

## **Staff Handbook PRE 2015 - POLICIES ONLY**

This Staff Handbook and associated policies, procedures and guidance applies to employees who joined the organisation on or before 31 March 2015.

Access Part B and Part C of each chapter by choosing the 'Contents' option.

Feedback on the use of this Staff Handbook is always welcome and should be sent to Lorna Morrison, Human Resources.

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# **Chapter 1: Highways England Staff Handbook Introduction - Contents**

Part A of this chapter:

- identifies the various provisions that comprise your contract of employment with Highways England
- explains how the Staff Handbook is structured and
- notes how your terms and conditions of employment may be varied

Part A: Highways England Staff Handbook Introduction

[1.1 Contract of Employment](#)

[1.2 The Highways England Staff Handbook](#)

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## **Chapter 1.1 - Part A: Contract of Employment**

**1.1.1** You are a Highways England employee. Your terms and conditions of contract include those set out in:

- a. your letter of appointment
- b. the current pay settlement for the Highways England or any previous settlements which have not been superseded
- c. the Highways England Staff Handbook, which contains terms and conditions and procedures and guidance applying specifically to you as an employee - see Section 1.3
- d. the Highways England code of conduct
- e. those terms and conditions which may be implied by custom and practice or by employment law

It should also be noted that although the Civil Service Compensation and Injury Benefits schemes will no longer apply to you, where you would have qualified for benefits within these schemes the calculations will be carried out in accordance with the equivalent terms.

This is not necessarily an exhaustive list of your terms and conditions of contract.

**1.1.2** As a Highways England employee, you are also covered by the other provisions of the Principal Civil Service Pension Scheme provided you have not elected to "opt out".

**1.1.3** If you are in a grade previously covered by the Senior Civil Service (SCS) your terms and conditions of contract are either:

- a. determined by your individual "SCS contract", or, if you have not signed an "SCS contract"
- b. as set out in paragraph 1.1.1 (with the exception of 1.1.1b)

## **Chapter 1.2 - Part A: The Highways England Staff Handbook**

**1.2.1** The Highways England Staff Handbook, as applying to you, sets out many of your terms and conditions of employment. It is the intention of the recognised Trade Unions and of Highways England that all of the provisions of the Staff Handbook which apply to you and are apt for incorporation should be incorporated into your contract of employment.

**1.2.2** The Staff Handbook is in three parts:

- Part A contains terms and conditions. Without prejudice to the generality of paragraph 1.2.1 above, all of Part A and all annexes of Part A which apply to you and which are apt for incorporation, will be incorporated into your contract of employment
- Part B contains procedures relevant to your employment relationship with Highways England
- Part C contains guidance relevant to your employment to give additional support the policy and procedures and includes relevant forms, toolkits, letters and frequently asked questions. Those procedures and guidance can be relevant to the operation of your contractual terms and conditions set out in Part A, but in the event of inconsistency between Parts A, B and C, it is Part A which prevails

**1.2.3** The headings in any chapter, section or paragraph in the Highways England Staff Handbook are descriptive only and are not conclusive as to the interpretation of any such chapter, section or paragraph.

**1.2.4** Other material published by Highways England might refer to staff terms and conditions. Such material can be relevant to the operation of your contractual terms and conditions set out in the Highways England Staff Handbook and the other documents referred to above but, in the event of inconsistency between such material and your contractual terms and conditions, it is your contractual terms and conditions that prevail.



## **Chapter 1.3 - Part A: Variations**

**1.3.1** Your contract of employment cannot be changed detrimentally without your agreement. Consequently, Highways England will not change any of your terms and conditions of contract without either your consent or that of a recognised Trade Union. Any proposals affecting staff will be the subject of consultation through the Whitley system, with a view to reaching agreement, with the recognised Trade Unions.

**1.3.2** The following Trade Unions are recognised (full details are given in Part A of this Staff Handbook - Chapter 12 - Industrial relations):

- a. Association of First Division Civil Servants (FDA)
- b. Prospect (formerly the Institution of Professionals, Managers and Specialists (IPMS)
- c. Public and Commercial Services Union (PCS)

## **Part A: Policy - Working in Highways England**

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- 2.2 Probation Policy
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## [2.1 Recruitment Policy](#)

# Chapter 2.2 - Part A: Probation Policy

A probationary period will be served by new Highways England employees, and anyone who rejoins Highways England having previously had their employment terminated (e.g. resignation, retirement, dismissal). The purpose of the probationary period is to:

- demonstrate that they are suitable for the role
- learn more about working for Highways England and whether it is the right career for them

This policy applies at PB8 and below but not to recruits to above PB8 for whom separate arrangements apply.

## 2.2.1 The probation period

The probation period will be nine months, extendable exceptionally and only with HR agreement. Probation may not be extended beyond twelve months. This policy covers the probation period commencing on the first day of employment, in specific circumstances, probation may be frozen with the period resumed on a return to work e.g. maternity'.

## 2.2.2 Confirmation of employment

Confirmation of employment will depend on:

- satisfactory and sustainable performance of the role by the end of the probationary period
- satisfactory attendance and timekeeping throughout the probation period
- satisfactory pre-appointment enquiries into health, character etc
- satisfactory conduct throughout the probation period

Probationary employees are bound by the procedures relating to attendance management, disciplinary and performance management processes as set out in the staff handbook.

## 2.2.3 Line manager roles and responsibilities

The line manager's role when managing probation periods is important. The line manager will:

- confirm expectations, key deliverables and any objectives from the outset, as a minimum within the first two weeks of employment or end of initial training in line with their role profile and overall business objectives
- have regular discussions on progress and provide employees with reasonable advice, support and access to any training and development needs to enable them to fulfil their duties. These meetings should take place as a minimum on a monthly basis
- at the end of the 4 month stage progress will be formally reviewed, and again at the end of 8 months when the manager must meet with the employee and decide whether or not to confirm employment. The probation report form should be used to record the 4 month and 8 month discussions
- Any concerns at, or prior to, each stage must be discussed with the individual straight away, noted, and appropriate action taken

Throughout the probation period performance, attendance, and conduct must be actively managed and monitored closely. Where at any stage these are unsatisfactory, the line manager should:

- discuss the matter with the individual. Identify whether there are any reasons for the individual's performance which can be addressed through additional support
- set out a plan for improvement if the manager considers that achievement of the required standards by the end of the probationary period is a reasonable possibility
- commence possible termination of employment, using the dismissal procedure set out in 2.2.7, if they consider that the individual is not likely to achieve the standards required, despite appropriate development and support, by the end of their probation period. Any action must also follow the appropriate guidance in the Staff Handbook

What is unsatisfactory depends on the circumstances of the case and HR advice must be sought before taking action. However, as a guide, consideration should be given to the termination of employment if any misconduct has been committed, as should continued unsatisfactory performance following any reasonable adjustments, development, training and/or guidance; or any sickness absence in line with the current sickness absence guidance / policy.

## 2.2.4 Decision to confirm employment

A decision to confirm employment should be made by the line manager on the probation form during the 8 month review with regard to the criteria above, by completing the appropriate section of the [form](#). This should be returned to Shared Services arvato on a service ticket. The appropriate confirmation will then be issued to the employee.

## 2.2.5 Request to extend the probation period

In exceptional circumstances, line managers may request that the probation period be extended by up to 3 months. Any extension is exceptional and will only be considered where there were exceptional or compelling factors or events that have prevented an adequate assessment e.g. essential training course has been delayed. Requests should be made on the probation report form and sent to the HR Advice Service, who will consider any request in consultation with the line manager and convey a decision to the line manager concerned.

## 2.2.6 Action during the extended probation period

Formal review meetings must be held by the line manager with the employee at least monthly, or more frequently if needed during the extended probation period. At the end of 9, 10 or 11 months a decision must be made by the line manager either to confirm employment or to seek advice from the HR Advice Service on a proposal to terminate employment. Any further requests to extend the probation period should be made as explained in 2.2.5.

There is no right of appeal against a decision to extend probation.

## 2.2.7 Dismissal

Action that could lead to dismissal can only be taken by managers at least one grade above the job holder (minimum HEO level). If the line manager considers either at the 8 month review stage or at any other time during probation that the individual is not likely to achieve the standards required, subject to having received appropriate advice, development and support, they should promptly write to the employee, setting out the reasons why they are not likely to achieve the standards required and inviting them to attend a hearing to discuss the matter using [letter A](#). If the hearing finds that conduct, performance or attendance is unlikely to reach acceptable standards before their probation period ends the employee should be dismissed using [letter B](#). The line manager must seek HR advice before making a decision to terminate employment.

An employee who wishes to appeal against a decision to terminate employment must do so within 10 working days of the date of the decision letter by writing to the Countersigning Officer. The

Countersigning Officer considering the appeal must be at least one pay band above the person whose decision is being appealed (unless the person making the decision was a Senior Leader in which case the appeal officer can be of the same grade ). The employee should set out the grounds of appeal. The manager will invite the employee to a hearing to consider their appeal using [letter C](#). Appeals should be heard promptly at an agreed time and place. The outcome of the appeal must be confirmed in writing as soon as possible using [letter D](#). That decision is final.

Once the decision to dismiss is confirmed the employee will be given 5 weeks notice unless the HR Advice Service decides it should be earlier. If earlier, the employee will still be entitled to 5 weeks pay in lieu.

## 2.2.8 Right to be accompanied

Employees have a statutory right to be accompanied by a companion at a formal hearing and an appeal hearing. The chosen companion may be a fellow worker, a lay trade union representative, or an official employed by a trade union.

Where possible, managers should allow a companion to have a say about the date and time of a hearing. If the companion cannot attend on a proposed date, the employee can suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date. If the representative cannot attend at this revised time or where an employee is persistently unable or unwilling to attend a hearing without good cause, a decision will be made on the available evidence.

The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed and confer with the individual during the hearing. The companion does not have the right to answer questions on the individual's behalf, address the hearing if the individual does not wish it or to prevent the manager/investigating officer from explaining the case.

## 2.2.9 HR intervention

HR reserves the right to intervene and advise on the handling of any matter. HR will have the authority to make the final decision where a disagreement arises with the line manager.

## 2.2.10 Transition to the performance management process

As soon as an employee has been confirmed as satisfactory at the end of their probation, they must then participate in the standard performance management process that applies to the rest of the Business Unit. New or refined objectives should be agreed with the line manager and entered into Shared Services arvato or onto the appropriate performance management form (for Business Units not using Shared Services arvato for this function).

If the next formal review takes place 4 months or more after probation is completed then a report (either interim or full PDP) will be required. If the period is less than 4 months then a report isn't needed and they would roll over to the next formal review.

## Chapter 2.3 - Part A: Working hours and attendance

### 2.3.1 Working hours

Attendance:

1. except where you are authorised absent you must attend punctually for duty at your place of work on each working day, and must, in any week work your contracted hours
2. if you work full-time, you are contracted to work 37 hours per week, excluding breaks
3. if you have agreed with Highways England to work part-time, you must, in each week, work the hours you have contracted to work. Highways England's procedures and guidance for part-time working are set out in paragraph 2.3.7
4. the following sections will describe how the working week is structured, including flexi time system and staggered hours

### 2.3.2 Notification of absence

Where, for whatever reason, you are unable to attend for duty, you must, follow the procedures set out in the Attendance management procedures (see [Chapter 10B, Section 10.3](#)) and guidance specifically the Staff Toolkit in [Chapter 10C, Section 10.3.6](#).

### 2.3.3 Meals and other breaks

If you are a Traffic Management (TM) grade, please refer to the working time regulations Policy in Highways England's Staff Handbook for your break arrangements ([Chapter 2A Section 2.11](#)). For all other staff, if you work full time, you are entitled to an unpaid meal break of one hour per day. This can be varied with line manager agreement (subject to the requirement that you take a meal break of at least half an hour per day) where:

1. Highways England expressly requires a shorter meal break to be taken, having regard to your requirements or the demands of your particular job
2. you expressly require a shorter or longer meal break to be taken in accordance with the Flexible working hours policy (also see paragraph 2.3.5) where flexible working time has been agreed
3. you expressly require a shorter meal break to be taken to permit attendance times to be adjusted to accommodate the limited hours of a local transport service or to reflect domestic/personal requirements

### 2.3.4 The working week

The working week:

1. if you work full-time, Highways England will require you to work your contracted hours during a five day working week, unless other arrangements have been agreed by Highways England
2. if you have agreed with Highways England to work part-time, Highways England will require you to work your hours on the days of the week it has been agreed you will work
3. If you work full-time and you agree to work more than your weekly contracted hours, or on days other than working days, you will be paid overtime, or be offered the choice of time off in lieu, or a combination of both in accordance with [Part A, Chapter 8 - Pay](#)
4. if you have agreed with Highways England to work part-time, the time you agree to work in excess of your personal contracted hours will qualify for overtime payment - see [Part A, Chapter 8 - Pay](#)

## 2.3.5 Flexible working hours

Subject to the Working Time Regulations (see [Chapter 2A, Section 2.11](#)), you are able to arrange to work your contracted hours over a specified accounting period and fix your starting and finishing times and the time of your meal break in accordance with the flexible working hours policy, (see [Chapter 2A, Section 2.6.1](#)) and with your line manager's agreement. However, please note that certain exclusions apply as identified in the policy.

## 2.3.6 Staggered hours

If you do not wish to work standard or flexible hours, you may seek approval from your Divisional Director to work your hours of attendance at different times (subject to the Working Time Regulations - see [Chapter 2A, Section 2.11](#)). Your request will be given sympathetic consideration, although your Divisional Director must ensure that the efficiency of the office can be maintained. If your Divisional Director does approve your request, you will be sent a letter confirming the arrangements, including when they will be reviewed.

Consideration will be given with line manager agreement (and, again, subject to the Working Time Regulations - see [Chapter 2A, Section 2.11](#)) to employees staggering their arrival and departure times in order to relieve pressure on transport at peak travelling times or for personal/domestic requirements.

## 2.3.7 Part time working, including job sharing

Although no guarantee can be given that part-time or job sharing posts will be found in all cases, applications will be considered sympathetically and, where requests cannot be met, a written explanation will be provided. If you have agreed with Highways England to work part time, you will need to agree a variation to your individual contract of employment (see [Part A, Chapter 1 - Introduction](#)). This contract variation will determine:

- your weekly hours
- the days of the week on which you will work
- any other changes to your terms and conditions (for instance, annual leave entitlement - see [Section 2.4, Leave](#))

Information on requesting to work flexibly can be found under [Chapter 2A section 2.6.2](#) Flexible working hours policy – Statutory rights to requests for flexible working.

## 2.3.8 Recording of attendance

You must keep a record of all hours worked if:

- you are working Flexi Time - see section 2.3.5 and [Chapter 2A, Section 2.6.1](#) Flexible working hours policy
- you have approval to work overtime (all hours of attendance must be recorded, not just the periods of overtime)
- the information is needed to substantiate Travel and Subsistence claims
- you have agreed and signed a waiver from the Working Time Regulations (see [Chapter 2A, Section 2.11](#) Working Time Regulations)

## Chapter 2.4 - Part A: Leave

### 2.4.1 Leave entitlement

You are entitled and encouraged to take your full annual leave entitlement within each leave year.

If you are at Grade 6 or below, approval from your Line Manager is required before you can take leave. This should be done via the Shared Services portal. It is always advisable to consult your line manager before entering into any firm holiday commitments

You may not be permitted to take paid annual leave where there are exceptional operational reasons. Any refusals to a request for annual leave will at all times be considered in line with the Equal Opportunities Policy (See Chapter 2A Section 2.12).

If you work part-year, your leave entitlements will be calculated proportionally on a pro-rata basis.

### 2.4.2 Leave entitlement for full time employees

If you work full time:

- a. and joined Highways England before 31 March 2014, you have 31.5 days paid leave per leave year
- b. if you joined Highways England between 1 April 2014 and 31 July 2014, you have 30 days paid leave per leave year
- c. if you joined Highways England on or after 1 August 2014, you have 25 days paid leave per leave year. This will increase by 1 day each year you have been in Highways England until you reach 30 days

### 2.4.3 Leave entitlement for part-time employees

If you work part time, your annual leave entitlement is calculated on a pro-rata basis in hours rounded up to the nearest ½ hour. It is calculated in proportion to the number of hours worked in a week rather than the number of days worked in a week. The formula for calculating annual leave on an hourly basis is:

Annual leave entitlement (in hours) = hours worked per week\* x annual leave entitlement for full-time employees (in hours)\*\*/contracted hours\*\*\*

\* see [paragraph 2.3.1](#)

\*\* annual leave entitlement expressed in hours (number of annual leave days x 7.4 hours)

\*\*\* 37 hours calculations are rounded up to the nearest ½ hour

### 2.4.4 Leave entitlement for fixed term employees

If you are a fixed term employee, you are entitled to one thirteenth of the full-time annual leave entitlement for each completed four weeks of service (see section 2.4.2).

If you are a fixed term part time employee your entitlement will be calculated on a pro-rata basis.



## 2.4.5 Reductions in leave entitlements

Your annual leave entitlement will be reduced pro-rata for any periods of unpaid special leave. Similarly, your leave entitlement will be reduced pro-rata if you leave Highways England employment part-way through your leave year (see paragraph 2.4.7). The amount of any reduction in Annual Leave should be rounded down to the nearest whole day.

## 2.4.6 Adjustments to leave entitlements for changes in working hours

If you agree to a permanent change to your working hours this may affect your annual leave entitlement. If your annual leave entitlement changes, Shared Services Centre will notify you of your new entitlement in writing.

## 2.4.7 Leave year

Your leave year will be a period of twelve months commencing on your first day of service and thereafter on the anniversary of the date your leave year started, or such other day as Highways England may expressly agree with you.

## 2.4.8 Half days

If you wish to take half a day's leave you are required to attend for duty for one half of the contracted hours that you would normally be required to work on the day concerned, unless you have arranged flexi leave for the other half of the day.

## 2.4.9 Record of annual leave

You must keep and maintain an accurate and up-to-date record of all annual leave taken in any leave year. This should be done via the Shared Services portal. Line managers are responsible for ensuring that leave entitlements are not exceeded.

## 2.4.10 Untaken annual leave

The Working Time Regulations require that a minimum amount of annual leave be taken during your leave year (see Chapter 2A Section 2.11). Subject to this, however, you are entitled to carry forward into a leave year the aggregate of:

- a. not more than nine days un-taken leave from an earlier year
- b. the full amount of any leave which you have expressly been prevented by Highways England from taking
- c. any further amount of un-taken leave not exceeding a year's entitlement which you are expressly authorised by your line manager to carry forward

## 2.4.11 Compensation for untaken leave

You do not in all circumstances have an automatic right to any form of compensation if, for any reason, you do not take your full annual leave entitlement. Highways England will pay you in lieu of un-taken annual leave in the following circumstances:

- a. when you leave the employment of Highways England without having been able to take your full leave entitlement because work commitments prevented you from taking leave

- b. on medical retirement, cash compensation is payable for the amount of un-taken annual leave from when the sick absence leading to retirement began
- c. in the case of death in service, payment in full will be made to the estate of the deceased for any leave due but un-taken at the date of death
- d. if you are a serving officer, for un-taken leave but only if the reason for the un-taken leave is that exceptional demands on your time meant that the business of Highways England would have been seriously affected if leave had been allowed

For a, b and c above, the entitlement itself will be reduced pro-rata to take account of the departure date.

Requests for compensation should be made via your line manager. Once agreed, the line manager should arrange for payment by raising a service ticket through the Shared Service Arvato portal.

Provisions for compensation for un-taken annual leave may be forfeited if you are dismissed for serious misconduct. If you are under notice of dismissal, you must take all outstanding leave within the period before your last day of service. No payment will be made for any un-taken leave that may remain unless you have been expressly prevented from taking that leave.

## 2.4.12 Recovery where annual leave entitlement is exceeded

If you leave the employment of Highways England, your annual leave entitlement will be re-calculated from the first day of your leave year up to your last day of service.

If this re-calculation shows that, on leaving, you have exceeded your annual leave entitlement, the appropriate sum will be deducted directly from your final salary payment.

If an employee dies in service the recovery of the sum from where annual leave has exceeded will be waived.

## 2.4.13 Anticipation of annual leave

With the express approval of your line manager, and subject to the statutory requirements of the Working Time Regulations (see Chapter 2A, Section 2.11, you may, in addition to your annual leave entitlement, take up to a further eight days (pro-rata for part time employees) paid leave in any leave year, and your leave entitlement for the succeeding leave year will be reduced by the number of days anticipated.

## 2.4.14 Annual leave for employment agency staff

Highways England has call-off contracts with a number of employment agencies to supply temporary secretarial, administrative and executive staff. These employment agency staff are not Highways England employees and Highways England pays only for the time they actually work. As a line manager responsible for employment agency staff, you must not approve for payment any lunch breaks, overtime, holidays (including public holidays) or other absence.

However, employment agency staff are subject to the Working Time Regulations (see Chapter 2A Section 2.11) and Agency Workers' Directive. For more information and guidance for line managers, please refer to the [Guidance on Agency Workers Regulation \(Chapter 2C, Section 2.14\)](#).

## 2.4.15 Annual leave during sick absence

This section must be read in conjunction with the [procedural guidance](#) and [frequently asked questions](#). (See Chapter 2, Part B and C, Sections 2.4). Sickness absence does not affect the accrual of paid annual leave. You have the right to take paid annual leave during sickness absence (but only if you wish to do so). However, if you take annual leave during sickness absence, that period will be treated as continuous sickness absence if it is immediately preceded and followed by sickness absence. Any period of annual leave taken during sickness absence will continue to count towards your contractual sick pay limits and SSP. You will receive your normal remuneration for any annual leave taken including any sick pay due. Any period of annual leave taken during sickness absence will continue to count towards limits of sickness absence for unsatisfactory attendance or inefficiency proceedings. If you do not wish to take annual leave during a period of long term sickness absence, then it accrues to be taken on your return to work. On return to work, where possible, you should take any annual leave accrued during sickness absence before the start of the new leave year.

If it is not possible for you to take any or all of your accrued leave in the remainder of the existing leave year, either because of insufficient time or for business reasons, the outstanding balance will be carried forward to the next leave year. If you become sick during a period of annual leave, you have the right to take this period as sickness absence, rather than annual leave, subject to the normal rules on reporting sickness absence. You will only receive payment in lieu of any untaken leave accrued during sickness absence, including any untaken leave accrued during sickness absence in an earlier leave year, if your employment terminates.

## 2.4.16 Public holidays

You are entitled (in addition to your annual leave allowance) to 8 days public holidays (pro-rata part time employees – see section 2.4.21).

Where a public holiday falls on a Saturday or Sunday the holiday will be transferred to another day.

## 2.4.17 Attendance on public holidays

If you agree to attend for work on a public holiday, you will be entitled to an additional day's paid leave in lieu which must be taken before any annual leave.

In addition, if you are in Grade 6 or below, you will be entitled to payment at plain time rate for the day in question; but if you are unable to take time off in lieu, you will be paid at plain time rate for the hours worked ([Part A, Chapter 8 - Pay](#)).

## 2.4.18 Privilege holidays for full time staff

If you work full-time, you will also be entitled (in addition to your annual leave allowance and public holidays) to 1 day of privilege leave. You are encouraged to take the privilege leave day on the Friday before or the Tuesday following the last Monday in May to mark the Queen's birthday.

You must obtain your line manager's prior approval for taking your privilege leave on any particular date but any requests will only be refused for exceptional operational reasons and will at all times be considered in the context of your right to Equal Opportunity (see Chapter 2A, section 2.12) and your rights under relevant legislation.

## 2.4.19 Attendance on a privilege day

If you agree to attend for work or to attend an external training course approved by Highways England on a privilege day, you will be entitled to an equivalent amount of additional paid leave, or, if Highways England cannot approve the taking of time off in lieu, you will be entitled to payment for the

hours worked at your plain time rate of pay.

You must take any time off in lieu to which you are entitled to before taking any paid annual leave.

## 2.4.20 Public and privilege holidays during a period of annual leave

A public or privilege holiday which falls during any period of paid annual leave does not count as part of your annual leave entitlement.

## 2.4.21 Public or privilege holidays for part time staff

If you work [part time](#) you will be allowed proportionate time off for public or privilege holidays. This is calculated in proportion to the number of hours worked per week irrespective of whether the public and privilege leave days fall on which you would normally work. The time off is calculated by the formula:

Time off = Hours worked per week\* x public and privilege holidays (in hours)\*\*/contracted hours\*\*\*

\* see paragraph [2.3.1\(1\)](#)

\*\* 66.6 hours (or 74 hours to recognise Scottish public holidays)

\*\*\* 37 hours

The proportionate allowance should be recorded should be booked on shared services.

If a public holiday falls on a day when you would normally work, a deduction of the normal hours worked on that day should be made from the entitlement on shared services. No deduction should be made for a holiday that falls on a day you would not normally work.

At the end of the leave year, if the Public and Privilege allocation is in your credit, this may be taken at any time by adding any excess time to your annual leave allowance. If the Public and Privilege allocation is in debt this must be worked as necessary.

## 2.4.22 Special Leave

Except for maternity leave, paternity leave, adoption leave, parental leave (all in [Section 2.5](#)), and time off for dependants (detailed in [section 2.4.35 and 2.4.36](#)), Highways England has a discretion whether to approve any request you might make to be permitted a period of paid or unpaid special leave.

You must comply with any conditions subject to which Highways England approves any absence on special leave.

If you are absent for any period of approved unpaid special leave, your annual leave allowance will be reduced pro rata and you will not be entitled to take any part of that period as annual leave or sick leave.

You will not be entitled to take an extra day of special leave in lieu of any bank, public or privilege holiday which occurs during the period of any approved special leave and where that special leave is unpaid will not be entitled to be paid for any such holiday.

Separate arrangements exist for:

- a. maternity, paternity and adoption leave - details can be found in Chapter 2A, Section 2.5

- b. trade union representatives and trade union members to have time off for union business - see [Chapter 12A - Industrial Relations](#) for details
- c. time off with pay for Health and Safety representatives to attend appropriate courses and to effectively carry out their functions
- d. time off for dependents - the Employment Relations Act 1999 sets out a right for all employees to take a reasonable period of time off work to deal with an emergency involving a dependent and not to be dismissed or victimised for doing so. The arrangements are set out at section 2.4.35

## 2.4.23 Applications

Line managers at HEO grade or above have delegated authority to approve requests for special leave with or without pay subject to the limits set out at [sections 2.4.35 and 2.4.36](#). All applications for special leave will be treated sympathetically especially where they sustain [equal opportunities](#) policies. Line managers will respect the statutory right of staff to take time off for dependants and will consider the operational needs of Highways England and whether the application is necessary and justified. Where an application is not approved, you may appeal to a more senior officer in the line.

Any requests for special leave exceeding the limits set out in sections [2.4.35 and 2.4.36](#) should be referred by line managers to your HR Business Partner.

All applications for special leave must be submitted in writing and in advance to your (HEO or above) line manager. Applications should be made by your line manager raising a service ticket to shared services. In exceptional circumstances (for example sudden bereavement or domestic distress) you may apply for special leave on return to duty after an absence. However, this is conditional on your line manager being informed of the reason why you are unable to attend the office as soon as possible in accordance with the [Attendance Management Procedures and Guidance specifically the Staff Toolkit, Chapter 10C](#).

## 2.4.24 Right of return after special leave

You have the right to return to work before or at the end of the period of special leave that has been agreed. In most cases this will mean returning to the same job. However, if you are returning after a long period of absence it may be necessary for you to return to a different, but otherwise suitable job (i.e., same pay range and location and on terms and conditions that are no less favourable).

## 2.4.25 Effect of special leave on reckonable service and entitlements

Special leave with pay counts as reckonable service.

Special leave without pay does not count as reckonable service, unless granted in connection with training in one of the Reserve Forces or for Voluntary Public Service (see Chapter 2A Section 2.13).

You will not be entitled to any other form of leave, whilst on special leave without pay.

## 2.4.26 Effect on special leave of public/privilege holidays, Saturdays and Sundays

Any public or privilege holiday, Saturday, or Sunday which occurs at the beginning or end of a period of special leave - with or without pay - does not count as part of the period of special leave.

If a public or privilege holiday, Saturday or Sunday occurs within a period of special leave with pay, it will not count as part of special leave.

If a public or privilege holiday, Saturday or Sunday occurs within a period of special leave without pay, it will count as part of special leave. This means that you will not receive pay for it, nor will you be entitled to a day off in lieu on return to duty.

The reference made to Saturday under this paragraph does not include any Saturday on which (but for the granting of special leave) you would work.

## 2.4.27 Absences which count as official duty

Certain absences from work count as official duty and therefore applications for special leave are not required:

- a. if Highways England nominates you to attend a Royal Garden Party, the attendance will be regarded as paid time off. (Applications for financial assistance to attend should be submitted to the Divisional Director. Any costs approved will be limited to your standard class rail fare for you and up to three guests specified on the invitation, or motor mileage allowance at public transport rate. Subsistence may also be approved if you are nominated by another organisation and wish to attend, you will be required to take annual (or, if appropriate, Flexi) leave.
- b. Attendance at court or another outside body, in an official capacity, will be treated as being on official duty. (Travelling time and travelling and subsistence allowances will be payable by Highways England). However, any sums received from the court or outside body must be passed to your Local Business Management Team unless special arrangements exist locally to bring such receipts to account).

Time off is allowed, without applying for special leave, to attend quarterly meetings of the following societies:

- a. Local Communities of the Civil Service Benevolent Fund and the Civil Service Retirement Fellowship
- b. Departmental Committees of the Beneden Society
- c. Regional Councils and Regional Executive Committees of the Civil Service Sports Council

## 2.4.28 Extended unpaid special leave and career breaks

You have no contractual entitlement to extended unpaid special leave (3-12 months) or to a career break (over 12 months up to a maximum of 5 years). However, subject to operational considerations:

- a. Divisional Director may grant you extended unpaid special leave, or
- b. HR may grant you a career break to meet domestic responsibilities

Full details of Highways England's extended unpaid special leave and career break arrangements are set out in Chapter 2C Section 2.4.

