to attend (see sub paragraph 6 (d)), but it is not practicable for them to do so on the day of the interview, consider proceeding if it is clear that their evidence will not affect the substance of the complaint
- f. give the individual the opportunity to put their case to you in writing before the interview is held (for instance, challenging facts or setting out any personal or other issues affecting their conduct). Ensure that you consider any such written response before conducting the interview

- g. consider whether there is further information, e.g. health or other issues, to be obtained at the interview

### *Conducting interviews*

7. In conducting the interviews referred to in paragraph 3.2.2, you must:

a. at the start:

- inform the individual that Highways England considers their conduct to be unsatisfactory (setting out clearly why this is the case, with reference to their previous record and any previous warnings);
- explain that the purpose of the interview is to consider whether or not it is necessary to proceed to the next stage of formal disciplinary action;
- explore avenues of help and guidance to improve the individual's conduct;
- explain the formal misconduct procedure that is being followed, set out clearly what has gone before, what stage has now been reached and what the subsequent stages and potential consequences of the procedure are;
- remind the individual of the availability of Employee Advisory Resource, and;
- advise the individual that they have the right to have their case referred to the Medical Adviser and/or to apply for medical retirement;

b. during the interview, you must not:

- harass the individual or their representative or allow the individual or their representative to harass you (or, for interviews associated with Stage 4, any witnesses)
- make personal, threatening, abusive or humiliating remarks to the individual or their representative or allow the individual or their representative make such remarks to you (or, for interviews associated with Stage 4, to any witnesses)

c. during the interview:

- if the individual becomes emotionally distressed, allow time for them to become composed before continuing. If the individual continues to be so distressed that the interview cannot continue, it should be adjourned and resumed at a later date
- a certain amount of "letting off steam" may be inevitable. This may be no bad thing and may be helpful in finding out and understanding precisely what happened. However, if misconduct or gross misconduct (see Chapter 3B Section 3.2) occurs during the interview, you must treat it as such. Adjourn the interview and reconvene it at a later date
- you must give the individual and their representative an opportunity to state their case and present any new evidence
- for interviews at Stage 4, you must give the individual or their representative the opportunity to ask questions of any witnesses present
- you must listen carefully
- you must assess any information given, and
- you must take detailed notes

### *Decisions*

8. Before reaching decisions about further action, you must:

- a. allow proper consideration of all the matters raised, either adjourn or end the interview before making your decision (similarly, adjourn the interview if it becomes clear that further investigation is necessary)
- b. carefully consider and weigh-up the evidence before coming to any conclusions

c. apply the proper test (see Chapter 3B Section 3.2)

d. inform the individual of your decision either at the end of the interview (following any adjournment) or as soon as reasonably practicable after the interview has ended and advise them of their right to appeal. This does not apply if you are acting as Investigating Officer in which case your report and conclusions will be passed to the Decision Officer for a decision

e. delay confirming your decision until the individual and, if present, the trade union representative, has had the opportunity to comment upon any matters of fact or accuracy in the interview note (the individual or their representative must be given 10 working days within which to submit such comments - a longer period may be agreed). Copies of the interview note and the individual's comments on it must be copied to HR.

9. You must note that failure to comply with this Section could, possibly, invalidate the formal misconduct procedure or leave Highways England vulnerable to a successful challenge at an Employment Tribunal.

## Chapter 3.5 - Part C: Gifts and hospitality guidance

[Part A: Policy](#)

[Part B: Procedure](#)

[Gifts and hospitality guidance from 1 May 2016](#)

[Gifts and hospitality roles and responsibilities from 1 May 2016](#)

[Gifts and hospitality definitions from 1 May 2016](#)

[Gifts and hospitality diagrams A and B from 1 May 2016](#)

[Gifts and hospitality Q and A from 1 May 2016](#)

[Gifts and hospitality scenarios from 1 May 2016](#)

[Gifts & hospitality declaration form](#)

## **Chapter 3.7 - Part C: Application for permission to accept an outside appointment following retirement or resignation from crown service**

### Chapter 3C – Personal Conduct Procedures

3.7 Application for permission to accept an outside appointment following retirement or resignation

[Include link to the associated document]



## Part C: Security and confidentiality Guidance

[4.1 The official Secrets Act and the protected characteristics](#)

[4.3 Data protection guidance](#)

## Chapter 4.1 - Part C: The official Secrets Act and the protected characteristics

The Official Secrets Acts 1911 - 1989 applies to you in relation to your past service in the civil service. Therefore the following sections should be read in that context.

### *General*

The Official Secrets Act 1989 came into force on 1 March 1990. It replaces Section 2 of the Official Secrets Act 1911. Under the Act it is an offence to disclose information in one of six specified categories – see section 4.1.1 below and in general, only if the disclosure can be shown to have damaged the national interest in a specified way.

Detailed advice or guidance may be obtained from HR but the main provisions of the Act are summarised below.

### *Whom it applies to*

The Act applies to Crown servants which includes:

- Government Ministers
- Civil Servants
- Government contractors and to others who have, or have had, official information in their possession
- Office holders, and
- Members or staff of a body (or class of member or employee of such a body) which are "prescribed" for the purpose by an Order made under the Act

### *What is official information?*

This means any information, document or article which a Crown servant or government contractor has or has had in their possession by virtue of their position in the Service.

### *When is disclosure made "without lawful authority"?*

Crown servants may disclose official information only in accordance with their official duty. Government contractors may do so only in accordance with an official authorisation or for the purposes of their functions as government contractors and without contravening an official restriction. In any other circumstance a disclosure is made without lawful authority.

## 4.1.1 The protected categories

Information is protected by the Official Secrets Act 1989 ([see section 4.1 above](#)) if, and only if, it is in one of the following six categories:

- a. Security and Intelligence: information about the work of the security and intelligence services
- b. Defence: information about organisation of armed forces, weapons and equipment, defence policy and plans
- c. International relations: information about relations between States, between international organisations or between one or more States and one or more such organisations

d. Confidential information: obtained from a State other than the United Kingdom or an international organisation

e. Crime: disclosure of information which

- results in the committing of an offence, or
- enables an escape from legal custody or assists any other act prejudicial to the safety of person in custody, or
- impedes the prevention or detection of offences or the apprehension or prosecution of suspected offenders, or
- is such that its unauthorised disclosure would be likely to have any of these effects

f. Special investigation powers: information obtained:

- by reason of the interception of any communication in obedience to a warrant issued under Section 2 of the Interception of Communications Act 1985, any information by reason of any such interception and any document or other article which has been used or held for use in, or has been obtained by reason of, any such interception, or
- by reason of action authorised by a warrant issued under Section 3 of the Security Service Act 1989, any information relating to the obtaining of information by reason of any such action and any document or other article which is or has been used or held for use in, or has been obtained by reason of, any such action

## **Chapter 4.3 - Part C: Data Protection Guidance**

[Part A: Policy](#)

[4.3.3 Computer Misuse Act 1990](#)

[4.3.5 Use of Social Media](#)

## Chapter 4.3.3 - Part C: Computer Misuse Act 1990

The Computer Misuse Act 1990 makes it a criminal offence to attempt - deliberately and without authorisation - to access or modify computer held data or programs, whether or not the attempt was successful. The offences are described below.

### a) Offence: unauthorised access

Unauthorised access to computer programs or data:

1. whether for amusement or exploration
2. whether or not the intent a person has to commit an offence is directed:
  - at any particular program or data
  - a program or data of any particular kind, or
  - a program or data held in any particular computer

References to:

3. any program or data held in a computer include any program or data held in any removable storage medium which is for the time being in or attached to the computer, and
4. a computer is to be regarded as any program or data held in any such medium

### b) Offence: unauthorised access with ulterior intent

Unauthorised access with the intention to commit a further offence (ulterior intent), whether the first offence is to be committed on the same occasion as the unauthorised access or any future occasion.

A person secures access to any program or data held in a computer if by causing a computer to perform any function they:

1. alter or erase the program or data
2. copy or move it to any storage medium other than that in which it is held or to a different location in the storage medium in which it is held
3. use it; or
4. have it output from the computer in which it is held (whether by having it displayed or in any other manner)

A person uses a program if they:

5. cause the program to be executed, or
6. carry out a function of the program, i.e., if they, by responding to a request made by the computer while it is running the program, affect the outcome of the program

A program is output if the instructions of which it consists are output; regardless of whether or not these instructions are in a format which would enable them to be executed and regardless of whether or not any data output is capable of being processed by computer.

Access of any kind by any person is unauthorised if:

7. they are not entitled to control access; and
8. they do not have consent to access from any person who is so entitled.

c) Offence: unauthorised modification

Unauthorised modification to programs or computer held information, in so doing:

1. to impair the operation of any computer;
2. to prevent or hinder access to any program or data held in any computer; or
3. to impair the operation of any such program or the reliability of any such data; whether or not an unauthorised modification or any intended effect of it is, or is intended to be, permanent or merely temporary.

A modification of the contents of any computer takes place if, by the operation of any function of the computer concerned or any other computer:

4. any program or data held in the computer concerned is altered or erased; or
5. any program or data is added to its contents.

A modification is unauthorised if the person whose act causes it is not entitled to determine whether the modification should be made and they do not have consent to the modification.

## Chapter 4.3.5 - Part C: Use of social media

You must read this guidance in conjunction with the Highways England code of conduct and the Staff Handbook. This guidance does not contradict existing policy in Chapter 5 Part A of the Staff Handbook on the rights and responsibilities of Highways England employees who undertake political activities or trade union activities.

When participating online as a Highways England employee, you must follow the standards of behaviour set out in the Highways England code of conduct and Highways England's policy on personal conduct; and when using Highways England's computer systems the use of internet and email guidance.

When representing Highways England in an official capacity you should conduct yourself on-line in the same way as you would with other media or at public forums, such as when speaking at conferences, and disclose your position as a representative of Highways England. As a Highways England employee you are expected and required to behave with the utmost integrity at all times and putting the obligations of public service above your own personal interests.

### a) Posting information online

Employees must ensure they have appropriate authorisation to post official information on social networking sites and that it does not conflict with Highways England's policy on personal conduct. Unauthorised disclosure of official information will be regarded as in breach of discipline. Such conduct will be subject to formal disciplinary action including dismissal. There are generally three groups of social media sites:

- social publishing – blogs, micro-blogs, YouTube, flickr
- social networking – Facebook, LinkedIn, Twitter, Bebo, discussion forums
- collaboration – Wikis, social bookmarking

Employees must ensure they restrict any information they wish to remain private. If you are participating on-line privately at home, or away from the office, you must not associate yourself with Highways England in any way.

You should not disclose any knowledge and official information gained in the course of your official duties; make commitments or engage in activities on behalf of government unless you are authorised to do so.

### b) Posting personal comments and opinions online

Any personal postings made by you during work time or privately at home must not contradict Highways England's policies. That means you must not represent Highways England when you are expressing personal opinions.

Personal opinions posted on-line that are embarrassing or disrespectful to Highways England; offensive or could bring Highways England into disrepute, including derogatory and rude remarks about government policies, fellow employees and customers will not be tolerated. If you do not comply with this policy you may be in breach of the Highways England code of conduct and your Terms and Conditions of employment, leaving you liable to disciplinary action including dismissal. A list is provided below, for illustration only, of postings which are considered unacceptable. To avoid any doubt, you must not:

- set up any social media accounts either personal or on behalf of your company that purport to represent Highways England or the work that you are undertaking on behalf of the company
- post pictures or video clips containing Highways England logo or property (including official vehicles and uniform) in a way that suggests Highways England officially endorses your posting

- take or post pictures of any identifiable work colleagues without their express consent and never of customers in any work related situations
- make or encourage negative or inappropriate comments including but not limited to:
- making derogatory comments or personal insults about named individuals working in, or associated with, Highways England or other parts of Government; or describing or assigning them nicknames or pseudonyms which could assist in their identification or about Highways England policies.
- using language likely to cause offence (eg. of a discriminatory or abusive nature)
- making reference to anyone participating in illegal acts
- revealing protectively marked or other sensitive information about Highways England, its staff and its business partners (including other Government departments) which Highways England is required to keep secured.

If you are participating in an online group outside of work, such as Twitter or Facebook you are strongly advised to discuss this with your line manager and/or HR before discussing any part of your work, or Highways England work, online.

Online discussions or email are not like a casual conversation: everything is recorded, everything is searchable, and an off-hand comment posted in haste may have serious repercussions for either you or Highways England, possibly many years later.

Stay within the legal framework and be aware that libel, defamation, copyright and data protection laws apply. Also be aware that this may attract media interest in you as an individual, so proceed with care whether you are participating in an official or a personal capacity. If you have any doubts, take advice from your line manager.

We monitor all types of media including social networking media to look for all communication relating to Highways England as part of our daily business. While undertaking this role, if we pick up material posted by staff about Highways England, the matter will be fully investigated. If it is decided that the comments/remarks damage Highways England's reputation or bring Highways England into disrepute, that conduct will be subject to formal disciplinary action including dismissal.

If you have a genuine concern about serious malpractice which might pose a risk to Highways England, its staff or the public you should follow the Whistleblowing procedure via the process set out on your local intranet.

#### c) Further information

If you have further queries after reading the guidance, please contact the [HR Advice Service](#).



## Chapter 5.4 - Part C: Reservist Guidance

[\*Part A: Policy\*](#)

[\*Part B: Procedure\*](#)

[5.4.1 Reservist Guidance](#)

[5.4.2 Consent form – Permission to collect and share information about you being a reservist](#)

[5.4.3 Reservist summary flowchart](#)

[5.4.4 Managers checklist](#)

[5.4.5 Reservist's checklist](#)

[5.4.6 Reservist FAQs](#)

[5.4.7 Departmental mobilisation letter](#)

## Chapter 5.4.1 - Part C: Reservist Guidance

This guidance applies to Volunteer Reservists, but the term Reservists will be used throughout.

### a) Context

Reservists are ordinary men and women who give up their time to train and serve alongside the Regular Forces. The period for which a Reservist commits varies between the different Reserve Forces but it is usually for 3 years or more. At the end of this period, the Reservist needs to be re-engaged if they wish to remain members of the Volunteer Reserve Forces.

Some Reservists hold High Readiness Reserve (HRR) status. They have specific skills and are liable to be deployed rapidly. If the Reservist works for Highways England for more than two days a week, written consent is required from the Divisional Manager or equivalent senior manager before they can volunteer to hold HRR status. Consent takes the form of an agreement renewed annually.

There is another type of Reservist, a Regular Reservist. These are individuals who were formerly full-time members of the Armed Forces. They may still have an ongoing commitment to serve alongside the Regular Forces for a number of years after their military service has ended. This will depend on their age, length of original service and the skills they have. They are not covered by this policy.

Reservists can serve within any of the following Reserve Forces:

- Army Reserve (formerly known as the Territorial Army)
- Royal Air Force Reserve
- Royal Marines Reserve
- Royal Naval Reserve

The general term Reserve Force will be used throughout the guidance.

### b) Getting involved

If an employee is interested in becoming a Reservist or wants to know more, they can approach any Armed Forces Careers Office. Further information can be found at:

- [Supporting Britain's Reservists and Employers \(SaBRE\)](#)
- [Army Reserve](#)
- [Royal Air Force Reserve](#)
- [Royal Marines Reserve](#)
- [Royal Naval Reserve](#)

### c) Benefits

Reservists undergo extensive military training and gain experience of dealing with a diverse range of people from all walks of life, nationalities and cultures.

The Reservists' training programme teaches individuals a range of skills, such as communication, leadership, team work, decision-making, working under pressure and increases their diversity awareness. Much of this training is nationally recognised through external qualifications and elements can be transferred back into the workplace, benefiting Highways England. Further information on training is available on the [SaBRE website](#).

### d) Training

The training commitment varies between the Reserve Forces and can be up to 40 days per year. The majority of training takes place during the Reservist's own time and tends to be on one evening per week and over various weekends throughout the year.

As part of their training commitment, Reservists attend a continuous mandatory period of training which usually lasts for 16 consecutive days. There may be some variations between the Reserve Forces, particularly within specialist units, where this mandatory training element may be split over two or more shorter periods. It is for these continuous mandatory periods of training that Reservists are allowed up to 10 days paid special leave.

Three months in advance of the Reserve Forces training year, employers will be notified of the key training events that their employee is expected to attend. Whilst this is principally aimed at the continuous mandatory period of training, it will also include weekend duties which the Reservist is required to attend.

Subject to the Reservist's consent, the Reserve Force will provide periodic updates to employers on the skills and qualifications gained by the Reservist during their training activities.

#### e) Mobilisation

Mobilisation is the process of calling Reservists into full-time military service in support of military operations.

As detailed in the Reserve Forces Act 1996, Reservists can be mobilised to perform a range of tasks which the Armed Forces may be asked to undertake.

A period of mobilisation has three distinct phases:

- medical and pre-deployment training at a mobilisation centre
- operational tour
- post-operational tour leave

Reservists who do not meet the required fitness standards may be demobilised before their operational tour.

The maximum period of mobilisation for Reservists, including those who hold HRR status, will depend on the scale and nature of the operation. This is typically for no less than three months and no longer than 12 months in a five year period. Reservists who hold HRR status can be mobilised for up to nine months.

Reservists are only mobilised when absolutely necessary, and this takes place under the 1996 Reserve Forces Act.

Reservists will receive Call Out papers from the Reserve Force to inform them of their dates for mobilisation. The documentation will include the Call Out date (first day of mobilisation) and the anticipated length of mobilisation. Their manager will also receive an Information Pack notifying them of the Reservist's mobilisation. This will either come directly from the Reserve Force, or be delivered in person by the Reservist.

The manager's Information Pack will include:

- a copy of the official Call Out Notice
- a letter setting out the date and possible duration of mobilisation
- details of the employers' statutory rights and obligations
- details of the Reservist's statutory rights and obligations
- information about exemption, deferral and revocation of mobilisation, and application conditions

- details of financial assistance available to employers and an application form
- a list of useful contacts

Wherever possible, the Reserve Force aims to give at least four weeks' notice of the date the Reservist is required to report for mobilisation. However, this is not always possible and there is no statutory requirement to give notice. Reservists who hold HRR status can be mobilised with seven days' notice or less. Visit the [SaBRE website](#) to download a template Information Pack which includes example documentation.

The Reservist will remain on Highways England's headcount for the purposes of any reorganisation. If cover is required, options can be discussed with your HR Business Partner.

#### f) Keeping in touch

The frequency and methods of keeping in touch will depend on the length of mobilisation and anticipated date of return.

Reservists will have access to messages sent through the British Forces Post Office and email. Keeping in touch arrangements may include the Reservist providing updates of their mobilisation, and the manager sending information to update the Reservist with what's going on at work. This will also help with the Reservist's reintegration when they return.

The manager should note that there may be sustained periods during which it may not be possible to remain in regular contact.

If the business area is downsizing or reorganising, the Reservist should be included in the organisational change process and kept informed as soon as practicably possible.

#### g) Treatment of terms and conditions during mobilisation

During mobilisation, Reservists are on unpaid special leave which will count as a period of continuous service. Refer to the special leave policy for further information. Please see the Staff Handbook, Chapter 2A.

They will be entitled to remain a member of their existing Civil Service Pension Scheme. The Reserve Force will pay employer contributions for the period of mobilisation provided that the Reservist continues to pay employee contributions. Alternative pension arrangements are also available. Further information can be found in the Reservist's Call Out papers.

There is no entitlement to any annual leave, bank holidays or privilege days whilst an individual employee is on unpaid special leave during mobilisation. Reservists will accrue annual leave with the Reserve Force whilst mobilised. This leave and any relevant public holiday entitlement is taken during mobilisation and is not carried forward when they return to Highways England.

#### h) Demobilisation

Demobilisation is when Reservists return from active duty to the demobilisation centre.

There are four stages of demobilisation for Reservists:

- Adaption – a process of 'winding down' in a controlled environment for up to four days. The Reservist will receive an update on media coverage of the conflict they were involved in, a presentation on Post Traumatic Stress Disorder and an opportunity for a one-to-one interview with the Reserve Force

- Assessment – as well as completing post-operational administration tasks, such as returning equipment, the Reservist will undergo a series of medical assessments and receive welfare guidance and advice
- Post-operational leave – to allow the Reservist to fully readjust and prepare for return to civilian life. This leave is paid for by the Reserve Force and is in addition to any annual leave or public holidays accrued during mobilisation. Post-operational leave is accrued based on the number of days spent in operational theatre
- Last day of whole time service – the last day the Reservist will be paid by the Reserve Force

### *Injured or sick*

Where the Reservist is injured or sick during mobilisation they remain mobilised until they reach a certain level of fitness as assessed by the military medical teams. If they have continuing healthcare needs, they will be taken through a transition from military to NHS healthcare. They will then be demobilised in the normal way. During this period, the Reserve Force will continue to pay the Reservist until they are demobilised.

The extent of the injury will determine when the Reservist is demobilised. This may be earlier or later than the anticipated demobilisation date.

#### i) Return to work

As Reservists are on unpaid special leave when mobilised they remain employees of Highways England. They are therefore entitled to return to a post within Highways England at the same grade with equivalent terms and conditions. Unless there are exceptional circumstances, the Reservist will return to their original post.

The Reserve Force will notify employers when the Reservist is due to be demobilised and, subject to the Reservist's consent, provide a post-deployment report detailing the Reservist's achievements during mobilisation.

Managers should discuss the Reservist's achievements, training, and learning whilst mobilised and explore how to make best use of their transferable skills in the workplace. See also performance management and development arrangements.

#### j) Post mobilisation support

During the immediate post deployment phase, Reservists are made aware of how and where appropriate assistance can be sought for any mental health concerns.

Reservists may have a delayed response to what they have seen and experienced during mobilisation. Symptoms may include flashbacks, depression, confusion, anxiety, irritability, feelings of isolation and difficulties fitting back into civilian life.

Some symptoms may take longer than others to appear. It is important for managers to appreciate that the Reservist may not realise they are displaying post-operational tour symptoms.

A range of support, information and advice is available to the manager and Reservist in addition to support from the Reserve Force. Contact the HR Advice Service in the first instance to discuss a referral to Occupational Health.

#### k) Welfare support

- Contact the HR Advice Service
- The Employee Assistance Programme (HelpEA) for confidential assistance available 24 hours a day 7 days a week.
- Telephone Freephone : 0800 328 2014

- Text Relay:18001 – 0800 328 2014
- [www.supportat.helpeap.com](http://www.supportat.helpeap.com)

I) Other

- [SaBRE](#)
- [The Charity for Civil Servants](#)

## Chapter 5.4 - Part C: Reservist Guidance FAQs

### 5.4.6 Reservist FAQs

#### General

#### Q1. Does the Reservist Policy and Procedure cover Regular Reservists and Cadet Forces?

No. This policy and the supporting procedures and guidance are specifically for members of the Volunteer Reserve Forces.

#### Q2. What is SaBRE?

Supporting Britain's Reservists and Employers (SaBRE) is an impartial body created by the MoD to provide support and information to Reservists and employers. However, it should be noted that not all of the information provided by SaBRE applies to Highways England employees. Refer to the Reservist Guidance and Procedures in the first instance.

#### Q3. Where can further information be found?

The table below provides useful links and contacts

Royal Naval Reserve [www.royalnavy.mod.uk/navyreserves](http://www.royalnavy.mod.uk/navyreserves)

SaBRE	<a href="http://www.sabre.mod.uk">www.sabre.mod.uk</a>
MyCSP	<a href="http://www.civilservice.gov.uk/pensions">www.civilservice.gov.uk/pensions</a>
Army Reserve	<a href="http://www.army.mod.uk">www.army.mod.uk</a>
Royal Air Force Reserve	<a href="http://www.raf.mod.uk/rafreserves">www.raf.mod.uk/rafreserves</a>
Royal Marines Reserve	<a href="http://www.royalnavy.mod.uk/Careers/Royal-Marines-Reserve">www.royalnavy.mod.uk/Careers/Royal-Marines-Reserve</a>
The Charity for Civil Servants	<a href="http://www.foryoubyyou.org.uk">www.foryoubyyou.org.uk</a>
Occupational Health	Contact the HR Advice Service
Health and Wellbeing	Contact the HR Advice Service
Annual leave policy	Staff Handbook, Chapter 2 Part A
Special leave policy	Staff Handbook, Chapter 2 Part A
Attendance management policy	Staff Handbook, Chapter 10 Part A
Keeping in touch guidance	See the portal or contact the HR Advice Service
DfT Reservist Network Group	<a href="mailto:Tamar.Howard-Pearce@dft.gsi.gov.uk">Tamar.Howard-Pearce@dft.gsi.gov.uk</a>
DfT Reservist Champion	<a href="mailto:Ian.Woodman@dft.gsi.gov.uk">Ian.Woodman@dft.gsi.gov.uk</a>

#### Q4. What is the average training commitment for Reservists?

Reserve Force	Average annual training commitment
Army Reserve	40 days
Royal Air Force Reserve	35 days
Royal Marines Reserve	35 days
Royal Naval Reserve	24 days

#### Q5. How long is officer training in the Reserve Forces?

The duration and structure of officer training varies between the different Reserve Forces. As a guide, officer training in the:

- Army Reserve consists of a block of training which lasts for 56 days
- Royal Air Force Reserve lasts for 24 days and is spread over four weekends and a two week residential training period
- Royal Naval Reserve is completed, normally one evening per week, over 14 weeks and a minimum of four weekends. In addition, there are two weeks training at Britannia Royal Naval College, Dartmouth in year one, followed by two weeks at sea on a Royal Navy warship in year two

**Q6. What additional protection does the Employment Rights Act 1996 give to Reservists?**

Typically, under the Employment Rights Act, employees need to meet a qualifying period of employment before they would be able to make a claim for unfair dismissal. However, the qualifying period does not apply to employees where the reason for dismissal is, or is connected with, their membership of a reserve force. This means that, regardless of length of service, an employee cannot be dismissed on the grounds of being a Reservist.

*For managers:*

**Q7. Who can authorise an application from an employee to become a High Readiness Reservist?**

A Divisional manager or equivalent senior manager.

**Q8. What happens if an employee moves to a different role after High Readiness Reserve status has been authorised?**

When an employee requests permission from Highways England to become a High Readiness Reservist, the authorisation is granted on the basis of the role the employee holds at the time. If the employee changes their role, the Divisional manager or equivalent senior manager will need to consider the impact on the business if the employee were to be mobilised with minimal notice in their new role and whether the Divisional manager or equivalent senior manager can provide authorisation for the new role. Consideration should be given to meeting the needs of the business whilst supporting the employee with their Reservist activities.

**Q9. The Reservist needs to leave the office early to attend training. Should I allow this?**

You should be supportive when dealing with requests for time off for Reservist activities and where possible, allow the Reservist to leave the office early. You will need to agree how the employee will make up the time, for example, by requesting annual / flexi or another form of leave. To help you manage these requests the Reservist should provide you with information about their annual training commitments as soon as possible.

**Q10. A Reservist in my team has requested time off to attend an eight week block of officer training, how should I handle this?**

You are encouraged to be supportive of this type of request. Officer training is treated as mandatory and as such, the Reservist is allowed up to 10 days paid special leave a year towards the total.

For the shortfall, requests should be considered in line with Highways England's Special Leave Policy and options such as paid and unpaid special leave, flexi leave and annual leave should be explored

**Q11. What happens when a Reservist is mobilised during their probationary period?**



If an employee is mobilised part way through their probationary period, their probation will pause whilst they are mobilised and resume when they return to work for Highways England. The total duration of probation will remain the same but will simply be completed over a longer period of time.

**Q12. When will Reservists be mobilised?**

Sections 52, 54 and 56 of the Reserve Forces Act 1996 (RFA 96) provide for three main powers under which mobilisation can take place:

- If it appears that national danger is imminent, or a great emergency has arisen, or in the event of an actual or apprehended attack on the United Kingdom
- If it appears that warlike operations are in preparation or progress, e.g. Iraq and Afghanistan
- If it appears necessary or desirable to use members of a Reserve Force for any purpose for which members of the regular services may be used

**Q13. How much notice will be given when a Reservist is mobilised?**

When committed to ongoing operations, the Reserve Force will give employers of Army Reservists at least nine months' notice of mobilisation and give employers of Royal Air Force, Royal Marines and Royal Naval Reservists three months' notice of mobilisation.

For short term contingent operations, the Reserve Force aims to give employers at least 28 days' notice.

However, for operational reasons, there may be occasions where this may not always be possible.

**Q14. In what circumstances can mobilisation be exempted or deferred?**

It is not expected that an exemption or deferral would apply to Reservists in Highways England. In exceptional circumstances, if mobilisation of the Reservist would cause the business obvious and significant harm, you can apply for an exemption from or deferral of Call Out. See your Information Pack for further details.

**Q15. The Reservist has informed me that they want to volunteer for mobilisation, what should I do?**

You should arrange to meet with the Reservist to discuss the likely mobilisation dates and plan accordingly. If the request is approved, you should work through the appropriate sections of the [manager's checklist](#).

**Q16. My Information Pack suggests I can claim for financial assistance to cover the Reservist's absence during mobilisation. How do I do this?**

Highways England has adopted a policy of not claiming for expenses from the MoD and will not be using their Financial Assistance Scheme.

**Q17. How will I know when demobilisation and return to work should take place?**

When the Reservist receives their Call Out papers, they will be given an indication of the anticipated period of mobilisation. As the Reservist's manager, you will also be notified of the mobilisation dates in your Information Pack. The Reservist should discuss mobilisation and a potential return to work date with you before they are mobilised. During demobilisation, the Reservist should contact you to confirm their actual return to work date. You will also receive formal written confirmation of the Reservist's last day of whole time service, i.e. their last day of mobilisation. Return to work will take place the following day irrespective of whether or not the Reservist attends the work place.

**Q18. Will the Reservist return to work on their official return to work date?**

The return to work day is the date when, following demobilisation, the Reservist's former employment status is reactivated and their manager should notify your shared services about it. The Reservist may request annual leave or may not be fit enough to physically return to work therefore the first day they attend work may be different to their official return to work date.

**Q19. How will I recognise and deal with any well being issues or recognise post traumatic stress following mobilisation?**

Return to civilian life and work can be difficult for a Reservist and as a manager you have an important role in providing support to facilitate the return to work in a sympathetic manner. It is important to have regular meetings as part of this process to discuss any concerns or issues. If you have any concerns please contact the HR Advice Service to discuss these including referral to Occupational Health. In addition, you can contact [SaBRE](#) for professional advice.

**Q20. How will the Department be notified if the Reservist is badly injured or there is a death in service?**

This is a difficult but necessary issue for discussion. Keeping in touch arrangements should be agreed and the Reservist's next of kin details should be checked and confirmed as up to date.

It is important that the manager knows who will be in contact in the event that the Reservist is unable to do so.

In the event of a death in service, the manager should contact their HR Business Partner.

*For Reservist*

**Q21. My manager is not very supportive of my Reservist activities, what can I do?**

Discuss your concerns with your local Reservist Champion who will be able to communicate the high level messaging regarding Reservists, reinforce the value Highways England puts on Reservists and explore alternative ways of supporting you

**Q22. Can I use paid special leave to cover any of my Reservist training?**

Reservists are allowed up to 10 days paid special leave for the continuous mandatory period of training. This training is usually for 16 consecutive days and is often referred to as the 'Annual Deployment Exercise' or annual camp.

We acknowledge that there are differences between the Reserve Forces in terms of the name used to describe blocks of training and the length of continuous training, e.g. 'annual camp'; however, the terms used in the Reservist procedures and guidance were suggested and approved by MOD as being the most generic ones.

Some Reserve Forces, particularly with specialist units, spread the mandatory training over two or more shorter periods. In these circumstances the 10 days can be used for the shorter mandatory training periods.

Where the training is longer than 10 days any additional leave requirements would need to be agreed between the Reservist and their line manager. This could include use of flexi leave, annual leave or unpaid special leave.

**Q23. My departmental annual leave year does not run alongside my Reservist training cycle. What should I do if require additional leave?**

Reservists are allowed up to 10 days special leave which should be awarded on a rolling year basis. This may start at a different time to the Reservist's departmental leave year. Line managers should consider any requests for further leave for Reservist activities by using the appropriate policies.

**Q24. I work part time; will I still qualify for up to 10 days paid special leave?**

Paid special leave will be pro rated to reflect your part time contracted hours. Refer to the special leave policy for further information. See the Staff Handbook, Chapter 2 Part A

**Q25. Will I be entitled to paid special leave for my mandatory training even if I also receive payment from my Reserve Force when training?**

Yes, you are entitled to receive up to 10 days paid special leave for your mandatory training period along with any payment you receive from your Reserve Force for mandatory training. This is in recognition of the additional personal time you commit to your Reservist activities throughout the year.

**Q26. If I take unpaid special leave for training, is it counted as reckonable service for the purpose of my pension?**

Unpaid periods of special leave for training will not count as reckonable service except, as set out in the Civil Service Pensions Manual, when taken to complete the continuous mandatory period of training.

**Q27. I need to leave the office early to reach my Reserve Force training centre when I have evening and weekend training. Will I be granted time off?**

Managers should be supportive when dealing with requests for time off for Reservist activities. To help them deal with these requests, you should provide your manager with information about your annual training commitments as soon as you know the details. Advance information will also help your team to plan ahead. You will also need to consider how you will make up the time or if you will be requesting annual / flexi or other form of leave for the period.

**Q28. I have Highways England's permission to be a High Readiness Reservist. What happens if I change roles?**

If you change roles, Highways England has the right to re-consider whether it can continue to support your High Readiness Reservist status. Highways England would need to assess the impact on the business if you were to be mobilised.

**Q29. What happens if I am injured during training?**

You need to notify your manager immediately and follow the attendance management procedures in the Staff Handbook, Chapter 10 Part A.

**Q30. I would like to volunteer for mobilisation; do I need to let my manager know?**

It is important for you to discuss this with your manager to help them plan ahead.

**Q31. Where can I find information about my pension scheme, my contributions and benefits whilst mobilised?**

You should contact [MyCSP](#) directly to discuss your pension, contributions and benefits. There are variations in payment arrangements of employee contributions depending on which Civil Service Pension Scheme you are a member of, further details can be obtained from MyCSP.

**Q32. Who will pay my employee contribution whilst mobilised?**

When mobilised, a Reservist is entitled to remain a member of their existing Civil Service Pension Scheme. The Reserve Force will pay the employer's contribution provided that the Reservist continues to pay their contributions. Alternative pension arrangements are available and further details can be found in the Reservist's Call Out Notice.

**Q33. Will I still receive child care vouchers during mobilisation?**

As your pay from Highways England is suspended during mobilisation, childcare vouchers and other benefits in kind will be put on hold. However, you will be receiving a salary from your Reserve Force during this period and you can apply to MoD in relation to any lost benefits during mobilisation. Further details on financial assistance are included in your Call Out papers.

**Q34. What happens to my advance of salary to purchase a season ticket when I am mobilised?**

As you will not be using your season ticket during this period, it would be sensible to cash it in and repay the advance. You can then arrange for a new advance of salary to purchase a season ticket once your mobilisation period is complete. See the Staff Handbook, Chapter 8 on salary advance for further information.

**Q35. I am part way through my probation period. What will happen to my probationary period when I am mobilised?**

If you are mobilised part way through your probationary period, your probation will pause whilst you are mobilised and resume when you return to work for Highways England. The total duration of probation will remain the same but will simply be completed over a longer period of time.

**Q36. Will I be entitled to accrue any leave with Highways England during the period of mobilisation?**

You will be on unpaid special leave from Highways England and will not accrue annual leave, public holidays, the Queen's birthday or any other type of leave during this period. Instead any leave accrued will be with your Reserve Force who can provide you with information regarding your entitlement. Leave accrued during mobilisation should be taken during your post-operational leave period and cannot be transferred to Highways England on return to work.

**Q37. Can I take departmental leave before and / or after mobilisation?**

Yes, however you should make the request in accordance with the annual leave policy. See the Staff Handbook, Chapter 2 Part A. If you have any leave outstanding prior to being mobilised, you are entitled to take this on your return to Highways England.