## 2.4.29 Return from extended unpaid special leave

If you are offered and accept extended unpaid special leave, you will be entitled to return to a job in the same physical location, at the same pay range, with the same leave entitlement and for the same contracted hours as the job you left provided that you give at least one month written notice of your intention to return. This must be sent to the Divisional Director/Head of Unit who granted your extended unpaid special leave who will arrange for you to return to your former post or to another suitable job within the Directorate by the previously agreed date.

## 2.4.30 Contract variation

If you apply for a career break, your application will constitute a formal request for Highways England to vary your contract of employment. If your application is granted, Shared Services arvato will issue you with a formal offer letter setting out the contract variation which will be made with reference to your particular circumstances and to Chapter 2C Section 2.4 and will include the terms and conditions set out in the paragraphs below. Your career break cannot begin until you have signed and returned the offer letter to Shared Service arvato confirming your acceptance of the contract variation.

## 2.4.31 Return from a career break

Subject to this paragraph, if you are offered and accept a career break, Highways England will aim to return you to a job in the same physical location, at the same pay range and for the same contracted hours as the job you left. Your leave entitlement will remain the same on your return to work.

You must give the HR Advice Service at least 4 months written notice of your intention to return from a career break. The HR Advice Service will then arrange for you to be placed on the redeployment register. You will be expected to find a post to return to through Highways England jobs, but the redeployment register procedure will ensure that you are given first consideration by line managers when posts in your pay range become vacant.

You will remain on unpaid leave while you are looking for a suitable job, up to a maximum period of six months after the end of your career break. During your period of job search (i.e., 4 months before and 6 months after the end of your career break), you must apply for suitable vacancies and you must keep a record of your application.

Provided that you have taken reasonable steps to find a suitable job, senior managers in the business unit you have returned to will place you back on the payroll and find you a temporary post if you have not secured a new post by the end of the six month period referred to in this paragraph.

If you fail significantly to meet the terms of the contract variation referred to in paragraph 2.4.30, this will be regarded as a breach of contract and will result in the termination of your employment. If you do not return to work from your career break by the agreed return date or you cannot demonstrate that you have taken reasonable steps to find a suitable job, you will have failed to meet the agreed terms of your contract variation. In these circumstances, after appropriate warnings and the offer of further advice and support, Human Resources will write to you confirming termination of your employment. Any decision to terminate your employment will be taken having regard to the principles of natural justice and after due procedures have been followed. You will have the right to make representations that will be taken into account when the final decision is made.

## 2.4.32 Working while on career break

Whilst on a career break, you must not take up paid employment outside Highways England except with agreement of Highways England. All requests to undertake paid employment must be referred to the HR Advice Service.



## 2.4.33 Salary on return from extended unpaid special leave or a career break

Your salary on return from extended unpaid special leave or a career break will be determined in accordance with [Part A of this Staff Handbook, Chapter 8 - Pay](#).

## 2.4.34 Redundancy whilst on extended unpaid special leave or a career break

If you are on extended unpaid special leave or a career break and a unit of redundancy is declared covering the post that you left to take up extended unpaid special leave or a career break, you will be included in that unit of redundancy and will be liable for compulsory redundancy if:

- a. either:
  - i. you have given written notice of your intention to return on a particular date
  - ii. your contract variation (see paragraph 2.4.30) agreed a return date
- b. in either case the date falls within 12 months of the date of the unit of redundancy being declared.

## 2.4.35 Special leave with pay

Leave	Limit	Policy
		As a minimum, the Employment Relations Act 1999 provides an employee with the right to take a reasonable amount of time off for dependants in the following circumstances:
		<ul style="list-style-type: none"><li>• if a dependant falls ill, gives birth or is injured or assaulted</li><li>• to make arrangements for the provision of care for a dependant who is injured or ill</li><li>• in consequence of the death of a dependant</li><li>• to deal with an unexpected disruption or breakdown in care arrangements</li><li>• to deal with an unexpected incident involving an employee's child while they are at school.</li></ul>
Special domestic responsibilities	1 to 5 days	

In these circumstances a dependant is a partner, child or parent, or someone who lives in the same household other than tenant, lodger, boarder or employee. In the cases of illness, injury or where care arrangements have broken



down, a dependant may also be someone who reasonably relies on the employee for assistance. The Employment Relations Act does not require such leave to be paid. However, paid leave may be granted to deal with a range of circumstances where a member of staff needs to spend time at home or with a relative, and where the taking of annual leave is not appropriate. These circumstances include:

- taking care of or making arrangements for dealing with the illness or incapacity of a sick relative
- medical appointments for children and other dependants
- unforeseen breakdown in childcare or other care arrangements
- unavoidable and severe damage or disruption to property, such as flooding or burglary
- specific arrangements relating to foster care, e.g. meetings with police, social services, teachers etc

Attendance in court as a witness

Period required by the court

In very exceptional circumstances a slightly longer period may be granted. Witness in criminal proceedings or coroners court.

Bereavement - death of a close relative, not including a partner

Up to 5 days, plus 2 more days if responsible for funeral arrangements

The Employment Relations Act 1999 provides an employee with the right to take a reasonable amount of time off in consequence of a death of a dependant (see special domestic responsibility). In line with Highways England's equal opportunities policy, the term "relative" may be taken to mean anyone who has a close relationship with the member of staff concerned, whether or not they are related by blood or marriage. For the purposes of special leave with pay in the case of bereavement, a "close relative not including a partner" would normally mean a father, mother, brother, sister, son, daughter, grandparent, parent-in-law, or someone who has acted as a parent. An additional 2 days special leave with pay may be granted to someone assuming primary responsibility for organising the funeral of a close relative, not including a partner. These may be deferred if circumstances require it.

Special leave with pay is not intended to enable staff to carry out consequential private business, such as executor's duties.

Bereavement - death of a partner	Up to 10 days	Up to 10 days special leave with pay may be granted upon the death of a partner, whether or not the member of staff is organising the funeral. These days may be taken at different times and deferred for up to 3 months.
Cadet forces	5 days	Members, instructors or officers in the cadet force to attend camp or special instruction courses.
Civil defence courses	Up to 15 days	Voluntary members of the UK Warning and Monitoring Organisation to attend home defence training courses, or who have been nominated by local authorities as Scientific Intelligence Officers.
Duke of Edinburgh's award		To enable participants to receive awards.
Specific rehabilitation training associated with disability	15 days	For example, to enable employees, who are registered blind, to attend guide dog training.
Disability Adjustment Leave	Up to 1 day per session to attend treatment sessions (eg chemotherapy, physiotherapy, Cognitive Behavioural Therapy)	Disability Adjustment Leave (DAL) may be granted by managers to staff who have formally declared to Highways England that they have a disability that they consider to be covered under the Equalities Act 2010 and who are fit for work but need time off because of their disability/ condition to.
	From 1 to 3 days to recover following treatment/ changes to medication	A 'session' may be 1 day per week/ month, etc, or 1 day for any period from 1 to a number of weeks. If a single 'session' lasts for more than 1 day then HR will consider and authorise DAL if appropriate.
	Up to 1 day per session to attend assessment/ training sessions (eg dyslexia assessment)	HR may award longer periods of DAL of up to 13 weeks while specific reasonable adjustments are being arranged to help to support staff (eg provision of IT equipment or special furniture, longer periods of treatment/training).
	Up to 1 day per appointment to attend a medical/ specialist appointment (eg hearing tests)	NB: DAL is not an alternative to sick leave and must not be used to cover periods of sickness absence. DAL is not available for staff to attend treatment/appointments when they are already absent due to sickness.
Investitures		You may also be able to claim travelling expenses and subsistence. Enquiries to Travel and Transfer Team.
Jury service	time spent on jury service	You may claim travelling and subsistence expenses against the court but you must not claim or accept compensation for loss of earnings.
Volunteer reservist training	Up to 10 days per year	For the continuous mandatory period of training which usually lasts 16 consecutive days and is often referred to as the 'Annual Deployment Exercise' or 'annual camp'. There may be some variation between the Reserve Forces where

Sporting events	various	mandatory training may be split over two or shorter periods. See also <a href="#">Reservist policy</a> Selection to the Olympics and Commonwealth games, may also include travel time. Degree course or equivalent 20 days total but no more than 10 days to be taken in the last year of the course. Open University courses - an additional 20 days throughout the course for summer school.
Study leave	various	A level courses up to 10 days in total.  GCSE courses up to 5 days. Chapter 2A Section 2.13 for details  See Chapter 9A Section 9.6 Travelling time
Voluntary public service Relocation and resettlement leave	various	

### 2.4.36 Special leave without pay

Leave	Limit	Policy
Accompanying a Partner	3 Years	If your partner's job is likely to be transferred to another area and you wish to transfer to the same area and want to remain a Highways England employee. Highways England will make every effort to find you a post at the same grade. It may be necessary to put you on a waiting list in which case Special Leave without Pay may be approved.
Special domestic responsibilities	Up to 12 months	Unpaid special leave, or a career break may be granted in circumstances where an officer has heavy domestic responsibility for a long period. Approval may be given for a move to part time working or flexible working patterns. (See Section 2.4.35 for details of the right to take time off for dependants as laid out in the Employment Relations Act 1999).
School Holidays		
Career Break	Depending on circumstances, up to 5 years	<a href="#">See Chapter 2C Section 2.4 guidance on extended Special Leave</a>
Full Time work outside Highways England		May be approved for work outside Highways England for personal reasons such as Voluntary Service Overseas. Staffing and business needs will be paramount when considering applications, as will the practicality of holding the applicant's post open.
Witness in civil proceedings		You must apply for annual or special leave without pay. You may retain any compensation for loss of earnings or expenses paid by a court or a party in action.

### 2.4.37 Religious and Cultural Leave Policy

This policy applies to all Highways England staff and provides them with details on Highways England's Religious and Cultural Leave Policy.

There are 8 public statutory holidays some of which link to Christian festivals. Privilege days are flexible and are usually taken around Christmas and Maundy Thursday. Please see [Public and](#)

[Privilege Leave Policy, Part A of this Handbook, Chapter 2, Section 2.4.16](#) for further information on dates.

The purpose of this policy is to outline Highways England's position on accommodating, where possible, reasonable requests from staff for time off to observe other religious or cultural festivals, to be taken as annual or flexi leave.

'Religion' and 'belief' is not explicitly defined under the Equalities Act 2010, however the Regulations do specifically exclude political beliefs. For the purpose of this policy, it means any religion, religious belief or similar philosophical belief excluding political beliefs. See the Multicultural Calendar on the portal for a list of religious festivals.

Requests for time off for the observance of religious or cultural festivals will be fully considered, taking into account the significance of the religious commitment to the individual, on a case by case basis, whilst also aiming to balance the needs of the business.

Requests should be treated no differently to any other request for time off.

## 2.4.38 Managing requests for time off for religious or cultural reasons

### Staff

Staff should inform their line manager at the earliest possibility, of their request for time off. Where possible be precise about the actual date of the festival and where the date is assigned at late notice, this must be explained to the line manager at the time of the request.

Requests for religious/cultural leave should be taken as annual/flexi leave.

### Line managers

Line managers are responsible for ensuring that all staff are treated with respect and dignity regardless of their cultural and religious backgrounds.

They should ensure that all staff understand the reason for the flexibility towards those staff who are observing their religious or cultural beliefs, and should adopt a sensitive approach when considering requests for observance of religious/cultural festivals.

Managers need to be aware of these considerations when arranging meetings and setting business planning arrangements.

### HR

HR is responsible for providing advice and guidance to managers and staff on requests for leave to observe religious or cultural festivals.

## **Chapter 2.5 - Part A: Parental Policies**

### *Part A*

[2.5.1 Maternity leave and pay policy principles](#)

[2.5.2 Ordinary Paternity/Partner support leave and Pay policy principles](#)

[2.5.3 Additional Paternity leave](#)

[2.5.4 Parental Leave policy](#)

[2.5.5 Shared Parental Leave policy](#)

[2.5.6 Adoption Leave and Pay policy principles](#)

### *Part B*

[Procedure](#)

### *Part C*

[Guidance](#)

## Chapter 2.5.1 - Part A: Parental Policies - Maternity leave and pay policy principles

Please note that all aspects of this Maternity policy and supporting products apply to Highways England staff with the exception of the qualifying period. Highways England Staff qualify for ordinary maternity pay from day one of their employment. This exemption is being retained in order to support the continued strategy to improve the overall gender balance.

1. For maternity leave and pay purposes "Childbirth" is defined as the birth of a child from the start of the 24<sup>th</sup> week of pregnancy onwards. The rights and entitlements set out in this policy and the accompanying guidance apply to all births which occur after the start of the 24<sup>th</sup> week of pregnancy including still births.
2. Statutory Maternity Leave and Maternity Pay are separate entitlements and the eligibility criteria for both are different.
3. All employees have the right, regardless of length of service, to take up to 52 weeks maternity leave. A minimum of 2 weeks ordinary maternity leave must be taken after the birth of a baby. During this two week period no work related contact must be made with the mother.
4. Maternity leave is made up of ordinary maternity leave (OML) and additional maternity leave (AML), each of 26 weeks.
5. Employees are entitled to 26 weeks OML on full pay if they have completed one year's continuous service in the Civil Service before the OML commences and a further entitlement to 13 weeks paid at SMP rate and 13 weeks unpaid additional maternity leave.
6. Employees continuously employed in the Civil Service for at least 26 weeks at the beginning of the 14th week before the expected week of childbirth will be entitled to 26 weeks OML with Statutory Maternity Pay (SMP) and a further entitlement to 13 weeks paid at SMP rate and 13 weeks unpaid AML.
7. Employees with less than 26 weeks continuous service are entitled to 26 weeks' OML and 26 weeks AML both of which will be unpaid
8. Employees who are not entitled to paid OML, be it at full pay or SMP, may be eligible for Maternity Allowance and should contact the HR advice service who will advise on how to claim.
9. OML may begin at anytime from 11 weeks before the expected week of birth up until the birth itself. However maternity leave may start from 14 weeks before the expected week of birth, the three weeks will be unpaid and forms part of AML total.
10. An employee giving birth has the option to take all or part of the 26 weeks AML. They may also share the leave with their partner. See Additional Paternity Leave policy Chapter 2A Section 2.5.3 and Shared Parental Leave Policy. (Chapter 2A Section 2.5.5))
11. If an employee is absent from work with a pregnancy-related illness during the 4 weeks before the start of their expected week of childbirth, their maternity leave will start automatically the day after the first day of the pregnancy-related sickness absence regardless of when they intended to start their leave. Should they be absent from the office due to a non pregnancy-related sickness absence before their maternity leave begins, maternity leave may be allowed to start on the date they originally specified as the start date of their leave, provided that Highways England is satisfied that there is suitable evidence of incapacity.
12. Entitlement to ordinary or additional maternity leave is not changed in any way by the number of pregnancies the employee has or by the time gap between pregnancies. If childbirth occurs

before the notified date (or before any notification was received by HR), the maternity leave period starts automatically on the day after the date of the birth. This applies even where the birth takes place before the start of the 11th week before the birth was originally expected

13. In the case of a stillbirth after 24 weeks of pregnancy, the normal maternity provisions will apply.
14. Employees who take a period of Maternity Leave have a right to return to work at the end of the period of ordinary or additional maternity leave.
15. All pregnant employees are protected against less favourable treatment on the grounds of their pregnancy and will not be dismissed, made redundant or suffer a detriment of any kind for any reason connected with their pregnancy or childbirth or for taking paid or unpaid maternity leave.
16. There are two key weeks that employees should be aware of:
  - the week the baby is due (the Expected Week of Childbirth (EWC)); and
  - the 15th week before the week the baby is due (the Qualifying Week (QW)). The QW is defined as a period of 7 days that begins at midnight between Saturday and Sunday.
17. In order to qualify for both Maternity Leave and Statutory Maternity Pay (SMP) employees must provide all required information and documentation within the correct timescales. See Maternity Leave and Pay Guidance Chapter 2C Section 2.5.1
18. Employees are allowed time off to attend ante-natal care appointments where it is not possible to arrange these outside working hours.
19. Employees must provide a MATB1 [or a medical certificate from a registered general practitioner or midwife].
20. Employees must agree arrangements for keeping in touch with their line manager throughout their maternity leave period.
21. Employees, with the agreement of their line manager, may work for up to 10 keeping in touch days throughout the period of maternity leave.
22. Employees have the right to return to the same job on the same terms and conditions at the end of a period of ordinary or additional maternity leave. If a redundancy situation arises during ordinary or additional maternity leave which makes it impractical for the employee to return to the post that they were in prior to starting their maternity leave, the employee will be offered another post that is comparable and suitable in time for the employee's return to work provided such a post exists.
23. This policy and the accompanying Guidance do not cover circumstances where the Maternity Leave period is split and Additional Paternity Leave or Shared Parental Leave is taken by the employee's spouse or partner. In these circumstances employees should refer to the separate Additional Paternity Leave or Shared Parental Leave Policy and Guidance.
24. A [Pregnancy Risk Assessment](#) must be carried out by the line manager as soon as they are informed that the staff member is pregnant. The risk assessment will be ongoing throughout the pregnancy and on their return to work when they are classed as a new/breastfeeding mother. The pregnancy risk assessment [flowchart](#) provides an outline of the process. Expectant and returning mums are also advised to complete an [online DSE assessment](#).

25. Line managers must agree arrangements for keeping in touch with an employee throughout the period of maternity leave prior to the maternity leave starting.
26. Line managers must ensure that all the procedures in relation to an employee's application for maternity leave and pay are followed.



## Chapter 2.5.2 - Part A: Parental Policies - Ordinary Paternity/Partner support leave and Pay policy principles

1. This policy applies to employees:
  - whose partner has given birth; or
  - who are jointly adopting a child; or
  - whose partner is adopting a child.
2. This policy encompasses the legislative provisions relating to Ordinary Statutory Paternity Leave (OSPL) and Ordinary Statutory Paternity Pay (OSPP) as well as the equivalent in respect of the secondary carer for adoption purposes.
3. A maximum of three weeks (15 days) Ordinary Statutory Paternity Leave (OSPL) is available to eligible employees. The leave and pay available will be subject to the employee meeting the relevant eligibility criteria. See Ordinary Paternity/Partner Support Leave and Pay Guidance. (Chapter 2C Section 2.5.2)
4. Subject to an employee meeting the relevant criteria Highways England will enhance OSPP to the employee's normal contractual rate of pay for the 3 week OSPL period.
5. Adoptive parents should be aware that different arrangements apply in respect of the eligibility and notification requirements depending on whether the child or children are being adopting from within the UK or from abroad.
6. The earliest an employee can choose to start their leave is:
  - the date of the baby's birth, or
  - the date a child or children are placed with them for adoption; or,
  - in the case of adoptions, from overseas the date that the child enters the UK.
7. OSPL can start on any day of the week but must be taken and finish by no later than the start of the 20<sup>th</sup> week after:
  - the baby's birth,
  - the placement of the child; or
  - the date that the child entered the UK.
8. Only one period of leave is available regardless of how many children are born or adopted at one time.
9. In order to qualify for Ordinary Statutory Paternity Leave (OSPL) and Ordinary Statutory Paternity Pay (OSPP) employees must provide all required information and documentation within the correct timescales. (See Chapter 2C Section 2.5.2 Ordinary Paternity/Partner Support Leave and Pay Guidance.)
10. An employee's rights to OSPL and OSPP are based on key dates associated with the birth of the child or the child or children's adoption. These are the "Matching Date" – the date that the primary adopter is matched with a child or children for adoption, and the "Placement Date" – the date that the child or children are expected to be placed with the adoptive parent or parents.
11. In the case of a stillbirth after 24 weeks of pregnancy, the normal paternity provisions will apply.

12. Line managers must ensure that where they have been notified of an employee's intention to take Paternity/ Partner Support Leave and pay that they follow the procedures set out in the guidance attached to this policy.
- 13.

## Chapter 2.5.3 - Part A: Parental Policies - Additional Paternity leave

**Additional paternity leave and pay is no longer be available for babies due after 5 April 2015. It has been replaced with Shared Parental Leave ([see Chapter 2.5.5, Part A](#))**

### a) Who the policy applies to

The Additional Paternity Leave policy applies to all Highways England employees i.e. it would not apply to agency workers but will apply to those employed on a fixed term contract as well as to permanent employees. The eligibility criteria and notification requirements detailed below must be satisfied.

This policy applies to all employees regardless of sexual orientation or gender identity. Line Managers need to be sensitive when notified of a birth or adoption, particularly around confidentiality, as disclosure of information may be a breach of Data Protection legislation; for example under gender reassignment circumstances.

### b) What is Additional Paternity Leave?

Additional Paternity Leave allows employees to take up to 26 weeks leave to care for their new child once the mother or primary adopter has returned to work.

The earliest that this leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of the placement of the child for adoption, and it must end no later than 12 months after that birth/placement date. It can only be taken where the mother or primary adopter has returned to work.

### c) Roles & Responsibilities

Employees must:

- provide at least 8 weeks' notice in writing of the date from which they wish to take leave and provide all of the required information using the HMRC form SC7
- comply with the procedures

Managers will:

- have a duty to apply the Additional Paternity Leave policy and accompanying procedures.
- maintain reasonable contact with the employee during the period of Additional Paternity Leave to keep them up to date on any significant developments.

### d) Eligibility Criteria

In order to be eligible for Additional Paternity Leave, each of the following criteria must be satisfied:

Birth parent

- The employee has been continuously employed within Highways England for at least 26 weeks, ending with the 15th week before the expected week of childbirth and remains in continuous employment with Highways England until the week before Additional Paternity Leave starts. This continuity is not broken by movement between Departments, and;
- Has or expects to have the main responsibility for the upbringing of the child (apart from any responsibility of the mother), and;
- Be the biological father of the child or be married to, or be the partner or civil partner of, the child's mother, and;

- The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance, and;
- The mother must have returned to work before Additional Paternity Leave can start.

#### Adoptive parent

- Has been continuously employed within the Highways England for at least 26 weeks ending with the week in which the primary adopter is notified of having been matched with a child and remains in continuous employment within the Highways England until the week before Additional Paternity Leave starts. This continuity is not broken by movement between Departments, and;
- Be married to or be the partner or civil partner of the primary adopter and have been matched with the child for adoption, and;
- The primary adopter must be entitled to one or both of: adoption leave; or statutory adoption pay, and;
- The primary adopter must have returned to work before Additional Paternity Leave can start.

For both birth and adoptive parents, please note the effect of the following types of absence on continuous service:

- A strike day would not break continuity of service but suspends it for the period of the strike. For example if an employee was on strike for one day, then they would need to have worked for 26 weeks and one day to achieve continuity of service.
- Unpaid Additional Paternity leave does not break or suspend the period of continuous service up to the end of the 12 month pay period.

#### **e) Employee Notification Requirements**

Highways England must be notified in writing of an intention to take Additional Paternity Leave at least 8 weeks prior to the chosen start date. The mother/primary adopter must also make a written declaration. (The HMRC form SC7 must be used)

If the employee wants to change the start date or cancel the leave, they must give Highways England 6 week's written notice.

#### **f) Departmental Notification Requirements**

Highways England will respond in writing to the request within 28 calendar days of receipt, confirming whether the employee is entitled to the leave and the relevant start and end dates.

#### **g) Additional Statutory Paternity Pay**

Employees may qualify for Additional Statutory Paternity Pay for some of the Additional Paternity Leave period if each of the following criteria is satisfied:

- The employee is eligible for Additional Paternity Leave, and;
- The employee remains in continuous employment with Highways England until the week before the Additional Statutory Paternity Leave begins, and;
- The mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption; the primary adopter is entitled to statutory adoption pay, and;
- The mother or primary adopter has returned to work at least 2 weeks before his/her full entitlement to Statutory Maternity Pay/Maternity Allowance/Statutory Adoption Pay has been exhausted and;
- The employee must pay Class One National Insurance Contributions (NICs) to be eligible for Additional Statutory Pay and have paid these in the relevant 8 week period and;
- The employee gives the required notification under this policy.

The employee will be paid Additional Statutory Paternity Pay for the remainder of the mother or primary adopter's untaken 39 week statutory pay period.

Any leave taken after the 39<sup>th</sup> week of the statutory pay period will be unpaid.

Additional Statutory Paternity Pay is payable whether or not the employee intends to return to work and will start the day Additional Paternity Leave starts.

The mother/primary adopter must have returned to work to enable the eligible employee to take Additional Paternity Leave. A period of annual, sick or parental leave taken immediately after the maternity leave, but during the maternity or adoption pay period, is not a return to work.

#### **h) Disagreements**

If the employee thinks that they are eligible for pay and Highways England's decision not to pay Additional Statutory Paternity Pay is wrong, then the employee should ask Highways England for the reason. Highways England should explain the reason for the decision in writing. If the employee is not satisfied, they can provide additional information to support their reasons. They should do so as soon as possible. Highways England will review the case and inform the employee of the final decision as soon as possible.

If the employee still disagrees, they can raise a grievance/complaint using Highways England procedures. Employees can contact their Trade Union for advice.

#### **i) Contractual Benefits**

The employee's contract remains in place and the employee will continue to accrue all contractual benefits except for salary, when they are on this leave. Annual Leave and Public/Privilege days will continue to accrue. Highways England will carry on making their usual contributions to a pension during any paid period of Additional Paternity Leave but not during any unpaid period; employee contributions will be based on actual pay received.

#### **j) Keeping in Touch Days**

Employees may work up to 10 days during their leave by mutual agreement with their Line Manager. This is to enable the employee to remain in touch with their workplace. If more than 10 days are worked then the Additional Paternity Leave will end.

#### **k) Pay Arrangements for Keeping in Touch Days**

If an employee works on a keeping in touch day, they are entitled to the rate of pay that they would normally be contractually entitled to. Line managers must provide SSa with details of any Keeping in Touch days worked in order that the appropriate arrangements for payment are made.

#### **l) Return to Work Rights**

If employees decide to change their return date, at least 6 weeks' written notice of the new date is required. If this requirement is not met, Highways England may postpone the employee's return until such time as will ensure that Highways England has 6 weeks' notice of the employee's return date.

At least two weeks before the employee is due to return to work, the line manager should contact the employee in writing to discuss their return to work.

On returning from up to 26 weeks of Additional Paternity Leave the employee has the right to return to the same job. This also applies for those who opt to take up to 4 weeks' unpaid parental leave at the end of the Additional Paternity Leave.

If the employee returns after a longer period, the employee has the right to return to the same job unless it is not reasonably practical. In this case the employee has the right to a suitable and appropriate alternative job at the same level. This provision is the same as the rights to return to work following maternity/adoption leave.

If an employee decides not to return to work, then they must provide written notice to their Line Manager in accordance with the terms of their contract.

#### **m) Restructuring and redundancy situations**

It is very important that the employee is informed and consulted about future restructuring exercises if their designated post is subject to change or is at risk.

If a redundancy situation arises in an employee's absence, Highways England must make all reasonable efforts to find alternative work for the employee. Where there is a suitable available vacancy the employee on Additional Paternity Leave will have priority over other employees in the redundancy exercise in the same way as staff that are returning from maternity or adoption leave.

Employees who are on this leave, are legally protected from detriment for any reason connected with the fact that they have requested or taken Additional Paternity Leave.

#### **n) Fraud**

If the employee fraudulently or negligently gives incorrect information or makes a false statement or declaration about their circumstances, this will be considered a disciplinary offence. Action should be taken in accordance with Highways England's disciplinary procedures.

#### **o) Confirming Information**

The regulations specifically empower an employer to be able to request that an employee provide the mothers/primary adopters employment details. Highways England is then free to contact that employer to confirm this information if they wish.

## Chapter 2.5.4 - Part A: Parental Policies - Parental Leave policy

1. Parental leave is distinct from, and additional to, your entitlements to maternity leave, adoption leave and paternity leave.
2. This policy should be read in conjunction with the parental leave guidance and the parental leave Q&A. (Chapter 2C Section 2.5.4).
3. If you become a parent, you are entitled to unpaid parental leave to care for your child provided that:
  - your child is under 18 years old
  - you can show your line manager a birth certificate or other documentation to establish your entitlement.
4. The entitlement to parental leave applies to mothers and fathers and to persons who have obtained formal parental responsibility for a child. You may be required to provide evidence that you have that responsibility.
5. Parental leave will be unpaid (and it is therefore non-reckonable for superannuation purposes) but will count as qualifying service for superannuation purposes.
6. You can start taking parental leave when your child is born or placed with you for adoption or as soon thereafter as you have completed one year's Highways England service, whichever is the last.
7. You can take a total of 18 weeks parental leave for each child or a total of 26 weeks for parents of a disabled child. This will be pro-rata if you work part-time and this can be taken at any time up to your child's eighteen birthday
8. Parents of disabled children may take up to three weeks paid parental leave in any twelve month period, up to the maximum entitlement of 26 weeks paid parental leave
9. You can take your parental leave in blocks of a week or multiples of a week, up to a maximum of four weeks in any one year for each child. A disabled child is defined here as a child for whom disability living allowance is awarded.
10. You will remain employed by Highways England while on parental leave. If you take a parental leave period you are entitled to return to the same job as before. If it is not reasonably practicable for Highways England to permit this, you have a right to return to another suitable and appropriate job on terms and conditions which are as favourable as those which applied if you had not been absent.
11. You must give 21 days notice in writing to your line manager.
12. If you are a line manager and one of your staff requests parental leave, you must satisfy yourself that:
  - the child concerned is under 18 years old
  - the period of parental leave requested would not exceed the entitlement of 4 weeks in one year or 18 weeks in 8 years (or 26 weeks in 18 years for a disabled child). You must consult Human Resources if you are in any doubt about the amount of parental leave already taken.
13. Line managers must respond to a request for parental leave within seven days of receipt. They must not refuse a legitimate request unless the operations of Highways England would be unduly disrupted if parental leave were granted.