**Q38. What happens if I am unable to return to work due to injury incurred whilst mobilised?**

When demobilised you must, as agreed, make contact with your manager before your last day of whole time service. Your manager will arrange for you to be returned to your department's payroll and will follow normal attendance management procedures.

**Q39. Am I entitled to compensation as a result of injury incurred during mobilisation?**

The Armed Forces Compensation Scheme (AFCS) provides compensation for injuries and loss of earnings relating to injuries in certain circumstances. Claims should be made directly to the AFCS. Further information can be found on the [MoD website](#).

**Q40. Will the AFCS cover the cost of reasonable adjustments provided at the workplace as a result of injury incurred during mobilisation?**

No. Highways England is responsible for costs incurred in making reasonable adjustments in the workplace.

**Q41. The SaBRE website states that I have to contact my manager within three weeks of demobilisation and return to work within six weeks. However, my department's Reservist Procedures state that I have to contact my manager during demobilisation and return to work the day after the last day of whole time service. Why does the advice differ?**

Information available from SaBRE reflects the protections within the Reserve Forces (Safeguard of Employment) Act 1985. This covers employees whose contracts of employment are terminated when they are mobilised and have to apply for re-instatement following demobilisation.

Highways England employees are placed on unpaid special leave during mobilisation and do not leave the employment of Highways England. Your job is therefore safeguarded. For this reason, and specifically to secure your continuous employment status, you must return to work on the day following your last day of whole time service.

**Q42. Who is responsible for sorting out my tax code on my return from duty?**

All employees have a responsibility to check their tax code is correct, given the individual circumstances, and to contact HMRC if they have any concerns. However, HR shared services may be able to provide guidance and/or support to rectify any problems.

## Part C: Guidance - Legal Representation

### [6.1 Legal entitlements and administrative practice](#)

## Chapter 6.1 - Part C: Legal entitlements and administrative practice

### Part A: Policy

#### Guidance to employees on their position in law

1. A deliberate and dishonest agreement between two or more people to try to deny a person that which is due to them under the law constitutes the crime of conspiracy to defraud.
2. Where an applicant's legal entitlement to some financial or other benefit has been established, that entitlement must be met.
3. A Highways England employee who knows that an applicant has a legal entitlement, and uses grounds that are known to be improper for denying it to them, is in effect cheating them out of it.
4. Cheating a person out of their legal rights is no less wrong when it is done in the name of a public organisation than it is when done by a private citizen. It makes no difference that no private gain may be involved, or that the motive for the action is to save public money. If the cheating amounts to a criminal offence (i.e., a deliberate and dishonest agreement to try to deny a person what is due to them), the officials who took the action, or who connived in it, are personally liable to prosecution. On the other hand, staff who deal honestly with cases have nothing to fear from the criminal law.
5. Relevant guidance from the Treasury Solicitor's Department on the position as it applies to subordinate staff is set out below. It will be noted that if anyone who deals with entitlements has specific grounds for questioning the propriety of an instruction, they should set out their reasons and seek the guidance of their senior officer. The need for such references should arise only very rarely. But officers who seek guidance in this way in good faith, and on reasonable grounds, will be regarded as having done no less than their duty.

## Part C: Performance Management Guidance

[7.1 Performance Management Guidance from 1 April 2016 onwards](#)

[7.2 Managing Poor Performance Guidance](#)



## Chapter 7.1 - Part C: - Performance Management Guidance - Contents

The [performance management framework](#) document is currently under review.

[7.1.1 How to set SMART objectives](#)

[7.1.2 How to rate performance](#)

[7.1.3 Performance management form](#)

[7.1.4 Mid-year overview](#)

[7.1.5 How to obtain and get the most out of feedback guidance](#)

[7.1.6 Health and safety objective guidance](#)

[7.1.7 End of overview](#)

## Chapter 7.2 - Part C: Managing Poor Performance Guidance

Part C of this chapter is the guidance that records the arrangements set up in the Company for performance management and the management of poor performance.

[7.2.1 Questions and answers](#)

[7.2.2 Manager Note template](#)

[7.2.3 Managing Poor Performance checklist](#)

[7.2.4 Managing Poor Performance](#)

- Process map
- Support
- FAQs
- Useful links

[7.2.5 Model letters](#)

[7.2.6 Performance Improvement Plan](#)

## Chapter 7.2.1 - Part C: Questions and Answers

[Part A: Policy](#)

[Part B: Procedure](#)

### **1. How can managers assess performance levels?**

Performance levels can be compared against any objectives set and personal effectiveness in relation to the relevant skills from relevant competency frameworks.

In the context of poor performance, this means that managers can expect, as a minimum, employees to work to the best of their ability, co-operate with any training and consolidation needed, to take an active part in discussions about work, and to adhere to the Highways England values.

When assessing performance levels, it is important to consider both what work the employee has done, and how they have done it.

### **2. What if ill health, disability or gender reassignment is affecting the employee's performance?**

The manager is responsible for asking, and employee responsible for raising, if the drop in performance is likely to be linked to health, disability or gender reassignment reasons.

In these cases, early intervention is essential to ensure that appropriate support is provided in a timely manner. It may be appropriate to refer the employee to the Occupational Health Service (OHS) as advice from the OHS may be useful in helping to understand how the employee's health may impact on their performance and what reasonable adjustments might help mitigate its effects. The Occupational Health and the Disabilities & Reasonable Adjustments Guidance may be helpful in considering the level of support required.

Where either a disability or long term health conditions are a factor, managers should allow for reasonable adjustments to be put in place, and to take effect, before reassessing the employee's performance. In this context, reasonable adjustments may include downgrading.

Where appropriate, in cases of serious ill health, employees may be medically retired.

### **3. What happens if the line manager becomes absent from work?**

Poor performance action will be undertaken by the countersigning manager if the line manager is absent. If the absence becomes long term, the countersigning manager may arrange for another manager to take over the action.

### **4. How should managers treat other personal issues?**

Managers should consider any outside factors such as personal issues that may have affected performance, including whether these are temporary or permanent. Managers should remind the employee about any Employee Assistance Programme (EAP), or other employee support or counselling services.

### **5. What do managers need to consider when setting a review period?**

The expectation is that there should normally be improvement within one month. An extension up to three months may be possible in exceptional circumstances, such as any reasonable adjustments as a result of a disability, identified learning and development needs, the type of work the employee does, what is expected of them, and what improvement is necessary.

If evidence comes to light which necessitates a review period of more than one month, line managers should decide what extension is suitable. Review periods should not automatically be extended to three months.

#### **6. How long should the Managing Poor Performance procedure take in total?**

In instances that result in dismissal, it is expected that, where line managers have robustly managed performance the procedure should take no longer than 6 months. This includes any action covering the informal stage and both the first written and final written warning, as well as the Stage 3 decision.

During a 12 month Sustained Performance period, normal performance management arrangements apply, subject to any increase in frequency of performance discussions.

#### **7. How should a manager review progress after issuing a warning?**

Managers should monitor progress carefully, have regular meetings and give feedback during the review period. They should encourage further improvements in performance and, if necessary, reminders of the expected performance required. A note of all meetings or discussions should be made and copies given to the employee. A note of the review period, containing a summary of the discussions that have taken place, should be provided to the employee. This should contain no information that has not already been discussed. A template is provided in section 3 of the Advice, to aid note taking at meetings in this procedure.

#### **8. What happens if there is a change of line manager during poor performance action?**

The previous line manager must make sure they have completed a thorough handover of the case with the new line manager, including passing over all notes of discussions. Once the handover is complete, the new line manager should arrange to meet with the employee as soon as possible, to ensure that the action being taken is not disrupted.

#### **9. Is there a Personal Improvement or Development Plan stage before this policy can be used?**

Yes. It is expected that managers will provide all reasonable help, support and encouragement to assist employees to reach and maintain the performance expectations required. Initial deterioration in an employee's performance should be identified and addressed promptly as part of day-to-day management conversations. If performance issues are identified it is expected that managers will arrange to discuss their concerns with the employee, and that informal actions will be agreed and documented in a Performance Improvement Plan (PIP). A minimum of one month should be allowed for actions identified within the PIP to be completed.

Where the required performance is still not demonstrated, managers will need to move to the formal stages of the Managing Poor Performance policy. Note that where performance is of a consistently unacceptable standard (failure to meet most or all of the objectives set for the reporting year) this would result in a box four marking being appropriate under the Highways England PDP system.

As part of the Managing Poor Performance policy, managers are advised to keep some form of written record. A template is provided at 7.2.2 of the Guidance Section, to aid note taking at meetings in this procedure. Guidance on conducting the meeting can be found in the Giving Feedback e-learning module, details of how to access this can be found [here](#).

#### **10. What happens if an employee's performance dips again after the 12 month Sustained Performance Period?**

Managing Poor Performance procedures would begin afresh in these circumstances. Previous warnings no longer apply.

#### **11. Do Poor Performance procedures apply to Trade Union representatives?**

Highways England's formal poor performance procedures apply to individuals who are Trade Union representatives, however, you must not, as the manager responsible for formal action, take disciplinary action against a Trade Union representative until the circumstances of the case have been discussed with HR. The matter will be pursued by HR with a senior Trade Union representative or full time official

## **12. How should employees, and their colleagues or Trade Union (TU) representatives, conduct themselves in poor performance meetings?**

Employees need to ensure that they have understood, and seek to perform to, the performance level required of them. They should advise their manager if there are additional issues, at work or outside, that may be affecting their performance. Employees are advised to be open to constructive feedback, and to read and understand the managing poor performance process.

Guidance on Managing Difficult Behaviour is available as an e-learning module, details of how to access this can be found [here](#).

Employees have the right to invite a TU representative, or work colleague, to attend meetings with them. When invited by an employee, colleagues and TU representatives may fully participate in meetings, provided they do not answer the manager's questions on behalf of the employee.

## **13. How do managers handle employees who deny receiving written communications?**

Managers are advised to retain proof that written communications have been sent to, and where appropriate, received by, the employee. Email communications often provide this facility as standard. In the case of communications by post, the use of mail tracking services is recommended.

## **14. What role do senior managers play in this process?**

All managers should recognise that failure to manage poor performers could result in disciplinary action against them. It is important for senior managers to pro-actively address poor performance throughout the organisation. Senior managers can support managers who are taking employees through this process by coaching and encouraging the progress made.

Senior managers will be particularly important in mediating situations where an employee alleges that the manager is bullying or harassing them through poor performance action.

Senior managers can also often act as a consistent entity in cases where there has been a change of line manager.

## **15. How does this policy relate to others?**

Employees who are performing poorly may also be affected by other policies, such as attendance management, or conduct

Where an employee is absent from work for a prolonged period, they would normally be managed under departmental attendance management procedures. Poor performance action will normally be suspended if the employee is absent, and action would recommence once the employee returns to work. Other policies are expected to run in parallel to Managing Poor Performance and do not normally affect the timescales described in this policy.

## **16. What additional support is available to managers using this policy?**

Holding discussions about poor performance can be challenging. Managers may find useful the additional guides and information available on the Leadership and Capability portal helpful.

It is recommended that all employees, including line managers, have completed equality and diversity training.

#### **17. Is downgrading an alternative to dismissal?**

Where an employee has failed to demonstrate the required improvement in performance through stages 1 and 2, there is an expectation that they should normally be dismissed at stage 3. If, in exceptional circumstances, downgrading is to be offered this should firstly be discussed with HR PMST and this should only be considered if the performance issue is directly associated with the grade/role of the individual and there is a role available, and the manager feels the employee will be successful in the role. The employee must understand that they will be dismissed unless agreement to a downgrade is given. Additionally, the employee must be informed of the effect of downgrading on their pay and pension and other terms and conditions if appropriate. If downgrading is not available, or appropriate, the employee should normally be dismissed.

#### **18. What arrangements exist for employees on probation?**

Employees who are performing poorly and who have not yet completed their probation are excluded from this policy. Guidance on Unsatisfactory Performance of Probationers can be found here in the Staff Handbook.

#### **19. Which policy applies if poor performance actions are already been undertaken when the new policy takes effect?**

If performance improves to a satisfactory level formal action will cease, and any future deterioration in performance will then be managed in line with the Managing Poor Performance Policy (Chapter 7A).

## Chapter 7.2.2 - Part C: Manager Note Template

[Part A: Policy](#)

[Part B: Procedure](#)

[The Manager Note Template](#)

## **Chapter 7.2.3 - Part C: Managing Poor Performance checklist**

[\*Part A: Policy\*](#)

[\*Part B: Procedure\*](#)

[The Managing Poor Performance checklist](#)



## Chapter 7.2.4 - Part C: Managing Poor Performance

[Part A: Policy](#)

[Part B: Procedure](#)

[Managing Poor Performance Guidance](#)

The links to the performance management letters can now be found at [Part C 7.2.5](#).

## Chapter 7.2.5 - Part C: Model Letters

[Part A: Policy](#)

[Part B: Procedure](#)

- [a\) Model letter 1 - Invitation to Poor Performance Meeting](#)
- [b\) Model Letter 2 - Issue a Written Warning](#)
- [c\) Model letter 3 - Work Satisfactory after a Review Period](#)
- [d\) Model Letter 4 - work Satisfactory after 12 months sustained performance period](#)
- [e\) Model Letter 5 - Invitation to Final Decision Meeting](#)
- [f\) Model Letter 6 - Decision to Issue a Sanction \(not including Dismissal\)](#)
- [g\) Model Letter 7 - Decision to Dismiss](#)
- [h\) Model Letter 8 - Invitation to Meet with Appeal Manager](#)
- [i\) Model Letter 9 Appeal Manager Decision](#)

## Part C: Pay Related Guidance

[8.1 Current Pay award and settlement](#)

[8.2 Payment of salaries guidance](#)

[8.10 Deputising Payment – application forms and guidance](#)

[8.14 Recovery of overpayments](#)

## Chapter 8.1 - Part C: Current Pay award and settlement

### [Part A: Policy](#)

Dear colleagues

Following approval of the pay parameters by our Board and the Department for Transport, Highways England has undertaken a series of meetings with trade unions regarding negotiations on pay review for 2015/16.

Throughout this process, we have considered a number of factors which aided in this final pay position including:

- \*Consistency, equity and fairness for all eligible staff.
- \*Affordability.
- \*Broader constraints set by government on public sector pay.
- \*Our responsibility as a steward of taxpayers' money

Negotiations with trade unions have now concluded and we are able to confirm that eligible staff at Highways England will receive the following:

### [Pay Review 2015/16 \(applies to all staff below Senior 1 grade\)](#)

- \*1% pay increase for all staff
- \*1% increase to all pay bands and spot rates effective 1 August 2015
- \*Pay increases will be backdated to 1 August 2015
- \*Payments are to be made in the October salary run

If staff have any questions they should contact the HR advice service on 0121 687 4225:

### [Current pay ranges](#)

### Equal pay

We aim to support principle of supporting equal pay by:

- eliminating direct and indirect reward discrimination and reducing any unjustified gender pay gaps
- operating reward systems that are perceived by staff to be reasonable and transparent
- evaluating reward systems and structures and keeping them up to date to ensure that they continue to meet the requirements of legislation

If you have any queries with your pay please contact the Shared Service Centre on 0844 892 0343 or by raising a Service Request to Shared Service arvato.

### [Useful information and forms available](#)

Advance of salary:

### [Application for a mid monthly advance of salary](#)

*Useful information and forms available*

[Application for an advance of salary to buy a season travel ticket](#)

[Application for an advance of salary to buy a bicycle for home to office travel](#)

[Advance of salary for Christmas 2013 form and guidance notes](#)

[Childcare vouchers & holiday playschemes](#)

Additional childcare costs:

[Additional childcare costs](#) [Additional childcare cost form](#)

Overtime:

[Overtime approval and claim form TUPE staff](#)

[On call and stand-by allowance claim – monthly return](#)

[Part-time additional hours claim form](#)

Travelling time:

[Travelling time claim form TUPE staff](#)

## **Chapter 8.2 - Part C: Payment of salaries - contents**

[8.2 Deductions from salaries and payroll agent](#)

[8.2.2 Interest-free loans for season tickets and bicycles](#)

[8.2.3 Advances of pay at christmas](#)

[8.2.7 On all Allowance Monthly claim form](#)

[8.2.8 MEC summary](#)

## Chapter 8.2 - Part C: Payment of salaries guidance

[Part A: Policy](#)

[Part B: Procedure](#)

### 8.2 a) Payroll agent

Shared Services arvato is the current payroll provider for Highways England, for the payment of your salary. Their address is:

Payroll Service  
1st Floor  
Shared Services arvato  
5 Sandringham Park  
Swansea SA7 0EA

You will have access to a personal pay statement specifying your:

- a. gross taxable pay (including allowances)
- b. tax and national insurance deductions for the period and total tax and national insurance deductions to date
- c. other deductions made e.g. season ticket loan, superannuation contributions, sports club membership etc.
- d. net pay

Subject to the below paragraph you will be able to access your personal pay statement in the form of an e-payslip via the Shared Service arvato portal. Should you require a hardcopy payslip or payslips (which on request can be in Braille) for the purpose of applying for a mortgage or other one-off requirement you will be able to obtain the appropriate document(s) by applying to Shared Services arvato. You will receive this hard copy pay slip(s) within five working days of the request.

You will receive hardcopy pay statements (which on request can be in Braille) on a monthly basis if you:

- a. are identified by Highways England as not having ready access to the Shared Services arvato system or sufficient working time to Employee Self Service through Shared Services arvato system or
- b. are on maternity leave, long-term sick leave or some other form of long-term absence; or
- c. notify Shared Services arvato that you require a hardcopy pay statement each month to fulfil a personal requirement e.g. claiming benefits. You will not be asked to provide proof of this personal requirement. A personal preference to retain a hardcopy payslip will not be deemed as an acceptable reason for this purpose.

Shared Services arvato will ask staff in category c) above on an annual basis whether their requirement for hard copy pay slips still exists.

You will receive hardcopy pay statements in Braille on a monthly basis if you request this.