14. If this is the case the leave can be postponed for up to three months. They must consult with you, and must offer you an equivalent period of leave. Leave cannot be postponed so that the leave ends after the child's eighth birthday (or 18 in the case of adopted or disabled children).
15. If, exceptionally, a request is refused, and the line manager requires you to postpone the requested period of leave they must do so in writing, stating the reasons, within seven days of the original request.
16. A line manager may not postpone leave when you give notice that you will be taking it immediately after the time your child is born or is placed with you for adoption, provided that appropriate notice has been given.



## Chapter 2.5.5 - Part A: Parental Policies - Shared Parental Leave policy

### *a) Policy statement*

Highways England is committed to being a good modern employer and to offering employees and family friendly employment policies that support business needs. This approach supports employee motivation and work life balance. It also helps retain talented employees.

### *b) Purpose*

Shared parental leave (SPL) is a statutory entitlement to flexible parental leave and pay, available to both parents on an equal basis. Legislative provisions to implement SPL are set out in the Children and Families Act 2014 and statutory instruments made under the powers in the Act.

SPL aims to:

- allow working parents to share the care of their children
- enable working fathers to take a more active role in caring for their children
- reduce the gender bias that currently impacts on women's careers.

Where a woman and her partner meet the qualifying conditions for SPL, the woman can end her maternity leave and pay, or commit to ending it at a future date and share the untaken balance of maternity leave and pay as SPL and pay. For adoptive parents, the primary adopter will have to bring their adoption leave period to an end before they or their partner are entitled to SPL.

### *c) Scope*

This policy and related procedure apply to all employees who meet the eligibility criteria (length of service and economic activity) for SPL as set out in the Shared parental leave procedure (Chapter 2B Section 2.5.5). Each parent will need to qualify for leave and pay in their own right. This policy applies to births where the expected week of childbirth begins on or after 5 April 2015 and to adoptions where a child is matched or placed for adoption on or after 5 April 2015.

### *d) Policy principles*

The following principles and values underpin this policy:

- protection – retained protection for pregnant women and mothers immediately before and after childbirth.
- flexibility – increased flexibility for employers and employees giving a choice on how employment and caring is shared between parents.
- simplicity – straightforward procedures, easy to access and manage.
- shared responsibility – a system more balanced between genders that allows negotiation of leave patterns between employer and working parents.

### *e) Further information*

Further information and advice about SPL is available in the Shared parental leave procedure, How to guides, Frequently asked questions and Glossary.

## **Chapter 2.5.6 - Part A: Parental Policies - Adoption Leave and Pay policy principles**

1. The policy and guidance covers situations where an employee has been matched with a child or children through an adoption agency in the UK, or where a child or children are being adopted from overseas. In both cases the adoption will need to meet the relevant criteria in order for the employee to be eligible for Adoption Leave and Pay.
2. Only one period of leave will be available, regardless of whether more than one child is being placed for adoption as part of the same arrangement.
3. Adoption Leave and Adoption Pay are separate entitlements and the rules relating to Adoption Leave and Pay differ depending upon whether an employee is adopting from within the UK or overseas.
4. Eligible employees are able to take up to 52 weeks Adoption Leave.
5. Adoption leave is a single continuous period of 52 weeks and is made up of:
  - 26 weeks Ordinary Adoption leave (OAL); followed immediately by
  - 26 weeks Additional Adoption leave (AAL)
6. Subject to meeting the relevant eligibility criteria employees will be entitled to Statutory Adoption Pay (SAP) for 39 weeks.
7. Contractual enhancements to the statutory provisions in respect of adoption leave and pay are set out where appropriate within the guidance attached to this policy. See Adoption Leave Guidance (Chapter 2C Section 2.5.6)
8. Employees' rights to SAP are based on key dates associated with the child or children's adoption. These are the "Matching Date" – the date that the adopter is matched with a child or children for adoption, and the "Placement Date" – the date that the child or children are expected to be placed with the adopter for adoption.
9. In order to qualify for both Adoption Leave and Statutory Adoption Pay (SAP) employees must provide all required information and documentation within the correct timescales. See Adoption Leave Guidance. (Chapter 2C Section 2.5.6)
10. If an employee takes a period of OAL (i.e. the initial 26 weeks of the period of adoption leave) they have a right to return to the job in which they were employed before their adoption leave started and on no less favourable terms and conditions.
11. If they return to work after a period of AAL they are also entitled to return to the job in which they were employed before the adoption leave started on no less favourable terms and conditions. If, however, it is not reasonably practicable to permit a return to that job they must be offered an alternative post on terms and conditions that are no less favourable than they had before the period of adoption leave started.
12. See Annex B of the Adoption Leave guidance (Chapter 2C Section 2.5.6) for full details on returning to work.
13. Where there is a redundancy situation, which makes it impracticable for them to continue to be employed under their existing contract (for example, if their unit or team is reorganised or the end of a time limited project) they must be given as much notice as possible of the potential redundancy and there must be full consultation with the employee (by home visits if necessary). They must be offered any suitable vacancy that exists.

14. An employee will only be made redundant while they are on adoption leave if the post they occupied is made redundant, and no suitable alternative post can be found, and not because they have been on a period of adoption leave.

15. See Annex B of the Adoption Leave guidance (Chapter 2C Section 2.5.6 for full details on redundancy during adoption leave.

16. This Policy and the accompanying Guidance do not cover circumstances where the Adoption Leave period is split between the adopting parents and Additional Paternity or Shared Parental Leave is taken by the secondary carer. Employees should refer to the Additional Paternity Leave or Shared Parental Leave Guidance. (Chapter 2C Section 2.5.6).

17. Line managers must ensure that where they have been notified of an employee's intention to adopt that they follow the procedures set out in the Adoption Leave Guidance (Chapter 2C Section 2.5.6).

## Chapter 2.6 - Part A: Flexible Working

With the agreement of your line manager, the following flexible working practices are available to you:

- a. flexible working hours
- b. staggered hours (allows employees to start and finish their day at different times. Pay will depend on the hours worked in total rather than the time at which they worked)
- c. part-time working (part-week and part-year working (including term-time)) and job sharing
- d. compressed hours
- e. homeworking
- f. combinations of the flexible working practices listed in sub paragraphs (a) to (e) above

### 2.6.1 Statutory right to requests for flexible working

Highways England employees have the right to apply for flexible working arrangements in the form of a contractual variation.

Line managers have a legal duty to consider requests in accordance with the procedures set out in this section. Applications may be made to vary the place, hours and times that a member of staff works. All staff are already entitled to apply some flexibility in the hours they work under the Flexible Working Hours arrangements outlined below (2.6.2). Application and associated forms to be used when applying under the Legislation can be found at Chapter 2C Section 2.6.2 or can be accessed here. [Application form](#).

Members of staff may wish to apply for flexible working patterns but may not want to do so under the legislation. In these circumstances the guidance set out in this section should also be followed. The application and associated forms to be used in these circumstances can be found at Chapter 2C Section 2.6.2 or can be accessed here. [Application form](#).

#### *a) Applications to work flexibly*

Applications to work any form or combination of flexible working must be submitted in writing to your line manager. The application must:

- state that the application is being made under the statutory right to request flexible working
- the date on which it is proposed that the work pattern/arrangements comes into effect
- be dated
- set out the work pattern/arrangements requested , including details of what effect they may have on Highways England and how any such effect might be dealt with (how the request can be accommodated)
- state whether they have made a previous application for flexible working and the date of their application

Use the [application form](#) to make a request for flexible working under the legislation.

Upon receipt of a written application the line manager must consider whether the application can be approved. Within 28 days of the date of the application, the line manager must either:

- a. give written agreement to the application, including; a start date for the start of the working pattern/arrangements; details of the new work pattern/arrangements ; the date agreement is given, or
- b. arrange a meeting with the applicant to discuss the application (see paragraphs below)

Meetings must be conducted in accordance with Chapter 2C Section 2.18, including the right to be accompanied and represented by a colleague or trade union representative. If the employee's companion/representative is unable to make the initial meeting, the line manager must seek to rearrange the meeting for a time convenient to themselves, the applicant and the companion/representative. It must take place within seven days of the date of the initially proposed meeting.

If the applicant fails to attend the meeting without notification, they must contact the line manager as soon as possible to explain their absence, and to allow the line manager to rearrange the meeting at the next mutually convenient date.

Within 14 days of any meeting, the line manager must either:

- a. give written agreement to the application, including a start date for the start of the working pattern/arrangements details of the new work pattern/arrangements; and be dated, or
- b. given written refusal to the application, clearly setting out:
  - i. the business grounds, which must be one of the 'specified business grounds' (see below b)
  - ii. a full explanation as to why those business grounds apply to the particular post
  - iii. the right of appeal (see below c)
  - iv. the date of the decision

#### *b) Specified business grounds to refuse an application*

The 'specified business grounds' are:

- the burden of additional costs
- detrimental effect on the ability to meet customer demands
- inability to re-organise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the member of staff proposes to work or
- planned structural changes

Line managers are strongly encouraged to discuss their grounds for refusal with their HR Business Partner before making any decision.

#### *c) Appeal procedures*

Within 14 days of the date of a written decision letter from the line manager, the applicant may [appeal the decision](#). The appeal must:

- be in writing (paper, email or fax)
- set out the grounds of the appeal

- be dated
- sent to the countersigning manager

Upon receipt of a written appeal, the Appeal Officer will hear the appeal within 14 days of the date of the written appeal. The Appeal Officer must be at least 1 pay grade higher than the Decision Officer, who is not part of the same reporting line as the applicant and line manager (Decision Officer).

The Appeal Officer will arrange to meet the applicant in accordance with Chapter 2C Section 2.18, including the right to be accompanied and represented by a colleague or trade union representative. If the employee's companion/representative is unable to make the initial meeting, the Appeal Officer must seek to rearrange the meeting for a time convenient to themselves, the applicant and the companion/representative. It must take place within seven days of the date of the initially proposed meeting.

If the applicant fails to attend the meeting without notification, they must contact the Appeal Officer as soon as possible to explain their absence, and to allow the Appeal Officer to rearrange the meeting at the next mutually convenient date.

Within 14 days of the Appeal meeting, the Appeal Officer will communicate their decision in writing to the applicant.

This is without prejudice to other rights of appeal under either Highways England's Grievance procedure ([Chapter 11](#) Part A of this Staff Handbook) or through an Employment Tribunal.

#### *d) Time limit extensions*

If, due to exceptional circumstances, it is not possible to complete any part of the process within the required time limit (e.g. the applicant is on annual leave) the line manager and applicant may agree a Time Limit Extension.

The line manager must produce a written record of the agreement setting out:

- specifically what period the extension relates to
- specifically the date on which the extension is to end
- be dated
- be copied to the applicant

Where an application is sent to a line manager who is absent (e.g. off sick or on annual leave) an automatic extension applies. The period that the line manager has to arrange the meeting will commence either on the day of the line manager's return or 28 days after the application is made, whichever is the sooner.

## 2.6.2 Pay

If you are contracted to work for fewer than 52.2 weeks per year you will be paid a proportion of the appropriate full-time rate calculated on your weekly hours and the number of weeks per year that you work or on your annual hours. Each complete year must be agreed in advance with your line manager and customer service advisor.

Your salary will be paid in twelve equal instalments over the agreed year at 1/12th of your proportional annual salary plus 1/12th of any proportional annual allowances you are entitled to.

The formula for calculating your proportional weekly hours worked is as follows:

$$\frac{\text{weekly hours} \times \text{number of weeks per year worked}}{52.2} \quad \text{or} \quad \frac{\text{annual hours}}{52.2}$$

= proportional weekly hours worked

The formula for calculating your salary is:

$$\frac{\text{proportional weekly hours worked} \times (\text{full time annual salary} + \text{allowances})}{\text{full-time net conditioned hours}}$$

### 2.6.3 Terms and conditions

If an application for flexible working is agreed, in addition to the other terms and conditions contained in this Staff Handbook and as described in [Chapter 1](#) of the Staff Handbook, the following terms and conditions will also apply where appropriate.

### 2.6.4 Portability of agreed flexible working arrangements

If it has been agreed that you can work flexibly in accordance with the Children and Families Act 2014, and you subsequently transfer to a new post within Highways England, you will retain your previously agreed flexible working arrangements if you wish, unless one of the specific business grounds in paragraph 2.6.2 b) applies to that post.

### 2.6.5 Changes to agreed flexible working arrangements

A change to your working pattern under the Children and Families Act 2014 represents a permanent change. Should you wish to amend or terminate your flexible working pattern you must apply to your line manager. It will normally be expected that there will only be one variation in any twelve month period although your line manager will give consideration a shorter period should significant changes in circumstances occur.

Where, for an objective business reason, a flexible working arrangement ceases to be practicable in a post then your line manager must advise you accordingly in writing. Working with you and your line manager, Human Resources will seek to resolve the situation by either negotiating an agreed variation of the working practice in a way that makes continuing in that post practicable; or else finding a suitable alternative post where the flexible working arrangement may be supported. At all times Highways England will act in accordance with its Equal Opportunities Policy and its legal and contractual obligations.

Where a line manager has reason to suspect that a member of staff is abusing a flexible working arrangement, they must consider whether it would be appropriate to follow the procedures in relation to Maintaining Satisfactory Standards of Conduct (Chapter 3B Section 3.2 of this Staff Handbook). No action may be taken outside of these procedures.

### 2.6.6 Types of flexible working and other terms

#### *a) Flexible working hours – including operating hours*

Flexible Working Hours (FWH) is a system of attendance under which participants are required to be present during certain hours of the day, known as "core-time". However, subject to operational needs and line management agreement, participants may start and finish work each day at the times they choose during the "flexible range" (i.e. the hours before and after core-time), provided they complete their net conditioned hours exclusive of lunch-breaks (i.e. 37 hours) during the agreed "accounting period" (see 2.6.1 (e)).

FWH should include the following arrangements:

- a. Attendance recording

FWH schemes operate by an electronic means of recording attendance, accessed through the Portal

b. the working day may be divided into the following periods:

Flexible starting period 0715 hrs to 1000 hrs

Core-time 1000 hrs to 1200 hrs

Flexible lunch break 1200 hrs to 1400 hrs

Core-time 1400 hrs to 1530 hrs

Flexible finishing period 1530 hrs to 1900 hrs

Some offices may wish to vary the core-time. These may be determined locally subject to the operational needs of the office, but in no circumstances should it exceed an overall span of 6 hours including an entitlement to a lunch break

c. lunch break

both the length of the meal break and the time at which it is taken should be flexible. The break should be a minimum of half an hour

d. special arrangements

every effort should be made to include all staff in the same flexible working arrangements. Where it is necessary because of local work process (e.g. in order to maintain service to the public during the lunch-break or those employed in safety critical roles) to make special arrangements, such as differing core-times and flexible starting/finishing periods for certain groups of staff, this can be done in consultation with Highways England's local TUS or constituent unions. If this applies, the length of the flexible range should be no less than that applied to other staff

e. accounting period

the minimum accounting (or settlement) period should be 4 consecutive weeks

f. carry over arrangements/credit leave

subject to the workflow and reasonable demands of the office, staff may accumulate in any accounting period a credit balance of up to 22.2 hours or a debit balance of up to 11.1 hours. But it does not follow that staff should arrive at work and finish work in such a way as to accumulate credit hours without regard to the proper needs of the office. If line management agree to a pattern of working which creates the accumulation of sufficient credit hours, staff may apply for up to 3 days credit leave in the accounting period (up to a maximum of 36 days per year). The facility for using such credits should be made available to staff in the "flexible range" (i.e. outside core time) on an informally agreed basis between staff and line managers and in days' and half day's credit leave on a formally approved basis. For credit leave purposes, a working day should be taken as 7.4 hours; i.e. one-fifth of the net conditioned hours of the standard five-day week. Absences of a half or full day's duration and absences within core-time must be authorised in advanced by line management; it is not a right to be taken for granted. Annual leave forms should not be used for this purpose. A maximum of up to 3 days credit may be carried forward from one accounting period to another and up to 1.5 days debit

g. credit for casual absences



under FWH, staff should not be in any less favourable circumstances in relation to time off (i.e. credits) for casual absences. They will continue to have time off for visits to the doctor, dentist, hospital etc. subject to line management authority. Similarly, arrangements for giving credit time for unavoidable delays in arriving at work due to a major transport disruption and other exceptional travel circumstances should be made, and also for early departure for the same reasons. The introduction of FWH should not inhibit management's ability to use their judgement to grant credits for other occasional or casual absences. A FWH credit, together with the period spent at work, should not exceed 7.4 hours in any day

h. authorised absences

annual leave, sickness absence etc. will be credited under FWH. Similarly approved special leave for domestic distress, external training, further education, etc. will be credited

i. absence for industrial relations activities

local absence from work with appropriate credit or special leave will be allowed to staff working FWH

j. overtime arrangements:

- overtime working should be recorded separately from FWH
- if work pressures are severe, volunteers may be sought by management to work overtime and FWH credit/debit facilities should be suspended for the duration of overtime working. This is because no-one working overtime can accrue new credit hours or take credit leave whilst overtime payments are authorised, otherwise the basis for overtime working is questionable. All staff must work full conditioned hours 7.4 hours on each day overtime is claimed before payments apply but may still vary their starting or finishing times by agreement and keep a formal record of the details. Staff in FWH debit must make up the deficit first before being eligible for overtime
- with the separate recording of overtime, existing arrangements for late meal and night allowance/late duty allowance should be maintained. It should be noted, however, that both late duty and night allowances are intended as compensation for unsociable attendance necessitated by essential working arrangements. When, therefore, staff working FWH are allowed as a matter of personal choice to work beyond 8pm at night, neither the late duty nor the night duty allowance should be paid

k. travelling time

staff on official business who are eligible to claim travelling time where it is necessarily outside normal working hours cannot claim both travelling time and accrue flexi-time over 7.4 hours. Staff and managers must decide which is the most appropriate option where the normal working routine has to be changed for official reasons

*b) Compressed hours*

Subject to the Working Time Regulations (see [Chapter 2](#) Section 2.11) and Highways England's standard working day (0715 to 1900) you will be able to work compressed hours.

Compressed hours working is where:

- staff work the same hours as in a five day week (37) over four working days or three working days in a week
- staff work the same hours as in a fortnight ( 74 hours) over nine working days or eight working days in the fortnight

Where it has been agreed that you will work compressed hours, Human Resources will issue a variation to your individual contract of employment (see Part A of this Staff Handbook – [Chapter 1 – Introduction](#)). This contract variation will determine:

- a. the days of the week or fortnight (whichever is appropriate) on which you will work
- b. the hours you will work on those days you work
- c. any other changes to your terms and conditions

If you work compressed hours, your annual paid leave entitlement is calculated in hours. Your annual leave entitlement will be up to 233.1 hours depending on when you started your employment with Highways England. Chapter 2A Section 2.4 of the Staff Handbook has more information on annual leave entitlement.

If you work the same number of hours on each day that you work you may convert your leave entitlement into days by, dividing your annual hourly entitlement by the number of hours you work per day.

If you work compressed hours, your annual public and privilege holiday entitlement ([Chapter 2](#), section 2.4.16) will be shown in hours. Your entitlement will be to 66.6 hours per annum.

Your public and privilege holiday entitlement should be recorded and booked on shared services. If a public or privilege holiday falls on a day when you would normally work, a deduction of the normal hours worked on that day should be made from the entitlement on shared services. No deduction should be made for a public holiday that falls on a day you would not normally work. Time off for privilege days which fall on days not normally worked may be taken at any time throughout the year – with line management agreement. At the end of the leave year, if the allowance is in credit, the excess time must be added to the annual leave allowance.

If you work compressed hours your entitlement to pay during sickness absence is set out in [Chapter 10A](#) Section 10.2, of this Staff Handbook.

### *c) Homeworking*

You may apply to work at home on a long term basis see the [homeworking policy](#) for more details. Where it has been agreed that you will work at home on a long term basis Human Resources will issue a variation to your individual contract of employment (see Part A of this Staff Handbook - [Chapter 1 - Introduction](#)). This contract variation will state:

- a. the location at which you will be 'regularly working at home'
- b. the days of the week you will 'regularly work at home'
- c. the office which will be regarded as the place of work for your post were you not homeworking

For pay purposes, your place of work will be the office where your post would be located if you were not homeworking.

Where staff work partly at home and partly in the office on a regular basis, they will not be regarded as a home worker. They will be provided with ICT devices to facilitate this but no other equipment for working at home. Any special equipment will only be provided at one work location. Line managers should ensure that employees who work at home under a flexible working arrangement are able to work safely.

#### *d) Domestic bills*

Highways England will not refund any additional gas, electricity, water or other utility charges that you incur due to working at home.

#### *e) Use of privately owned PCs*

Privately owned PCs, laptops, tablets smartphones etc. must not be used to access the Highways England business IT network unless that access has been specifically set up and approved by ICT Solutions. This is to avoid any problems with safety standards, compatibility and security.

Highways England systems not hosted on the business IT network such as the Portal may be accessed by any device approved by the system owner, but Highways England makes no guarantee as to the suitability of that device or the resulting functionality.

#### *f) Health and safety*

All staff have a legal duty to:

- a. protect the health and safety of themselves and any other people who may be affected by their acts or omissions
- b. bring to the attention of their line manager any hazards, situations or practices that they observe which have, or may lead to injuries or ill health
- c. co-operate with Highways England's appointed competent health and safety personnel accredited Safety Representatives to secure a safe working environment

The duties given in the above paragraph apply whether you are in your office or working at home.

Line managers should remind employees of the need to complete the [working away from the office process](#) (WAFO).

#### *Flexible working application forms*

- [Flexible Working Hours application form](#)
- [Flexible Working Hours application appeals form](#)

## Chapter 2.7 - Postings, Promotions and Transfers

### 2.7.1 Mobility obligation in the Highways England

The mobility obligation for all staff at Grade 6 and below in Highways England will be restricted to the liability to:

- move between posts which are within reasonable daily travelling distance of their home
- serve away from home for periods of detached duty

Reasonable daily travelling distance will be determined on a case-by-case basis taking into account the personal circumstances of staff, including their location, pay grade, health and social factors. Any invocation of the mobility obligation should be considered carefully on a case-by-case basis having regard to both the requirements of management and the individual personal circumstances of the staff concerned.

Staff likely to be affected by a compulsory redundancy situation will be offered posts that could be considered outside reasonable daily travelling distance. In these circumstances, entitlement to the redundancy terms on offer will continue even if the individual concerned declines the post on offer.

This mobility obligation will not affect the rights of staff with "reserved rights" to the pre-1 April 1987 early retirement terms set out in Section 7 and annexes of the Civil Service Compensation Scheme, (note: The Civil Service Compensation Scheme (CSCS) will no longer apply to staff after 1/4/15 as they will no longer be Civil Servants. However, where staff qualify for benefits within the scheme the calculations will be carried out in accordance with the equivalent terms of the CSCS), and for the staff in the circumstances covered by section 5.4.6, and what follows, of Volume 4, "Early Retirement", of the Pensions Manual. There will also be no effect on the reserved rights for part-time staff covered by the judgement of the European Court of Justice [Barber v GRE] which extended reserved rights to pre-1987 early retirement terms to staff working part-time in a mobile grade on 1 April 1987.

Changes to these requirements must be capable of being justified to all those concerned. Any changes must be compatible with sex discrimination law and in particular justifiable irrespective of the sex of the persons to whom it would apply.

### 2.7.2 Detached duty

Chapter 9A - Travel, subsistence and re-location, sets out the arrangements that will apply if you agree to serve away from your normal workplace for a period of detached duty.

### 2.7.3 Postings, promotions and transfers

Postings and promotions arrangements are set out in [Chapter 2B Section 2.7](#). Associated pay arrangements are set out in Chapter 8 - Pay.

If you transfer within or into Highways England, irrespective of whether you move to a new post on promotion or level transfer, and you have already satisfactorily completed a probation period as a Highways England employee, you will not be required to serve another period of probation in your new post.

## Chapter 2.8 - Part A: Major disruption to travel

The following principles form the Major Disruption to Travel policy and will also apply to business travel:

- employees have a responsibility to attend work and should make every effort to do so but are not expected to take unnecessary risks. For further advice see the [Major Disruption to Travel Q&A](#)
- employees who are affected by major disruption will be treated fairly and principles will be applied consistently wherever possible
- managers should only consider awarding paid special leave to employees where they are satisfied that it was impossible for the individual to attend work and all options for the employee to carry out alternative useful work have been considered and ruled out

The policy does not cover:

- (i) disruption to caring arrangements, eg, impact arising from school or day care centre closures caused by major travel disruption or industrial action. Refer to Chapter 2A Section 2.4.35 for further information on paid Special Leave in these circumstances
- (ii) sickness absence which should be reported and recorded as currently practised ([see Chapter 10](#))

## Chapter 2.9 - Part A: Employee Assistance Programme

### Section 2.9.1

The EAP service covers both personal and work-related issues, where an individual, a line manager or HR perceives that work performance is affected, [further information can be accessed here](#).

The EAP services provided include:

- providing support and information on finance, legal, education, health and family matters
- following a telephone assessment, the EAP can provide face-to-face or telephone counselling with a qualified counsellor

Services are accessed by telephone or email 24 hours a day, 365 days a week.

## Chapter 2.10 - Part A: Health and Safety

The Chief Executive is accountable for health, safety and welfare in Highways England. The health & safety policy describes how health, safety and welfare will be managed in Highways England. The health & safety policy details the aims, objectives and aspirations for health, safety and welfare performance. The policy reflects the importance attached to the health, safety and welfare of all staff and others that may be affected by our activities. This includes contractors and visitors to our premises as well as those working in the supply chain on Highways England projects. The policy requires all managers to give importance to these issues in their operational area and when determining local priorities, work programmes and resource allocation. The policy also recognises the essential role played by safety representatives appointed by Trades Unions. It applies appropriate standards required by health and safety legislation and considers legal compliance as being the minimum standard. In order to support the health & safety policy, Highways England will:

- comply with health and safety legislation, follow best practice and aim to continuously improve performance
- develop effective health and safety management systems and arrangements for all Highways England work activities
- ensure that health and safety responsibilities and competencies are clearly defined in role profiles, RACI charts, job descriptions and in the health & safety management system
- ensure that risks to the health, safety and welfare of staff and others who work at or visit our premises are properly assessed, recorded and effectively managed. Risk assessments will be carried out by competent persons
- appoint a competent person as required by the management of Health & Safety at Work regulations 1999 to provide the Chief Executive with competent health and safety advice
- provide effective arrangements for monitoring and measuring occupational health and safety performance
- provide assurance of the health & safety management systems through both Directorate and independent internal audit
- ensure roles and responsibilities are clearly defined to ensure effective communication, provision of information, training, and systems for reporting to those with delegated responsibilities

### 2.10.1 Information

You will be provided with the following information:-

- a. the name and location of your health and safety representative and Health & Safety Advisor
- b. who to contact for first aid treatment or where to get this information
- c. the evacuation procedure in case of a fire or other incident occurring
- d. any other information necessary to do your work safely

If you are a line manager, you are responsible for:

- a. the health, safety and welfare of your staff
- b. ensuring that safe systems of work are followed and, where necessary, your staff are provided with personal protective equipment (PPE), which is properly maintained and stored
- c. ensuring training is provided for operational and health and safety purposes to all levels of staff as and when required

d. reporting and investigating accidents and incidents in relation to your staff and taking action as necessary in accordance with current accident investigation procedures.



## Chapter 2.11 - Part A: Working Time Regulations

The Working Time Regulations came into force on 1 October 1998. The regulations affect all staff employed by Highways England, ie, full time, part time and casual staff. Staff supplied by employment agencies are also affected. Although their entitlement under the regulations is the responsibility of the employment agency concerned, managers in Highways England have an obligation to ensure that the working patterns of these staff are in accordance with the regulations.

In summary, the regulations:

- set a maximum average working week of 48 hours - excluding meal breaks - (averaged over a 17 week period)
- provide you with minimum daily and weekly rest periods
- provide you with a minimum period of paid leave
- impose certain restrictions in respect of night workers

### 2.11.1 48 hour per week limit

Except as detailed below, staff must not work longer than an average of 48 hours per week, including overtime. The average will be calculated over a 17 week period, known as a "reference period".

Staff are able to make an individual agreement with their divisional manager to set aside the maximum weekly working limit but these agreements must:

- be entirely voluntary
- be in writing
- allow staff signing them, to end the agreement on giving seven days notice

Highways England's view is that consistent working in excess of the 48 hour limit should be necessary only in very exceptional cases. Staff who do not wish to enter into agreements to work longer than 48 hours must not suffer any detriment because of this. Disciplinary action might result in any cases where it was shown that staff had been pressurised or penalised.

Specimen forms of agreement and for the recording of actual hours worked are available from the Portal. The Health and Safety Executive will enforce the regulations and can inspect these documents. They must therefore be kept available for a minimum of two years from the date on which they were made.

Copies of such waiver agreements should be authorised by the senior line manager (i.e. divisional manager or above) and then sent to SSC. Any notices to end an agreement and the forms recording actual hours worked at the end of each 17 week reference period must also be forwarded to the appropriate Team via the senior line manager.

### 2.11.2 Definition of working time

Staff should note the following:

- Meal breaks - these should not be treated as working time. The only exception to this is where you are at Highways England's disposal and actively engaged on Highways England's business during your break e.g. working lunches
- On-call time - this should only be counted as working time where you are actively engaged on Highways England's business, i.e. only when actually called upon to perform your duties
- Travel time - only normal business travel, i.e. travel in the exercise of work duties, and additional time spent travelling to different work stations e.g. for detached duty, should be included as working time. Normal home to office travel should not be included
- Working at home - only to be included where time is properly recorded

- Trade Union/health and safety duties - agreed time spent on trade union or health and safety representative duties counts as working time
- Other business engagements - only count where you are required to attend work-related functions and seminars as part of your duties

### 2.11.3 Breaks and rest periods

Staff are entitled to:

- an unpaid rest/meal break of at least 20 minutes when your daily working time is more than 6 hours;
- a rest period of 11 consecutive hours in any 24 hour period;
- a rest period of 24 consecutive hours in a seven day period. This may be averaged as two 24 hour periods in 14 days

### 2.11.4 Annual leave

Staff are entitled to paid annual leave of at least 28 days. Staff in Highways England have an entitlement which exceeds this requirement. However, the annual leave entitlement provided by the regulations may be taken only in the year that it is due. The minimum period may not be replaced by any financial payment in lieu of leave, except where the employment is terminated.