You are advised to check your pay each month to satisfy yourself that the amount paid is correct. This is best achieved by checking the e-payslip that the rate for salary, the grade and other allowances quoted are in accordance with rates notified to you by Highways England through the relevant Pay bulletin. You should then check the deductions made. Any suspected errors in your pay or deductions should be reported in writing as soon as possible to

Shared Services arvato  
Payroll Service

1st Floor  
5 Sandringham Park  
Llansamlet  
Swansea Vale  
Swansea SA7 0EA

## 8.2 b) Deductions from salaries

### Income tax deductions

Highways England is required to make appropriate tax deductions from your salary (if you are newly appointed, your tax is calculated on a temporary basis unless a P45 form is received from you). If you do not have a P45 from your previous employment, you should download the HM Revenue and Customs P46 form. On receipt of a completed form, Shared Services arvato will then apply the current single person tax allowance until your tax position is confirmed by HM Revenue and Customs. Enquiries on tax codes or allowances should be made to:

Inspector of Taxes  
Public Department 2 (MU3)  
Ty Glas Road  
Llanishen  
Cardiff  
CF14 5ZE

Tel: 08453 003949

Quoting your Highways England reference code (948/T204), your National Insurance number and the pay reference shown on your pay advice. If your query cannot be satisfactorily resolved in this way, details of the HM Revenue and Customs taxes helpline service can be found on their website or local tax offices (addresses can be found on the HM Revenue and Customs website) will see visitors during normal office hours.

If you are in employment on 31 March, you can obtain a certificate - Form P60 - of your total pay and tax deductions for the year, as soon as possible after the end of each tax year (April) via the Shared Services Portal. The form should be kept secure since a copy cannot be provided.

### Attachment and arrestment of earnings

Highways England has a statutory obligation to make a specified deduction from your salary in respect of attachment and arrestment of earnings orders. The money deducted from your salary is passed over to the issuing authority, which may be a court, a local authority or the Child Support Agency.

The deduction payable to the court or relevant organisation will take priority over other recoveries e.g. season ticket recovery.

Highways England will levy an administration charge against you for each deduction made from your salary in respect of attachment and arrestment of earnings orders. The charge is £1 for attachment of earnings orders, council tax attachment of earnings orders, child support deductions from earnings orders and community charge attachment of earnings orders and £1 for arrestment of earnings orders. These administration charges may be subject to change.

You will be informed of the amount to be deducted, including the administration charge.



Your salary will be subject to order deductions until either you leave, the total debt has been repaid or Highways England are advised in writing by the court, Child Support Agency or local authority to cease deductions.

You cannot instruct Highways England to cease processing an attachment or arrestment of earnings order.

## Voluntary deductions

Highways England will make deductions from your salary for direct payment to authorised organisations, including recognised trade unions. Authorities for deduction(s) from pay should be sent to Shared Services arvato. They will input this data for deduction from salary. Once the authorisation has been accepted, Shared Services arvato will forward the contributions due. They will:

- make payments on the due date (if for any reason the salary you are due to receive at that date is insufficient to cover the payment, it will not be made. Payment - and any overdue payment (s) - will automatically resume when there are sufficient funds in the salary due to you)
- change the level of payments on written request of either the member of staff or the organisation concerned (it is assumed that the organisation has the individual's authority for the change - whether for a general increase in subscriptions or other reasons - and Highways England accepts no responsibility)
- continue to make payments on this basis unless instructed otherwise, in writing

You should check to ensure that the voluntary deductions being made on your behalf are correct and remain in accordance with your wishes

## **Chapter 8.2.2 - Part C: Payment of salaries guidance - Interest-free loans for season tickets**

### **8.2.2 Interest-free loans for seasons tickets**

#### **Season tickets**

Employees are eligible to request a season ticket loan to assist in the cost of their journey to work. Season tickets should be annual tickets, or for periods of at least one quarter. Repayments can be made in up to a maximum of 12 instalments, and will be deducted from any pay, allowances or pension benefits due. Repayments will commence in the month that the loan is issued for 12 instalments or the month following the issue of the loan if 11 or less instalments are requested. Only in exceptional circumstances will authorisation be given by HR for repayments to commence more than one month after the issue of the loan. A new season ticket loan cannot be issued until any existing season ticket (including London Transport Oyster card credit) loan has been fully repaid. Season ticket deductions may continue when an employee is on long-term sick absence depending on the circumstances of the individual case. Where the ticket is no longer being used, an employee may choose to 'cash in' the ticket and repay the loan. On return to work, an employee will be able to request a new advance.

Season ticket loans must not exceed the cost of the ticket and must not include provision for any extra costs that may be incurred, such as car parking charges at the station. Applicant's line managers are required to make spot checks on tickets to ensure the ticket has not been submitted for a refund.

#### **Season ticket discounts**

There will be occasions when individuals may request and receive a loan based on the normal cost of a season ticket, only to find a discount is available on purchase from a rail company. In such circumstances, the excess of the loan should be refunded immediately. Employees must notify Shared Services Arvato and ask them to deduct the excess loan and correct the balance and monthly repayments of the loan. Shared Services Arvato must copy the notification to their line managers, whose records should be altered to reflect the revised cost of the ticket. Reasons must be given for the loan being greater than the ticket cost. Any breach of the above rules will be investigated. Where the breach is found to be fraudulent, disciplinary action will be taken (see [Chapter 3A, Maintaining Satisfactory conduct](#)).

#### **London Transport Oyster card credits**

Employees are eligible to request a London Transport Oyster card credit loan to assist in the cost of their journey to work. London Transport Oyster card credits should be of equivalent value to an annual ticket or a period of at least one quarter. Proof of payment will be required that the Oyster Card has been purchased in line with the application. Repayments can be made in up to a maximum of 12 instalments, and will be deducted from any pay, allowances or superannuation benefits due. Repayments will commence in the month that the loan is issued for 12 instalments or the month following the issue of the loan if 11 or less instalments are requested. Only in exceptional circumstances will authorisation be given by HR for repayments to commence more than one month after the issue of the loan. A new London Transport Oyster card credit loan cannot be issued until any existing London Transport Oyster card credit (or other season ticket) loan has been fully repaid. London Transport Oyster card credit deductions may continue when an employee is on long term sick absence depending on the circumstances of the individual case. Where the Oyster card credit is no longer being used, an employee may choose to 'cash in' the card credit and repay the loan. On return to work, an employee will be able to request a new advance.

London Transport Oyster card credit loans must not exceed the cost of the credits and must not include provision for any extra costs that may be incurred, such as car parking charges at the station.

All such loans are interest free. Applicant's line managers are required to make spot checks on tickets to ensure the ticket has not been submitted for a refund.

The loan must not be used for any other purpose. Disciplinary action will be taken in proven cases of misuse (see Chapter 3A maintaining satisfactory conduct policy)

Salary advance application form

[Season ticket loan - The application for a salary advance form](#)

## **Chapter 8.2.8 - Part C: Payment of salaries guidance - MEC summary**

The Modernising Employment Contracts (MEC) agreement involved a two-year pay deal (covering the 2013 and 2014 pay awards) which also brought in changes to terms and conditions.

Pay increases and lump sum payments related to MEC were made to those eligible in March, April and August 2014.

Full details including the actual pay offer is available on the Portal: </inform/pay.html>

Specific questions should go to the HR Advice Service.

## **Chapter 8.10 - Part C: Deputising Payment - application forms and guidance**

[\*Part A: Policy\*](#)

[Forms and guidance](#)

Once completed the Deputising payment application form should be passed to:

Shared Services Arvato  
Payroll Service  
1st Floor  
5 Sandringham Park  
Swansea Vale  
Swansea SA7 0EA

This form must arrive no later than the 10th of the month in order for payment to be made at the end of that month.

## Chapter 8.14 - Part C: Recovery of overpayments

The role of HR will be to establish the reason for the overpayment; establish whether the overpayment was accepted in good or bad faith; liaise with the individual; calculate and agree, through negotiation, an appropriate recovery plan; and account for the initial debt and recovery. Exceptionally business units may wish to influence the terms and conditions of the recovery.

A record of current and closed overpayment cases will be maintained by Shared Service arvato for the purpose of monitoring progress and management information. Information on cases, including overpayment reason, will be provided to business units monthly.

Outlined below are the procedures to follow once an overpayment has been identified. The payee retains the option to repay any amount owing in full, based on net calculation by Shared Service arvato, so removing the need for any recognition of an overpayment.

### 8.14.1 Overpayments discovered within one month of payment and amounting to less than one month's net payment

When an overpayment is identified within one month of payment and amounts to less than one month's net remuneration, Shared Service arvato will automatically deduct the overpayment from the next month's remuneration. In the first instance, Shared Service arvato will contact the individual, by telephone or where appropriate by letter, within 2 working days of the overpayment being identified to inform them that the monies will be recovered from the next month's remuneration. A letter, confirming the action, including a full explanation of the reason the overpayment occurred will be sent to the individual within 2 working days where the initial contact was by telephone.

In exceptional cases the individual affected may claim that full repayment in the following month may cause hardship. In these circumstances, the individual should write to Shared Service arvato setting out their case. If hardship can be proved, Shared Service arvato will negotiate as follows:

repayment over two months; or

deferment of full repayment until the following month.

Once agreement has been reached with the individual, Shared Service arvato will write to the individual confirming the arrangement within 2 working days.

Where agreement cannot be reached, the matter will be discussed with the appropriate business unit in order to seek a resolution.

Overpayments identified over one month from payment or amounting to more than one month's salary

When an overpayment is identified over one month from the date of the overpayment or, amounts to more than one month's net remuneration, HR Shared Service arvato will contact the individual as soon as the overpayment is identified to notify them of the overpayment. HR will establish whether the money was received in good faith and will agree through negotiation with the individual, a recovery plan. This recovery plan will be subject to the following table of time limitations:

Time elapsed since overpayment made or overpayment ceased	Amount to be recovered	
	Lump sum	Other
Up to one year	Full recovery	Full recovery of the last twelve months of overpayments

One to two years	Half	Half of the last twelve months of overpayment
Two to three years	One third	One third of the last twelve months of overpayment
Three or more years	No recovery	No recovery

Accepting that individual circumstances are different, HR will balance the requirement to recover the amount in a reasonable period with the effect it has on the individual. The options HR will consider are as follows:

recovering the overpayment over the same period as the overpayment occurred e.g. if an individual had been overpaid for 3 months, it would be reasonable to expect the repayment plan to be scheduled over a 3 month period.

if the above would cause hardship, the individual should HR to agree a credible repayment plan. It is reasonable to expect the individual to pay a minimum of 4% of their net remuneration or a sum that recovers the amount owing within a maximum of 12 months but everything will depend on the employee's personal circumstances. There may be circumstances where repayment cannot be made within 12 months, when individuals are absent due to unpaid sick leave or career breaks. In these circumstances the repayment period will be extended by the length of the unpaid period. A letter advising of this course of action will be sent to the employee by HR. If the individual does not return to work the procedures outlined in the section entitled 'Overpayments for staff who have left business units' should be followed.

for large overpayments where an individual may be due to retire before an agreed repayment is fully completed, Shared Service arvato can recover the remainder from the pension lump sum payment. In such cases Shared Service arvato will need to liaise with the APAC who will advise on how this could be facilitated. Written confirmation advising the individual of this course of action being taken will be sent by Shared Service arvato.

Once agreement has been reached with the individual, Shared Service arvato HR will write to the individual confirming the arrangement within 2 working days of the agreement. HR will undertake all accounting actions associated with the recovery to ensure the General Ledger of the business unit affected appropriately reflects the financial position regarding the debtor position.

## 8.14.2 Overpayments in respect of loans (season tickets/bicycle)

Overpayments in respect of season ticket/bicycle loans will be recovered immediately by Shared Service arvato within the next payroll in accordance with the rules under which the loan is initially made.

## 8.14.3 Renegotiation of repayment plans with employees

Following a salary increase, resulting from an annual pay award or substantive promotion, HR will seek to re-negotiate current overpayment plans with the employee and seek to have monthly repayments increased in line with the percentage salary increase. It will be necessary to re-negotiate repayment plans where an employee has a salary reduction, for example, change of hours or demotion. In these cases, monthly repayments should decrease in line with the percentage salary decrease. Written confirmation of any new arrangements will be sent within two days of the agreement being reached.

## 8.14.4 Overpayments for staff that have left business units

When an overpayment is discovered after an individual has left a business unit, Shared Service arvato will write to the individual to advise of the overpayment and ask for repayment. Shared Service arvato will be responsible for the issue of two letters attempting recovery. If payment is not received HR should produce a case history outlining the pertinent facts and the action taken to date. This case will then be referred to the business unit to decide whether further recovery attempts are undertaken by the business unit or write-off action is appropriate. Ultimately, it is the responsibility of the business unit to approve write-off action based on policy and precedents as HR will have no authority for the approval of writes-offs on behalf of business units.

## 8.14.5 Defences against recovery

### Change of position

Where the recipient in good faith, without notice of the overpayment and without having contributed to its being made, has changed position in reliance upon it such that it would be inequitable in all the circumstances to require the recipient to repay the money in whole or in part, this is a defensible position.

Everything will depend upon the facts of individual cases. However, it is to be remembered that the onus is on the payee to show that he or she has changed position in such a way that it would be unfair to repay the money. If the evidence brought forward by the payee is flimsy, unreliable or anecdotal, it should be treated accordingly.

In the case of a person spending the money honestly but without giving any thought (or any adequate thought) to whether or not he or she is entitled to it, then the larger the sum and the more unusual the circumstances of payment, the stronger the argument that the payee ought to have surmised that he or she was not entitled to it and should have repaid the money.

The courts are likely to have sympathy with recipients who can show that they have not spent the money on anything in particular but have nevertheless spent it, e.g. on a better cut of meat or something extra from the supermarket.

A court is likely to consider a recipient making a cursory inquiry over the telephone of a very junior official as being unreasonable when the amount involved would have suggested to a reasonable person that a much more thorough enquiry was necessary.

The mere fact that the recipient has spent the money, in whole or in part, does not of itself render it inequitable that the recipient should be called upon to repay, because the expenditure might in any event have been incurred in the ordinary course of things. The recipient must, at the very least, show that he or she has altered his or her mode of living or undertaken commitments which he or she would not otherwise have done.

## 8.14.6 Estoppel

Estoppel is a rule of evidence which prevents the payer from claiming back an overpayment if the following conditions are met:

the payer must generally have made a representation of fact which led the payee to believe that he or she was entitled to treat the money as his or her own;

the payee (without notice of the payer's claim) must have changed his or her position in good faith, for instance by spending the money such that lifestyle was altered; and

the payment must not have been caused primarily by the fault of the payee.



A mistaken payment will not normally of itself constitute a representation that the payee can keep it. There must normally be some further indication of the recipient's supposed title other than the mere fact of payment. However, a representation may be implicit in the payment in the light of surrounding circumstances.

The paying authority can be prevented from recovery even where it has made no positive statement to the payee that the latter is entitled to the money. If a department writes to a person demanding repayment of money and the person writes back stating reasons why repayment should not be made, then silence from the department in the face of that letter would almost certainly entitle the person to conclude that the reply was satisfactory and that the recipient was at liberty to deal with the money as he or she pleased.

Whether or not the representation was sufficiently authoritative depends on the facts, but any part of the payment chain which makes inaccurate representations risks undermining a department's case for recovery.

### 8.14.7 Key differences between change of position and estoppel

There are several key differences between change of position and estoppel. Change of position does not depend on a representation of fact, whereas estoppel does. The key requirement for the change-of position defence is: "Is it unfair to require repayment?" By contrast, the estoppel defence asks (amongst other things): "Did the payer represent to the payee that the payee could keep the money?" In practice, many recipients of overpayments will argue change of position rather than estoppel so that they do not have to jump the "representation" hurdle.

Change of position is a more sophisticated defence than estoppel in one particular respect. If a department pays A £2,000 by mistake, of which A spends £500, then A can keep the whole of the £2,000 (including the £1,500 which he or she has not spent) if the defence of estoppel can be successfully invoked. If A relies instead on the defence of change of position, a court is entitled to say that, in fairness, the department can recover the unspent £1,500. In some cases, therefore, continued reliance on estoppel (albeit with its extra hurdle of having to show a representation) may be to the payee's advantage.

These general observations will not determine all cases, and departments should seek legal advice where necessary.

### 8.14.8 Good consideration

Another defence is where the payment is made for good consideration, i.e. where the payee gives something in return for the payment – as when the payment is made to discharge a debt owed by the payer to the payee, or where the payment is made in submission to, or is part of a compromise of, an honest claim.

### 8.14.9 Hardship

Repayment may be waived if it would cause hardship; but hardship must not be confused with inconvenience. To be required to pay back money to which there was no entitlement does not in itself represent hardship, especially if the overpayment was discovered quickly. The test of hardship should therefore be real. To be acceptable, a plea of hardship should be supported by reasonable evidence that the recovery action proposed by the department would be detrimental to the welfare of the debtor or the debtor's family.

## Part C: Travel and Subsistence Guidance

[9.1 Travel & Subsistence General Guidance \(UK\)](#)

[9.2 Travel & Subsistence General Guidance \(Overseas\)](#)

[9.6 Travel Time Claim Form](#)

## **Chapter 9.1 - Part C: Travel and Subsistence Guidance (UK) - Contents**

[\*Part A: Policies\*](#)

[\*Part B: Procedures\*](#)

[9.1 Travel and subsistence general guidance](#)

[9.1.1 UK Travel and Subsistence Guidance](#)

[9.1.2 Use of Privately owned motor vehicles for UK Travel](#)

[9.1.3 Motor Mileage allowance](#)

[9.1.4 Ownership](#)

[9.1.5 Insurance](#)

[9.1.6 Other documentation](#)

[9.1.7 Hire Cars](#)

[9.1.8 Amount of mileage to be claimed](#)

[9.1.9 UK Travel & Subsistence - Allowances at a Glance](#)

[9.1.10 Travel & Subsistence - FAQ's](#)

## Chapter 9.1 - Part C: Travel and subsistence general guidance

### *Chapter 9C – Travel and Subsistence Guidance*

*This section applies to both UK and Overseas Travel*

#### **a) Non contractual material**

This section contains guidance on travel and subsistence relevant to your employment relationship with Highways England. This material can be relevant to the operational material of your contractual terms and conditions set out in the travel and subsistence policy principles (see Chapter 9A section 9.1 and 9.2), in the event of inconsistency between material in the policy principles and material presented elsewhere on this site, it is the material in the policy principles which prevails.

#### **b) Purpose of the guidance**

This document provides guidance on how the T&S policy and procedures should be applied and should be read in conjunction with the travel subsistence policy principles (see Chapter 9A Section 9.1 and 9.2).

The aim of the T&S policy, guidance and procedures is to ensure that you are reimbursed for necessary, additional costs incurred in the course of carrying out official duties. Claims will be based on actual spend supported by receipts and all claims will be independently verified.

The submission of a claim knowingly containing false or inaccurate information may constitute a disciplinary offence and may lead to disciplinary action. (Further information is available on Accuracy of claims in Chapter 9A section 9.1.2 paragraph n) or Chapter 9A Section 9.2.2 paragraph m)) Where the payment has already been made, you must refund any overpaid amount. If necessary the amount will be deducted from any money owing to you from public funds.

You must only travel if it is necessary and when the official business cannot be settled by any other methods such as telephone or video conferencing. You are encouraged, within the framework of the policy, to use the most cost effective method(s) of transport that will help you to reach your destination safely, in good time and in reasonable comfort. You should also take into account environmental considerations when deciding on the mode of travel. You will need to weigh up all the journey factors, taking into account the cost of travel, the official time involved and the costs of any associated subsistence involved in the various options. Highways England will take disciplinary action against you if any expense is considered to be unreasonable and could have been avoided had the journey been better planned (see Chapter 9A Section 9.1 paragraph n) or Chapter 9A Section 9.2 paragraph m) for further details on Accuracy of claims). Official journeys may start from home (or end there) if that is the shortest and most cost effective route.

Wherever practicable for travel in the UK, you must:

- use public transport and
- book your journeys through the Highways England travel booking service who will be able to advise you on itineraries and to offer (or match) the best value tickets. If you use the travel booking service, the cost of the travel tickets will be invoiced directly to Highways England.

If it is not possible, or if it is inefficient (in terms of cost or official time), to use public transport, the use of a hire car or privately owned vehicle may be authorised by your line manager. If a car is used as the only viable option, car sharing should always be considered.

#### **c) Receipts**

All claims should be supported by receipts and if you have access to a scanner, must be scanned and attached to your claim. If you are able to scan your receipts, you will no longer be required to keep hard copies.

If not, you must provide the certifying officer with the receipts and then keep these for future reference by yourself, your certifying officer, auditor, or the Inland Revenue. You must keep your receipts for the current tax year and preceding three tax years. Please refer to the Travel and Meet Section for guidance on what to do with your receipts if you leave Highways England.

#### **d) Exceptions**

There may be occasions when the principles cannot be adhered to, and where these reasons are legitimate, the department will reimburse staff as they should not be left out of pocket when undertaking official business on behalf of the department.

For instance it may not always be possible for claimants to provide receipts e.g. where refreshments were purchased from a vending machine or occasionally when travelling overseas it may not be possible to obtain receipts such as taxi receipts. In these instances the reasons must be noted on the claim by the claimant.

There may also be legitimate reasons for claimants exceeding the indicative levels, for instance if it is not possible to purchase refreshments below these levels when there are limited options for purchasing refreshments, or where owing to demand only one hotel is available. Reasons must be noted on the claim and actual spend should be supported by a receipt. If approving a claim, you should satisfy yourself as far as you are able that the reason for exceeding the indicative level is legitimate, you should not reject a claim merely because it exceeds the indicative level, but only if the reason for doing so is not legitimate.

#### **e) Managers; your responsibilities when approving claims**

One of the main principles of the T&S policy is that all claims must be independently verified and receipted. This means that all claims must be verified by a manager. It is your responsibility to ensure that you verify claims submitted through you. You should familiarise yourself with the policy and ensure that claims;

- Are for actuals, this includes for subsistence claims.
- Are supported by receipts (see exceptions)
- Have reasons if the indicative levels (set out in Chapter 9C section 9.1.9 Allowances at a Glance) are exceeded;
- Are for the correct class of travel (see Chapter 9C Section 9.1.1 paragraphs a, b and c and Chapter 9C Section 9.2.1 paragraphs a, b, c and d for guidance)
- Do not claim for expenditure such as alcohol

If as a certifying officer you authorise a claim knowingly containing false or inaccurate information this may constitute a disciplinary offence and may lead to disciplinary action.

#### **f) Official Travel**

Official travel is any travel you need to make away from your normal workplace. Payments for some of these journeys are taxable, in order for the department to meet the tax liability, claims for these journeys will need to be submitted in line with the guidance provided on the Travel and Meet section.

Taxable journeys are indicated below. Official travel includes;

- first journey to and last journey from full time training courses, and attendance at part time courses (i.e. day release), but not evening classes
- attendance at promotion or selection boards; taxable

- journeys made on recall from annual leave; taxable
- attendance at court as part of official duties;
- daily travel to a detached duty office; taxable after 24 months
- emergency call out to the permanent office; taxable
- additional attendance outside normal working hours; taxable
- public transport disruption; taxable (unless caused by strike or other industrial action)
- Attendance at a medical board to appeal against retirement or refusal to allow retirement on medical grounds; taxable
- Graduation ceremonies for officially sponsored courses
- Attendance at a Civil Service appeal board (taxable) as an appellant; Highways England will also reimburse the travel and subsistence expenses of:
  1. any other employees called before the Board, including any friend or trade union representative assisting with your case
  2. anyone who is not an employee of Highways England attending the Board with you or on your behalf (at the rates applicable to you) together with their loss of earnings provided that, in the case of anyone who is not an employee of Highways England: the board agrees to their attendance and they are not an employee of a trade union, a solicitor or barrister

Home to normal workplace journeys are not official travel and these costs must not be claimed. There are, however, some occasions which are not counted as home to normal workplace journeys and therefore costs may be allowed. These include;

#### **g) Staying late at work**

If you agree to stay at work late, you are entitled to claim motor mileage allowance for a return journey by car (at public transport rate – see Chapter 9C section 9.1.9, UK T&S Allowances at a Glance section) or the costs of a taxi home, (taxable) if;

- it would be unreasonable, for reasons of personal safety, to use public transport or
- if public transport is sporadic and unreliable or no longer available when you finish work

#### **h) More than one workplace**

There may be occasions when some staff regularly travel to a second workplace in the duties of their employment which could be categorised as a second permanent workplace. Each case must be decided on its own facts but some of the factors that point to a workplace being a Second Permanent Workplace include:

- The employee regularly performs a significant part of his or her duties there
- People would expect to be able to contact the employee at the second workplace
- The employee has an office, or desk and support services at the second workplace that he or she regularly uses

For further clarification, the HMRC definition of a Permanent Workplace is:

A place where:

- The employee regularly attends in the performance of the duties of the employment, and
- is not a temporary workplace

A place where an employee regularly attends in the performance of his/her duties of employment is treated as a permanent workplace if:

It forms the base from which those duties are performed, or

- The tasks to be carried out in the performance of those duties are allocated there

Any staff who have more than one workplace that meet the above criteria will be deemed as having a Second Permanent Workplace and would normally be liable to pay Income Tax and National Insurance Contributions on any reimbursement of travel expenses that they receive for travelling there. Where staff do fall within the category of having more than one workplace, Highways England will meet the tax liability to ensure that individuals do not incur a loss. The attached flowchart will help you determine if you do fall within the more than one workplace category, alternatively you can contact the HR Advice Line on 0300 123 0795 to discuss your situation. Payments for these journeys are taxable, please see Chapter 9C Section 9.1.1 paragraph f).

More than one workplace flowchart

[Flowchart](#)

## Chapter 9.1.1 - Part C: UK Travel and Subsistence Guidance

### *a) Travel by Rail*

All staff must travel standard class irrespective of grade, except under certain circumstances, including;

- Temporary or permanent disability; a temporary disability might include things such as a broken leg or arm, or any injury or other condition that affects mobility. A permanent disability is as defined by the Equality Act 2010.
- Pregnancy related reasons

If you satisfy the very limited criteria for traveling in First Class as set out in the T&S policy guidance and a complimentary meal is provided, you are not eligible to claim subsistence. See [T&S policy guidance](#).

Highways England will repay the cost of seat reservations, even if you were unable to use them because of unforeseen circumstances. Compensation for disruption of a rail journey

In the event of disruption of a rail journey, the Rail Operator may provide compensation in the form of travel vouchers. If you accept free travel vouchers, you must notify your line-manager immediately and record them on your subsistence claim. In such instances, you are not permitted to claim travel time.

Your line-manager will decide whether you or Highways England suffered any inconvenience. If s/he decides to withhold the vouchers, they should be surrendered to FS Payments who will offset them against the invoice for travel costs.

### *b) Air Travel within the UK*

All staff must travel economy class irrespective of grade except under certain circumstances, including;

- Temporary or permanent disability (see above in paragraph a) for further guidance)
- Pregnancy related reasons

### *c) Sea Travel*

When travelling by sea, all journeys will be economy or standard class irrespective of grade, except under certain circumstances, including;

- Temporary or permanent disability (see above in paragraph a) for further guidance)
- Pregnancy related reasons

The cost of a sleeping berth and the actual cost of breakfast will be reimbursed if staff are required to travel overnight



## Chapter 9.1.2 - Part C: Use of Privately owned motor vehicles for UK Travel

You must not use a vehicle for official travel unless you satisfy Highways England's ownership, insurance and documentation requirements (set out in paragraph 9.1.4).

If you use a motor vehicle for official travel in the UK:

- you are entitled to be reimbursed at the [motor mileage allowance rate](#)
- you are entitled to be reimbursed for the amount of mileage set out in [paragraph 9.1.3](#)
- your certifying officer is entitled to see the documents relating to ownership and insurance before certifying any claim for reimbursement

Please refer to the [Travel and Meet section](#) on how to make a claim.

## Chapter 9.1.3 - Part C: Motor Mileage allowance

You are entitled to be paid motor mileage allowance either at public transport rate (PTR) or at standard mileage rate (SMR). The current rates are set out in the UK T&S Allowances at a Glance table (Section 9.1.9) . You should note the maximum limit of 10,000 miles per annum that may be reimbursed at the higher SMR rate.

If you could reasonably have used public transport for the journey in question, you must claim PTR. You are entitled to be reimbursed at SMR if;

- it is not practicable to use public transport for the journey or
- if the total costs of the journey (including subsistence costs) are less than public transport because you share the journey with colleagues or
- you need to carry heavy equipment or
- you are pregnant or have a temporary or permanent disability which makes the use of public transport difficult

To claim either you must satisfy the vehicle ownership, insurance and documentation requirements set out below.

Highways England will also repay mileage allowances in the following circumstances:

- you are travelling on official business in a vehicle which you own but which, on that occasion, is being driven by another person
- your vehicle is being used on official business, is driven by another person and you are absent e.g. it is collecting you from an airport or is returning, having delivered you there

Highways England may repay mileage allowance at the public transport rate if you use a vehicle not satisfying the above criteria. The vehicle's insurance policy must specifically cover your use on Highways England's business.

## **Chapter 9.1.4 - Part C: Ownership**

The vehicle ownership requirements are that the motor vehicle in question:

- is owned by you or being purchased by you on credit terms and is registered in your name or
- has been hired by you for your private use or
- is not registered in your name but is in your lawful possession where you have permission from the owner to use the vehicle and have adequate insurance cover as set out in paragraph 9.1.5.
- the vehicle is available for your use on official business at any time and for carrying official passengers.

## Chapter 9.1.5 - Part C: Insurance

To be eligible to claim any motor mileage allowance (whether PTR or SMR) you must ensure that your private motor vehicle insurance policy contains either:

- a clause permitting the use of the vehicle by you in person in connection with your business or
- a clause specifically permitting the use of the vehicle by you in person on the business of Highways England or
- where the vehicle is not registered in your name, has a clause specifically permitting use of the vehicle by you on the business of Highways England

If you claim motor mileage allowance at PTR, your private motor vehicle insurance policy must meet the statutory requirements set out in Part IV of the Road Traffic Act 1988. In summary, that is cover, without financial limit, for any liability in respect of:

- bodily injury to or death of third parties
- bodily injury or death of any passengers and
- with cover equal to or exceeding the statutory minimum requirement of £250,000
- damage to the property of third parties and/or passengers

To claim motor mileage allowance at SMR, you must have a comprehensive insurance policy covering the risks set out above and also damage to or loss of the vehicle. You should note that some insurance policies that are otherwise fully comprehensive may exclude some liabilities.

Before you use a vehicle on official business, you must declare in writing that you know and understand the insurance requirements, are adequately covered and will notify your line-manager of any changes.

If your insurance cover is restricted by an endorsement, you may still qualify for mileage allowance provided that the insurance gives normal comprehensive cover in every other respect.

When you need to carry official cash or equipment in your private motor vehicle, you do not need to arrange special insurance cover. You must check with the insurance company that carrying official cash or equipment will not affect your existing cover.

## Chapter 9.1.6 - Part C: Other documentation

In addition to the ownership and insurance sections any privately owned vehicle used by you on official business must comply with all other requirements for use on the public roads including having a current vehicle excise disc and where necessary a current test certificate. You must also have a current driving licence that entitles you to drive the vehicle.

If you use a private motor vehicle for official travel or you are a passenger on official travel being carried in a private motor vehicle, you will, subject to the attached exclusions be treated as acting in the course of your duties for the purposes of the injury benefit provisions of the Civil Service Injury Benefit Scheme (Note: the Civil Service Injury Benefit Scheme will no longer apply to staff after 1/4/2015. Where staff qualify for benefits within the scheme the calculation will be carried out in accordance with the equivalent terms).

### Exclusions

- where such injury, loss or damage resulted from your own serious and culpable negligence (for instance if you were driving a car under the influence of alcohol or drugs)
- the injury, loss or damage occurred during your ordinary travel between your permanent home and your workplace except where the journey was a duty journey as defined in the CSIBS rules (or equivalent scheme as detailed above)
- if the claim is for death or personal injury sustained in circumstances unrelated to the nature of your employment and is not covered under the terms of the Civil Service Compensation Scheme (CSCS) (see note below)
- claims for loss or damage to property unrelated to the nature of your employment, whether or not on official premises

Further information about the Civil Service Injury Benefit scheme and the Civil Service compensation scheme which provide benefits to staff who are injured off duty while away from home on official business contact the HR Advice Service. (Note: the Civil Service Compensation Scheme and Civil Service Injury Benefit Scheme will no longer apply to staff after 1/4/15. Where staff qualify for benefits within the scheme the calculation will be carried out in accordance with the equivalent terms).

## **Chapter 9.1.7 - Part C: Hire Cars**

If it is more cost effective to use a hire car for journeys you cannot claim motor mileage allowance but you are entitled to be reimbursed all the costs associated with the hire of the vehicle. Please refer to the [Travel and Meet](#) section for car hire and insurance requirements.

## **Chapter 9.1.8 - Part C: Amount of mileage to be claimed**

The amount of mileage for which you can be reimbursed for in accordance with paragraph 9.1.3 is the actual mileage based on the shortest most efficient route, taking account of the distance and time spent travelling. Your home to normal workplace mileage must not form part of the claim unless a clear saving in distance and time can be shown. The only exceptions to this are:

- When working late ( Chapter 9C Section 9.1 Paragraph g) where public transport is disrupted or interrupted for whatever reason and you necessarily use a car, motorcycle or pedal cycle to travel to your normal workplace instead of travelling by public transport

If you claim a motor mileage allowance or motor cycle mileage allowance you must:

- keep a complete, permanent record, for each financial year, of all your mileage claimed at PTR, SMR or motor cycle mileage allowance (this information has to be provided to the Inland Revenue),
- ensure that, for each claim you enter onto the claim form:
- the mileage claimed
- your total, cumulative mileage claimed at PTR, SMR or motor cycle mileage allowance for the financial year
- claim only at the appropriate lower rate/public transport rate shown in the UK T&S Allowances at a glance table (see Chapter 9C Section 9.1.9) when 10,000 miles has been exceeded in that financial year

## Chapter 9.1.9 - Part C: UK Travel & Subsistence - Allowances at a Glance

### *Chapter 9C – Travel and Subsistence Guidance*

#### *a) Day subsistence allowance*

Subsistence should not be routinely claimed, additional expenditure must have been incurred and all claims must be supported with receipts and authorised by your manager.

One Meal indicative level (Five hour rate)	Up to £5.00
Two Meal indicative level (10 hour rate)	Up to £10.00
Late evening meal rate (irregular late finishers only)	Up to £15.00

#### *b) Night subsistence allowance*

Night Subsistence can only be claimed for overnight stays away from home on official business. Day subsistence must not be claimed in tandem with this allowance.

Overnight stay evening meal indicative level	Up to £15.00
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#### *c) Attendance at Functions*

The cost of hiring or purchasing evening wear	Up to 50 percent of the cost up to a maximum of £100.
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#### *d) Overnight hotels: Upper limits*

London	Up to £115.00
Elsewhere	Up to £90.00

#### *e) Public transport rate - motor mileage allowance*

All engine sizes	25p per mile
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#### *f) Standard rate of motor mileage allowance*

First 10,000 miles	45p per mile
Over 10,000 miles	25p per mile

#### *g) Passenger supplement*

Per passenger	5p per mile
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#### *h) Motor cycle allowance*

Any cc	24p per mile
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#### *i) Pedal cycle allowance*

Pedal cycle allowance	20p per mile
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## Chapter 9.1.10 - Part C: Travel & Subsistence - FAQs

### *Chapter 9C – Travel and Subsistence Guidance*

#### Only for business units that had flat rates

##### **Q1. Why did we lose flat rates?**

The underlying principle of our T&S policy is that staff should be reimbursed for any necessary, additional costs that they incur whilst on official business. They should not end up out of pocket nor should they make a profit. The simplest way to ensure this didn't happen was to move from flat rates to receipted actuals. In this way, people would get back what they spent.

##### **Q2. By moving to actuals, why do we still have indicative levels?**

The indicative levels provide a framework to help individuals decide what is appropriate when considering T&S options and allows managers and budget holders to know what level a typical claim is likely to be. The levels are based on HMRC employer benchmark rates that have been arrived at after sampling thousands of claims from across public and private sector organisations across the UK to see what the average amount is that people pay for various types of travel and subsistence.