However, because public and privilege holidays – 9 days per year - are not statutory rights, these will count towards the annual minimum as well as the "normal" annual leave. The 28 day entitlement in the regulations can, therefore, be made up of the 9 public and privilege holidays plus 19 days of "normal" annual leave. In this way, the restriction on staff's previous flexibility to carry over and/or bring forward annual leave will be minimal.

### 2.11.5 Night working

Please contact HR Policy Team for details. This section details the definitions of night working and the restrictions Highways England must adhere to:-

Night time: A period of not less than 7 hours which includes 00:00 to 05:00hrs, normally 23:00 – 06:00hrs

Night worker: A worker who:

- a. as a normal course, works at least three hours of his/her daily working time during night time
- b. is likely, during night time, to work at least such proportion of his/her annual working time

#### Restrictions

Where workers are deemed to be "night workers" the following restriction will apply:-

A night worker's normal hours of work in any reference period (see paragraph 3, above) that is applicable must not exceed an average of 8 hours for each 24hrs period.

Young Worker: A person who has reached the age of 15 but not 18 and who is over the compulsory school leaving age

## 2.11.6 Restrictions

The Working Time Regulations provide for additional restrictions to be applied in the case of young workers, as such the following will apply:

- working time must not exceed 8hrs a day or 40hrs a week (this is absolute and not to be averaged out over the normal reference period of 17 weeks)
- a young worker will not work between the hours of 2200hrs and 0600hrs
- young workers must receive 12hrs consecutive rest in any 24hr period (the norm is 11hrs)
- a young worker must receive a minimum of 30 minutes rest break, for every 4.5 hrs worked (the norm is 20 minutes)

## Chapter 2.12 - Part A: Equal Opportunities/Equality Act 2010

Highways England is committed to providing services that embrace diversity and promote equality of opportunity.

We will not tolerate discrimination against anyone due to their gender, marital status, sexual orientation, race, colour, nationality, religion, age, disability, HIV status, working pattern, care responsibilities, trade union membership or activity, political beliefs, or on any other grounds.

### Scope of policy

This policy applies to all staff.

### Policy principles

Irrespective of your race, ethnic or national origin, age, religion or belief, colour, sex, gender identity (transgender), marital status, disability, sexual orientation, working pattern, employment status, caring responsibility, trade union membership, union office or union activity, all staff and job applicants have the right to:

- a. equality of opportunity in all aspects of employment including advancement and training
- b. a working environment free from discrimination, harassment, bullying and victimisation (refer to this section and Highways England's procedures and guidance for dealing with Dignity in the workplace (see Chapters 2B and 2C Section 2.15)
- c. a complaints and grievances procedure for dealing with discrimination, harassment, bullying and victimisation in the workplace - see the grievance policy

In this section the term "gender identity" concerns those who have undergone, are in the process of undergoing or are considering undergoing gender reassignment.

You have the statutory right to make a complaint to an Employment Tribunal under the Equality act 2010 as appropriate and to seek the assistance of your trade union, the Equal opportunities commission, Commission for racial equality or the Advisory, conciliation and arbitration service (ACAS) in doing so. You should take advice on any time limits that might be applicable to the exercise of these statutory rights.

You have the right to pursue a complaint through internal procedures as well as making a complaint to a Tribunal. You have the right and are encouraged to involve ACAS before or after making a complaint to an Employment Tribunal.

You must not discriminate against, harass, bully or victimise any other employee because of that employee's race, ethnic or national origin, age, religion or belief, sex, gender identity (transgender), marital status, disability, sexual orientation, working pattern, employment status, caring responsibility, trade union membership, union office or union activity. Similarly, you will not cause such discrimination, harassment, bullying or victimisation to take place. You may be liable to disciplinary action if you fail to comply with the requirements set out in this paragraph.

You must be aware of and comply with the law relating to Equal Opportunities and discrimination. Further information and guidance is available from the HR Advice Service.

## Chapter 2.13 - Part A: Voluntary public service

Special leave with pay within the following limits may be granted to employees who take part in voluntary public activities:

Magisterial duties Justice of the Peace	18 days	Plus reasonable travelling time to permit up to 26 attendances
Children's Panels (Scotland)	18 days	
Local Government work	18 days	Elected members of a local authority including Mayors in their mayoral year and chairman of councils. May be increased to 24 days for Lord Mayors
Attendance at meetings or other essential business of nationally recognised voluntary or public bodies (for instance, becoming a school governor)	6 days	Where it is in Highways England's interest to assist the work of such bodies or otherwise improve the experience of employees
Attendance at meetings or other essential business of SASHA	6 days	Where the individual is a SASHA Committee member
National voluntary youth organisations	5 days over 2 years	Attending training courses in youth leadership
Voluntary work within the community	3 days	Encouraging a closer working partnership between voluntary/community organisations and the public sector

## Chapter 3 - Personal Conduct - Contents

Parts A, B and C of this chapter are the Policies, Procedure and Guidance that sets out how you must conduct yourself and the affairs of Highways England.

### Part A: Personal Conduct Policies

[3.1 Personal Conduct](#)

[3.2 Maintaining satisfactory standards of conduct](#)

[3.3 Personal use of Agency resources](#)

[3.4 Reporting arrest or conviction](#)

[3.5 Acceptance of gifts, benefits and hospitality](#)

[3.7 Business appointment rules](#)

[3.8 Professional institutions and learned societies](#)

[3.9 Complaints to the parliamentary commissioner for Administration](#)

### Part B: Personal Conduct Procedures

[3.2 Maintaining satisfactory standards of conduct](#)

[3.5 Gifts and hospitality procedure](#)

[3.9 Outline of procedures in complaints to the parliamentary commissioner for administration \(PCA\)](#)

### 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 3.1 - Part A: Personal Conduct

### Chapter 3A – Personal Conduct Policies

#### 3.1 Personal conduct

You and your employer have a duty of mutual trust and confidence. You are an employee of Highways England and owe your duty of loyal service to Highways England as your employer. Section 3.1.3 of this Chapter expands on your duties and responsibilities –through the Highways England Code of Conduct

##### 3.1.1 Mutual trust and confidence

You must be, and be seen to be, honest and impartial in the exercise of your duties. You must maintain at all times a high standard of personal honesty and integrity, failure to do so will lead to disciplinary action (see section 3.1.4. In particular you must not:

- a. misuse information that you acquire in the course of your official duties, nor without authority, disclose official information that has been communicated in confidence within Highways England , or received in confidence from others. Nothing in this sub-paragraph infringes on your statutory right to make a disclosure which qualifies for protection under the Public Interest Disclosure Act 1998
- b. subject to your statutory rights with regard to trade union activity, seek to frustrate the policies, decisions or actions of Government either by declining to take, or abstaining from, action that flows from ministerial decisions or by unauthorised, improper or premature disclosure of any information to which you have had access as a Highways England employee. Nothing in this sub-paragraph infringes on your statutory right to make a disclosure which qualifies for protection under the Public Interest Disclosure Act
- c. in your official capacity, provide advice or briefing other than factual information for the benefit of one political party. When factual information is produced in your official capacity, it is for the Minister or Special Advisor requiring the information to arrange for it to be circulated by the party concerned and for the costs to be met by them
- d. make use of your official position to further your private interests or those of others. See Chapter 5 Private Interests
- e. receive benefits of any kind from a third party which might reasonably be seen to compromise your personal judgement or integrity
- f. attempt to bring political or other outside influence to support your own personal claims as a Highways England employee (i.e., to try to use such influence to gain a special concession that is not available to others). However, this principle does not override any statutory rights of appeal, such as those conferred by - for example - equality legislation, neither does it restrict your right to approach your own Member of Parliament on any matter

##### 3.1.2 Breach of discipline

If your conduct contravenes any of the provisions of this Chapter, or is otherwise incompatible with your terms and conditions of employment (see Chapter 1 Part A, Section 1.1), you will have acted in breach of discipline and may be liable to formal disciplinary action (see Chapter 3B Section 3.2)

### 3.1.3 Highways England code of conduct

#### a) Introduction to the code

1. Highways England is a Strategic Highways Company whose shares are wholly owned by the Secretary of State. It is appointed as a Highway Authority under the Infrastructure Bill 2015. Its function is to deliver the objectives of the Road Investment Strategy set by the Secretary of State. The ethos of Highways England is one of public service. Equivalent standards of conduct and behaviour are expected of its officers and employees as those expected of public servants

2. As an employee of Highways England you are appointed and are expected to carry out your role with dedication and a commitment to delivering the objectives of Highways England and the Highways England values. In this Code:

- 'integrity' is putting the obligations of delivering the objectives of Highways England above your own personal interests;
- 'honesty' is being truthful and open;
- 'objectivity' is basing your advice and decisions on rigorous analysis of the evidence; and
- 'impartiality' is acting solely according to the merits of the case in order to best deliver the objectives of Highways England

3. These themes support good governance and ensure the achievement of the highest possible standards in all that Highways England does. This in turn helps Highways England to gain and retain the respect of its key stakeholders, suppliers, customers and the public

4. This Code sets out the standards of behaviour expected of you and other employees within Highways England. These are based on the ethos of Highways England as a Strategic Highways Authority which is further detailed in the Highways England values statement

#### b) Standards of behaviour/integrity

5. You must:

- fulfil your duties and obligations responsibly;
- always act in a way that is professional and that deserves and retains the confidence of all those with whom you have dealings;
- carry out your fiduciary obligations responsibly (that is make sure public money and other resources are used properly and efficiently);
- deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability;
- keep accurate official records and handle information as openly as possible within the legal framework; and
- comply with the law and uphold the administration of justice
- comply with Highways England's health and safety policy ensuring the safety of yourself and others at all times.

6. You must not:

- misuse your position in Highways England, for example by using information acquired in the course of your duties to further your private interests or those of others;

accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity; or

- disclose official information without authority. This duty continues to apply after you leave Highways England



c) Honesty

7. You must:

- set out the facts and relevant issues truthfully, and correct any errors as soon as possible; and
- use resources only for the authorised purposes for which they are provided

8. You must not:

be influenced by improper pressures from others or the prospect of personal gain

d) Objectivity

9. You must:

- provide information and advice, on the basis of the evidence, and accurately present the options and facts;
- take decisions on the merits of the case; and
- take due account of expert and professional advice

10. You must not:

- ignore inconvenient facts or relevant considerations when providing advice or making decisions; or
- frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions

e) Impartiality

11. You must:

carry out your responsibilities in a way that is fair, just and equitable and reflects the Highways England commitment to equality and diversity

12. You must not:

act in a way that unjustifiably favours or discriminates against particular individuals or interests

f) Rights and responsibilities

13. Highways England has a duty to make you aware of this Code and its values. If you believe that you are being required to act in a way which conflicts with this code Highways England must consider your concern, and make sure that you are not penalised for raising it.

14. If you have a concern, you should start by talking to your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with in line with the [Highways England whistleblowing policy](#).

15. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish use the Whistleblowing policy. You should also report evidence of criminal or unlawful activity in accordance with the Whistleblowing policy.

16. If the matter is not resolved you should escalate it through the whistleblowing procedures.

17. This Code is part of the relationship between you and Highways England and along with our values it sets out the high standards of behaviour expected of you which follow from your position in Highways England.

Any breach of this Code is a matter of misconduct and in some cases may constitute gross misconduct justifying summary dismissal.

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

Maintaining satisfactory standards of conduct procedures and guidance are available in parts B and C of this handbook. A policy statement does not exist for this policy area.

## Chapter 3.3 - Part A: Personal use of Agency resources

### Chapter 3A – Personal Conduct Policies

Without prejudice to any specific provisions in this Chapter, you must not make inappropriate use of official time, information and resources of Highways England. Such inappropriate use may constitute a disciplinary offence (see Part B Section 3.2 Maintaining satisfactory standards of conduct).

The term 'inappropriate use' means any use of official time, information and resources which:

- a. is illegal, improper and/or unethical
- b. impedes the business of Highways England
- c. in any way contravenes Highways England equal opportunities policies (especially with regards to harassment and discrimination)
- d. has been expressly prohibited by Highways England
- e. deliberately causes harm to Highways England information and resources

The terms 'official time, information and resources' mean all official time, services, materials and equipment provided for use on or relating to the official business of Highways England and (by way of illustration only) includes:

- a. stationery
- b. stamps
- c. mail delivery services (includes electronic, internal and external mail services)
- d. franking machines
- e. official paid mailing items
- f. photocopying facilities
- g. telephones, mobile telephones and facsimile machines
- h. video conferencing facilities
- i. computer hardware, software, disks, printers and ancillaries (eg modems)
- j. other computer-related services (eg, internet, email, etc)
- k. accommodation, furniture and workspace
- l. public funds
- m. official time
- n. all papers, documents, correspondence belonging to or relating to the business of Highways England, together with any copies and notes or extracts which may be in an employee's possession or under an employee's control

- o. any other property (of whatever kind) belonging to or relating to the business of Highways England

### 3.3.1 Telephones, mobile telephones and facsimile machines

Private calls may be made from both mobile and fixed telephony if the matter is urgent, within the UK and kept to a minimum short duration. However, it is necessary to highlight personal calls on mobiles by dialling \* after the telephone number. All personal stored numbers should also be followed by \*. Lengthy personal calls should not be made without the prior permission of line management (given that staff time can be more costly than the call charges) and should be reimbursed by requesting itemised details from the ICT Services. ICT services should also be contacted prior to any International calls being made and advised if the call is one of a personal nature so that the costs of the call can be notified and reimbursed accordingly. Further information on the use of Mobile phones, PDAs and Lap-top PCs is available in Mobile Devices: Terms and Conditions of Use (see acceptable use of ICT equipment, email and the internet guidance). Any abuse of these arrangements may be subject to a disciplinary offence (see Part B Section 3.2 Maintaining satisfactory standards of conduct).

Usage will be monitored centrally to ensure these privileges are not abused, identify where reimbursement is appropriate and to ensure charges are in accordance with the contract tariffs. All mobile phone bills will be reviewed as part of a rolling programme. Any abuse of these arrangements may be subject to a disciplinary offence (see Part B Section 3.2 Maintaining satisfactory standards of conduct).

### 3.3.2 Private correspondence

Private correspondence should not normally be addressed to or from official premises. Highways England will not accept any liability for loss of private correspondence which is addressed to or from official premises.

### 3.3.3 Trading activities on official premises

You must not at any time:

- a. conduct any private trade or business
- b. canvass or advertise for any such private trade or business

on any of Highways England premises, and you must not use your official address or any official time, information and resources (see section 3.3) for any such purpose.

### 3.3.4 Personal use of the internet and IT equipment

Guidance on acceptable use of ICT equipment, email and the internet is available on the Portal. This guide highlights the use of Internet during official working hours and Highways England ICT equipment. If you fail to use the internet in accordance with the guidelines set out by the acceptable use of ICT equipment, email and the internet guide you may be subject to disciplinary action (see Part B Section 3.2 Maintaining satisfactory standards of conduct).

## Chapter 3.4 - Part A: Reporting arrest or conviction

### Chapter 3A – Personal Conduct Policies

If you are:

- arrested and refused bail, or
- convicted by a Court of a criminal offence except for a road traffic offence unless an official vehicle was involved, or the penalty included imprisonment or disqualification from driving, or
- charged with an offence which in any way relates to your official position and/or duties

you must ensure that the facts are reported, at the earliest opportunity, to your line manager. In exceptional cases, i.e., where you may not wish to disclose the reason for your arrest to your line manager, you must instead ensure the facts are reported to HR. If, as a line manager, you are notified of an employee's arrest, you must notify your HR Business Partner immediately.

Failure to report arrest or conviction as explained above may itself result in disciplinary action being taken against you (see Part B Section 3.2 Maintaining satisfactory standards of conduct).

If you are convicted of a criminal offence, no decision will be made as to whether you will face Highways England's disciplinary penalties (including dismissal) until Highways England's disciplinary procedures (see Part B Section 3.2 Maintaining satisfactory standards of conduct) have been followed.

The disciplinary procedure will apply in all cases no matter how seemingly clear the facts or how serious the offence.

### [3.5 Acceptance of gifts, benefits and hospitality](#)

## Chapter 3.7 - Part A: Business appointment rules

### Chapter 3A – Personal Conduct Policies

The following Rules cover Highways England. The Rules apply to Highways England employees who intend to take up an outside appointment or employment after leaving Highways England. The approval process for applications under the Rules differs depending on the applicant's seniority.

The Civil Service Business Appointment Rules will apply to your employment for two years after your last day of paid Highways Agency employment (31st March 2015). More information about the Civil Service Business Appointment Rules and process can be accessed here - <https://www.gov.uk/crown-servants-new-jobs-and-business-appointments>.

### 3.7.1 Key Principles

These Rules are designed to uphold the core values in the Highways England Code of Conduct:

**Integrity:** You must not misuse your official position, for example by using information acquired in the course of your official duties, to further your private interests or those of others.

**Honesty:** You must not be influenced by improper pressures from others or the prospect of personal gain.

**Objectivity:** You must take decisions on the merits of the case.

**Impartiality:** You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.

It is important that when a former Highways England employee takes up an outside appointment there should be no cause for justified public concern, criticism or misinterpretation.

### 3.7.2 General

Most applications submitted under the Rules are approved without condition. In some cases, however, approval may be made conditional upon a waiting period or other conditions. Each case and each appointment is considered on its merits.

It is important to recognise that the imposition of conditions does not imply anything improper in your relationship with the prospective employer. Rather, it is an indication that an immediate move from Highways England to the employer, or one without conditions, might be open to criticism or misinterpretation.

Experience has shown that employers generally are content to accept such constraints as being reasonable in an open society which places a high premium on the integrity and impartiality of its civil and military services. The aim of the application of the Rules is to maintain public trust in those services and in the people who work within them.

### 3.7.3 Aim

The aim of the Rules is to avoid any reasonable concerns that:

- a. a Highways England employee might be influenced in carrying out his or her official duties by the hope or expectation of future employment with a particular firm or organisation, or in a specific sector; or

- b. on leaving Highways England, a former employee might improperly exploit privileged access to contacts or sensitive information; or
- c. a particular firm or organisation might gain an improper advantage by employing someone who, in the course of their official duties, has had access to:
  - information relating to unannounced or proposed developments in policy, knowledge of which may affect the prospective employer or any competitors
  - commercially valuable or sensitive information about any competitors

### 3.7.4 Jobs for which approval is required

The Rules apply equally to permanent and casual staff, and to those on fixed-term appointments. Within two years of leaving Highways England employment, and in the circumstances set out in paragraphs 3.7.5 to 3.7.9, you must obtain approval from Human Resources (using the Business Appointment Rules application form available from Human Resources) before taking any form of full, part-time or fee-paid employment:

- a. in the United Kingdom
- b. overseas in a public or private company or in the service of a foreign government or its agencies

Approval is required for the initial appointment and any further appointment within two years of leaving Highways England employment.

If you are on secondment from Highways England to the private sector, you are subject to the Rules in the same way as other members of Highways England.

If you are on secondment to Highways England from the private sector, you are also subject to the Rules in the same way as Highways England employees unless you return to your seconding organisation at the end of your secondment and remain there for two years.

Human Resources will advise on whether or not an application is required.

### 3.7.5 When approval is required

The process for giving approval differs depending on the applicant's seniority.

Decisions on applications, rest with either Human Resources (staff below senior level) or with the Highways England Board (senior staff.)

### 3.7.6 Senior level staff (formerly SCS)

An application is required for any new appointment or employment that they wish to take up during the two year period after their last day of paid service. Applications from Seniors must be referred to the HR Director for consideration by the Highways England Board.

### 3.7.7 Other staff whose roles require an application under the rules

Applications from other staff are only required where their role/circumstances match any of the criteria in the list below. In these circumstances the application must be made to HR if they wish to take up a new appointment or employment during the two year period after their last day of paid service:



- a. They have been involved in developing policy affecting their prospective employer, or have had access to unannounced Highways England policy or other privileged information affecting their prospective employer, at any time in their last two years in Highways England
- b. They have been responsible for regulatory, or any other decisions, affecting their prospective employer, at any time in their last two years in Highways England
- c. They have had any official dealings with their prospective employer at any time in their last two years in Highways England
- d. They have had official dealings of a continued or repeated nature with their prospective employer at any time during their Highways England career
- e. They have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties
- f. The proposed appointment or employment is consultancy work, either self-employed or as a member of a firm, and they have had official dealings with outside bodies or organisations in their last two years in Highways England that are involved in their proposed area of consultancy work

### 3.7.8 Reporting offers of employment

#### *All Grades*

Serving Highways England employees must report to their line manager any approach from an outside employer with an offer of an appointment or employment for which approval would be required under the Rules if they plan to follow up the offer. Staff engaged in the letting or management of Highways England contracts must report all offers of an appointment or employment immediately to their line manager whether or not they intend to follow them up.

#### *Consultancies*

A distinction can be drawn between:

- a. a consultant who proposes to work for one firm (or for several specified firms). In this case, the "rewards for past favours" issue will relate almost exclusively to the nature of any previous dealings between the employee and the prospective employer. The "trade secrets" question will need to be considered both from the point of view of any competitors of the consultancy firm, and then more generally from the point of view of the service that the employee will be offering on behalf of the consultant. It may be necessary to impose conditions on the appointment to protect "trade secrets" of firms with which the employee or Highways England had dealings
- b. a self-employed consultant who competes for commissions in the open market "brass plate" consultancy. In this case, the risk of public criticism will usually be less because the consultancy service would be equally available to a number of firms competing in the same field. This argument may be used to rebut criticism on the grounds of "rewards for past favours"

Highways England may grant employees permission to set up as a "brass plate" consultant on the understanding that employees will seek official approval before accepting any commission or contract which comes from a company or firm that:

- is in a contractual relationship with Highways England; or
- falls into any of the other categories set out in paragraphs 3.7.6 to 3.7.8; and
- is offered within two years of leaving Highways England employment

Highways England will need to counter any suspicion of impropriety that might arise if employees wish to set up a "brass plate" consultancy and staff are given lucrative contracts by firms with which employees or Highways England had dealings.

Depending on the official involvement employees may have had with their prospective employer, it may also be necessary to approach their "competitors" to establish that there would be no criticism if approval were granted to employees. Highways England may decide against giving you unconditional approval as a self-employed consultant to accept commissions with particular firms, due to the "trade secret" information that employees have concerning their competitors.

The fact that prospective employer's competitors could also use employees as a consultant, but have chosen not to do so, does not make the information less sensitive or negate the potential advantage which could be gained by the firm or company wishing to employ ex Highways England employees.

It may be necessary to consider applying conditions limiting contacts between ex-employees and Highways England. This may be particularly relevant in the case of Employees at senior levels, where there is a risk of public criticism that they could be exploiting contacts in their former employment with Highways England for commercial purposes.

### 3.7.9 How to apply for approval

Applicants must approach Human Resources as early as possible. Human Resources will have a process in place for handling business appointment applications. This involves completing an application form which will need to be countersigned by an appropriate person, normally someone within the line management chain.

To ensure the quickest possible turn around, applications must be completed in as much detail as possible, with additional sheets or documents attached as necessary to answer the questions posed.

Notification of decisions on applications will be made through Highways England Human Resources.

Applications may be approved unconditionally, or approved subject to conditions applying for a maximum of two years from the individual's last day of paid service. Such conditions may include a waiting period. Other restrictions could include a condition that for a specified period, the former Highways England employee should stand aside from involvement in certain activities, for example, commercial dealings with Highways England, or involvement in particular areas of the new employer's business.

If any condition, including a waiting period, is imposed on the proposed appointment it will run from the last day of paid service. Consideration of the application may, where it is judged appropriate, take account of any differences between the last day of paid service and the last day in post. Approval will not normally be given to start a paid appointment or employment with a new employer before completion of the last day of paid service.

Where it is proposed that an application be approved with conditions or a waiting period, the applicant will be offered an opportunity to discuss any concerns he or she may have before a final decision is made.

In addition to notifying the applicant of the outcome of their application, Highways England Human Resources must also inform prospective employers of any conditions which have been attached to the approval of the appointment or employment. Highways England have discretion to publicise their advice once the appointment or employment has been taken up by the applicant or announced. In all other respects, the business appointment process is a confidential one.

### 3.7.10 Completion of application form

Staff should complete Parts 1 and 2 of the form, giving:

- a. full details of the proposed employment
- b. details of any official dealings with the prospective employer or with any other organisation, including any competitors of the prospective employer

The form should then be passed to the Countersigning Officer, who should complete Part 3, verifying the facts that have reported in Parts 1 and 2 and comment on the proposal to take up the appointment, especially concentrating on:

- a. risk (or what might appear to be a risk) of disclosure of commercially sensitive information belonging to competitors of prospective employer; and
- b. whether staff have been (or might appear to have been) in a position to exercise influence unfairly in favour of prospective employer.

The Countersigning Officer should then forward the completed form to Human Resources.

As applications take time to process, you should allow as much time as possible (at least six weeks, but preferably longer) for a decision to be made.

### 3.7.11 Consideration of applications

Applications from staff below senior level where:

- the applicant has had no official dealings with the prospective employer in the previous two years, or at most dealings of a casual nature; and
- there appears to be no risk of the disclosure of commercially sensitive information; or
- the appointment is with a non-commercial organisation

are determined by Highways England Human Resources. If these criteria are not fulfilled, applications may be referred to the Highways England Board by the Human Resources Director.

### 3.7.12 Procedures followed when considering applications

Appointments must be, and must also be seen to be, free from reproach. Public perception will, therefore, be taken into account when considering applications. Highways England will defend an appointment that it is willing to approve, provided public concern can be shown to be unjustifiable.

In most cases, problems will occur only if staff have had some degree of contact with prospective employer, giving rise to the criticism that the post is "a reward for past favours". Each application will be considered on its merits and in such considerations Highways England will take the following into account:

- a. the circumstances of the departure (for example, if voluntary early retirement/severance have been offered)
- b. how much of the contact was in the course of official duties
- c. how significant was the contact

- d. the nature of the proposed employment
- e. the connection between the new job and previous official duties

If, during official duties, the employee has had previous dealings with the prospective employer of a contractual nature, consideration will be given to whether:

- a. they were acting as a member of a team or taking sole or joint responsibility
- b. the prospective employer benefited substantially from such dealings
- c. contact was direct or indirect (i.e., through Employees for whom they were responsible, whether or not they normally worked for the employee)
- d. they dealt with the receipts of tenders from the prospective employer
- e. they dealt with the award of contracts from the prospective employer
- f. they dealt with the administration or monitoring of contracts with the prospective employer
- g. they gave professional or technical advice about such contracts before or after they were awarded
- h. they were involved in dealings of an official but non-contractual nature with the prospective employer (important in a field where Highways England or Government as a whole has a financial, policy or some other special interest)

Highways England will consider whether the application could be, or could be thought to be, significantly helpful to the prospective employer in dealing with matters where policy is developing, or legislation is being prepared in a way that might disadvantage competitors of your prospective employer. Therefore, Highways England will take into consideration:

- a. any negotiating relationship between the prospective employer and Highways England
- b. the extent to which the employee have information on prospective legislation which might disadvantage competitors of the prospective employer
- c. the extent to which the employee have been involved in policy discussions leading to a decision of considerable benefit to the prospective employer
- d. whether there is a risk of public criticism that you might have scope to exploit contacts in Highways England for commercial purposes

Particular attention will be paid to appointments where a prospective employer:

- a. has a contractual relationship with Highways England
- b. has had a negotiating relationship with Highways England
- c. is in receipt of subsidies or their equivalents from Highways England, or is in receipt of loans, guarantees or other forms of financial assistance from the Highways England
- d. is regulated by Highways England

It may sometimes be considered appropriate to apply the Rules to some appointments where the prospective employer is not in a relationship with Highways England, but where there is a perceived need to allay public concern over an appointment.

### 3.7.13 Consulting competitors of prospective employer about 'trade secrets'

An appointment might be criticised on the grounds that you had access to information about the prospective employer's competitors, which they could legitimately regard as their "trade secrets". Concern on this score can arise whether or not you have had previous dealings with your prospective employer. In these circumstances, Highways England will consult with competitors to see whether they have any objections to the proposed appointment.

### 3.7.14 Approval of applications

Applications under the Rules will be granted either:

- a. unconditional approval; or
- b. approval subject to conditions. These may apply for up to two years (the duration depending on the circumstances of the case) from your final day in Highways England employment, or, where different, your final day in post. The conditions may include:
  - a waiting period, effective from the final date in Highways England employment before taking up the appointment)
  - an absolute or qualified ban on involvement in dealings between the prospective employer and Highways England
  - a ban on involvement in dealings between the prospective employer and a named competitor (or competitors). The ban may be absolute or refer to a stated issue or issues
  - in the case of Consultancies, a requirement to seek official approval before accepting commissions of a particular nature or from named employers

If a condition is imposed with which you do not feel able to agree, then you are entitled to an interview with Human Resources to discuss the decision.

## Chapter 3.8 - Part A: Professional institutions and learned societies

### Chapter 12A – Personal Conduct Policies

## 3.8 Professional institutions and learned societies

If you are invited to sit as a Highways England representative on committees of professional institutions, learned societies and/or the British Standards Institution and their European equivalents, you must always present and support the view of Highways England. As an appointed member, you must ensure that your line manager is notified of any changes that affect your representation on a Committee.

Subject to the rules in Section 3.7 Business appointment rules on the disclosure of official information, you may pass on information about relevant Highways England programmes and developments, where this will help the work of the body concerned.

You may also be asked to represent the United Kingdom on a European Committee. Highways England will normally support this, subject to the availability of resources, and also as long as there is no conflict of interest between the United Kingdom and Highways England's views.

### 3.8.1 Professional institutions

You may be involved in the following ways:

- a. Membership of a professional committee or council:
  - If you receive an invitation to become a member of a professional committee or council and wish to accept it, you must obtain the approval of your Divisional Director (who will in turn consult the Head of Profession before deciding whether approval can be given). Such invitations confer distinction on Highways England and offer opportunities to further official policies. However, there will sometimes be an overlap between your private and official time and responsibilities, and it may not always be possible to distinguish between the private and official view
  - Where approval is given you will be expected to conduct yourself in a manner consistent with Highways England policy. See Chapter 4A Section 4.4
- b. Lectures or papers
  - You should refer to the rules in Chapter 4A Section 4.4 when preparing material for professional institutions which involve the use of official information or experience
- c. Assessor or observer
  - If, because of your knowledge, expertise or experience, you receive an invitation to become an assessor or observer to a Committee, you must obtain the approval from your Divisional Director (who will consult the Head of Profession)
  - If you are given permission to accept, you should give every assistance to the Committee in its work. You must not, however, give the impression that Highways England is directing or trying to direct the Committee's policies or decisions
- d. Arbitrator or expert witness:
  - You must obtain the approval from your Divisional Director (who will consult the Head of Profession) to take up an invitation to act as an arbitrator or expert witness in disputes between parties to contracts. Your Divisional Director will decide whether you may be released at any particular time or otherwise

- If permission is granted, you must make it clear that the investigation will be conducted in private - with only the parties concerned present - and that no Highways England contracts, other contracts awarded under public procurement regulations or disclosure of official information is involved
- You must make it clear at the outset of proceedings that your role as arbitrator or expert witness is undertaken in a purely personal capacity and should in no way be confused with your official duties. All preparatory work must be done in your own time and where, with the Highways England permission you attend during working hours, the time must be made up or annual leave taken. Where these conditions are met any fees may be retained
- Where, exceptionally, you are permitted to use official time which is not made up, any fee offered must be accepted and surrendered to Highways England via FS. Where the work has been done in both official and private time, you may seek permission from to retain a proportionate part of the fee

### 3.8.2 Learned societies other than professional institutions

If you receive an invitation to become a member of a committee or council, or an officer of a learned society, you must obtain the approval of your Divisional Director (who will, when necessary, consult the Head of Profession). If the invitation may result in a financial liability, you must inform and obtain clearance from FS before accepting the invitation.

### 3.8.3 Subscriptions to outside organisations

In certain circumstances, you are entitled to reimbursement of a subscription or membership fee to a professional body. Details can be found below

### 3.8.4 Payment of professional subscriptions

You may be reimbursed for the payment of a subscription or membership fee to a professional body where membership is:

- a. a requirement of your current role, as identified by the corporately agreed role profile, or
- b. a requirement for the post when it was advertised.

You may be eligible for reimbursement of payment for subscription or membership fees where membership is in the opinion of your Head of Division, or the Head of Profession for Project and Programme Management:

- a. essential for the carrying out of your present duties
- b. directly relevant to your current role or
- c. benefit to Highways England

In cases where more than one membership is held Highways England will only reimburse the cost of the membership considered most relevant to your duties. This will not necessarily be the most expensive. Divisional Directors will assess each application on its merits against the criteria described above.

Line managers must check that the relevant body is included in the HMRC list before authorising payment. A complete listing of societies approved for reimbursement by HM Revenue and Customs under Section 343 ITPEA 2003 can be found at <http://www.hmrc.gov.uk/list3/list3.htm>

If the society or body is not shown in the HM Revenue and Customs listing please contact the Reward and Performance team for advice, as there will be tax implications for reimbursements for societies that are not listed.

### 3.8.5 Medical indemnity and professional insurance

These arrangements do not apply to premiums for medical indemnity or professional insurance, the cost of which Highways England does not meet.

### 3.8.6 Applications for reimbursement

If you wish to apply for reimbursement of a subscription you should complete the [Incidental expenditure prior approval form](#) stating why membership of the body specified meets the criteria set out in 3.12.1 above and be accompanied by evidence of the fee paid. After approval the claim should be submitted for payment via iExpenses Incidental Expenditure.

If you are a Divisional Director and wish to apply for reimbursement of a subscription you should pass to your line manager for authorisation.

### 3.8.7 Recovery of reimbursement

Reimbursements in the cases of 3.12.1 above are applicable only to the period during which you are employed on the work in question. If you transfer to a post which does not qualify for such reimbursement Highways England will not seek to recover a proportion of the fee reimbursed for that membership year but will not reimburse the cost of a subscription renewal unless it meets the criteria in 3.12.1 (c) above.

### 3.8.8 Income Tax

You may not claim a tax rebate on any subscriptions reimbursed by Highways England.

### 3.8.9 Corporate Subscriptions

In the case of a society or organisation where membership would be of benefit to Highways England but which Highways England would not expect you to join as an individual, line management may obtain what is in effect a corporate membership by arranging for the membership in the name of a nominee.

HR will keep a central record of such memberships taken out by Highways England.



## Chapter 3.9 - Part A: Complaints to the parliamentary commissioner for Administration

### Chapter 3A – Personal Conduct Policies

## 3.9 Complaints to the Parliamentary and Health Service Ombudsman

The Parliamentary Commissioner Act 1967 (as amended by the Parliamentary and Health Service Commissioners Act 1987) empowers the Parliamentary and Health Service Ombudsman (PHSO) to investigate complaints by persons who allege that they have sustained injustice as a consequence of maladministration by or on behalf of a Government Department in the exercise of administrative functions. Since April 1994, such complaints may also be made on the grounds that information has not been provided in accordance with the Code of Practice on Government Information.

A brief outline of the general procedures followed when the PHSO refers a complaint to Highways England for investigation is given in Chapter 3 Part B Section 3.9.

### 3.9.1 Officers named in complaints or during investigations

When a complaint is made to the PHSO, an officer of Highways England concerned is sometimes named by the complainant or identified subsequently from an examination of the relevant files.

If you have been named or identified personally in the course of an investigation by the PHSO under the Parliamentary Commissioner Act 1967 (as amended by the Parliamentary and Health Service Commissioners Act 1987), you are entitled to comment on any allegation contained in the complaint. A personal copy of the statement of complaint will be sent to you through your Divisional Director or other senior officer, together with a memorandum from the PHSO's office setting out your rights to comment. You will be asked if you wish to:

- a. comment direct to the PHSO
- b. comment other than direct to the PHSO, eg, through Highways England
- c. reserve comment until a later stage

Whichever course you choose to follow, you will be asked by Highways England to provide a written statement of your involvement in the complaint. This is to enable Highways England to prepare its comments, which will be included in the report it sends to the PHSO. You have the right to discuss your comments on the complaint with your Divisional Director, Senior Line Manager, HR, or with a Trade Union representative.

### 3.9.2 Officers found to be personally blameworthy

If examination of the papers reveals that the Highways England handling of a case has been faulty and that you may be personally blameworthy, even though you are not identified in the statement of complaint, you will be told orally by a senior officer. Before Highways England sends a reply to the PHSO, you will be given the opportunity to make a personal written or oral statement either to the officer preparing the report to the PHSO. When preparing this statement, you have the right to consult your Divisional Director, Senior Line Manager or your Trade Union. If a statement is made orally, you have the right to be assisted by a Trade Union representative or a friend or colleague.

If you have been named by the PHSO, or Highways England acknowledges that you mishandled a matter, you will be given an opportunity to see the final draft of the Highways England reply to the PHSO and to comment if you wish. You will also be sent a copy of Highways England's letter, for retention.

### 3.9.3 Further investigations by the PHSO

The PHSO's purpose is to establish whether the case is disposed of by Highways England reply and any comments you send direct to the PHSO, or whether the complaint requires further investigation. If the case proceeds to further investigation, you will be given the opportunity to defend your conduct. You will be granted access to relevant papers and reasonable time off from normal duties will be allowed to enable you to prepare comments. If necessary, permission will be given to travel back to the previous station. Such a visit will be regarded as official duty entitling you to normal travelling and subsistence allowances (see Chapter 9 - Travel, subsistence and re-location).

### 3.9.4 Representation of named officers

If a complaint requires further investigation, the PHSO is authorised to determine whether any person may be represented by counsel or solicitor or otherwise. If you, as the named officer, are required to give oral evidence to the PHSO's officers, or may have committed a serious disciplinary offence, the PHSO is likely to allow you to be represented by a friend or colleague, who may be a Union representative. However, if there is a formal enquiry or it seems likely that the PHSO report will seriously criticise the conduct of an identified officer, legal representation may be appropriate. In such cases, the Highways England Legal Division should be consulted (see also Chapter 6 - Legal representation).

When legal representation has been approved by the PHSO, Highways England may arrange for the officer concerned, if they agree, to be represented by the Highways England Legal Division and the question of cost will not arise. If the officer obtains outside legal representation that may involve expense, this may be refunded at the PHSO discretion and within certain limits.

### 3.9.5 Final report by the PHSO

When the PHSO sends the final report on the case to the MP, a copy is sent to any officer named in it for their retention.

## Chapter 4 - Security and Confidentiality - Contents

Part A of this chapter sets out your contractual terms and conditions of employment with regard to security and confidentiality.

Part B provides the Procedures on security and confidentiality

Part C is the Guidance that provides further information on Security and confidentiality

### Part A: Security and confidentiality Policy

[4.1 Security and confidentiality](#)

[4.2 Intellectual Property](#)

[4.3 Data Protection](#)

[4.4 Use of Official information, publications, broadcasting, lectures and attendance at conferences and similar events](#)

[4.5 Theft & Loss Policy](#)

### Part B: Security and confidentiality Procedures

[4.1 Confidentiality](#)

[4.2 Intellectual Property](#)

[4.4 Use of Official information, publications, broadcasting, lectures and attendance at conferences and similar events](#)

### 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 A: Security and confidentiality

### 4.1.1 General

The overall responsibility for security arrangements in Highways England rests with the Chief Executive. The Highways England Security Officer is responsible to them through senior line management, for security policy and the organisation, introduction and inspection of protective measures throughout Highways England.

Chapter 4 parts B and C of this Handbook sets out the guidance and procedures related to security and confidentiality. Paragraphs 4.1.2 to 4.1.4 below set out your contractual obligations and rights in this area. Further information is contained in the [Highways England Security Policy](#).

If you are a line manager, you are responsible for ensuring that staff for whom you have staff management responsibility properly apply security procedures. However, all employees are personally responsible for protecting information, documents and resources in their custody.

### 4.1.2 Confidentiality

Your contractual obligations and rights as regards disclosure of official information are found in Chapter 3A paragraph 3.1.1 paragraph a) and Chapter 4B and C Sections 4.1, of this Staff Handbook provides guidance and procedures on confidentiality.

### 4.1.3 Security of papers and other material

You must ensure that all OFFICIAL information which is the property of Highways England or the Crown and to which you either have access or which is under your control, is properly and adequately protected from unauthorised disclosure.

You should interpret widely the responsibility to protect OFFICIAL information from unauthorised access or disclosure to include protecting all forms of recorded information, e.g., files, briefs, letters, e-mail messages, reports, photographs, microfilm and microfiches, charts, magnetic tapes, floppy disks and compact disks. Information may be sensitive whether it is hand written, typed, printed or otherwise recorded.

You must ensure that OFFICIAL information is securely stored overnight and also during the day, particularly when your room or work area is unoccupied. OFFICIAL Information that is marked with a higher classification must be secured in the appropriate security furniture. When your room or work area is unoccupied and depending on local circumstances, you must observe the Highways England's Clear Desk Policy.

### 4.1.4 Procedures for dealing with secret and top secret information

You must record the receipt, copying, filing, movement and destruction of papers whose security classification is marked 'secret' or above (preferably in a classified document register obtainable from PFM). You must obtain a receipt for all 'top secret' items and for all 'secret' items you send by mail or courier services. (PFM can advise on approved services).

You must apply folio numbers to the contents of files protectively marked 'secret' or above. All papers protectively marked 'secret' or above must be numbered in sequence. The destruction of material protectively marked top secret must be witnessed and recorded on a destruction certificate (available from PFM), signed by two permanent members of staff, one of whom should be at Grade EO or above.

### 4.1.5 Dealing with cabinet papers

You must not photocopy or place on Highways England files, papers and minutes of Ministerial Cabinet Committees and you must follow the special handling rules that apply to such papers. Full details can be obtained from the DfT Cabinet Briefing Section.

### 4.1.6 Possible lapses of security

Generally, responsibility for a lapse of security lies with the last person to leave the room or work area, or the last person to finish using shared storage facilities (unless other 'locking-up' arrangements have been agreed locally). If you are found to be the officer responsible for a possible security lapse you will be asked to submit a report explaining the circumstances and this may be used as evidence in any disciplinary action arising from the lapse of security. Depending on the circumstances of the lapse in security, you may be liable to disciplinary action (see Chapter 3B Section 3.2 - Maintaining Satisfactory Standards of Conduct).

If you discover you have lost an OFFICIAL document or a key to a security container, you must immediately report the loss to your Security Liaison Officer (SLO). If any HE equipment is lost or stolen the SLO must be informed and the HE Theft Policy (see Chapter 4A Section 4.5) must be followed.

### 4.1.7 Building passes

Highways England will issue you with an official building pass (or passes) to enable you to carry out your official duties.

You must ensure that any official building pass (or passes) issued to you is (are):

- a. displayed in any Highways England building
- b. at all times kept safely
- c. kept separate from any official or other papers which disclose the identity of the building for which the pass (or passes) is (are) valid
- d. not taken out of the United Kingdom but either left at home or with your line manager

Should you discover that you have lost your official pass you must report it immediately to the issuing office and your SLO. You may be liable to disciplinary action for losing your official pass where there is evidence of repeated negligence.

### 4.1.8 Security clearances

In accordance with Government's Security Vetting Policy employees occupying certain sensitive posts will require special security clearance or vetting. Identification of which posts require such security clearance, and to what level, is the responsibility of the Highways England Security Officer together with the relevant Divisional Director or Head of Division and is subject to annual review.

If you wish to be considered for a post that requires special security clearance or vetting, you must be willing to undergo the necessary level of security clearance relevant to that post. You will be asked to complete one or more security questionnaires and to provide the personal details necessary for checks to be carried out. The questionnaire(s) explains the purpose of security vetting. This clearance procedure may need to be repeated during your tenure in the post.

Whilst in a post that requires special security clearance or vetting, you are required to comply with any special conditions related to your security clearance.

#### 4.1.9 Employees transferring or leaving

On leaving Highways England employment or transferring from one post to another within Highways England, you must surrender all documents and property that were not issued for your personal use. You must surrender your official building pass (or passes) on leaving Highways England. If you wish, exceptionally, to retain any official documents or assets you must obtain written consent from HR.

## Chapter 4.2 - Part A: Intellectual Property

Chapter 4B of this Staff Handbook sets out procedures relating to intellectual property. Sections 4.2.1 to 4.2.5 contain your contractual rights and responsibilities in this area.

### 4.2.1 Ownership of inventions

The term invention is not defined in the Patents Act but, for the purposes of this Staff Handbook, it should be taken to include inventions that are not patented or patentable but are often referred to as technical suggestions.

Highways England reserves the right to claim that ownership of an invention that you have made in the course of your official duties belongs to Highways England.

You are required to inform HR if:

- a. the invention was made in the course of your normal official duties or in the course of official duties falling outside your normal duties but specifically assigned to you, and the circumstances in either case were such that an invention might reasonably be expected to result from carrying out the duty
- b. it was made in the course of your official duties and, at the time of making the invention because of the nature of your duties and the particular responsibilities arising from the nature of those duties, you had a special obligation to further the interests of Highways England's undertaking

An invention belongs to you in all other circumstances (subject to the advice given at , Chapter 4B Section 4.2 of this Staff Handbook).

### 4.2.2 Registration of designs and trademarks

The rules and procedures set out in Sections 4.2.3 to 4.2.4 also apply to designs and trademarks which are protected by registration. See also Chapter 4B Section 4.2.7 of this Staff Handbook for further information about registration.

### 4.2.3 Confidentiality

You must transmit papers relating to patents within and between Government Departments and Agencies under the privacy marking "OFFICIAL -Sensitive".

### 4.2.4 Notification to HR

You must notify HR before any details are published, whenever it is thought that Highways England should consider seeking the protection provided by patent for any potentially useful invention devised as part of its work.

If you are in any doubt about whether an invention you have made has arisen from, or in connection with your official duties, you should consult HR about what action may be appropriate.

Without prejudice to the outcome of any consultation initiated as above, HR may request a copy of the provisional specification giving the serial number and date of filing allotted by the Patent Office. You must not disclose any information about the invention to any person not under an obligation of confidentiality to you until Highways England has reached its conclusion on the ownership of the invention. You may, pending such a conclusion, be asked to defer:

- a. employing a Patent Agent (so as to allow time to consider the security implications of an invention)
- b. filing a complete specification, either individually or as a joint applicant with someone who is not a co-inventor or subject to the advice and instruction in the Section and give the name of the Patent Agent you intend to employ

HR will make known to you Highways England's conclusion in response to the consultation within three months. Such conclusion will be either:

- a. a declaration that Highways England's has no interest in or rights over the invention in question; or
- b. Highways England's views on the ownership of the rights in and Highways England's use of the invention.

The invention belongs to you if you have not heard from HR after three months, unless HR has told you:

- a. that Highways England's requires more time for consultation, and
- b. how much more time is required

#### 4.2.5 Inventions awards or compensation to employees

If Highways England's has adopted your invention you have the right to apply to be considered for an ex-gratia award or statutory compensation. You may also apply to be considered for an ex-gratia award for a patented invention if that invention is used under the terms of a Free Crown User Agreement (i.e., the assignment by the inventor of a licence to the Crown for the free use of the invention) in respect of any additional profits gained by the Crown for the commercial exploitation of the invention.

Highways England may, subject to the limit of any HM Treasury delegation from time to time, pay an employee who makes an invention in the course of their official duties, or based on the use of official information, an ex-gratia award or compensation in recognition of the invention and its benefits accruing to Highways England or the Crown. Such benefits will be those that may arise from the use of the invention by or on behalf of Highways England or the Crown.

In considering the amount of statutory compensation to be paid to an inventor in respect of a successful patented invention, Highways England will have regard to the criteria set out in the Patents Act 1977 which provides that statutory compensation should be paid to employees by an employer who derives outstanding benefit from such an invention. Highways England, in considering the amount of an ex gratia award, will also take into account whether the invention has been demonstrated to lead to:

- a. direct savings to Highways England in the resources applied to official business, or
- b. operational advantages for Highways England in the conduct of official business, or
- c. commercial exploitation which is of financial benefit to Highways England, or which facilitates the transfer of official activity to the private sector with a consequent saving in the use of public resources

It is a fundamental principle that, except where:

- a. the invention is of exceptional brilliance or utility



- b. employees have displayed outstanding initiative, foresight and resourcefulness in making or developing their proposal, or
- c. the invention has given rise to an uncovenanted benefit to Highways England or the Crown

ex-gratia awards are not made to employees who simply carry out the job that they are paid to do. The invention must represent a genuine improvement leading to the advantages specified above.

Applications from employees who have had their inventions adopted by Highways England or the Crown will be considered for an ex-gratia award or statutory compensation. An inventor may also apply for an ex-gratia award for a patented invention if that invention is used under the terms of a Free Crown User Agreement (i.e., the assignment by the inventor of a licence to the Crown for the free use of the invention) in respect of any additional profits gained by Highways England or the Crown for the commercial exploitation of the invention.

An Inventions Compensation Committee will be convened within Highways England to scrutinise such claims for awards or compensation in respect of inventions. The inventor has the right of appeal against the amount awarded by the Committee. Highways England will refer appeals for arbitration to the Committee on Awards to Inventors (COATI) at the MOD. In addition, applicants have at all times the right to refer the matter of compensation in respect of patented inventions to the Comptroller-General of Patents in the Patent Office or the High Court.

## Chapter 4.3 - Part A: Data Protection

### 4.3.1 The Data Protection Act 1998

The Data Protection Act 1998 (the 1998 Act) embraces all personal data, whether it is held in automated systems or manually. All personal data held in automated systems, including those on computer files are caught by the 1998 Act. On the other hand, manually held data must be structured, for example using a structured filing system in a way that makes it possible to readily identify and retrieve information about an individual to be caught by the Act.

Under the 1998 Act, you have statutory rights, subject to certain exemptions, in relation to the personal data about you held and processed by Highways England. The ways in which and purposes for which Highways England holds and processes personal data are notified to the Information Commissioner. The notification includes:

- the types of personal data held
- the purposes for which the data is held
- the recipients of the data

The Highways England policy, in accordance with the Act specifically stipulates that appropriate information on staff must be kept by HR/Shared Services arvato on structured files. No other information on members of staff must be kept outside of HR. Line managers are not permitted to hold any personal or private information on individuals in contravention of the requirements of the Act and the Highways England policy.

### 4.3.2 Right of Access to Personal Data by Employees

You have the right, subject to certain exemptions set out in the 1998 Act: :

- a. to know whether Highways England holds or processes information about you;
- b. to obtain a copy of the information held within 40 calendar days of the request being received by Highways England; and
- c. to have any information found to be inaccurate in matters of fact or irrelevant corrected or erased.

Staff wishing to access their personal data, whether held on files or on Ssa, should do so by making a formal request to the HR Advice Service. You will not be charged for access to personal data held about you as an employee.

All other individuals (including members of the public and suppliers) should put requests in writing to the Highways England Data Protection Officer, whose role is to ensure that Highways England complies with the provisions of the Data Protection Act.

Staff requesting to see their CSS record must send their application direct to The Counselling Manager, Counselling and Support Service, 1st Floor, Ashdown House, 123 Victoria Street, London, SW1E 6DE.

If staff have any concerns about the information held about them as a result of a request (i.e. inaccuracy of personal information, photocopies of documents etc) they should contact their HR Business Partner.

Further guidance about the Data Protection Act 1998 can be obtained from the Highways England Data protection Officer and from the Information Commissioner, whose address is:

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

Tel. 01625 545 745

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

If you are not happy with the way in which your application has been handled or you are not content with the information kept on file you have a right to complain to the Information Commissioner.

### 4.3.3 The 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 is successful. See Chapter 4C Section 4.3.3 for further information about the Act.

### 4.3.4 The Copyright, Designs and Patents Act 1988

The Copyright, Designs and Patents Act 1988, provides the same rights to authors and owners of computer software as enjoyed by the authors of artistic work (literature, drama, music). It prohibits the copying or adaptation of software without the authority of the copyright holder or to use software without a licence (for example to have more users than that for which the licence was purchased). Further information about copyright can be found at Chapter 4B Section 4.26 and Chapter 4A and B Sections 4.4.21.

## Chapter 4.4 - Part A: Use of official information, publications, broadcasting, lectures and attendance at conferences and similar events

The need for greater openness in the work of Government is widely accepted. This means:

- a. giving the fullest possible explanation to Parliament and the public of the reasons for Government policies and decisions once these have been announced; and
- b. creating a better public understanding about:
  - the factual or technical background to Government policies and decisions
  - the way in which the processes of Government work

This does not mean discussing with unauthorised people the information you have acquired in your official duties relating to Government policies and decisions which are in the process of being formulated before announcements are made (see Chapter 3A section 3.1.1).

### 4.4.1 General principles

If you:

- publish a book or article, or
- have contact with lobbyists or the press, or
- participate in broadcasts, speeches, lectures or outside conferences, or
- Participate in social media and online activity

You must consider that there is a genuine reason for sharing any OFFICIAL information before doing so. Where there is any doubt, you must see advice from the Information Asset Owner.

you must not:

- a. discuss matters of current or potential political controversy where you are restricted from so doing (see Section 4.4.9 and , Chapter 4B Section 4.4.9 about surveys and questionnaires by outside organisations and individuals)
- b. disclose the relations between Highways England employees, civil servants and Ministers or the confidential advice given to Ministers
- c. comment on individuals or organisations in terms which they or Highways England would find objectionable
- d. take part in activities that conflict with the interests of Highways England or bring the good name of Highways England into disrepute

### 4.4.2 Articles, speeches and lectures presented on behalf of Highways England

It is your responsibility to ensure that the text of any written or spoken presentation you will be giving complies with the rules set out in chapter 3A Section 3.1.1 and the principles set out above.

If you have been invited, or intend, in your official capacity, to make a public presentation (written or spoken) and the subject matter is likely to be controversial, you must consult your Divisional Director or Head of Division and the Highways England head of communications before agreeing to undertake

such a commitment.

In every case (whether or not advance consultation was necessary) the full text must be submitted - in advance and in duplicate - to your Divisional Director or Head of Division and to the Highways England head of communications for their views and recommendations on the text.

### 4.4.3 Scientific, professional and technical papers on the work of Highways England

Where neither policy nor contentious considerations are involved, it is Highways England's policy to encourage professional employees to present papers to professional institutions and the technical press as a means of enhancing or projecting Highways England's image.

If you are employed in a professional capacity, and you wish to present a purely scientific or professional paper (written or oral) on the work of Highways England to professional institutions or the technical press, that:

- a. relates solely to your professional interests
- b. makes clear that the contents represent your views alone and in no way represent the views of Highways England

You must obtain the approval of your Divisional Director or Head of Division. Such approval will follow the procedures set out below and will not be unreasonably refused.

Your Divisional Director or Head of Division will:

- a. consult other Divisional Directors or Head of Division's as necessary
- b. ensure that the contents are cleared by a sufficiently senior professional officer
- c. consult the Information and Security Team about copyright
- d. consult the HR Advice Service - if in any doubt that the work might not meet the principles set out in paragraph 4.4.1 (the work should be referred to the HR Advice Service together with an indication of the Divisional Director or Head of Division's views and whether Information Directorate had been consulted)

### 4.4.4 Official contact with journalists and the media

Sections 4.4.5 to 4.4.7 contain your contractual rights and obligations as regards contact with journalists and the Media. Chapter 4B section 4.4.4 of this Staff Handbook sets out the procedures for dealing with such contact.

Normally, it is only the Highways England press officers who are authorised to speak to, or provide information for, the news media. Further guidance about dealings with the press is found in the Highways England communications strategy, which is available on the Portal.

Authorised contact with the media (press, television or radio) by non-press office staff can be a necessary part of the machinery of government, but you should be aware of the basic rules (see sections 4.4.5 to 4.4.7 below) which need to be observed in such contacts.

## 4.4.5 Rules for dealing with the media

The following rules apply to your dealings with the media:

- a. If you are not a Highways England press officer or have not been expressly authorised to have contact with the media, you must not speak to, or provide information for, the news media. Any approaches from the media should be referred to the Highways England Press Office
- b. If you are not a Highways England press officer and you are asked directly by a journalist to give an interview, statement or briefing or to appear on radio or television, you must first consult the Highways England Press Office and obtain the approval of your Divisional Director or Head of Division
- c. If you are not a Highways England press officer and have been expressly authorised to have contact with the media, you must not trespass on the responsibilities of Ministers for the presentation of policies to the public and you must always preserve the political impartiality of Highways England (see Chapter 3 Personal Conduct)
- d. You should assume that, in the absence of agreed ground rules (see (c), (d) and (e)), anything said to a journalist will be published. With the exception of those referred to in (e) below, all discussions, with journalists or appearances on radio or television must take place in the presence of a Highways England press officer. You will need to discuss with the press officer the issue and the context
- e. Where contact with a journalist is approved, the press officer will establish at the outset the terms on which the briefing is given or the discussion is to take place
- f. If you are taking part in a meeting with journalists at which remarks are to be attributed to you personally, the arrangements must be approved in advance by your Divisional Director or Head of Division. The press officer will need to advise the Roads Minister if in their judgement the issue warrants this
- g. You should be aware that journalists have been known to renege on agreements so flippancy and generalisations, as well as personal criticisms, should be avoided
- h. When in contact with the media, you must not give personal views. You should always be alert to the risk of misinterpretation, misrepresentation and embarrassment inherent in discussion of all controversial matters, particularly those which are politically controversial
- i. Factual background information may be disclosed or given as an explanation of policy; in giving such explanation you should remember the rules on disclosure of information and confidentiality – see Chapter 3A Section 3.1.1 section 4.1.2 of Chapter 4A- and avoid discussion which might be seen to affect future policy pronouncements, or pre-empt announcements to Parliament
- j. In briefing journalists, you must take into account the relationship between Ministers and Highways England (see Chapter 3 Personal Conduct) and never try to influence a policy
- k. Informal, social or personal contacts and hospitality offered by journalists should be treated with caution (see also Chapter 3.5: Acceptance of Gifts, Benefits and Hospitality)

## 4.4.6 Professional officers speaking to the media about their work

If you are employed in a professional capacity and you are invited to speak to the media about your work, you must comply with the rules set out above, with the exception that it is not necessary for

each contact to be cleared individually, provided that the Highways England Press Office is kept regularly informed of the content of the discussions.

#### 4.4.7 Official letters to the press

If you believe that it can be justified to write to the press to set the record straight about an issue concerning Highways England you must first consult the Highways England Press Officer.

#### 4.4.8 Official contact with lobbyists

You can have official contact with lobbyists, formally and informally, where this is justified by the needs of Government. Where such official contact takes place you must observe the rules set out in this paragraph. Chapter 4B Section 4.4.8 of this Staff Handbook sets the procedures in such contact.

When dealing with lobbyists, you must not:

- a. leak confidential or sensitive material, especially market sensitive material to a lobbyist
- b. deliberately help a lobbyist to attract business by arranging for clients to have privileged access to Ministers or undue influence over policy

Failure to comply with these requirements will render you liable to disciplinary action (see Chapter 3B Section 3.2).

In your dealings with lobbyists, you must follow the Highways England code of conduct and the rules relating to:

- a. disclosure of official information (see Chapter 3A Section 3.1.1 paragraph a));
- b. the acceptance of gifts, benefits and hospitality (see Chapter 3A Section 3.1.3;
- c. conflicts of interest (see Chapter 5A Section 5.2).

#### 4.4.9 Surveys and questionnaires by outside organisations and individuals

If you are invited by an outside organisation or individual to participate in a survey of opinion or attitudes which is directed at you as a member of Highways England you must report the fact to your line manager and HR who will advise whether it is appropriate for you to take part.