#### For all

##### **Q3. Why did we lose friends and family and incidental expenses flat rates?**

The underlying principle of our T&S policy is that staff should be reimbursed for any necessary, additional costs that they incur whilst on official business. They should not end up out of pocket nor should they make a profit. This is why we moved to receipted actuals for all other travel and subsistence claims, so that people got back what they had spent. As staying with friends or family did not incur an expense for individuals this was no longer claimable, although the actual cost of an evening meal up to the indicative level, supported by receipts, would still be claimable as this involves an actual cost incurred.

The personal incidental expenses (PIE) allowance are no longer claimable in the UK because there are few occasions when expenses incurred away from home are greater than those which an individual would incur at their home location on their own account.

PIE is still claimable when travelling overseas on official business, to cover the cost of things such as laundry, though this will still be a receipted actual up to an indicative level.

##### **Q4. If people can no longer claim Friends and Family allowance, can they stay in a hotel instead which will cost Highways England more?**

Whether people stay with friends or relatives is their choice, however, one of the main underlying principles of the T&S policy is reimbursement of actual, necessary expenditure. When staying with friends and family, staff don't incur an expense on accommodation, so if they choose to stay with friends or relatives, which some may find preferable, they can only claim for their evening meal (actuals with a receipt up to the indicative level). If they choose to stay in a hotel instead, then that is their choice.

##### **Q5. Sometimes first class or business class travel is cheaper than standard class, why won't the policy allow me to select the cheapest ticket?**

Part of the government wide move towards standard and economy class travel is to reflect current practices in the private sector and to reassure the public that we are always striving to achieve value for money. We need a consistent, easy to understand policy where there is no ambiguity; this is best

achieved by everyone, no matter the grade or the cost of the ticket, travelling either standard or economy class. Standard class travel is almost invariably more cost effective than first class travel if booked in advance, as the majority of our business travel should be.

**Q6. I need to work on the train; this isn't easy in standard class.**

If you are unable to work in standard class, then you may need to consider scheduling the time of meetings and/or the time of travel so that you have time either before you set off or on arrival at your destination to do your work. There are confidentiality issues around working in public places, particularly when on government laptops, which may prevent you working on the train in any event and which you will need to bear in mind.

As mentioned previously, part of the government wide move towards standard and economy class travel is to reflect current practices in the private sector and to reassure the public that we are always striving to achieve value for money.

**Q7. I sometimes travel business class because I need to start work as soon as I arrive at my destination, so I need to be rested. If I'm no longer allowed to do this, I may have to travel a day earlier and stay overnight in a hotel, won't this be more expensive and time consuming?**

Depending on the type of work you do and the distance you are travelling, you and/or your manager may judge it more appropriate to schedule your trip to include an overnight stay. To the majority of destinations, it is still cheaper to travel economy and stay overnight in a hotel than travel business class. For overseas flights of 8 hours or more, you will be able to travel premium economy or business class.

**Q8. It's not always possible to get a receipt, particularly when travelling abroad. If I don't have one, does this mean I won't get reimbursed for what I spend?**

Where occasionally it is not possible to provide receipts or travel tickets – for instance if you use a vending machine or when the travel ticket is retained by the operator, you must keep a note of the reason why your travel ticket or receipt are not available. As all claims will now need to be approved by a manager, they will need to satisfy themselves that there are genuine reasons for not providing a receipt to support a claim. Once everyone moves to the new Shared Services platform, arvato, any T&S claims that do not comply with policy will appear on an 'exception report' and Directors will have responsibility for ensuring that where claims are regularly approved that don't comply, there are valid reasons.

**Q9. What happens if I can't get something to eat within the subsistence rate indicative level?**

The indicative levels provide a framework to help individuals decide what is appropriate when considering T&S options and allows managers and budget holders to know what level a typical claim is likely to be. The levels are based on HMRC employer benchmark rates that have been arrived at after sampling thousands of claims from across public and private sector organisations across the UK to see what the average amount is that people pay for various types of travel and subsistence. However we recognise that there may occasionally be circumstances where it is not possible to keep expenditure within the indicative level. If, exceptionally, you are unable to stay within the indicative level, you will need to make a note of the reason on your claim and provide a receipt for your actual expenditure. All claims now require approval and managers will wish to satisfy themselves that any claims that exceed the relevant indicative level are valid.

**Q10. I have to attend an important meeting at short notice; the flight time is below 8 hours but the only available ticket is business class, what should I do?**

Business class travel should only be undertaken for flights of 8 hours or more, or if you are unable to fly economy due to reasons related to a temporary or permanent disability or pregnancy. If, exceptionally, at short notice you are required to travel in the course of official business and the only available tickets are business class, you will have to get written permission from your Director or

equivalent, who will have to consider whether attendance is necessary or whether there is an alternative option. The relevant template letter can be found at Chapter 9C Section 9.2.4

**Q11. What happens if I find a hotel/train or air ticket cheaper than our travel provider can?**

Where possible, all travel tickets and hotels should be booked through Highways England's official travel service provider, currently Redfern for most business units. Contracts are negotiated to provide a more cost effective service overall, although there may be occasions when individual tickets or hotels are more expensive. If the difference is significant then you should contact the Redfern contract manager to notify them so that they can feed back to the relevant parties responsible for the contract.

## For Managers

**Q12. My member of staff has submitted a claim with no receipt/above the indicative levels, what should I do?**

All claims must now be authorised by Managers. It is your responsibility to ensure that you understand what the new T&S policy is and that claims comply with it. Where they do not, for instance where there is no receipt or the indicative level is exceeded, you will need to ensure that as far as possible, there are legitimate reasons for this and that these are noted on the claim. Claims that do not comply should be the exception.. Directors will have responsibility to follow up where there are multiple claims approved that do not comply to ensure that the claims have been verified and that there are legitimate reasons for non-compliance.

**Q13. I haven't got time to check everyone's travel claims, why can't they self-certify under a certain amount as they used to?**

It is good accounting practice to independently verify expense claims. Additionally, we need to ensure that people comply with the revised T&S policy. Work by Internal Audit has highlighted high levels of non-compliance with the previous policy and it is part of your role as a manager to ensure that your staff familiarise themselves with the new policy and only submit claims that comply with it or that where claims don't comply, that there are legitimate reasons for this.

**Q14. What do I do if I'm accompanying a Minister who is travelling business/first class?**

To comply with the T&S policy, you can only travel premium economy or business class if you are flying for 8 hours or longer. In all other circumstances (with the exception of those with a disability or who have pregnancy related reasons that they cannot travel economy) you must travel economy.

## **Chapter 9.2 - Part C: Travel and Subsistence Guidance (Overseas) - Contents**

Part C is the Guidance that provides further information on Overseas Travel and Subsistence

[9.2 Travel and Subsistence general guidance](#)

[9.2.1 Overseas Travel and Subsistence Guidance](#)

[9.2.2 Overseas Subsistence](#)

[9.2.3 Allowances at a Glance](#)

[9.2.4 Directors approval Business Class Travel for flights less than 8 hours standard form](#)

## Chapter 9.2.1 - Part C: Overseas Travel and Subsistence Guidance

### a) Overseas travel by air

All overseas air journeys of less than 8 hours will be economy class irrespective of grade, except under certain circumstances, including;

- Temporary or permanent disability (see Chapter 9C section 9.1.1 paragraph a)
- Pregnancy related reasons
- In the case of emergencies e.g. where a crash inspector has to be at a site within a certain time or staff with security responsibilities have to be at a location within a certain time and an economy ticket is not available.
- In the case of staff who are scheduled to start work upon arrival at their destination and there is no viable business option to defer the work until after an appropriate rest period e.g. marine surveyors where they are scheduled to start survey work immediately upon arrival at their destination and are unable to defer the work until after a rest period.

Written permission from a Director must be obtained prior to flying business class or premium economy on flights below 8 hours using the [standard template \(Chapter 9C, Section 9.2.4\)](#).

When approving business class or premium economy flights below 8 hours, Directors will need to consider;

If attendance, for instance at a meeting, is really necessary or if Highways England's position can be fed in through another method such as a separate meeting on an alternative date or via video conferencing.

- Could the meeting or event be re-scheduled
- Is the requirement to travel at short notice genuine or due to poor planning
- Does the individual have to work on arrival after an overnight flight or can they schedule an overnight stay or rest period.

Flights of over 8 hours will be economy, premium economy or business class.

### b) Internal Air Travel

All staff must travel economy class irrespective of grade except under certain circumstances, including;

- Temporary or permanent disability (see Chapter 9C section 9.1.1 paragraph a)
- Pregnancy related reasons

### c) Rail travel (including Eurostar)

All staff must travel standard class irrespective of grade, except under certain circumstances, including;

- Temporary or permanent disability (see Chapter 9C section 9.1.1 paragraph a)
- Pregnancy related reasons

The cost of reserving a seat will be reimbursed.

#### **d) Sea travel**

When travelling by sea, all journeys will be economy or standard class irrespective of grade, except under certain circumstances, including;

- Temporary or permanent disability (see Chapter 9C section 9.1.1 paragraph a)
- Pregnancy related reasons

The cost of a sleeping berth and the actual cost of breakfast will be reimbursed if staff are required to travel overnight.

## **Chapter 9.2.2 - Part C: Overseas Subsistence**

### **a) Conference rates**

The circumstances in which conference rates can apply are when:

- you attend an EC meeting or international conference which is being run simultaneously with other meetings and you are unable to book accommodation within the limits of the appropriate FCO overseas subsistence rate or
- the meeting is held in a hotel where other representatives are staying and it could be problematic to stay elsewhere

### **b) Visas**

You are entitled to be reimbursed the cost of obtaining Visas for travel on official business, please refer to local guidance on how to make a claim. These can be applied for through Highways England's travel arrangements or through the Home Office Visa Department , Counter 33, Clive House, London SW1H 9HD. Your passport must be valid for at least six months beyond the proposed date of travel.

## Chapter 9.2.3 - Part C: Allowances at a Glance

### a) Overseas indicative levels

Up to the Foreign and Commonwealth Office Overseas Subsistence rates which are maintained on the HMRC information on the [GOV.UK website](#)

Click here to access HMRC information on the [GOV.UK website](#)

### b) Incidental allowance

Incidental Allowance

Up to £10.00 for each overnight stay

### c) Climatic clothing

Cost of purchase of special clothing not normally worn in UK because of official travel overseas

Up to £175 (not more than once every three years)

### d) Luggage

Cost of purchase of New Luggage

Up to £50 (not more than once two years)

For further information on rates and to view the worldwide subsistence rates see details on the [GOV.UK website](#).



## Part C: Attendance Management Guidance

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## Chapter 10.3 - Part C: Attendance Management Guidance

Following a High Court ruling on the 3rd February 2015, the attendance management trigger points for formally managing short term absence have been reverted. The previous trigger points of 14 days or 7 spells in any rolling 12-month period have to be **exceeded** before formal action is considered under the attendance management policy, or before any member of staff is warned that they are at risk of formal action. However, any informal discussions about attendance issues and concerns should continue under the attendance management policy as they normally would.

If you have any questions that cannot be answered by the Attendance Management policy, procedures or advice – you should contact the HR Advice Team for assistance.

### 10.3 Attendance Management Guidance

The purpose of this document is to provide guidance on how the attendance management policy and procedure should be applied. It also provides information on particular circumstances around sickness related absence.

This document should be read in conjunction with the [Attendance Management Policy Principles](#) and [Procedures](#).

The aim of the attendance management policy and procedure is to encourage good attendance and allow individuals with poor attendance records to bring their attendance up to satisfactory levels. The manager **must** ensure that the individual is aware that their absence is causing concern, and every effort is made to assist them to maintain full effective service. The manager must also ensure that **if** action to address unsatisfactory attendance is appropriate, it **is** taken and the case **is not** left to deteriorate.

Additionally, managers must also ensure that once someone's sick record is giving concern that the individual is made aware that ultimately a record of unsatisfactory attendance may lead to dismissal.

#### 10.3.1 Should a formal warning be given?

Managers need to make decisions about the appropriate action to take when applying the attendance management policy to their staff. Early discussions during the Welcome Back Meeting and at the Informal Review Meeting will provide opportunities to enquire about issues that need to be taken into account such as any underlying health condition or disability.

Following a Formal Review Meeting, it is the manager's decision as to whether a formal warning should be given and they must act with fairness and consistency.

If one of the circumstances listed below applies, a warning should not be given. However, if (in exceptional circumstances) the line manager believes that despite one of the criteria applying a warning is still appropriate they must consult HR before proceeding.

- A member of staff has a good attendance record with an isolated period of absence or an absence that is unlikely to reoccur e.g. an appendix operation
- The individual has an underlying health condition or disability (see below), and [reasonable adjustments](#) have been identified, but not yet made. Special Leave may be appropriate in these circumstances (insert link).
- The individual has an underlying health condition or disability (see below), the absence(s) are directly relating to that condition, and the manager considers it reasonable, following receipt of occupational health advice, to disregard all or part of the absence(s) for unsatisfactory attendance action purposes
- The absence must be disregarded as pregnancy related absence. Remember that any absence which relates to pregnancy or maternity, and occurs during the protected period,

must be disregarded in terms of Attendance Management action. The protected period is concluded once an individual has returned to work following the birth of the child or has given notice of a return to work date.

- The absence is due to an injury at work. A discussion must take place if the trigger point (8 working days or 4 occasions in a rolling 12 month period) is reached as a consequence of a sickness absence that relates (wholly or partially) to an injury at work. Any formal action is dependent on whether the line manager is content that the criteria for discounting absence due to an injury at work are met.

An “injury at work” is considered to be any “personal injury” or “damage” that occurs at work as defined in the Health and Safety at Work Act 1974. Such an injury at work includes any disease and any impairment of a person’s physical or mental condition but, for the purposes of this attendance management policy and associated procedures will normally exclude minor ailments and conditions, such as colds, flu and other related respiratory conditions.

An absence for such an injury or damage will usually not be taken into account when considering formal action if the following criteria are satisfied:

- The member of staff has suffered an injury in the course of official duty and that injury is wholly or mainly attributable to the nature of the duty
- The member of staff has suffered an injury other than in the course of official duty as a result of an attack or similar act which is directly attributable to his/her being employed by, or holding office in the Highways England
- The member of staff has contracted a disease to which he/she is exposed wholly or mainly by the nature of his/her duty

Initial periods of absence taken as a direct result of an “injury at work “(as defined above) will be discounted by the line manager when considering formal action. However, subsequent absences relating to the same injury should not automatically be discounted and advice should be sought from the HR casework team who will seek occupational health advice where appropriate.

Managers who need further advice should approach HR.

### 10.3.2 People with an underlying health condition or disability

Highways England values the skills and experience that disabled people bring to the workforce. Highways England policy states; “All staff will receive fair treatment throughout their careers regardless of race, ethnic or national origin, age, religion, sex, gender identity, marital status, disability, sexual orientation, working hours, trade union membership, trade union office or trade union activity”.

If the individual has an underlying health condition or disability, and the absence(s) are directly relating to that condition, following receipt of occupational health advice, a reasonable adjustment may be to allow an individual a higher level of absence before considering formal Attendance Management action e.g. increased trigger points for action related to unsatisfactory attendance.

A manager must ask individuals if they have an underlying health condition or disability, which impacts on their attendance. The manager must take this into consideration when reviewing their sick absence record. It would be wrong to assume that an individual with an underlying medical condition or disability is more likely to be absent from work because of ill health than anyone else. Nevertheless, one effect of an individual's disability may be that they may have higher levels of sickness absence. If this appears to be the case the individual should always be referred for an occupational health assessment by the HR case work team with the individual's consent.

The occupational health assessment should provide advice on particular care. The line manager must consider if they can support this level of absence. In making the decision the line manager will need to consider the nature and severity of the underlying medical condition and the treatment being received.

A reasonable adjustment may be to allow an individual a higher level of absence before considering formal Attendance Management action e.g. increased trigger points for action related to unsatisfactory attendance.

Managers should note that disability related absences are included in the sickness records that generate the absence triggers from the Shared Services arvato HR system.

### 10.3.3 Infectious Diseases

If your member of staff has been absent from duty on sick leave because they have contracted a [notifiable infectious disease](#), or because they have been in contact with a person who has contracted diphtheria, they must obtain a certificate of clearance from a doctor before returning to work.

If they have been in contact with a person who has contracted a notifiable infectious disease or German measles (rubella), they must inform you immediately and they will be entitled to such period of paid leave as may be agreed by Highways England.

A list of notifiable infectious diseases is located in Part A, Section 10.10 of this chapter. Your staff should seek their GP's advice and inform you of the position. They may be advised by their doctor or the Medical Officer for Environmental Health not to report for duty. If they have been in contact with a common childhood infectious disease (e.g. mumps or chicken pox) they should not stay away from work, providing they are not showing any symptoms.

If you are a line manager then, inform Human Resources if a member of your team has either contracted or been told to remain away from work because of exposure to a notifiable disease. In such circumstances they must not be permitted to return to work until a clearance certificate has been issued. A doctor's letter is required before special leave with pay can be granted to anyone exposed to an infectious disease.

### 10.3.4 Reporting rubella (German measles)

If a member of your staff has contracted, or has been in close contact with, someone suffering from rubella (German measles), it is important that they tell you immediately because of the risk to the unborn child of any pregnant women. If, within your work area, they are likely to be in close contact with a woman who is in the first 16 weeks of pregnancy alternative temporary accommodation may need to be found for either your staff or her.

If you are a line manager, upon being informed about exposure to rubella you should send a notice or email to all employees who work in the same area to advise any woman who is pregnant, or thinks she may be pregnant, to discuss whether a temporary move is advisable. When asked, line managers should arrange for temporary accommodation to be found for the employee whose work is the most easy to relocate.

### 10.3.5 Confidentiality and privacy

Any information given by a member of staff about their health or personal circumstances must be treated in the strictest confidence. Any particular requests concerning confidentiality must be respected. Staff are not required to disclose to their line manager any information beyond the fact of being sick and when they expect to be fit to return but it is Highways England policy to encourage them to disclose so that appropriate support and assistance can be offered. Staff who do not wish to disclose the reason for their absence to their line manager may enter 'undisclosed' on the SSC portal but must provide a written reason in confidence to HR Shared Service (Shared Services arvato). Staff may also speak in confidence to the Employee Assistance Provider or the HR Advice Service if they wish to do so.