Permission will not be given to take part, even non-attributably, in any survey of attitudes or opinion on political matters or matters of policy which have political connotations. There is normally no objection to assisting with factual information, which is not classified or held in confidence, but you must get permission from HR beforehand.

Even where you do have permission to participate in a survey, it remains open to you individually to decide whether or not to take part. If you decide to take part, you must have regard to the rules on protection of official information and the duty of confidentiality owed to Highways England (see Chapter 4 Section 4.1 and the Highways England code of conduct (Chapter 3.1.3)). No comment must be made on Ministers, officials, private individuals or organisations in terms that the Highways England could regard as objectionable. Nor must any comment be made on the relations between Ministers and officials or on advice offered to Ministers.

Further advice about participating in such surveys and questionnaires can be found in Chapter 4B Section 4.9

#### 4.4.10 Meetings between officials and members of the UK Parliament, the European Assembly, Scottish Executive, and the Welsh and Northern Irish Assemblies and the House of Lords

In your official capacity, you must not meet with MPs, MEPs, MSPs, Assembly Secretaries and Peers without prior agreement of the appropriate Minister. Where such approval is given, you must not discuss sensitive policy matters. An exception applies to meetings with Members of the House of Lords holding executive positions. , Chapter 4B section 4.4.10 of this Staff Handbook provides further procedures on this subject.

#### 4.4.11 Participation in party political functions and the activities of organisations on the margins of party politics

You must not attend in your official capacity a conference, seminar or other event convened by, or under the aegis of, a party political organisation. Exceptionally, your Divisional Director or Head of Division may approve your attendance at such events in your official capacity as an observer. In such cases you must not intervene or take part in public discussions except to correct gross error of fact. Sections 4.4.12 and 4.4.13 and , Chapter 4B Section 4.4.11 of this Staff Handbook provides further guidance and procedures on this subject.

#### 4.4.12 Events organised by groups of which membership of a particular political party is a condition of membership

You must not in your official capacity attend events organised by groups of which membership of a particular political party is a condition of membership alone or in the company of Ministers. You can provide Ministers with factual briefing explaining Highways England policies or actions, but you must not provide a prepared speech. Chapter 4B Section 4.4.12 of this Staff Handbook provide further procedures on this subject.

#### 4.4.13 Background to Policy Studies, etc: Disclosure of factual or analytical material

It is Highways England and Government policy to publish background material used in completed major policy studies unless the Secretary of State or responsible Minister decides to the contrary.

When disclosing factual or analytical information for background material to policy studies, you must not, without authority, publish material that bears a current protective or security classification or privacy marking You should take care to ensure that the publication of unclassified material is not prevented by its inclusion in documents containing classified material. Chapter 4B Section 4.4.13, of this Staff Handbook sets out guidance and procedures in this area.

#### 4.4.14 Attendance at conferences, symposia, seminars and other meetings and exhibitions arranged by outside bodies

This Section contains the contractual rules to be followed in considering whether you should attend conferences, symposia, seminars and other meetings and exhibitions arranged by outside bodies. Chapter 4B Section 4.4.1. of this Staff Handbook provides further guidance and procedures on this subject.



You may be authorised to attend an external conference, etc., in an official capacity, for one or more of the following reasons:

- a. to represent or act as an observer on behalf of Highways England
- b. to keep up-to-date with current thinking or exchange views on matters of official concern
- c. to take part in discussion or present a paper
- d. as a form of training

An application for approval to attend a conference, seminar or similar events for any of the reasons set out in a or c above must be made in writing to your Divisional Director or Head of Division.

Your Divisional Director or Head of Division will decide and set out in writing whether you may take a full part in discussions, or whether you should attend as an observer and are only authorised to intervene on questions of fact.

Approval to attend a conference or similar event for the reasons stated in b and d above can be sought by any person with appropriate financial delegation.

You are entitled to claim costs incurred when attending conferences, etc., (see Chapter 9: Travel, Subsistence and Relocation).

#### 4.4.15 Overseas conferences, etc.

You must check the Foreign and Commonwealth Office (FCO) website when you are visiting overseas on official business (including those on European Common Foreign and Security Policy (CFSP)), the exception to this is if the visit:

- a. is part of an established programme or commitment; or
- b. is in connection with NATO defence works and within Europe on non-CFSP European Community and European Political Co-operation business

If you have any queries you must contact the Security Team.

Notification should be given well in advance of the planned visit but only after Agency approval has been given. Further procedures about overseas conferences, etc can be found at Chapter 4B Section 4.4.16.

#### 4.4.16 Fees for publications, broadcasts and contributions to conferences or similar events

It is Highways England's policy to charge a fee where an employee contributes to a conference or similar event that is 'for profit'. In most cases, it should be clear from event organisers whether this is so. Event arranged by commercial conference organisers or other private sector organisations are likely to be for profit, while those run by public sector bodies, voluntary organisations and some representative organisation (e.g., trade associations) may well be for indirect benefit only.

If you contribute to 'for-profit' conferences or similar events and you have prepared and/or travelled to the engagement in your own time, you may be entitled to apply for compensation by means of overtime pay or time off in lieu. Further procedures about charging fees for conferences and similar events can be found in Chapter 4B Section 4.4.16.

Any fee payable in respect of publications and broadcasts in your official capacity should be accepted but normally surrendered to Highways England. Where there is any doubt you should contact HR.

Where the preparatory work for publications and broadcasts was done outside the office and in your own time, you are entitled to seek approval from HR to retain part or all of the fee or to obtain compensation by means of overtime pay or time off in lieu.

#### 4.4.17 Outside activities

If you wish to take part in any outside activity which involves the disclosure of official information that is not already in the public domain you must obtain prior authority from HR, who will consult with your line management. The request should be made in sufficient time to allow proper consideration. Failure to obtain the necessary permission before undertaking any such activity could make you liable to disciplinary action. See also Chapter 5.1: Activities outside Official Duties.

#### 4.4.18 Publishing or broadcasting personal memoirs

You must not publish or broadcast personal memoirs (whether by electronic means or otherwise) reflecting your experiences whilst you are a Highways England employee or whilst previously a Civil Servant.

After leaving the Service, you must seek Highways England's permission before committing yourself to publish or broadcast memoirs (whether by electronic means or otherwise) which reflect your Highways England or previous Civil Service experiences.

#### 4.4.19 Publishing written material on official subjects not in an official capacity

You must seek Highways England's permission to publish or contribute (by electronic means or otherwise) to a book in your personal capacity that draws on official information not in the public domain or your experiences as a Highways England employee or previous employment as a civil servant. No commitments or negotiations with private publishers should be entered into until this permission has been given.

If, therefore, you intend to write, or contribute to, a book it is advisable to seek provisional consent from HR. The request should include a synopsis of the scope of the proposed book and the envisaged method of treating the issues concerned. HR will consult senior management (if the book is likely to touch on matters which come within the scope of the general principles set out in paragraph 4.4.1) and other relevant parties.

Where you are the sole author, once the book is completed, you must submit a formal application to publish the book - together with two copies of the text - to HR. You should allow at least four weeks for consideration within Highways England and at least twelve weeks if it is necessary to consult other Departments or Agencies.

Where you are contributing to a book, when the contribution is complete, you must submit a formal application to send the contribution to the author to include in their book - together with two copies of the text - to HR. You should allow at least four weeks for consideration within Highways England, and at least twelve weeks if it is necessary to consult other Departments or Agencies.

If after any necessary consultations Highways England is able to approve your application to publish a book or to contribute to another person's book, HR will return one copy of the text to you, with any required amendments clearly marked, or with an indication that there is no objection to the text being published un-amended.

You must make it clear that the contents of your book or your contribution express your own views and in no way commit, or represent the views of Highways England.

You can assume that Highways England has no objection to the text being published un-amended if you have not heard from HR after twelve weeks, unless HR has told you:

- a. that Highways England requires more time for consultation; and
- b. how much more time is required

When the Highways England's permission to publish has been given, you should then seek the permission of The Stationery Office for the inclusion of any published or unpublished Crown copyright material in the book.

## 4.4.20 Personal broadcasts

The Agency's permission is not necessary if you are invited to broadcast:

- a. in a purely personal capacity
- b. on a subject which has no bearing on your official duties

provided that no mention is made of the name of Highways England or other Departments or Agencies or your official position.

If you have any doubts about whether a programme is related to official matters you should seek the advice of the Highways England Press Office.

You should also seek advice from the Highways England Press Office if you are invited to co-operate in the production of a programme or to provide briefing and background information.

## 4.4.21 Copyright

Publication (by electronic means or otherwise) is subject to the law of copyright. Crown Copyright applies to any work that has been prepared by Highways England or published by or under the direction or control of Her Majesty or any Government Department or Agency. This includes maps, photographs, plans and discs.

The use of any Crown copyright material - whether published or unpublished - is subject to approval by Highways England and The Stationery Office.

Work produced by you in your own time and in your own words is not normally subject to Crown copyright but remains the private copyright of the author or producer of the work. If, however, any official material is used for such work, you must obtain clearance in respect of Crown copyright for that part.

Before you give a speech or lecture as a representative of Highways England you must make it clear to the sponsoring organisation that the copyright in any written or printed document relating to the lecture belongs to the Crown. It must be stipulated that any reproduction of the article should be accompanied by the formal copyright legend, e.g., "(c) Crown Copyright (insert year)". Further information about copyright can be found in Chapter B4 Section 4.4.21.

## Chapter 4.5 - Part A: Theft & Loss Policy

Each member of staff has a responsibility for the items and equipment issued into their care by the Highways England. Each individual also has a role to play in implementing controls to prevent losses. This policy document sets out the procedures to be followed where items are lost or stolen.

### 4.5.1 Definition of theft

Theft is the dishonest appropriation of property belonging to another, with the intention of permanently depriving them of it. Property includes money, assets and intangible material such as information.

Highways England requires all staff, at all times, to act honestly and with integrity and to safeguard the public resources for which they are responsible. The Highways England Staff Handbook, Chapter 3, and the Highways England Security Policy document [Security Policy](#) reinforce this statement (or see Chapter 4A Section 4.6).

#### Thefts and losses

It is Highways England's policy that all thefts are reported to the Police. Therefore all thefts must be notified to a Security Liaison Officer (SLO). The SLO role is undertaken by Facilities Managers in Highways England offices and by the Business Support Team Leader for the RCCs and Outstations. All equipment such as laptops etc. must also be reported as stolen to the Police where they are burgled, stolen from cars etc. It is also necessary for the loss of physical data or information to be reported to the Policy and/or internal channels, this includes the loss of files, discs, keys and data sticks. Employees should be aware of the risks resulting from the loss of data and information with the potential embarrassment for the Highways England.

As well as the SLO all losses of equipment must be reported immediately to the ICT Service desk so that they may either block a phone or limit any potential damage through loss of data.

### 4.5.2 Individual responsibilities

Individuals are personally responsible for the safeguarding of office equipment that has been issued to them. Items particularly at risk include mobile phones; pagers, PDA's, laptops etc and these should be securely locked away overnight and when not in use.

Unfortunately theft of personal effects does occur. Valuable belongings should not be left in unlocked drawers or cupboards, and coats, handbags and briefcases should not be left unprotected. The SLO should be informed immediately if anything has been stolen. Now that our offices are open plan and in some cases have moved to 80% occupancy or less staff, should recognise that the keys for desk pedestals, cupboards or lockers should be stored securely. The SLO, an auditor or team members may exercise a legitimate right to unlock containers during periods of planned absence. Every effort will be made to obtain permission should it be necessary to gain access during periods of unplanned leave. Individual rights to privacy are unchanged by this policy.

SLOs are responsible for ensuring that combination locks are changed at 6-monthly intervals.

When travelling away from the office valuable items should not be left unattended. Items have been stolen from vehicles, when travelling by train and in restaurants and pubs. When carrying a laptop a simple security measure is to use a bag which is not readily recognisable or labelled with a manufacturer's logo.

### 4.5.3 Regular losses - option for disciplinary action

Where an individual is found to be regularly losing items, especially if there is an element of contributory negligence on the part of the HE employee, disciplinary action may follow following a thorough investigation (see Chapter 3.2)

### 4.5.4 Write-off action

There are existing procedures for the write-off of losses suffered by Highways England including the loss of equipment. These procedures are to ensure that appropriate remedial action is taken to prevent a reoccurrence and to ensure the losses are properly recorded in Highways England's Accounts.

(Include link to Losses and [Write off procedures](#))

### 4.5.5 Action points

- all losses must be reported to the SLO at each location
- the SLOs to report thefts and losses to the Security team quarterly
- the SLO will report all losses to the Police
- the SLO will copy the information to the Security Team
- write-off procedures must be followed when an item is lost or stolen
- when traveling valuable items of equipment or data/information must not be left unattended
- staff must sign for all high value pieces of portable IT equipment, e.g. laptops, blackberries, PDAs
- where items are lost, following a thorough investigation, consider disciplinary action should there be sufficient evidence to show that the individual failed to take reasonable steps to safeguard the items
- individuals need to be able to demonstrate that they have complied with security measures specified in the written agreement that they signed when they took possession of the kit
- when valuable items are lost (i.e. laptops) careful consideration should be made before issuing a replacement item. This may depend on whether the user is a home worker, or requires the laptop to carry out essential or critical duties

## **Chapter 5 - Private Interests - Contents**

Part A of this chapter sets out your contractual terms and conditions of employment with regard to private and business interests, personal financial conduct and political activities.

Part B is the Procedure relating to reservist duty.

Part C is the Guidance that provides further information on reservist duties

### **Part A: Private Interests Policy**

[5.1 Activities outside official duties](#)

[5.2 Conflicts of interest](#)

[5.3 Personal financial conduct](#)

[5.4 Reservist Policy](#)

### **Part B: Private Interests Procedure**

[5.4 Reservist Procedure](#)

### **Part C: Private Interests Guidance**

[5.4 Reservist Guidance](#)

## Chapter 5.1 - Part A: Private Interests

### Chapter 5.1 – Part A Activities outside official duties

#### 5.1.1 General rules

In pursuing activities outside your official duties, you must have regard to the requirements of Chapter 3 of this Staff Handbook. In addition, the following rules must be observed:

- a. you must seek Highways England's permission if the activity involves working for another employer, whether paid or unpaid
- b. Highways England's interests must not be likely to suffer
- c. you must not take part in activities inconsistent with your official position

You must not, without express approval from your line manager, undertake outside activities or accept a position that would require your attendance during normal working hours other than elected or appointed trade union posts (see paragraph 5.1.6 below). However, exceptions may apply to certain appointments with outside organisations (see Chapter 5A Section 5.2 Conflicts of interest), engagements in the armed forces, etc., (see Chapter 5A Section 5.4 [Reservist](#) Policy) and certain public services (paragraph 5.1.4 below).

If you have taken an outside position or other employment with or without permission, Highways England cannot guarantee to take this fact into account in placing or redeploying you in a particular post or location.

#### 5.1.2 Other employment

If you are considering taking up any approach from an outside employer you must consult the Business Appointment Rules (Chapter 3.7), informing relevant parties as prescribed.

If your official duties involve procurement or contract work, you must report any offer of employment to your countersigning officer (or a senior line manager). This is particularly important where the offer comes from an outside employer with whom you or Highways England employees in your command have had official dealings, whether or not you are considering taking up the offer.

#### 5.1.3 Approval for private commissions

Where you wish to undertake private commissions of a professional or technical nature approval must be sought as in section 5.1.2. Permission will not normally be given for you to work for a client who is at the time in question a tenderer for work, or a contractor or consultant to that part of Highways England for whom you are working.

#### 5.1.4 Public service

If you wish to undertake any Public Service, e.g., becoming a Special Constable, joining a Local Authority Emergency Organisation or similar service you should consult your line manager and then seek permission from HR. If, on appointment, you are already a member of such a service you should inform your line manager so that covering permission may be sought.

Similarly you should also seek permission to undertake certain other forms of public service such as a Justice of the Peace. Full details of these services are found in Chapter 2 Part A: Working in the Agency.

### 5.1.5 Special leave

Where permission is granted, special leave with pay may be allowed for you to undertake some of the activities described in paragraph 5.1.4, Chapter 5A Section 5.2 Conflicts of Interest, and Chapter 5A Section 5.4 Reservist Policy.

### 5.1.6 Trade Union representatives

You have a right to take on the elected role of trade union representative even though this may require attendance during your normal working hours.

If you are an accredited representative you are entitled to special leave (paid and/or unpaid) to discharge certain trade union functions as set out in Chapter 12: Industrial Relations. Full details of the time-off allowances available and the procedures for making an application are given in Chapter 12: Industrial Relations. HR should be consulted on any questions about the applicability of these rules to a particular trade union function.

### 5.1.7 Competitions for monetary reward

In some circumstances, it may be improper - because of the knowledge you may have obtained in the course of your official duties - to enter a competition offering a monetary or other reward. Therefore, if you wish to enter a competition which:

- is connected with the work of Highways England, and
- offers a monetary or other prize, and
- is open to others besides public servants

you should seek the advice from the HR Advice Service.



## Chapter 5.2 - Part A: Conflicts of interest

### 5.2.1 Private business interests of employees

If you come into official contact with matters concerning a business organisation (including any professional practice) in which you knowingly have a private or business interest you must disclose the fact to Highways England (see below) and follow any instructions regarding the management of such interest. Managers will arrange for another officer to deal with matters concerning the business organisation.

You should record all interests that have the potential, or perceived potential, to introduce a conflict of interest in the execution of your official duties, in Highways England's Conflicts of Interest Register administered by the Company Secretary for the Chairman, Chief Executive and Board and Executive Directors' and by the Financial Governance and Compliance team for all other staff. You must also keep your line manager informed. An interest is defined as financial interest or other material benefit or consideration, which an employee receives which might reasonably be thought by others to have a potential to influence their actions in carrying out their official duties. If in doubt of whether your interest(s) falls within this definition or for further information you must contact your Divisional Director or the Finance and Business Services Financial Governance and Compliance team.

### 5.2.2 Directorships

You must not accept a directorship, except as a nominee of the Government, in any company holding a contract with Highways England without the express permission of the Chief Executive. Applications should be submitted - via your Divisional Director - to HR.

Where it is considered to be in the interests of Highways England, you may, with the approval of Highways England take up a position, for example a Non Executive Directorship, with an outside organisation. You may, with the agreement of your line manager, take time off from your conditioned hours to undertake duties in connection with the position. Advice on the acceptance of such positions should be obtained from HR who can also provide you, if you are contemplating taking on, or taking up, a Directorship with further advice. You may also be able to obtain indemnity against liability when holding such positions. HR should be contacted about the indemnity that Highways England can give you (see also [Chapter 6](#), Section 6.10).

Subject to the rules contained in Chapter 5A Section 5.1.1 General rules, where a position (e.g., a Non Executive Directorship) with an outside organisation is independent from the interests of Highways England and the duties connected with the position will be carried out outside your normal working hours, you do not need to seek approval from the Highways England.

### 5.2.3 Contracts

If you, or any business in which you are a member (except a corporation in which you are a shareholder), or any company of which you are a director (except as a nominee of Highways England) is applying for a Government, you must disclose the fact and the full extent of your interest in the contract to the Procurement and the Corporate Governance Team.

No contract will be let to you, or to any business in which you are a member (except to a corporation in which you are a shareholder), or to any company of which you are a director (except as a nominee of Highways England). Exceptionally, a contract may be let, provided that Procurement is satisfied that there is no obvious danger of a conflict of interest and has given specific permission.

You should avoid dealing with contracts that could make you particularly susceptible to criticism in carrying out this work. Should the situation arise you should immediately discuss the matter, before dealing with the contract, with your manager and Procurement and seek their instruction. You must take care not to disclose sensitive information such as tender prices. It is also essential that all of your

actions be clearly above suspicion of any bias in favour of or against a particular company or organisation. Dealings should be kept strictly on a business rather than a personal basis and absolute integrity maintained at all times. See Chapter 3, Section 3.5: Gifts, Benefits and Hospitality.

You must not, for private purpose, purchase goods or services from a Highways England contractor on preferential terms, if these terms are, or reasonably appear to be, given - either directly or indirectly - because of a potential or actual contractual or other official business relationship between the contractor and Highways England. If in doubt, you should decline such offers and consult your line management.

## 5.2.4 Private purchases of government property

You have the right to purchase Government surplus stores provided that:

- a. you are not, by reason of your official position, able to obtain special knowledge regarding the condition of the goods to be sold
- b. you are not, and have not been, officially associated with the disposal arrangements
- c. the goods are not offered to you at a discount that is not available to a member of the public

Highways England may allow you to purchase goods that it does not wish to offer for sale to the public because the normal disposal procedure would not be worthwhile.

Items such as chair or typewriter, to which a retired officer or one who is approaching a retirement may attach sentimental value, may also be purchased at the discretion of the local PFM team.

As part of the conditions of sale all disposals of goods to employees are subject to the following conditions:

- a. goods are sold for personal use and are not intended for resale
- b. the arrangements for and the costs of removal of the goods must lie with the purchaser
- c. all goods are sold as they stand, and Highways England shall not be liable for the repair of any fault or defect, or in any other particular as respects the goods after sale has taken place

Highways England will not offer for sale any item that might contravene any legal requirement currently in force including, for example, health and safety legislation.

## Chapter 5.3 - Part A: Personal financial conduct

### 5.3.1 Financial difficulties

Should you find yourself in financial difficulties, you have the right to contact the Employee Assistance Programme for confidential help and advice. Staff Counsellors are trained in debt counselling and can help you to budget, prioritise your debts and deal with creditors.

### 5.3.2 Lending or borrowing money

You must not take part - either as principal or agent - in a money lending business.

You must not request from another employee a loan of any money, which might reasonably be deemed to compromise the independence of your judgement as an employee.

You must not borrow money, or attempt to borrow money, from a member of the public with whom you have come into contact during the course of your official duties. To do so may be a serious disciplinary offence.

### 5.3.3 Bankruptcy and insolvency

If you are declared bankrupt or become insolvent you must immediately report this to your Divisional Director or Head of Division and HR Business Partner, together with a complete statement of the facts. Failure to do so is a serious disciplinary offence and may result in dismissal.

If you are declared bankrupt or become insolvent, you must not be employed on duties involving the handling of public money or be responsible for any official monetary transactions.

### 5.3.4 Gambling and speculation

With the exception of sweepstakes, raffles and lottery or pool syndicates conducted with line management approval, you must not use official time, information or resources (see Chapter 3A Section 3.3 of this Staff Handbook) in the pursuit of gambling or speculative activities.

### 5.3.5 Dealing with securities, shares and other assets

Where:

- a. the nature of your official duties could affect the value of your private investments (or those of members of your family if you know of those investments)
- b. your shareholding might raise an actual or potential conflict with Highways England's interests or be inconsistent with your position as a Highways England employee

you must consult HR about the propriety of acquiring, retaining or disposing of the investments in question or the alternative of a change of duty to remove the conflict of interest.

You must not:

- a. on your own behalf
- b. on behalf of members of your immediate family (spouse, partner and children)
- c. on behalf of any other person on the value of whose assets real or personal you advise

Use (or appear to use) your public position for private gain. This applies to any official activity, or any information arising from or in connection with it, which might affect the values of property and investments; this includes knowledge of possible or impending Highways England decisions acquired in the course of official duties which could affect the value of stocks, shares and any type of property including land.

Sections 52 - 64 of the Criminal Justice Act 1993 prohibit certain activities where persons have, by virtue of their position or former position, information which they know is unpublished and price sensitive in relation to securities of companies. The Act applies to Highways England employees and former Highways England employees as it applies to anyone else and prohibits dealing in such securities through a recognised stock exchange and encouraging anyone else to do so. Passing on this information to others is also prohibited if it is known or it can be expected that the recipient will use it for dealing in such securities on a recognised stock exchange or for encouraging others to do so. Breaches of this prohibition are criminal offences as well as breaches of the Highways England rules of conduct.

You have the right to deal in stocks and shares and other assets in your private capacity. However, if, in the course of your official duty, you have to deal with any matter concerning a business organisation (including any professional practice) in which you have an interest, you must disclose the fact to your line manager promptly, in writing, and ask for another officer to deal with the matter.

It would be advisable to copy HR in on all written notifications that you send to your line manager as explained above. Similarly, your line manager should do the same with any guidance he or she gives to you.

These requirements apply to what you can do yourself, whether it is for your own benefit or for anyone else's (including partner, parents and children), or if you are acting as an executor or trustee. It does not directly apply to dealings in which spouse, parents or children take their own separate decisions. Those decisions will be insulated from your official knowledge by the rule (see Chapter 3A Section 3.1.1 of this Staff Handbook) that you must not in any case give official information to anyone without authorisation.

## Chapter 5.4 - Part A: Reservist Policy

[Part B: Procedure](#)

[Part C: Guidance](#)

### 5.4 Reservist Policy Principles

The following policy principles underpin the Reservist policy and applies to all employees, including those on probation, fixed term appointments, loans and secondment:

- up to 10 days paid special leave for training
- dealing positively with requests for other types of leave to undertake additional Reservist activities
- offering support to employees before, during and after mobilisation, in consideration of individual circumstances
- recognising the transferable skills and benefits to both Highways England and society
- keeping an accurate record of employees who are Volunteer Reservists

## Chapter 6 - Legal Representation - Contents

Part A of this chapter sets out your terms and conditions of employment relating to legal representation.

Part B is the Procedure (not currently available).

Part C is the Guidance that provides further information on legal entitlements.

### Part A: Policy - Legal Representation

[6.1 General](#)

[6.2 Civil Proceedings](#)

[6.3 Criminal Proceedings](#)

[6.4 Legal Representation for employees no longer with Highways England](#)

[6.5 Limitation of costs of legal representation](#)

[6.6 Refusal of assistance with legal representation](#)

[6.7 Civil actions brought by Highways England employees](#)

[6.8 Inquests and fatal accident inquiries](#)

[6.9 Formal inquiries](#)

[6.10 Liability of directors and other officers of companies and other bodies](#)

### Part B: Procedure - Legal Representation

6.1 Not currently available

### Part C: Guidance - Legal Representation

[6.1 Legal entitlements and administrative practice](#)

## Chapter 6.1 - Part A: General

### Part C: Guidance

You must immediately report to HR Business Partner, via your line manager, when in connection with your official duties:

- a. any claim is made upon or proceedings are taken against you
- b. any request is received by you, in connection with legal proceedings, to make a statement, produce a document or give evidence
- c. any High Court Writ or a witness summons is served on you
- d. you are involved in or become aware of any incident which may constitute a criminal offence or give rise to civil legal proceedings.

It is advisable not to make a response or statement that could prejudice your own or Highways England's defence until you have received advice.

Any case which involves you that may lead to legal proceedings as a result of your official duties should be referred initially to HR Business Partner - via your line manager - to consult Highways England's legal advisers, even where those proceedings may be under Scottish, Northern Irish or overseas jurisdictions.

## Chapter 6.2 - Part A: Civil Proceedings

Highways England will provide you with legal representation if you are sued for damages as a result of actions carried out in the course of your employment or defamed in your official capacity. For that purpose representation will be by a solicitor acting for Highways England. Any damages and/or liability for the other side's costs will also be met from public funds. Such representation or assistance will, however, not be provided if you:

- a. refuse to agree to be represented by a solicitor acting for Highways England
- b. refuse to instruct the legal representative in the terms required by that representative
- c. have acted outside the course of your employment (see Chapter 6 Part C Legal Representation Guidance)



## **Chapter 6.3 - Part A: Criminal Proceedings**

If criminal proceedings are brought against you in respect of an act or default that you are alleged to have committed in the course of your employment:

a. Highways England will consider your case on its merits before deciding whether or not to accept responsibility for the defence of such proceedings. Legal representation will be dependent on you having carried out your duties/role/activity/action with due care, skill and professionalism and without reckless or malice intent

b. you will be notified of Highways England's final decision. You will also be notified of the reasons if Highways England does not accept responsibility for the defence

c. if Highways England does accept responsibility for the defence of criminal proceedings brought against you, it will provide legal representation, assistance and support on the same basis as outlined 4 in sections 6.2, and 6.5

## **Chapter 6.4 - Part A: Legal representation for employees no longer with Highways England**

If you have left Highways England and the substance of a complaint arises out of something that happened in the course of your official duties whilst with Highways England, you will be provided with legal representation, assistance and support on the same basis as outlined in sections 6.2, 6.3 and 6.5.

## **Chapter 6.5 - Part A: Limitation of costs of legal representation**

If, when Highways England has agreed to provide legal representation, should you wish to contract higher legal expenses than are deemed necessary by Highways England in consultation with its legal advisers, (eg, briefing an expensive Leading Counsel, etc) you will be personally responsible for the extra expense incurred.

## **Chapter 6.6 - Part A: Refusal of assistance with legal representation**

If you are refused legal representation or assistance with legal expenses, you have the right to appeal.

## **Chapter 6.7 - Part A: Civil actions brought by Highways England employees**

Highways England will provide legal advice if you are assaulted in the course of your official duties. Assistance with any subsequent proceedings that you may wish to institute is at the discretion of Highways England and may be given if it is decided, after consultation with Highways England's legal advisers, that it is in the interests of you as an employee in Highways England that proceedings should be instituted. You will be notified of the final decision and the reasons for that decision if Highways England does not accept responsibility for the defence.

The procedures to be followed in the event of assault or injury occasioned to a Highways England employee whilst on duty are given in the Health and Safety guide.

## **Chapter 6.8 - Part A: Inquests and fatal accident inquiries**

Highways England will provide you with legal representation if you are involved in an inquest or fatal accident inquiry as a result of your official duty provided there is no conflict of interest between you and Highways England. Where such a conflict arises, assistance with legal representation is at the discretion of Highways England. In this latter instance you will be notified of the final decision and the reasons for that decision if Highways England does not provide you with legal representation.

## **Chapter 6.9 - Part A: Formal inquiries**

When a formal inquiry might lead to you being held to blame, Highways England will consider with its legal advisers whether you should be given legal representation at public expense. The relevant trade union will be informed and Highways England will give sympathetic consideration to their views before a final decision is made.