While managers and Highways Agency will make every reasonable effort to understand fully the reasons for absence, decisions will be taken on the basis of available information.

### 10.3.6 Medical appointments

Staff must try, so far as possible to arrange medical or dental appointments to minimise their absence from work. Medical and dental appointments should be recorded as such – they are not to be treated as sick absences. If staff are considered not to be making sufficient effort to minimise absences from work then management reserves the right to make the absence unpaid.

If an employee has a disability which comes within the definition of the Equality Act 2010 reasonable time off for treatment, rehabilitation or assessment will be allowed. If you need to make frequent appointments it is advisable to show your manager your appointment card.

Pregnant women are allowed time off for ante-natal care and this is not counted as sick absence.

### 10.3.7 Part day absences

Attendance at work must be for a minimum of two hours for an absence to be disregarded for the purposes of sickness absence recording. Where the individual works for less than two hours, this will be recorded as a full day of sickness absence.

In cases of an individual absenting them self from the workplace, they must consult line management, otherwise any absence may be considered to be unauthorised. In cases where an individual is ill but does not wish to go home, the line manager has discretion to send them home, should they consider this course of action to be reasonable and necessary.

While days where a member of staff attended work for over two hours will not usually be counted towards trigger points, line managers must monitor the occasions upon which this occurs. Where it appears that this clause is being over utilised to avoid meeting trigger points, managers can take the exceptional decision to include part days of absence towards trigger points.

## Chapter 10.3.3 - Part C: Managing Attendance - Q&A

*1. Some absences just can't be helped. Will I automatically get a warning as soon as I have had 8 days off?*

The trigger point is an alert to your line manager that he/she needs to meet with you to discuss your absence. He/she will consider the nature of your absence, seek further information or advice if necessary and apply the criteria listed in the policy before making a decision on whether a warning should be given.

*2. My recent absence was due to my disability/underlying health condition. What will happen?*

Your line manager will still meet with you to discuss your absence. When considering whether a warning is appropriate in your case, your line manager will seek occupational health advice and where absences are directly related to your disability or condition reasonable adjustments may be recommended which could include allowing a higher level of absence before consideration of action for unsatisfactory attendance.

*3. I'm pregnant, this policy won't apply to me will it? I thought that absences for pregnancy related sickness didn't count.*

Pregnancy related absences that fall within the protected period (which ends when you have returned to work following the birth of your child or have given notice of your return to work) are not counted for the purposes of action for unsatisfactory attendance. But your manager has a duty of care to you and will hold a welcome back meeting with you.

Your line manager will want to check that you are well enough to carry out your role and if there are any reasonable adjustments they need to make to your role. For instance, you may be experiencing back pain and need a more supportive chair. They may also talk to you about the need to carry out another pregnancy risk assessment if circumstances have changed as your pregnancy progresses. They will recognise that this can be sensitive time for you and will understand if they are personal issues that you don't want to share or would rather share with someone from HR.

*4. Won't people feel they have to come into work when they are sick to avoid being given a warning?*

No, you're expected to make a sensible judgement as to whether you are well enough to attend work and to carry out your duties safely. You will have the opportunity at your welcome back meeting to discuss any underlying issues with your line manager. Where an absence means that you reach a trigger point your line manager will invite you to a review meeting. If appropriate you will be offered support and the opportunity to be referred to the medical advisor for assistance in managing your health and attendance.

*5. If I am returning from a long term absence or severe illness is it possible to work part-time initially?*

Part-time attendance on medical grounds is available if you are returning to work following a long or severe illness. The provision is for rehabilitation purposes and can be granted if you work full or part-time. Your hours may be reduced for a period of up to 13 weeks to allow you to ease back into your normal work routine. Further information can be found in the [phased return to work guidance](#).

*6. Won't this take up too much management time?*

We anticipate that early conversations will enable underlying issues to be discussed. Management support and reasonable adjustments can be considered earlier while improved communication



between managers and staff will build a culture of trust. Early investment of time at the informal stage should reduce the time spent on formal unsatisfactory attendance action further down the line.

*7. Shouldn't line managers only take action for unsatisfactory attendance if they think that the absence is not genuine?*

No. Attendance Management action is about whether Highways England can sustain the level of absence. All absence should be considered genuine unless the manager has reason to believe otherwise in which case they will need to consider disciplinary action. Much of the action taken will also be to support rather than penalise colleagues who are genuinely unwell, but if genuine absence exceeds the trigger points then warnings may be appropriate.

*8. As a line manager, do I need to calculate whether staff have reached absence triggers myself?*

No. The Shared Services system automatically calculates staff absence levels and will issue an electronic task to you when your member of staff reaches or exceeds the trigger points. Step by step guidance on dealing with sickness absence triggers in Shared Services is [available here](#).

*9. I've had absence during the year that exceeds the new trigger levels but are less than the previous 14 day trigger point for formal action. What will happen?*

Notifications will not be sent to your manager retrospectively if your absence levels are above the new trigger levels when the new policy comes into force. But, the next time you are absent the system will assess the level of absence that you have had over the past 12 months and notify your manager if your absence has reached or exceeded the new trigger points. They will then meet with you and consider what action should be taken.

*10. I've already had a warning for attendance and agreed an attendance improvement plan with my line manager based on the old trigger points. What will happen?*

The agreed improvement plan including any targets based on the old trigger points will remain in place for the period of time that has been set. Once the period for improvement has ended any subsequent management action in relation to further absence will be taken in line with the new policy and its revised trigger points.

## Chapter 10.3.12 - Part C: Statement of Fitness to Work - Q&A

### Restricted Staff

1. A [Statement of Fitness for Work](#) ('Fit Note' or 'doctor's statement' replaced the traditional 'GPs medical certificate ('sick note') in April 2010.
2. The aim of the doctor's statement is to maximise employees' chances of working instead of taking sick leave. This is because work is generally good for physical and mental wellbeing, can be therapeutic and assist recovery when illness occurs, and help keep people in employment.
3. The doctor's statement will encourage managers and staff to be open, honest and collaborative in overcoming limitations caused by illness or injury. It will give managers and staff greater flexibility in managing sickness absence.
4. The doctor's statement continues to allow GPs to advise that an employee is 'unfit for work'; however, it also offers a new option 'may be fit for work'. Under this option GPs are able to suggest ways of helping an employee get back to work. This might include [temporary workplace adaptations](#) to:
  - Working arrangements e.g. altered hours of work
  - Job content e.g. adapted duties or functions
  - Physical adaption e.g. working from home or working from a different office if the person has trouble with the stairs
5. The doctor will provide written comments on the statement about the kind of things that may help, for example, how the employee's condition affects their ability to carry out certain duties or functions and how these might be overcome.
6. The doctor's advice will be practicable and simple, based on an assessment of the employee's illness and symptoms. However, it will **not** involve a detailed assessment of the employee's job and the functions they carry out for Highways England and it will not be based on any advice from management about business needs. It is merely intended as a contribution (based on medical expertise) to facilitate a work-focussed discussion between the manager and employee, to explore what work the employee is capable of doing, or might be capable of doing with reasonable help.
7. Appendix 1 contains answers to frequently asked questions.

### Appendix 1

**Q1. When is a Statement of Fitness for Work ('fit note' or 'doctor's statement') required?**

Where an employee's absence extends beyond 7 calendar days, then a [doctor's statement](#) will be required from the 8th calendar day. Employees should continue to [self certify](#) absences for up to 7 calendar days.

*Q2. What should managers do if they receive a traditional GP's medical certificate (Med3 or sick note) after 6 April 2010?*

Managers must not ask the employee to go back to their GP for a Statement of Fitness for Work; instead they should accept the sick note (Med3). The manager should keep in touch with the employee, consulting the HR [case](#) work team, if necessary.

*Q3. Has the (yellow) Med10 changed?*

The Med10, which states a period that an individual has stayed as a hospital in-patient, continues to be issued to cover a patient's hospital admission. These should continue to be accepted by the manager.

*Q4. How do managers record a Statement of Fitness for Work on SSa Portal?*

There is no change to the recording process. The manager should promptly open the absence on SSa with the correct start date and reason for illness. The Statement of Fitness for Work should be sent to the SSa as now.

*Q5. Will the GP make a full assessment of the employee's specific job?*

No. They will factor in anything they know about the employee's job but the advice they give will be based on an assessment of the physical limitations of the employee's condition and contain simple, common sense recommendations about possible temporary workplace adaptations, to help facilitate a quicker return to work.

*Q6. What should managers do if they do not understand the advice on the Statement?*

If the manager does not understand or is unsure on how to act on the advice on the Statement they must first discuss the advice with the employee. They may be able to provide more information on the context of the advice.

If the manager is still unsure they should contact the HR casework team for advice.

*Q7. Is the advice about temporary workplace adaptations in a 'may be fit to work' on the doctor's statement binding?*

No. This is about giving managers and employees greater flexibility and better information to manage sickness absence. Managers have an obligation to consider [temporary workplace adaptations](#) or [reasonable adjustments](#), as appropriate. Ultimately, managers have the discretion to choose whether and how to act on the doctor's advice but should seek advice from the HR casework team before rejecting advice.

*Q8. If the doctor advises that an employee is 'not fit for work', does this mean that the employee has to stay off work?*

Highways England will not require the employee to return to work whilst they are signed off as not being "fit to work" by a doctor. Sometimes though the employee may wish to return to work when the doctor has advised that they are not fit to do so. This may be because the employee has recovered faster than the doctor expected or the doctor did not know of aspects of the work or the support that Highways England can provide, which means the employee can return to work.

*Q9. Can managers request a doctor's statement advising that the employee has become 'fit for work'?*

No. The doctor's statement does not include the functionality for GPs to advise patients that they have become fit for work. It is a myth that an employee needs to be 'signed back' to work by a doctor, and that employees need to be fully fit to return to work. If employees wish to return to work but managers have significant concerns about their readiness to do so, they should seek advice from the HR case work team.

*Q10. Do managers need to make a referral for occupational health advice in every case?*

Not necessarily. Many cases will not require a referral for occupational health advice. The doctor's statement is about providing simple, practicable advice on which to base the manager and employee's discussion. If the manager requires general advice they can get this from HR casework team.

*Q11. What temporary adaptations may managers consider making to help an employee return to meaningful and substantial work?*

Managers may consider [temporary workplace adaptations](#) to the employee's working arrangements, job content or working environment provided they are simple and practicable, cost effective, easy to implement and meet business requirements. Such adaptations are appropriate for a short-term (days and possibly weeks, not months) temporary basis only to get the employee back to work and increase their work capability.

*Q12. What if temporary adaptations cannot be implemented or immediately implemented?*

If the doctor has advised that the employee 'may be fit for work', but the temporary adaptations to facilitate a return to work cannot be implemented, or immediately implemented, then the statement has the same function as if the doctor had advised 'not fit for work' and the employee will revert to sick leave. The employee does not need to go back to their doctor for a statement signing them 'not fit for work'.

*Q13. How long do any amended duties or temporary workplace adaptations have to last for?*

On the statement the doctor will state the period of time their advice covers. When deciding return to work arrangements, managers must be clear on the length of time any temporary adaptations or support is for and must set a review date (this will be days and possibly weeks, not months). In the vast majority of cases this will be about short-term and temporary measures. If a longer-term or permanent solution is needed, managers should refer to the HR casework team for advice.

*Q14. How does a manager record a temporary change in an employee's working pattern if it is adapted for a short period to facilitate a return to work?*

Where an employee would otherwise be off sick and the manager and employee agree to a temporary adaptation to their working pattern for a short period of time to facilitate an earlier return to work, the manager should consider awarding a flexi credit for the balance of the hours not worked. This is not a substitute for part-time working on medical grounds, which will normally be agreed only on advice from the HR case-work team.

*Q15. What should managers do if the employee declines the offer of support to return to work?*

If the manager believes that, on the basis of the doctor's statement and their knowledge of the job, that they can support the employee to return to work but the employee disagrees, they must first consult the HR casework team and discuss the issues with the employee to establish precisely why they believe they cannot return to work.

There may be aspects of their condition or the workplace that have not been considered, or they may simply be anxious about the consequences of returning to work. The Employee Assistance Programme ([insert link](#)) might be able to help the employee overcome any anxiety. The staff member may wish to contact their trade union (if they are a member) as well.

If the employee still refuses to attend work, managers should refer to the HR casework team for advice. Where the employee is acting unreasonably and contrary to the medical opinion obtained

action for unauthorised absence should be considered. Managers must get advice from the HR casework team before taking action for unauthorised absence.

*Q16. Is the new doctor's statement going to cost more?*

There may be some costs associated with [temporary workplace adaptations](#) although these are intended to be simple, practicable measures that can be quickly implemented. Overall, an earlier return to work will result in business improvements.

*Q17. What steps do managers need to take when they receive a doctor's statement?*

Current sick absence management arrangements will continue to apply.

## **Chapter 10.5 - Part C: Stress Risk Assessment Tool and Guidance - Contents**

[10.5.2 Stress Risk Assessment Tool: Guidelines for Managers](#)

[10.5.2 a\) Generic Risk Assessment Annex 1](#)

[10.5.2 b\) Annexes 2-4](#)

Part C: Guidance

[11.1 Grievance and appeals guidance](#)

[11.2 Grievance and appeals letters](#)

## **Chapter 11.1 - Part C: Grievance and Appeals Guidance**

Part C of this chapter is the guidance that records the arrangements set up for Grievance and Appeals.

[11.1.1 Grievance pro-forma and guidance](#)

[11.1.2 Grievance case template and completion notes](#)

[11.1.3 Formal grievance appeal pro-forma and guidance](#)

[11.1.4 FAQs – Handling grievances for managers](#)

## Chapter 11.1.1 - Part C: Grievance Proforma and Guidance

- [Part A Policy](#)
- [Part B Procedure](#)

The proforma may be completed to submit your formal grievance or as a guide for the information you need to include with your grievance. [The proforma can be accessed here.](#)

### *a) Informal Process*

In the majority of cases, concerns at work can be resolved informally without the need for formal procedures. Early and informal resolution is often the most effective way of successfully addressing any concern so staff are encouraged to talk to their line manager or another line manager, if appropriate, about their concerns and to attempt informal resolution before using a formal procedure.

### *b) Mediation*

Mediation is another approach that is highly effective in resolving problems at work. The aim of mediation is to mitigate any breakdown of working relationships and involve a third party who is independent of the issues, with a view to reaching resolution at an early stage. If all parties agree, an attempt will be made to resolve the concern through mediation.

If mediation or informal resolution does not resolve the concern or is not appropriate, the individual can raise a formal grievance.

### *c) Disclosure of Details*

Any individual who is the subject of a formal grievance has the right to be told of the allegation(s) and to respond. In submitting the grievance, you are therefore automatically giving permission for it to be copied to any person who is the subject of your grievance. You are also giving permission for the subject(s) of the grievance and the relevant manager to receive a copy or details of the final decision. Appropriate witnesses will also be contacted.

### *d) Timescale for Raising a Grievance*

Grievances should be raised without unreasonable delay and within 30 calendar days of the incident giving cause for concern other than in exceptional circumstances.



## Chapter 11.1.4 - Part C: FAQs - Handling Grievances - for Managers

### Q1: I have received a written formal grievance, what should I do now?

You should always speak with the individual to find out whether or not an informal resolution or mediation has been attempted as our grievance procedures require that wherever possible individuals should seek and evidence that they have attempted an informal solution.

If they have attempted informal resolution without success, you should follow Highways England's grievance procedure (Chapter 11 Part B)

### Q2: What if the individual will not accept informal resolution or approaches it in a negative way?

It is hoped that mediation or informal resolution is attempted before a formal grievance is raised and certainly the manager should encourage the individual to consider these options. That said Highways England recognises that there may be cases in which the complainant feels mediation or informal resolution would not be appropriate, and in these cases a formal grievance will be heard.

### Q3: I have received a grievance which is about a decision I made or an action I took. Can I conduct the hearing and make the decision?

No. You should pass the grievance to your manager to conduct the hearing. If your manager was also directly involved consult the HR Advice Service. Depending on the extent of each manager's involvement, The HR Advice Service may advise that one of the line managers can conduct the hearing or they may suggest another manager should do this. The fact that you have informally considered a grievance, or that you or your manager is aware of the issues about it, does not prevent either of you from making a decision on the grievance.

### Q4: The grievance I have received is about something which affects lots of people or a matter that is not in my control. Can I conduct the hearing?

No. You should pass the grievance to the HR Advice Service. They will nominate a suitable person to conduct the hearing.

### Q5: The grievance concerns something entirely outside my area of responsibility. Can I conduct the hearing?

You should seek advice from the HR Advice Service. They may decide that it is reasonable for you to conduct the hearing or they may decide that it would be more appropriate to nominate someone else to conduct the hearing.

### Q6: What types of issues or concerns should line managers deal with outside the formal grievance process?

Managers should always try to resolve issues or concerns raised through the informal procedure, wherever possible. Listed below are some examples of issues that should be dealt with under normal management action:

- General disagreements between members of staff.
- Leave authorisation: special leave, time off for medical/dental appointments.
- Accommodation issues that do not constitute a breach of health and safety legislation.
- General working conditions issues such as provision of training, car parking, etc.

**Q7: Following my initial assessment, I have decided that there is no evidence to substantiate the claim what should I do now?**

You should meet with the individual (complainant) to discuss the issue and try to resolve the matter informally including mediation. If the complainant still wishes to deal with the matter formally, then the manager should move to the first stage of the formal procedure. If there is no evidence to substantiate the claim, the grievance is unlikely to be upheld at the formal stage.

**Q8: I have received a grievance which I think is frivolous or the submission of an issue that has previously been dealt with, what do I do?**

Where the grievance is blatantly frivolous or a resubmission of a grievance that has or is currently being dealt with, you should advise the complainant accordingly.

If there is no substantive issue, inform them of this and that Highways England has decided not to pursue the grievance.

If the issue has already been investigated, inform them of this and that a decision has been issued, including reference to the original decision.

If the issue in their grievance is currently being investigated, inform them of this and that you have forwarded their letter to \*\*\* who will deal with it as part of the current investigation.

**Q9: How do I conduct the hearing?**

- Approach the hearing with an open mind.
- Start with introductions and an explanation of the procedure.
- Allow the individual or their companion to explain the issue or concern.
- Make sure that the companion participates in a way that is commensurate with the role set out in the procedure under "right to be accompanied".
- Be prepared to adjourn the meeting if you need time to reflect and consider.
- Adjourn if it appears that the individual or the companion needs a break. Be sensitive to the possibility that the individual may want to break to speak privately to their companion or that the individual may be discussing matters that are sensitive or difficult. The employee may also request an adjournment at any point during the hearing.
- After hearing the evidence either make your decision (you should seek advice from the HR Advice Service first) or explain your next actions and your intended timescale. Make sure you have had sufficient time to weigh up the evidence before coming to a decision.
- Confirm your decision in writing using Grievance letter D.

**Q10: I am a line manager and am concerned that if I take disciplinary action against a member of staff they will raise a grievance against me what should I do?**

Managers should not shy away from dealing with or making decisions about poor performance, attendance or conduct in fear of having grievances brought against them, as long as they have sufficient and relevant evidence to justify their decisions. Similarly staff should not raise a grievance as a result of a legitimate management decision relating to poor performance, attendance or conduct.

**Q11: I have received a grievance, which could potentially lead to disciplinary action against another member of staff (e.g. they have been accused of bullying), how should I handle this?**

You should discuss the best course of action with the HR Advice Service; there are three options to progress the case as follows:

a) With the agreement of the complainant, the case may be dealt with as a disciplinary matter (please refer to the disciplinary procedure). The complainant must understand that in agreeing to this, they will not be entitled to a written grievance outcome.

b) You can hear the grievance (investigate and make a decision). If there is a disciplinary case to answer the grievance paperwork must then be passed to an alternative manager to convene a disciplinary hearing (the grievance paperwork acts as the investigation stage of the disciplinary process).

c) You can appoint an investigation officer to investigate the case and formulate a report for you. You will then be responsible for holding a grievance hearing with the complainant and making a decision; then, if necessary, convening a disciplinary hearing with the respondent, and making a decision. The respondent should be advised using Grievance letter C1 in options b and c.

**Q12: I have been asked to act as an Appeal Officer in a grievance case but the appeal was received after the 10 working days deadline what do I do?**

Write to the employee and point out that the appeal is not valid as it has not been raised within the specified time frame. If the individual writes back claiming extenuating circumstances seek advice from the HR Advice Service.

**Q13: I am an Appeal Officer in a grievance case but the appellant has not provided any grounds for appeal what do I do?**

Write to the individual and point out that the appeal cannot be considered as it gives no grounds. If that leads to a late submission of grounds of appeal, seek advice from the HR Advice Service before responding.

**Q14: My member of staff has been asked to act as a Decision Officer but they've already got a heavy workload, what should I do?**

Highways England takes grievances seriously so it is important that your member of staff can take sufficient time out of their usual duties to fulfil their role in the grievance. It is to the benefit of all parties that grievances are concluded promptly so investing some time at the outset can be valuable. Think about whether less urgent pieces of work can be delayed, or whether work can be redistributed within the team.

## Chapter 11.2 - Part C: Grievance and Appeals Letters

Part C of this chapter is the guidance that records the arrangements set up for Grievance and Appeals

- [11.2.1 Letter A – Formal grievance acknowledgement](#)
- [11.2.2 Letter A/B – Acknowledge grievance and invite to a grievance meeting](#)
- [11.2.3 Letter B – Inviting complainant to a grievance meeting](#)
- [11.2.4 Letter C – Informing respondent named in grievance](#)
- [11.2.5 Letter C1 – Information respondent named in grievance](#)
- [11.2.6 Letter D – Outcome of initial grievance meeting \(complainant\)](#)
- [11.2.7 Letter E – Notifying respondent of outcome of grievance, No disciplinary offence identified](#)
- [11.2.8 Letter E1 – Informing respondent of grievance outcome where a disciplinary offence may have been committed \(follow on from Letter C1\)](#)
- [11.2.9 Letter F – Grievance witness invitation to an investigation meeting](#)
- [11.2.10 Letter G – Formal grievance appeal acknowledgement](#)
- [11.2.11 Letter G/H – Acknowledge grievance appeal and invite to an appeal meeting](#)
- [11.2.12 Letter H – Inviting a complainant to a grievance appeal meeting](#)
- [11.2.13 Letter I – Outcome of a grievance appeal meeting](#)
- [11.2.14 Letter J – Confirmation of meeting notes](#)

## Part C: Guidance - Industrial Relations

[12.3 Highways England Whitley committee constitution and timetabling and sequence protocol for committee meetings](#)

[12.7 Facility time form FAC2](#)

## **Chapter 12.3 - Part C: Whitley committee constitution and timetabling and sequence protocol for national/local Whitley/PWG/HS&W committee meetings**

### [Part A Policy](#)

## **12.3: The Highways England Whitley committee constitution**

Name: The name of the committee shall be "The Highways England Whitley Committee of the Department of Transport Whitley Council" and is referred to herein as the Committee.

*The Departmental Whitley is not currently in operation, and we will therefore be taking steps to review relevant sections alongside the development of a new negotiation and consultative framework for Highways England.*

### **Membership**

1. The committee shall consist of not more than 19 members of whom not more than 9 members ( the Official Side) shall be appointed by the Chief Executive of Highways England and not more than 10 members (the Trade Union Side) by the Trade Unions or groups of Trade Unions having members represented on the Department of Transport Whitley Council Trade Union Side.
2. It shall be open to the Trade Unions to choose as their representative any of their members or officials who are employed in Highways England. Exceptionally, where a Trade Union has members in Highways England but is unable to appoint a duly accredited representative from outside Highways England, until such time as an internal representative is appointed.
3. The Committee shall cover all non-industrial staff employed in Highways England.
4. It shall be open to the authorities appointing the respective sides of the Committee to vary their representatives and to fill vacancies as they arise in the same manner as the original appointments. A member who is unable to attend may be represented by an accredited deputy.
5. If in any matter upon the Agenda of a meeting it appears desirable that a person having a particular knowledge of the matter shall be present in a consultative capacity; the Chairperson or Vice Chairperson, after consultation with each other, shall be entitled to invite such person to be present.

### **Officers**

6. Chairperson or Vice-Chairperson. The Chairperson at every meeting of the Committee shall be a member of the Official Side and shall normally be the Chief Executive. The Vice-Chairperson shall be a member of and elected by the Trade Union Side.
7. Secretaries. Each side of the Committee shall appoint a Secretary. These officers shall act as Joint Secretaries of the Committee.

### **Meetings**

8. Quorum. The quorum shall be a majority of the members or their accredited deputies on each side of the Committee.
9. The ordinary meetings of the Committee shall be held as often as necessary and there shall be not less than four meetings yearly ( to be held as far as possible one in each quarter). An Agenda

shall be circulated to all members not less than 7 days before the date fixed for each meeting unless prior agreement has been reached between the Chairperson and Vice-Chairperson. Business not on the agenda shall be taken only by permission of the Chairperson and Vice-Chairperson.

10. A special meeting of the Committee may be called on the initiative of the Chairperson or at the request of the Vice-Chairperson. The business to be discussed at such special meetings shall be limited to matters stated upon the notice summoning the meeting.

11. The Committee shall draw up such standing orders and rules for the conduct of its business as it may deem necessary.

12. Minutes shall be kept of the proceedings of the Committee which shall be confirmed at the ensuing meeting, and shall be signed by the Chairperson and Vice-Chairperson. Twelve copies of the Minutes of all meetings of the Committee shall be forwarded to the Joint Secretaries of the Department of Transport Whitley Council within two weeks of the meeting.

13. Statements of the proceeding of the Committee shall be issued regularly and shall be as full and informative as possible. Such statements shall not be published save with the authority of and in the form prescribed by the Committee.

## Aims

14. The general aims of the Committee shall be to secure the greatest measure of co-operation and agreement between Highways England management, in its capacity as employer, and the general body of the staff in matters affecting Highways England with a view to increased efficiency combined with the well-being of those employed; to provide machinery for dealing with grievances, and generally to bring together the experience and different points of view of the management and staff for the benefit of Highways England's operation and its staff.

## Sub-committees

15. The Committee shall have the authority to appoint Sub-Committees and may delegate powers to any Sub-Committee so appointed.

16. Sub-Committees shall be established by agreement and as appropriate to cover staff in The Highways England Directorates.

## Functions

17. The scope of the Committee shall comprise all matters which affect the work and conditions of service of the non-industrial staff employed in Highways England. The Committee shall form the principal negotiating forum for all matters that are within the delegated authority of the Chief Executive.

## Decisions

18. The decisions of the Committee shall be arrived at by the agreement between the two sides, shall be forthwith reported to the appropriate authority and shall there upon become operative in so far as they relate to matters within the competence of the Committee to determine.

19. It shall be the duty of the Chief Executive to implement agreements reached by the Committee where they come within his delegated authority or to refer them, without delay to the proper authority.

## Finance

20. Each side of the Committee shall be responsible for its own expenses; the common expenses shall be defrayed in equal proportions by Highways England and the Trade Unions. Members of the

Trade Union Side of the Committee shall be given special leave with pay when attending meetings of the Committee.

## The Constitution

21. The constitution of the Committee is subject to ratification by the Department of Transport Whitley Council. Once ratified the constitution of the Highways Agency Whitley Committee may be amended only with the consent of the Department of Transport Whitley Council.

### 12.3.1: Timetabling and sequence protocol for national Whitley/local Whitley/ PWG/HS & W committee meetings

#### Introduction

It is agreed that the following consultation protocol will be applied by all relevant parties - as it will provide both parties with additional time to research their answers, and thereby enhance the consultation process. It is confirmed that each Board Director will seek to attend all scheduled National Whitley meetings.

#### *1. Early notification of the quarterly National Whitley, PWG and NWHSW Sub-Committee (NWHSWSC) meetings*

- The dates of the four National Whitley meetings will be agreed at the December meeting for the following calendar year; with the respective PWG and NWHSWSC meetings then being arranged 4 and 6 weeks prior to these dates.
- The Official Side (OS) Minute Secretaries (currently Trish Norton for the National Whitley and PWG meetings, and Paul Stevens for the NWHSWSC) will then book all such meetings for the (calendar) year ahead, and inform the TUS secretary of the dates, times, and venues of the meetings.
- The OS Minute Secretaries will email reminders 6 weeks prior to each National Whitley/ PWG/NWHSWSC meeting (including designated "speakers").
- Designated members will confirm any membership changes to the secretaries of both sides as soon as they are known; with the appropriate OS Minute Secretary then informing replacement member(s) of the scheduled meeting dates for the remainder of that calendar year.
- Subject to the specific agenda for each meeting, designated participants may then elect not to attend or to send an appropriate deputy; providing that they inform the appropriate OS Minute Secretary as soon as possible and provide either their deputy or the OS Minute Secretary with an appropriate briefing summary for the meeting.

#### *2. National Whitley meetings - proposed sequence*

- Scheduled meetings - for the 2004 calendar year, the National Whitley meeting dates will be scheduled in advance; with the PWG and NWHSWSC meetings scheduled 4 and 6 weeks respectively prior to each NW meeting. (currently 2 weeks for PWG meetings)
- Proposed agenda items - the OS and TUS will submit proposed agenda items 2 weeks (currently one week) prior to the next scheduled meeting; including the specific background details relating to the item(s) concerned. However in exceptional circumstances where it is not possible to give this notice, agenda items can be tabled up one week prior to the next scheduled meeting
- Distribution of agenda are - the OS Minute Secretary will distribute the agenda and any support papers one calendar week prior to the next scheduled meeting. (Currently 5 days)
- Action & Alert Notes - the OS Minute Secretary will issue Action & Alert Notes within 2 working days of each meeting to the designated recipients. (No change)
- Updated Action & Alert Notes - The OS Minute Secretary will issue these with the agenda for the next scheduled meeting i.e. one week prior to the next NW meeting



- Formal NW minutes - as for the PWG above (this will mean that the agreed minutes will be placed on the Portal prior to their formal signature at the next scheduled NW meeting)

### *3. PWG and Local Whitley meetings - proposed sequence*

#### *3.1 PWG meetings*

- Scheduled PWG meetings - for the 2004 calendar year, meetings will be scheduled at least 4 weeks (currently 2 weeks) prior to the National Whitley meetings
- Proposed agenda items - the OS and TUS will submit agenda items at least two weeks (currently one week) prior to the next scheduled meeting: including the specific background details relating to the item(s) concerned
- Distribution of agenda etc - the OS Minute Secretary will distribute the agenda and any support papers one calendar week prior to the next scheduled meeting. (current target of 5 days)
- Action and Alert notes - the OS Minute Secretary will issue Action and Alert Notes within 2 working days of each meeting to the designated recipients. (No change)
- Updated Action & Alert Notes - the OS Minute Secretary will issue these with the agenda for the next scheduled meeting i.e one week prior to the next PWG meeting, as appropriate
- Formal PWG minutes - The OS Minute Secretary will distribute draft PWG minutes for joint review by the HR Director and the TUS secretary within 2 calendar weeks of each meeting. The HR Director and the TUS secretary will submit proposed revisions to the OS Minute Secretary within a further 2 calendar week period. The jointly agreed minutes will then be issued to all appropriate parties and placed on the portal within 5 calendar weeks of the meeting. (Currently 30 working days)

#### *3.2 Local Whitley meetings*

The same principles/timescales will apply, as outlined above

### *4. National Whitley Health, Safety and Welfare Sub-Committee - proposed sequence*

- Scheduled meetings - for the 2004 calendar year, meetings will be scheduled at least 6 weeks prior to the National Whitley meetings.
- Proposed agenda items - the OS and TUS will submit proposed agenda items at least 2 weeks prior to the next scheduled meeting: including the specific background details relating to the item(s) concerned.
- Distribution of agenda etc - the OS Minute Secretary will distribute the agenda and any support papers one calendar week prior to the next scheduled meeting.
- Action and Alert Notes - the OS Minute Secretary will issue Action & Alert Notes within 2 working days of each meeting to the designated recipients.
- Updated Action & Alerts Notes - The OS Minute Secretary will issue these with the agenda for the next scheduled meeting i.e. one week prior to the next NWHSWSC meeting.
- Formal NWHSWSC minutes - the OS Minute Secretary will distribute draft minutes for joint review by the OS and the TUS secretaries within 2 calendar weeks of each meeting. The OS and TUS secretaries will submit proposed revisions to the OS Minute Secretary within a further 2 calendar week period. The jointly agreed minutes will then be issued to all appropriate parties and placed on the Portal within 5 calendar weeks of the meeting.

## Part C: Leavers Guidance

### [13.1 Partial Retirement Guidance](#)

## Chapter 13.2 - Part C: Partial Retirement Guidance

[Part A: Policy](#)

[Part B: Procedure](#)

## **Chapter 13.2 - Part C Partial Retirement Guidance**

[13.2.4 a\) Partial Retirement Process chart](#)

[13.2.4 b\) Request for Partial Retirement form](#)

## Part C: Supplement to Highways England Staff Handbook for the Traffic Officer Service Guidance

[14.2 Working in the Highways England](#)

[14.3 Personal Conduct](#)

[14.4 Security and Confidentiality](#)

[14.10 Attendance Management guidance](#)

## Chapter 14.2 - Part C: Working in Highways England

Part C of this chapter sets out further guidance for Staff employed in Safety Critical Posts in the Traffic Officer Service in relation to working in Highways England.

[14.2 Working in Highways England – National Roster parameters](#)

[14.2.3 Working Hours and Attendance – National Framework for the Management of Rest Breaks for Staff Employed in Safety Critical Posts](#)

[14.2.4 Leave – National Framework for the Management of Annual Leave Entitlement and Requests](#)

[14.2.7 Postings, Promotions and Transfers](#)

[14.2.10 Health and Safety](#)

[14.2.11 Working Time Regulations – Guide to completing HATS for Customer Operations](#)

## Chapter 14.2.4 - Part A: Leave

### [Part C: Guidance](#)

*Chapter 14A - Supplement to HE staff handbook for the Traffic Officer Service Policies*

## 14.2 Working in Highways England

*This section should be read in conjunction with Chapter 2 however the material in this section takes precedent over the staff handbook for staff employed in safety critical posts.*

### 14.2.4 Leave

#### *a) Annual Leave for Safety Critical Staff*

Staff in Safety Critical posts have their annual leave calculated in hours rather than days. The calculation is required in hours because of the operational need to provide round the clock cover over 365 days a year on shifts of varying lengths. This approach, which is consistent with approaches taken by other organisations with staff working shifts, is aimed at ensuring equity for all Highways England staff proportionate to the total hours they work. i.e. all staff work the same standard hours over the life of the roster and have the same proportionate amount of leave as others compared to it.

If you work full time:

- a) The Annual Leave entitlement for staff who joined Highways England before 31 March 2014, you will be entitled to 31.5 days (233.1 hours per annum) paid leave per leave year.
- b) The Annual Leave entitlement for staff who joined between 01 April 2014 and 31 July 2014, you will be entitled to 30 days (222 hours per annum) paid leave per leave year
- c) If you joined Highways England on or after 01 August 2014, you have 25 days (185 hours per annum) paid leave per leave year. This will increase by 1 day (7.4 hours) for each year that you have been employed by Highways England until you reach 30 days.

Further information for calculating annual leave entitlements for part years, resignations, changes to work patterns and promotions can be obtained by contacting your HR Business Partner or see Chapter 2 Part A Section 2.4 for further information.

## **Chapter 14.2.7 - Part C: Postings, Promotions and Transfers**

### *Part A: Policy*

- a) Supporting Note on Transfer Process
- b) Compassionate Transfer Application Form (TOS)
- c) Traffic Officer Service Deputising guidance



## Chapter 14.2.10 - Part C: Health and Safety

### [Part A: Policy](#)

#### 14.2 – Working in Highways England

##### [a\) Customer Operations guidance note on health and fitness](#)

b) Lone Working Outstations - document awaited

##### [c\) Traffic Officer: On-Road Safety Boots Referral Guidance](#)

d) Washing of Uniforms - document awaited

## **Chapter 14.2.11 - Part C: Working Time Regulations**

[\*Part A: Policy\*](#)

[Guide for Completing HATS for TOS document](#)