Highways England will provide legal representation if you are sued as a result of the findings of an inquiry for actions carried out in the course of your duties, unless you have been found to be guilty of willful or gross negligence.

## **Chapter 6.10 - Part A: Liability of directors and other officers of companies and other bodies**

Highways England will accept responsibility for the civil liabilities, including costs, that you incur in connection with your performance of the functions of a director (or similar position however described) or other officer of a company (or other body) provided that:

- a. you have been given written confirmation by Highways England that the appointment is officially approved as required in Chapter 5A, and
- b. the liability does not arise from any wilful default or bad faith on your part, or
- c. you are not otherwise indemnified against the liability

If you, with the agreement of line management, propose to accept an invitation or appointment to take up duties incurring such liabilities you must apply to HR Business Partner for an indemnity before accepting any appointment.



## **Chapter 7: Performance - Contents**

Part A of this chapter sets out your terms and conditions of employment relating to performance management and the management of poor performance.

Part B of this chapter sets out the procedures provided by the Company to support performance management and the management of poor performance.

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.

### **Part A: Performance Management Policies**

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

[7.2 Managing Poor Performance Policy](#)

[7.3 Development and Training](#)

### **Part B: Performance Management Procedures**

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

[7.2 Managing Poor Performance Procedure](#)

### **Part C: Performance Management Guidance**

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

[7.2 Managing Poor Performance Guidance](#)

## Chapter 7.2 - Part A - Managing Poor Performance Policy

[Part B: Procedures](#)

[Part C: Guidance](#)

### 7.2 Managing Poor Performance Policy Principles

Highways England expects effective performance from all its employees. Managing poor performance fairly, effectively and promptly is critical to maintaining a professional working environment. Failure to address poor performance results in inefficiency, and lowers engagement throughout the rest of the workforce. Managers will address poor performance with the aim of improving performance. Where routine performance management activities and support have failed to result in performance at the required standard, this policy should be applied.

The policy is based on fair and transparent treatment of all Highways England employees, and complies with: employment legislation; Advisory, Conciliation and Arbitration Service (ACAS) best practice and the Equality Act 2010.

#### 7.2.1 Scope of Policy

This policy applies to all staff at PB8 or equivalent and below including all TM Grades, who are performing poorly, and who have successfully completed probation. For those staff who remain on probation the policy at the Staff Handbook Chapter 2A will continue to apply.

#### 7.2.2 Policy Summary

Poor performance is when an employee's performance falls below the expected performance required to carry out their role effectively. These performance expectations may vary depending on the role but they will be specified in a combination of: agreed work objectives; competency frameworks and job descriptions.

Key areas covered by this policy include:

- Informal action
- First Written Warning
- Final Written Warning
- Dismissal Decision

After each written warning there is a review period in which employees are supported to improve their performance. There is also the facility to appeal decisions. Managers and employees are advised to keep a written record of discussions. 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 from the start of the formal process.

## Chapter 7.3 - Part A: Development and Training

### 7.3.1 Guidance on development and training

How to access learning and development can be found on this [Portal](#) page.

### 7.3.2 Withdrawal from training courses

Once you are booked on a training course, your line manager cannot require you to withdraw except under exceptional circumstances.

### 7.3.3 Abuse of training concession

Highways England will make every effort to meet your development needs. However, any abuse of a training concession is a disciplinary offence (see Part A of this Staff Handbook - [Chapter 3 Personal Conduct](#)). This includes unauthorised absences from a training course, fraudulent claims for payment of course fees from Highways England funds and fraudulent claims for travel and subsistence related to training. Attendance at any training course must be approved by your line manager.

### 7.3.4 Examination results

If you have been given permission to attend any course which involves or requires the sitting of an examination, you must inform your Line Manager and Learning and Development team of the results of that examination.

Where you have failed to pass an examination, or to obtain a qualification, on the first attempt at a course approved by Highways England, you are required to pay for any re-sits.

## Chapter 8 - Pay - Contents

Part A of this chapter sets out your terms and conditions of employment relating to pay – including payment of salaries, pay calculations and overpayments, Allowances; Overtime and out of hours working.

Part B are the procedures on how to apply and/or claim for any pay or benefit related payments.

Part C is the Guidance that provides further information in how to manage pay.

### Part A: Pay Policy

- [8.1 Pay for employees](#)
- [8.2 Payment of salaries](#)
- [8.3 Pay on appointment](#)
- [8.4 Pay on downgrading](#)
- [8.5 Pay on promotion and transfer](#)
- [8.6 Pay on return from a career break, unpaid special leave, extended sick leave](#)
- [8.7 Overtime – Voluntarily working in addition to the normal working week with line manager agreement](#)
- [8.8 Out of hours working](#)
- [8.9 Recruitment and retention allowance](#)
- [8.10 Deputising payment](#)
- [8.11 On-Call Allowance](#)
- [8.12 Mark time allowance](#)
- [8.13 Exceptional payments](#)
- [8.14 Recovery of overpayments](#)

### Part B: Pay Related Procedures

- [8.2 Payment of salaries procedure](#)

### 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 A: Pay for employees

### [Part C: Guidance](#)

#### 8.1.1 Pay for full time employees

If you are at Grade 6 or below, you will be paid at the annual rate to which you are entitled as a result of the Highways England current pay [settlement](#).

Full time contracted working hours for all staff is 37 hours per week.

#### 8.1.2 Pay for part-time staff

If you work part-time, your pay will be calculated as a proportion of the full-time rate for your grade according to the hours that you work.

The formula for this calculation is:

$$\frac{\text{Hours worked per week} \times \text{Annual salary if full hours were worked}}{37 \text{ hours}}$$

For example, if you work 18.5 hours per week you will receive 18.5/37 of the full-time rate of pay (ie, half pay)

#### 8.1.3 Pay review for employees at Grade 6 and below

Your pay will be reviewed annually in accordance with the current pay settlement.

#### 8.1.4 Fixed term employees who become permanent

If you are a fixed term employee and you become a permanent employee in a higher grade, your starting pay will be set in accordance with the pay on transfer arrangements ([see chapter 8.5 Pay on Promotion](#)) If you become a permanent employee in your existing grade, your starting pay will be your existing basic rate of pay. If you become a permanent employee in a lower grade, your starting pay will be determined in accordance with downgrading arrangements ([see Chapter 8A 8.4 Pay on downgrading](#)).

## Chapter 8.2 - Part A: Payment of salaries

[Part B: Procedure](#)

[Part C: Guidance](#)

You will be paid your annual basic salary together with any annual pay related allowances in twelve instalments in arrears on the last working day of each calendar month. The last working day of a calendar month is the last day of the calendar month which is not also a Saturday, Sunday, bank holiday, public holiday or privilege day.

The amount that you are paid is that due up to and including the last day of the calendar month.

Your pay is calculated on net hours of 37 hours per week (or pro rate for part time employees). This means there will be a slight variation from month to month depending on the number of working days within each month.

Payments will be made by means of automatic bank transfer (BACS).

Information about Highways England payroll agent and monthly personal pay statements can be found at Chapter 8C Section 8.2 paragraph a) Payroll Agent.

Information about deductions from salary can be found at Chapter 8C Section 8.2 paragraph b) Deductions from salary.

You can check your pay statement via [Shared Services](#).

### 8.2.1 Payroll errors

Considerable care is taken in the preparation of the payroll but the scale of the task inevitably means that mistakes will occur. It is your responsibility to check your payslip to ensure all details are correct.

If, having checked your payment advice, you believe that a mistake has been made, you must inform Shared Services arvato immediately by raising a self-service ticket on the Shared Service Portal.

Underpayments will be made good.

In cases where you incur interest charges and/or other charges wholly or partly related to the late payment of salary or to an underpayment of salary, due to a departmental error, Highways England may pay you a sum equal to the amount of interest and/or other charges paid as a result of the late payment or underpayment.

Overpayments may be recoverable from you. Where there has been an overpayment, you will be informed and your pay corrected immediately. As soon as the exact amount of the overpayment is known, you will be informed in writing of the amount and repayment will be requested. HR will negotiate repayment arrangements with you. Recovery and the repayment negotiations will be made in accordance with the considerations and rules set out in Chapter 8C Recovery of overpayments.

It may be a disciplinary offence (and may constitute theft or fraud) to knowingly accept a payment to which you are not entitled.

## 8.2.2 Interest free loans for season tickets

Interest free loans are available for the purchase of season tickets. If the total of all your beneficial loans exceeds £5,000 you may be subject to income tax on 'interest free loans' under the HM Revenue and Customs' 'benefits in kind' rules.

Interest free loans must not be used for any purpose other than for the specific reason of the loan. Where there is evidence that a breach was deliberate and possibly fraudulent, disciplinary procedures may be initiated, see Chapter 3.2.

Loans are repayable to Highways England. On leaving Highways England, any outstanding amount will be recovered from your final salary, deducted from any pay, allowances, or pension benefits due, unless a cheque for the full outstanding amount is received prior to the leaving date.

Further information on eligibility can be found in chapter [8C 8.2.2 Interest free loans for season tickets](#).

## 8.2.3 Salary advances

Advances of salary will only be given for the specific reasons set out below. Advances for any other reason will not be considered. Advances are repayable to Highways England. On leaving Highways England, any outstanding amount will be recovered from your final salary, deducted from any pay, allowances or pension benefits due.

### Christmas advance

Monthly-paid staff may apply for an advance of salary prior to Christmas (see Advance of salary request form on the right of this page). Any such advance must not exceed 50 per cent of net monthly basic pay and allowances for December up to a maximum amount of £1000. These advances of salary will automatically be recovered at the end of December from salary. The advance is payable to all monthly paid staff except for staff who fall within the following categories:

- new entrants to the Department after 1 December of that year
- leavers before 31 December of that year
- staff in receipt of mid-monthly advances in December
- staff serving overseas

### Mid-monthly advance

Staff are eligible for a mid-monthly advance for a maximum of three consecutive months on commencement of service. Any such advance must not exceed 50 per cent net monthly salary. If you begin work later than the first week of the month, you will not normally receive a mid-monthly advance during your first month of employment, but may do so for a maximum of three consecutive months thereafter. All requests for an advance must be received by Shared Services arvato in good time for them to be processed and input to the payroll. The advance will be made by a credit transfer and will be automatically deducted from the salary paid to you at the end of the month. Requests for a mid-monthly advance must be made in writing to Shared Services arvato.

## 8.2.4 Resignation/retirement

If you find that you have been overpaid on resignation or retirement, you must report the fact in writing to Shared Services arvato and be prepared to repay the amount when requested.

## Chapter 8.3 - Part A: Pay on appointment

### 8.3 Pay on appointment

This section sets out the principles and rules for setting starting pay on appointment for new recruits to Highways England.

New recruits will be brought in on the pay range minimum or spot rate (i.e. where there is only one rate of pay so that the pay minimum is the same as the pay maximum) unless there is a compelling business case to offer more. This will be subject to HR's discretion. The hiring manager, with the agreement of the appropriate Reward Team (via the HR Business Partner), can appoint up to halfway up the pay range as explained below. To appoint higher up the pay range than this will require a business case to be agreed by the HR Director.

HR have flexibility to recruit above the pay range minimum, taking account of the:

- qualifications and experience of the recruits
- market rates for various disciplines
- need to give officers an opportunity to demonstrate they can undertake the full range of duties
- desirability of avoiding anomalies between new recruits and existing staff

The discretion to pay more than the minimum will be used sparingly and in very limited circumstances. Highways England will apply any relevant Recruitment and Retention Allowance (RRA) or London location allowance where appropriate.



## **Chapter 8.4 - Part A: Pay on downgrading**

If you downgrade voluntarily, your pay will be reduced by 7%, providing this doesn't take you below the range minima of your new grade or above the maxima. HR will determine whether any Recruitment and Retention Allowance (RRA) or London location allowance is appropriate for your new role.

If, as a result of downgrading, you are above the new pay range maxima, HR may allow you to retain the salary (after being reduced by 7%), in exceptional circumstances, on a mark-time basis.

Staff that are compulsorily downgraded may, at HR's discretion, retain previous allowances on a mark-time basis or for a limited period of time.

## Chapter 8.5 - Part A: Pay on promotion and transfer

On promotion staff will receive a 10% increase on their existing salary or move on to the minima of the pay range, whichever is greater. Highways England will consider whether a Recruitment and Retention Allowance (RRA) would be appropriate in the new role.

### 8.5.1 Movement to a new regional location (London or National) or movement onto a specialist pay range

This section is only relevant until April 2016 as agreed with MEC.

Examples of such transfers between the Department's grades include:

1. moves between equivalent grades for the London and National pay locations, for example, from EO national to EO London
2. moves within a grade, for example, Grade 7 London to Grade 7AN (Accident & Nuclear) or moves voluntarily from Grade 7AN to Grade 7

On transfer, you will be placed on the same relative position on your new pay range as you held on your old pay range. The following calculation will be used to determine this:

$$D = \frac{A - B}{C}$$

$$G = (E \times D) + F$$

Where:

A = current Salary

B = current pay range minimum

C = current pay range maximum – current pay range minimum

D = position on current pay range

E = new pay range maximum – new pay range minimum

F = new pay range minimum

G = new salary

Highways England will consider, after transfer, whether any RRA or London location allowance is appropriate for the role.

## **Chapter 8.6 - Part A: Pay on return from a career break, unpaid special leave, extended sick leave**

Your salary will be reviewed on return from:

- a career break
- unpaid special leave, or
- an extended period of unpaid sick leave

To ensure it is set at the level it would have reached had you received an annual pay review for each of the years in which you were absent.

If you are medically retired following an extended period of unpaid sick leave, HR will impute an annual salary for your pension benefit calculations - for all the years a performance related award was paid.

If a report cannot be completed on you, an achieved marking will be imputed for the purpose of calculating your annual pay award. This will be very rare and your line management will have to agree, with the appropriate HR business partner, that a report cannot be completed on you. The annual pay settlement will state each year the mark to be imputed in these circumstances.

For anyone returning from extended maternity, paternity or adoption leave please refer to Chapter 2, Section 2.5 – maternity, paternity and parental leave.

## Chapter 8.7 - Part A: Overtime - voluntarily working in addition to the normal working week with line manager agreement

It should be noted that there is no contractual entitlement to overtime working. All overtime must be authorised in advance.

If you are Grade 6 and below and, at management request and with prior approval, you work hours in excess of your contracted hours (whether full-time or part-time), this is regarded as overtime. You will be reimbursed for overtime worked at plain time rate, or allowed time off in lieu.

Overtime should be avoided wherever possible and, in general, should only be resorted to in periods of exceptional pressure of work. It should normally only be worked on weekdays. Regular overtime for long periods or working at weekends, public, privilege and bank holidays should be allowed only on an exceptional basis.

Overtime must be authorised in advance, normally by the budget holder and Head of Unit or division. Claims for payment must be certified by line management. All working time must comply with the requirements of the Working Time Regulations.

Overtime will only be considered for payment for periods of more than 15 minutes in any day. Overtime payments are not pensionable.

### 8.7.1 Overtime rates

Overtime for staff will usually be paid at plain time rate regardless of grade or the day on which it is worked.

The exceptions to this are detailed in the [overtime agreement for operational staff](#).

The plain time hourly rate will be calculated according to the following formula:

$$\frac{(\text{Full-time equivalent annual salary} + \text{reckonable allowances or payments})}{(52.14 \times \text{net weekly contracted hours})}$$

The only allowances/payments that will be used for the calculation of an overtime payment are London location allowance, shift allowance and deputising payment.

### 8.7.2 Time off in lieu of payment

Line managers should prioritise encouraging staff to take time off instead (in lieu) of overtime payment. This will be subject to business needs.

### 8.7.3 Claims

Claims must be submitted within one month of the overtime being worked. Certifying officers must be at least one pay range higher than your substantive pay range and for financial/audit purposes must be at HEO grade or above. Where available you should make overtime claims electronically through the Shared Services portal. If this is not available in your office then you may claim using the appropriate form or alternative electronic method. Payment will be made as soon as possible with salary.

### 8.7.4 Official business

If you are on official business and are required to travel or attend a working dinner/function you may, at your line manager's discretion, claim time off in lieu (but not payment) for the hours exceeding your contracted hours spent actively engaged on Highways England business.

Travel between home and your usual place of work is never eligible for time off in lieu or payment.

### 8.7.5 Flexi-time when overtime is being worked

For information on the interaction of flexi time and overtime please see [Flexi Time policy](#) (see Chapter 2A)

## Chapter 8.8 - Part A: Out of hours working

If you have agreed with your line management to work between the hours of 7pm and 7am you will receive an out of hours working payment, unless this work pattern is a specific term or condition of your service in which case no payment is applicable.

Prior agreement for out of hours working should be given by your line manager and HR. The duration of the out of hours working arrangements should also be agreed with your line manager and HR and should be adhered to.

Any hours worked outside of normal working hours should be in accordance with the Working Time Regulations (Chapter 2.11).

Employees in receipt of a shift allowance or a private secretary allowance are not eligible for out of hours working payments. Employees on flexible working arrangements or working annualised hours are not normally eligible for out of hours working payments. However, subject to line management and HR agreement, in exceptional circumstances employees on flexible working arrangements can claim an out of hours working payment instead of a flexi credit.

### 8.8.1 Rates of payment

You will receive an additional payment equal to 25% of your hourly rate for the hours worked between 7pm and 7am. Employees who are in receipt of a deputising payment will have the enhancement based on their deputising salary. The out of hours payment is not pensionable.

The payment is paid in addition to basic salary. No other permanent or temporary allowances can be used for the calculation of the out of hours payment.

Periods spent on-call (see section 8.11 On Call Allowance) cannot attract payment of the out of hours working in addition to payments for being on-call.

## Chapter 8.9 - Part A: Recruitment and retention allowance

The recruitment and retention allowance (RRA) is intended to address specific recruitment and retention difficulties. It may be paid to employees up to Grade 6.

Decisions on payment of the RRA will be taken by Human Resources. It will only be paid to overcome identifiable recruitment and retention difficulties and where the job market justifies such a payment.

RRAs authorised before 1 April 2014, will count towards your pension entitlement, but will not be reckonable for calculation of overtime or for pay on promotion. RRAs authorised after 1 April 2014 will not count towards your pension entitlement and will not be reckonable for calculation of overtime or for pay on promotion.

Highways England has replaced most of its allowances with an RRA on a no detriment basis. If the previous allowance was pensionable, the RRA will also be pensionable; if the previous allowance was non-pensionable, the RRA will be non-pensionable. Staff will retain allowances converted to RRAs until they no longer qualify for them.

### 8.9.1 Promotion

If you are promoted to a non-qualifying post, your RRA will be lost, but at the discretion of HR the lost RRA can be taken into account when considering 'Mark-Time' ([see section 8.12 Mark time allowance](#)). If you are promoted to a qualifying post, you will receive the appropriate RRA in the higher range.

### 8.9.2 Part-time employees

If you are employed on a part-time basis and receive an RRA it will be paid on a pro-rata basis.

### 8.9.3 Transfers

If you move on permanent and compulsory terms, in exceptional circumstances lost RRA can be taken into account in any mark-time pay calculation at the discretion of HR. On voluntary transfer, you will lose any RRA immediately and it will not be taken into account in any mark-time payment calculation.

### 8.9.4 Changes in entitlement

The RRA may be increased, reduced, or withdrawn. An RRA lost in this way may be held on a mark-time basis or phased out (at the discretion of HR).

## Chapter 8.10 - Part A: Deputising payment

### [Part C: Guidance](#)

Deputising payment is paid in addition to basic salary, in order to compensate employees for performing the duties of a higher pay range/grade.

Deputising payment replaces previous arrangements for Temporary Responsibility Allowance (TRA), temporary promotion and previous deputising allowances.

Deputising payment is paid at management discretion with HR agreement and may be used to cover a vacant or temporary post where:

- there is an immediate business need to cover the post
- the post holder's duties cannot be efficiently distributed amongst other employees within the team, and cannot be left until the post holder returns

Deputising may also be used in circumstances where the post is vacant due to:

- a period of absence not associated with the duties of the post (e.g. in cases of long term illness, maternity leave, or career break)
- a current recruitment campaign to fill the post

### 8.10.1 Qualification and duration

The minimum period for qualification of Deputising payment is one month.

The minimum period for qualification of Deputising payment for the Traffic Officer Service is one day.

Only in exceptional circumstances will deputising continue beyond 6 months. Extension of deputising beyond 6 months must be agreed in advance by the HR Director.

### 8.10.2 Payment

Deputising payment is paid in monthly amounts:

- It is calculated in the same manner as a permanent promotion.
- If in receipt of mark-time pay, the employee will only receive payment of a Deputising payment if their salary on substantive promotion would exceed their current level of mark-time pay. The Deputising payment will then be calculated as the difference between their notional salary on substantive promotion and the mark-time pay level. If their salary on substantive promotion would not exceed mark-time level, no additional payment is due.
- Deputising payment is pensionable and counts for calculation of overtime hourly rates, but not for calculation of starting pay on substantive promotion or the calculation of any other pay leads or allowances.
- Where Deputising payment is paid for part of a month, the amount payable will be calculated by dividing the monthly amount by the total number of days within that month before being multiplied by the number of days to which the deputising payment applies.
- Deputising payment will be paid on a pro-rata basis for part-time staff.
- Only one member of staff can be paid Deputising payment per post at any one time, except where the post is, or becomes, subject to job share arrangements. In this case the payment can be paid on a pro rata basis to each member of staff undertaking a share of the post.



### 8.10.3 Terms and conditions

Employees in receipt of Deputising payment retain the terms and conditions of their substantive pay range.

- Annual pay awards (including any bonus payments) will be based exclusively on the substantive pay range. Deputising payment will be recalculated after the application of the pay award.

Where the period of deputising is less than 6 months at the substantive End of Year Appraisal due date, your performance review and box mark should reflect your substantive pay range. In the exceptional circumstances where the period of deputising exceeds 6 months, the performance review should reflect objectives and competencies required to undertake the temporary, higher pay range duties. However, the performance review assessment/comments must also include a box mark for the substantive pay range which will be used to determine the pay award.

## Chapter 8.11 - Part A: On-Call Allowance

The on-call allowance is paid to PB8 and below who have a specific commitment to be on-call and whose pay does not already include an element for this commitment. Groups of staff whose pay already includes an element for being on-call will not be able to claim the on-call allowance.

On-Call is a commitment to remain continuously and immediately available outside normal working hours for a period normally of more than 12 hours. This includes where you can be contacted on either your home phone or a mobile phone/pager. Being available to work includes observance of drug and alcohol policies.

Allowance rates are reviewed annually. Current rates are shown in the table below:

<b>Period</b>	<b>Amount</b>
Weekdays* (or rostered working days) for each 12 hour period, pro-rated if less than 12 hours	£8.00 (£0.67 per hour)
Weekends** (or rest days for those rostered to work weekends) and Privilege days for each 24 hour period, pro-rated if less than 24 hours	£23.00 (£0.96 per hour)
Public and Bank Holidays (where not due to be worked) for each 24 hour period, pro-rated if less than 24 hours	£25.00 (£1.04 per hour)

\* Weekdays are from 12.00am Monday – 11.59pm Friday

\*\* Weekends are from 12.00am Saturday – 11.59pm Sunday

- The on call allowance cannot be claimed for periods of less than one hour.
- In addition to the on-call allowance, actual time worked during an on call period will be paid in accordance with the overtime rules.
- Periods of on-call of less than 12 hours will only be considered for payment exceptionally and with your line manager and HR agreement and will be paid at the hourly rate.
- The on-call allowance is not pensionable.
- Periods spent on-call cannot attract payment of the out of hours working in addition to payments for being on-call.

## Chapter 8.12 - Part A: Mark time allowance

New mark time arrangements for staff are subject to review and in some cases Highways England may write to individuals outlining how they intend to harmonise their pay over a reasonable time. These circumstances will apply only to individuals with exceptionally large amounts of mark time allowance and in applying the policy we will take into account the circumstances of each individual case.

Where a recalculation results in a reduction in pay, you will, in certain circumstances, be permitted to keep the salary (including allowances) for your previous post / location whilst your salary (including allowances) in your new post/location catches up. The difference between the higher salary and the lower salary is the mark-time allowance.

The mark-time allowance will remain in place until your salary (plus any allowances) in the new post catches up, but in any case can be held no longer than indicated in the table below:

Pay Lead	Mark Time Duration
< 5%	12 Months
5% to 15%	18 Months
> 15%	24 Months

Where Highways England undergoes a re-organisation/restructure there may be exceptional circumstances where mark time will be offered for a longer period than that indicated above due to business needs and after consultation with the Trade Union Side. This will be at the discretion of HR.

Mark-time will apply, where your salary (including allowances) for your previous post/location is higher than your salary (including allowances) in your new post/location, in the following circumstances:

- for transfers concurrent with promotion see section 8.5 Pay on Promotion
- on downgrading (see section 8.4 Pay on Downgrading) or transfer where the redundancy arrangement has been invoked (see Chapter 13B Redundancy arrangement).

Mark-time payments will not be permitted in any circumstances other than those set out above.

Mark-time payments are reckonable for pension purposes.

## **Chapter 8.13 - Part A: Exceptional payments**

The HR Director may, under exceptional circumstances, give prior authorisation for Highways England to make payments to defined groups of staff or individuals. The circumstances and restrictions on payments will be laid out depending on the business reason for authorisation.

## **Chapter 8.14 - Part A: Recovery of overpayments**

### **Recovery of overpayments Policy**

Overpayments may be recoverable from the employee. For the purpose of this policy, overpayments refer not just to salary payments but to any monetary transactions such as pension payments, salary advances and loans. Where there has been an overpayment, the employee will be informed and their pay corrected immediately. As soon as the exact amount of the overpayment is known, the employee will be informed in writing of the amount and repayment will be requested. Recovery and the repayment negotiations for employees in Highways England employment and those who have left Highways England employment will be made in accordance with the guidance provided in [Chapter 8.14C](#).

## **Chapter 9 - General Travel & Subsistence policy (including UK policy principles) - Contents**

Part A of this chapter sets out your contractual terms and conditions of employment with regard to claiming reimbursement of additional expenses when making official journeys within the UK and Abroad.

Part B provides the procedure on how to make a claim.

Part C provides further Guidance on claiming travel and subsistence on UK and Overseas travel and subsistence.

### **Part A: Travel and Subsistence Policies**

- [9.1 T&S Policy Principles – UK Travel & Subsistence](#)
- [9.2 T&S Policy Principles – Overseas Travel & Subsistence](#)
- [9.3 Detached Duty](#)
- [9.4 Long Term Detached Duty](#)
- [9.5 Excess Fares on Permanent Transfer](#)
- [9.6 Travelling Time](#)
- [9.7 Expenses on Permanent Transfer](#)

### **Part B: Travel and Subsistence Procedures**

- [9.1 T&S Policy Principles UK Travel & Subsistence Claims Procedure](#)

### **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 A: T&S Policy Principles - General T&S including UK principles

[Part B: Procedures](#)

[Part C: Guidance](#)

### *Chapter 9A – Travel and Subsistence Policies*

With effect from 1st November 2015 under exceptional circumstances deviations from this policy will be permitted subject to the approval of two members of the Executive Committee neither of them should have attended the event and one of them must be the CFO or CEO. If both the CFO and CEO were in attendance then approval should be sought from the Chairman. Note that where an exception has been permitted you must still comply with all formal approvals, transparency and reporting arrangements i.e. these arrangements remain unchanged.

#### 9.1.1 Travel

The underlying principle behind T&S is reimbursement of necessary additional costs incurred in carrying out official duties ([see Chapter 9C Section 9.1 paragraph f](#)) Official Travel section).

Actual spend, supported by receipts will be reimbursed. Claims should not exceed the indicative levels unless there are valid reasons which will need to be noted and verified. All claims will need to be approved.

The travel rates and subsistence indicative levels that you are entitled to claim up to are aligned with HMRC rates, or FCO rates, where applicable (see [Allowances at a Glance Part C Section 9.1.9](#)).

Wherever possible, you must book travel tickets and overnight accommodation through the Highways England travel agent– see [Travel and Meet section of the Portal](#). This will ensure that Highways England receives the benefit of any special discounted rates that have been negotiated. If you use the travel arrangements, the cost of the travel tickets will be invoiced directly to Highways England.

Highways England will not reimburse expenses incurred unnecessarily or unreasonably. Line-managers should decline reimbursement if a journey could have been planned more efficiently or if expenses appear to be excessive or inappropriate.

#### UK Travel

##### **a. Concessionary Payments for Home-to-Office Travel**

You are normally responsible for meeting the cost of travel between your home and permanent Highways England location. There are a number of circumstances in which Highways England will repay, on a concessionary basis, all or some of those costs. Specific provisions apply in the following situations:

- making additional journeys to your normal place of work outside of your normal working hours. Her Majesty's Revenue and Customs (HMRC) states that these journeys are taxable and subject to National Insurance Contributions. These journeys must be claimed through the Shared Service arvato and paid via payroll
- travelling to your office under the emergency arrangements when no public transport is available
- travelling to your office by car, instead of public transport, because you have arranged to work beyond the time of the last reasonable public transport services
- the full cost of travelling home from a detached duty station at weekends

- when you incur additional travelling costs on permanent and compulsory transfer
- travelling as a result of a permanent transfer after management has given you consent to move home at public expense

Highways England will repay the cost of these journeys at either the Standard Class rail fare or the standard public transport rate of mileage allowance. This provision applies to all Pay Grades. If you attend your normal Highways England location outside of normal hours when there is no viable public transport, Highways England will repay the higher rate of mileage allowance or a taxi fare.

#### **b. Calculation of Mileage**

You must calculate the distance travelled between your permanent Highways England location and detached duty location, using the shortest and most cost-effective route. If you travel directly from home and the distance is less, you should use that figure. You may not claim mileage from home if that figure is greater.

#### **c. Arranging Your Journey**

You are expected normally to make your journeys by public transport. You may use a hire car or private car if you can clearly demonstrate a business need and your line-manager agrees it is cost and business effective.

You should always plan and carry out your journeys in the most effective and economic manner. Highways England expects you to use the same degree of speed, economy and business-sense as if the money were being spent from your own pocket.

You may only claim the expenditure actually and necessarily incurred, subject to the limits prescribed by these rules. Highways England will not repay gratuities to cab drivers and railway staff. Highways England may meet the cost of reasonable porters' charges if you have to travel with heavy or bulky luggage.

All tickets should be ordered via TRIPS, Travel Manager and are provided by PFM Travel Shops. You should ensure the cheapest ticket is obtained by booking early and being flexible with your travel times.

#### **d. Rail Travel**

When travelling by rail, all journeys will be standard class, (see [Chapter 9C section 9.1.1 paragraph a](#)) Travel by Rail guidance)

#### **e. Air Travel**

When travelling by Air, all journeys within the UK will be economy class, (see [Chapter 9C section 9.1.1 paragraph b](#)) Air Travel within the UK guidance)

#### **f. Sea Travel**

All journeys by sea within the UK will be economy or standard class (see [Chapter 9C section 9.1.1 paragraph c](#)) Sea Travel guidance)

#### **g. Coach/Bus Travel**

Fares for official travel by coach, bus etc. will be reimbursed.



Benefits accrued as a result of official travel (for instance 'Air Miles') must not be used for personal travel. They should be used to offset the cost of future official journeys.

#### **h. Use of Taxis**

You are entitled to be reimbursed for the use of a taxi:

- when no other method of public transport is available (e.g. when travelling late at night)
- when the other methods of public transport are inadequate (e.g. there is no direct transport link to the location you are travel to or from or it will mean missing a meeting)
- when carrying heavy official papers, baggage or equipment
- for reasons of personal safety
- if you are unable to use public transport because of a temporary or permanent disability (please see [Chapter 9C Section 9.1.1 paragraph a](#) for further details)
- for pregnancy related reasons
- where it is more cost effective when travelling in a group.

Please note that in line with Efficiency Reform Group guidance, use of taxis in London should only be undertaken as a real necessity, e.g. not during normal working hours or where the underground is available.

#### **i. Use of privately owned motor vehicles for UK travel**

You must not use a vehicle for official travel unless you satisfy the Highways England ownership, insurance and documentation requirements (see Chapter 9C section 9.1.2 for further details).

#### **j. Mileage rates**

You are entitled to claim motor mileage allowance either at the public transport rate (PTR) or the standard mileage rate (SMR). See UK T&S [Allowances at a Glance \(Chapter 9C Section 9.1.9\)](#) for details of the rates, the amount of mileage that can be claimed and when each rate should apply.

Reimbursement will be at the public transport rate unless you satisfy the criteria for claiming at the standard mileage rate. The T&S policy guidance setting out the eligibility criteria for reimbursement is at [Chapter 9C Section 9.1.3](#). Highways England will curtail repayment to the public transport rate of mileage allowance where your line-manager considers the use of the private vehicle clearly unreasonable.

#### **k. 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 for all the costs associated with the hire of the vehicle as long as you select the appropriate class of vehicle (please see Chapter 9C section 9.1.7 on hiring cars).

#### **l. Motorcycle and Pedal cycles**

You are entitled to be paid a mileage allowance if you use a motor cycle or pedal cycle for official travel. Please see [Chapter 9C Section 9.1.9 UK T&S Allowances at a Glance](#) for details of the rates and amount of mileage that can be claimed.

#### **m. Passenger supplement**

If you are paid PTR or SMR, you are entitled to be paid an additional allowance for carrying one or more passengers on your journey if the passengers would have otherwise been entitled to reimbursement of travel costs themselves under the conditions set out in this chapter. Please see [Chapter 9C Section 9.1.9 UK T&S Allowances at a Glance](#) for details of rates. Such claims attract a tax liability which Highways England will meet, (please see the Travel and Meet section for details of how to submit a claim for taxable expenses).

#### **n. Equipment supplement**

If you are paid PTR or SMR you are entitled to an additional allowance for necessarily carrying equipment or other loads which are likely to cause wear and tear to a private motor vehicle. Where practicable, you must agree with your countersigning officer prior to the journey if the equipment supplement should be paid. Please see guidance for details of rates. Such claims attract a tax liability which Highways England will meet, (please see the Travel and Meet section for details of how to submit a claim for taxable expenses).

#### **o. Parking, tolls and congestion charges**

You are entitled to be reimbursed the costs of unavoidable expenses on parking, garaging and tolls; however you are personally liable for any parking fines you incur.

You are entitled to be reimbursed the costs of any congestion charges unavoidably incurred whilst on official business. You are personally liable for any expenses incurred through congestion charges as a result of using your private vehicle for home to office travel.

#### **p. Disruption to Public Transport**

Highways England will pay subsistence allowances in the event of emergency arrangements being applied as a result of serious disruption to public transport services.

## **Chapter 9.2 - Part A: T&S Policy Principles - Overseas Travel & Subsistence**

### **Chapter 9A – Travel and Subsistence Policies**

#### **9.2.1 Overseas Travel**

The underlying principle behind T&S is reimbursement of necessary additional costs incurred in carrying out official duties (see Chapter 9C section 9.1.1 paragraph f) Official Travel guidance).

Actual spend, supported by receipts will be reimbursed up to an indicative level and all claims will need to be approved. If exceptionally your claim exceeds the indicative level, you will need to note the reasons on your claim. All claims need to be approved therefore your approving manager will be required to verify claims that exceed the indicative levels.

The travel rates and subsistence indicative levels that you are entitled to claim up to are aligned with HMRC rates, or FCO rates, where applicable (see Chapter 9C section 9.2.1).

Official journeys may start from home (or end there) if that is the shortest and most cost effective route. Your Divisional Director or Head of Division is responsible for ensuring that any overseas visit is necessary and for determining whether or not it was made in the most cost-effective manner.

Wherever possible, you must book travel tickets through the Highways England travel agent. This will ensure that Highways England receives the benefit of any special discounted rates that have been negotiated. If you use the travel arrangements, the cost of the travel tickets will be invoiced directly to Highways England.

##### **a) Overseas travel by air**

All overseas air journeys of less than 8hrs will be economy class, (with limited exceptions, see Travel and Meet Section for guidance), flights of over 8hrs will be economy, premium economy or business class.

Benefits accrued as a result of official travel (for instance 'Air Miles') must not be used for personal travel but you are encouraged to use them to offset the cost of future official journeys.

##### **b) Rail travel (including Eurostar)**

The conditions for rail travel are the same as those applicable for rail journeys in the UK; When travelling by rail, all journeys will be standard class, (with limited exceptions, see Chapter 9C section 9.2.1 paragraph c) Rail Travel (including Eurostar) section).

##### **c) Sea travel**

When travelling by sea, all journeys will be economy or standard class (with limited exceptions, see Chapter 9C section 9.2.1 paragraph d) Sea Travel section).

##### **d) Use of private motor vehicles for overseas travel**

You may travel overseas in a private motor vehicle if it is more cost effective. You must satisfy the conditions set out in the guidance. The motor mileage rates applicable for travel overseas are the UK public transport rates and the criteria for claiming these entitlements are set out in Chapter 9C section 9.1.9 UK T&S Allowances at a Glance.

You must also satisfy Highways England that you meet all the appropriate legal requirements regarding insurance, green cards, driving licence etc. of the countries to be visited.

**e) Bus/coach**

You are entitled to be reimbursed for the cost of any coach /bus fares incurred whilst travelling abroad on Official business.

**f) Taxi and car hire**

You are entitled to be reimbursed the cost of the use of taxis and hire cars overseas in the following circumstances:

- there is no other form of transport available (e.g. late at night)
- where the saving of official time outweighs the cost
- to meet business or travel deadlines
- when heavy baggage has to be transported
- where travelling by public transport poses a risk to personal safety, where it is of an unacceptable standard or where you are unfamiliar with the public transport system
- it is more cost effective when travelling in a group

## 9.2.2 Overseas subsistence

The policy principles set out in this Section apply to any overseas visit of less than four months duration. Visits that are likely to exceed this period are treated as equivalent to an overseas posting – please see the Travel and Meet section for further details.

You are entitled to claim overseas subsistence from the time of your arrival abroad until the time of your departure (for instance of the return flight). The one exception to this is set out in paragraph 9.2.2 paragraph d) Actual spend with receipts up to the relevant indicative level will be reimbursed.

You can also claim subsistence for the UK part of your journey in accordance with the rules for UK subsistence. Please see Chapter 9C section 9.1.1 for further details and Chapter 9C section 9.1.9 UK T&S Allowances at a Glance for the rates.

Wherever possible, you must book hotel accommodation through the Highways England travel arrangements or hotel booking agent. See the Travel and Meet section I for booking arrangements.

**a) Overseas subsistence rates**

You are entitled to claim actual spend, supported by receipts up to the rates of overseas subsistence set by HMRC – these are normally quoted in local currency. Details of the current overseas subsistence rates are set out at the HMRC pages (please see Chapter 9C Section 9.2.3 Overseas T&S Allowances at a glance and or click [here to link to HMRC webpages](#).

If an overnight stay is included in the trip and three main meals are taken, the full subsistence allowance can be claimed up to the indicative level, supported by receipts, even if the total time spent abroad is less than the full 24 hours.

You can claim up to the relevant day subsistence indicative level for additional periods of five to ten hours or over ten hours, claims are for actuals supported by receipts.

If accommodation only is booked and it is therefore necessary for you to buy all three main meals, you can claim actuals up to the relevant residual rate, supported by receipts.

**b) Free accommodation or meals**

If you are provided with free accommodation including staying with a friend or relative, you can claim for actuals (supported by receipts) necessarily incurred on purchasing food, snacks, soft drinks and beverages, but not alcohol, up to the relevant indicative level:

1. one meal – up to over five hour rate level
2. two meals – up to the over 10 hour rate level
3. three meals – up to the residual rate. This information is available from the HMRC website

#### **c) Conference rates**

If the costs of your accommodation and/or meals necessarily exceed the rates, you may be entitled to claim 'conference rates'.

You cannot claim 'conference rates' without advance approval from your Divisional Director or Head of Division and the amount you can claim is limited to the actual costs you incur (for which you must provide receipts). See Chapter 9C section 9.1.paragraph c) Receipts for further details.

#### **d) Additional allowance for air travel**

The duration of a flight overseas is not included in the subsistence period but you are entitled to be reimbursed an additional five to ten hours at the appropriate overseas subsistence rate for additional expenditure if the meal provided on the flight amounted to no more than a snack and you needed to purchase a meal on arrival. See Chapter 9C section 9.2.1 on guidance for further details.

#### **e) Incidentals**

You are also entitled to be reimbursed for your actual spend (supported by receipts) for sundry items such as telephone calls home, newspapers, laundry, personal insurance etc. up to the relevant indicative level. Please see Chapter 9C section 9.2.3, Overseas T&S Allowances at a Glance for current rates/levels.

#### **f) Passports**

If you are required to make an official journey overseas and do not hold a valid passport, you are entitled to be reimbursed the cost of obtaining one – please see local guidance on how to make a claim. Payment for reimbursing the cost of a passport attracts a tax liability which Highways England will meet. Please see the Travel and Meet section for further details.

#### **g) Visas**

You are entitled to be reimbursed the cost of obtaining Visas for travel on official business subject to the production of a receipt . Please see Chapter 9C section 9.2.2 paragraph b) Visas section for further details.

#### **h) Immunisation**

You must ensure that you meet the immunisation requirements of the country which you are travelling to or passing through. Advice on the requirements may be obtained through your doctor. You will be reimbursed any costs involved in obtaining the vaccinations subject to the production of a receipt – see Chapter 9C section 9.1 paragraph c) Receipts Section for further details.

#### **i) Climatic clothing**

If you have to travel overseas on official business to a region where special clothing not normally worn in UK is required, you are entitled to be paid an allowance (the current rate is set out in the guidance) which is payable no more than once every three years. Such claims attract a tax liability which Highways England will meet, (please see the Travel and Meet section for details of how to submit a

claim for taxable expenses). You will need to obtain prior approval for the purchase from your Head of Unit.

#### **j) Luggage**

If you travel overseas regularly/frequently on official business, you are entitled to be reimbursed for new luggage every two years up to the relevant indicative level. As a guide, regular/frequent travellers would have travelled on official business overseas at least 12 times within a 12-month period. Such claims attract a tax liability which Highways England will meet, (please see the Travel and Meet section for details of how to submit a claim for taxable expenses).

#### **k) Medical expenses**

Please see the Travel and Meet section for arrangements for reimbursing medical and/or dental expenses whilst overseas on official business.

#### **l) Travel insurance**

If travel insurance is taken out and paid for from official funds, any payment made as a result of a claim would be taken into account in the calculation of any benefits due under the [Civil Service Compensation Scheme](#), and the [Civil Service Pension Scheme](#) if you are a member. (Note: whilst the Civil Service Compensation Scheme will no longer apply to staff post transfer, where staff qualify for benefits within the scheme the calculations will be carried out in accordance with the equivalent terms). In this context, a payment from official funds means payment of an invoice by the line and not the use of the incidental expenses allowance for this purpose by the individual. Highways England cannot meet the cost in whole or part of any premiums in respect of insurance taken out personally for or by you against personal injury.

#### **m) Accuracy of claims**

It is the responsibility of both you and your line-manager to ensure that claims comply with the rules contained in this. All claims must be fully supported by the appropriate documentation and receipts. All claims must be verified and approved by your line manager.

At any time HR, FS (and Audit if appropriate) may examine completed claim forms to ascertain their accuracy.

You and your line-manager are liable to disciplinary action in the following circumstances:

- you knowingly and intentionally claim or obtain a payment to which you are not entitled
- submit false or incomplete information in support of your claim
- a line-manager exercises inadequate management control resulting in a loss of public funds

## Chapter 9.3 - Part A: Detached Duty

### Chapter 9A – Travel and Subsistence Policies

#### 9.3.1 Definition of 'Detached Duty'

Detached Duty is most commonly referred to when an individual is working away from their permanent Highways England location for a set period of time (1 month, 6 months, a year, or more) – see also Chapter 9A section 9.4 on Long Term Detached Duty. However, working away from your permanent Highways England location for a shorter period such as visits to another office lasting for only a few hours, is also classed as detached duty. For these purposes, it is expected that a one way daily travel commute of up to 1.5 hours is reasonable. Where the commute is less than 1.5 hours and individuals stay in a hotel the night before, approval must have been given in advance by line management.

The period of absence is:

- the actual period if you start and finish your journey at your normal Highways England location
- if shorter, the actual period when you travel directly from home or return there directly
- if you start and/or finish your journey at home, you must estimate the start and/or finish times from your normal Highways England location. You should only claim for the shorter period. This preserves the principle that you are normally responsible for the cost of your normal home-to-office journey

You should enter the details on your claim form and provide explanations in the notes column.

Highways England will not repay purchases of alcoholic drinks.

Highways England will pay appropriate elements of Night Subsistence Allowance when you are required to travel overnight but are not staying in a hotel.

#### 9.3.2 Concessionary Payments for Home-to-Office Travel

You are normally responsible for meeting the cost of travel between your home and permanent Highways England location. There are a number of circumstances in which Highways England will repay, on a concessionary basis, all or some of those costs. Specific provisions apply in the following situations:

- making additional journeys to your normal place of work outside of your normal working hours. Her Majesty's Revenue and Customs (HMRC) states that these journeys are taxable and subject to National Insurance Contributions. These journeys must be claimed through the Shared Service arvato Portal and paid via payroll
- travelling to your office under the emergency arrangements when no public transport is available
- travelling to your office by car, instead of public transport, because you have arranged to work beyond the time of the last reasonable public transport services
- the full cost of travelling home from a detached duty station at weekends
- when you incur additional travelling costs on permanent and compulsory transfer
- travelling as a result of a permanent transfer after management has given you consent to move home at public expense

Highways England will repay the cost of these journeys at either the Standard Class rail fare or the standard public transport rate of mileage allowance. This provision applies to all Pay Grades. If you attend your normal Highways England location outside of normal hours when there is no viable public transport, Highways England will repay the higher rate of mileage allowance or a taxi fare.

### 9.3.3 Calculation of Mileage

You must calculate the distance travelled between your permanent Highways England location and detached duty location, using the shortest and most cost-effective route. If you travel directly from home and the distance is less, you should use that figure. You may not claim mileage from home if that figure is greater.

### 9.3.4 Arranging Your Journey

You are expected normally to make your journeys by public transport. You may use a hire car or private car if you can clearly demonstrate a business need and your line-manager agrees it is cost and business effective.

You should always plan and carry out your journeys in the most effective and economic manner. Highways England expects you to use the same degree of speed, economy and business-sense as if the money were being spent from your own pocket.

You may only claim the expenditure actually and necessarily incurred, subject to the limits prescribed by these rules. Highways England will not repay gratuities to cab drivers and railway staff. Highways England may meet the cost of reasonable porters' charges if you have to travel with heavy or bulky luggage.

All tickets should be ordered via TRIP, Travel Manager and are provided by PFM Travel Shops. You should ensure the cheapest ticket is obtained by booking early and being flexible with your travel times.

### 9.3.5 Travel on Detached Duty

For the purposes of these rules, 'detached duty' is defined as any period of official duty away from your permanent Highways England location, whether or not you have been issued a posting notice. The general rules above apply.

If you are on detached duty and necessarily stay overnight at the detached duty location, you are entitled to excess travelling time in respect of the first and final journeys. You are not entitled to travelling time for concessionary journeys which you must make in your own time.

If you travel daily to the detached duty station, either through choice or because overnight stay is not justified, you are entitled to travelling time. Travelling time plus, day subsistence and fares or mileage allowances for the return journeys must not exceed the appropriate daily rate of Night Subsistence Allowance or Lodging Allowance. If you travel by rail or bus using a season ticket, your daily travel costs will be assessed as follows:

- annual season ticket: 1/220
- quarterly season ticket: 1/55
- monthly season ticket: 1/19
- weekly season ticket: 1/5

### 9.3.6 Conditioned Hours on Detached Duty

For short-term visits on work directly connected with your permanent location, you will retain the conditioned hours of your permanent location for the purpose of calculating travelling time.

If you are carrying out work in support of the temporary location, not directly connected with the work of your permanent location, you will adopt the conditioned hours of the temporary location.



## Chapter 9.4 - Part A: Long Term Detached Duty

### Chapter 9A – Travel and Subsistence Policies

These allowances help to compensate for additional expenditure on food, accommodation and other incidental expenses when working in an unfamiliar area. They are not intended to compensate for absences from home or separation from friends and family.

The allowances are subject to the rules set out in- the Travel and Subsistence policy and guidance (see Chapter 9A and Chapter 9C)

This section refers to arrangements covered elsewhere but which are mentioned here for completeness.

#### 9.4.1 Definitions

Highways England considers you 'single' for the purposes of this Code if you are: not living with another person as husband and wife; married but living apart from your spouse, other than as a result of the detached-duty posting; widowed.

Highways England considers you a householder if you are: the owner-occupier or partial owner-occupier of accommodation at your permanent Highways England location; or the tenant of accommodation at your permanent Highways England location which is described as 'unfurnished' in the Tenancy Agreement.

#### 9.4.2 Definitions of 'Home' and 'Detached Duty'

'Home' is your normal address when working at your permanent Highways England location. If you are not living at your normal address because you are on detached duty, your place of residence during the detached duty is regarded as 'home'. During a period of detached duty, your permanent Highways England location is used for the purpose of calculating mileage allowances, if applicable.

'Detached Duty' is a period of official duty away from your permanent Highways England location. Detached duty, typically, involves a period of time working away from your permanent station, but also includes visits to another office lasting for only a few hours. A period of detached duty will normally be expected to last less than three years from the date of posting.

When you are staying away from your permanent address, you are responsible for meeting the cost of travelling to your detached duty location. On the first and last days of a spell of detached duty, Highways England will meet the cost of travel to and from your temporary address or location. The principle above will be maintained.

#### 9.4.3 Time-Limits

A period of long-term detached duty lasts up to three years, up to one year if you are a single non-householder.

If your period of detached duty is likely to last for more than one month, you should agree the allowances in advance with your line-manager and the HR Team.

If you have family with whom you choose to stay, or find permanent accommodation at your 'stay-away' detached duty location and are likely to remain there for at least twelve months, you may opt for a move on permanent transfer terms. Consult your line-manager, personnel officer and HR Team if you wish to exercise this option.

The arrangements set out in this code are modified in the following circumstances:

- entitlements stop when you leave Highways England
- entitlements may be re-assessed when you transfer to a different job or location
- entitlements stop if you are formally suspended without pay
- entitlements stop if you are absent on unpaid leave. Part-day absences are ignored

#### 9.4.4 Limitations

When 'staying away', you should consider using cheaper, longer-term, rented accommodation e.g. a furnished flat. If you are likely to stay away for at least six months, Highways England will normally expect you to move into rented accommodation at the earliest opportunity. The cost of accommodation should not exceed the appropriate rate of subsistence. The first 30 days would be paid at the rate of Night Subsistence Allowance; thereafter a rate not exceeding lodging allowance of £31 (weekdays only) would apply.

Your return journeys home at weekends should be made in your own time.

#### 9.4.5 Unexpected Illness

If you are taken ill whilst on detached duty, the rate of allowance will not be affected if you:

- continue to occupy your 'stay away' accommodation
- a doctor has certified you medically unfit to travel
- the period of illness is likely to be short and your return home would realise no appreciable savings
- You should arrange for the HR Team and Line Manager to be notified if you are admitted to hospital

#### 9.4.6 Travelling Daily

Highways England considers a home-to-detached-duty-location journey time of up to 11/2 hours reasonable for daily travel.

Highways England will pay DSA, excess travelling expenses and travelling time within the normal rules. You are not entitled to claim for First Class accommodation on trains. The total entitlement for daily travelling will be limited to the appropriate rate of NSA for the first 30 days, followed by Lodging Allowance plus Retention of Rooms Allowance thereafter.

Entitlement to DSA is limited to the first 30 days. During that period, you will need to familiarise yourself with the new area, locate competitively-priced eating establishments, plan ahead and make suitable arrangements. The rules in Chapter 9A section 9.1 apply.

#### 9.4.7 'Staying Away'

##### **a) Night Subsistence Allowance (NSA)**

Whilst on long-term detached duty and 'staying away', Highways England will repay NSA for the first 30 days only or until you move into cheaper, rented accommodation. Lodging Allowance is payable beyond the 30-day period. The 30-day period is continuous and is not broken by days spent at home nor by weekends. The rules in Chapter 9A section 9.1 apply.

Highways England expects you to return home at weekends. You are entitled to NSA over the weekend if your line-manager gives you prior approval not to return in the following circumstances:

- your temporary location is so far from home that returning would leave very little time for personal benefit
- the nature of your duties at the temporary location clearly rules out the possibility of returning

You are not entitled to NSA or DSA when travelling home at intermediate weekends on a concessionary basis. If your official business keeps you at the detached duty location beyond the end of a 24-hour period, you are entitled to the appropriate rate of DSA for the excess hours until you set off for home. The 24-hour NSA cycle continues on your return to the temporary location as if you had not been absent.

If you fall ill during a period of detached duty at a temporary 'stay away' location, Highways England will continue to repay NSA in the following circumstances:

- you continue to occupy your hotel accommodation
- a doctor has certified you medically unfit to travel
- the illness is a short one and returning home would be uneconomic

Highways England will not pay subsistence allowances when you are on leave, even if you remain at your temporary location.

#### **b) Renting Accommodation**

You may reclaim the actual rent whilst in temporary rented accommodation plus any other reasonable additional expenditure e.g. gas and electricity standing charges, council tax, subject to the production of receipts. You must obtain your line-manager's and the HR Team's prior approval before committing any expenditure.

#### **c) Travelling Home**

If you are entitled to NSA or Lodging Allowance, Highways England will repay on a concessionary basis the cost of travelling home at weekends, within the rules set out in section 3. Under the same rules, Highways England will repay the cost of your spouse/partner travelling to visit you at the detached duty location. If you choose the latter option, there must be no additional expense to Highways England.

If you are single and not entitled to Lodging Allowance, Highways England will pay for you to travel home where you are:

- not living with parents prior to period of detached duty: at monthly intervals for the first six months after cessation of NSA
- living with parents prior to period of detached duty: up to six monthly visits over a period of twelve months after cessation of NSA

### **9.4.8 Lodging Allowance and Retention of Rooms Allowance**

#### **a) General**

Once you have exhausted your entitlement to NSA, you may be entitled to Lodging Allowance, depending on your personal circumstances where:

- your family remains at your permanent home
- as a single officer, you have an accommodation commitment at both Highways England locations

You are not entitled to Lodging Allowance if you use a home which you established at a previous Highways England location.

## **b) Absences from your Accommodation**

If you are absent from your accommodation, including at weekends, you are normally only entitled to Retention of Rooms Allowance. Its purpose is to relieve you of the expense of retaining the accommodation.

Highways England will pay this allowance when you are likely to be away for less than three months, have to keep the accommodation and also pay rent at the same time at the permanent Highways England location. The allowance will not normally be paid for more than three months and will cease when you exhaust your entitlement to NSA at a second detached duty location. You must provide evidence if you pay a retainer for an absence exceeding ten consecutive nights.

In the following exceptional circumstances, your entitlement to Lodging Allowance will continue:

- a night's absence coincides with a public or privilege holiday, unless it falls at the beginning or in the middle of a period of annual leave
- your absence does not exceed three successive nights and does not include a Friday, Saturday or Sunday

## **c) Your Family Moves to the Detached Duty Location**

If your spouse/partner and family join you at the detached duty location, Lodging Allowance is replaced by Rent Allowance. Rent Allowance reimburses the amount of rent you pay at your detached duty location within the limits of the appropriate rate of Lodging Allowance.

Your entitlement is dependent on a continuing accommodation commitment at your permanent Highways England location. If you sublet your original accommodation, any Additional Housing Cost Allowance payable in respect of that accommodation, will cease.

If you relinquish your original accommodation, you are entitled to an Additional Housing Cost Allowance, equal to the difference between the rent at your detached duty location and the accommodation commitment at your permanent Highways England location. This allowance is limited to the appropriate rate of Lodging Allowance.

If your family takes up continuous residence at your detached duty location, you are also entitled to the following:

- the family's travelling costs to the detached duty location
- the cost of removing personal effects to the detached duty location if furnished accommodation is taken
- the cost of removing furniture and effects into storage at the permanent location and the cost of storage itself, provided that you have been told you are unlikely to return to your permanent location

## **9.4.9 Taxation of Detached Duty Allowances**

A detached duty posting expected to last more than 12 months is not regarded by the Inland Revenue as temporary. Certain travel and subsistence entitlements are then subject to Income Tax from the outset. When a liability to Income Tax arises, Highways England will arrange for your payments to be increased by the relevant rate of tax. You will then receive your full entitlement and not be financially disadvantaged.

Increasing detached duty payments in this way will also be reflected as an increase in your gross salary. This could result in your entry into a higher Income Tax band. Highways England will compensate you if you are affected in this way. Contact the HR Team for further advice and make sure you keep your P60 safe.

#### 9.4.10 Effect of Detached Duty on Pay

During a period of detached duty, you will continue to receive the salary appropriate to your permanent location.

## Chapter 9.5 - Part A: Excess Fares on Permanent Transfer

### Chapter 9A – Travel and Subsistence Policies

#### 9.5 Excess Fares on Permanent Transfer

The HR Team is responsible for approving applications for Excess Fares Allowance (EFA). You must claim within 35 days of the first date of travel. Late claims will only be paid if you can show good reason for the delay. The discretion to pay late claims is exercised by the HR Team.

You must immediately notify the HR Team of any changes in circumstances. These could result in your entitlement reducing or ceasing altogether.

EFA compensates you when you do not move home but incur additional travelling costs following a permanent transfer in the interests of Highways England. You are not entitled to EFA if your transfer is on voluntary terms. It does not compensate you for additional time taken to travel to work.

EFA is subject to Income Tax and National Insurance Contributions and is paid monthly in arrears with salary at the rate on one-twelfth of your annual entitlement. You must not claim EFA by using the Travel and Subsistence system.

For the purpose of determining whether EFA is appropriate, a single home-to-office journey time of 11/2 hours or daily travelling distance of thirty miles each way is considered reasonable.

You may apply for EFA as a lump sum in advance to cover the cost of purchasing a car. The HR Team will only approve the arrangement in the following circumstances:

- you have to travel by car to your new location because there is no other means of transport
- you do not already own a car

The HR Team will not advance an amount greater than the cost of the car, basing the rate on an average attendance of 220 days per annum (or less if your attendance is known in advance).

#### 9.5.1 Duration

EFA is paid for three years from the date-of-transfer. In exceptional circumstances, it may be extended to five years if you:

- are entitled to a move of home at public expense
- opt to remain in your existing home
- travel daily to your new Highways England location

If Highways England authorizes EFA for three years based on the public transport rate of mileage, you may not seek an extension based on the journey by public transport.

#### 9.5.2 Travelling Daily instead of Moving Home

If you elect to claim EFA rather than move home, you may change your mind once within three months of your transfer date. EFA already paid to you will be recovered from your salary when you receive your Transfer Grant. You may not change your mind if you have already received allowances for moving home.

The HR Team will compare the overall cost of EFA with that of a move of home and take into account the operational effectiveness of commuting.

### 9.5.3 Calculating EFA

EFA is based on the difference between the cost of your original home-to-office journey and the cost of your new journey by the most reasonable public transport route. In exceptional circumstances, you may use your car and claim the public transport rate of motor mileage allowance.

The rates quoted on your application form must be those applicable on the date-of-transfer.

When you submit a claim for EFA based on public transport costs, you must quote annual season ticket rates for both the old and the new journeys. EFA can only be based on the cost of other tickets when:

- more economical tickets for a longer period are not available
- the frequency of attendance at the new station makes the purchase of annual tickets uneconomical

You must indicate the type of tickets available when submitting a claim not based on annual rates.

If no public transport is available or your journey by public transport is 'exceptionally difficult', you may apply for EFA based on the public transport rate of motor mileage allowance. You must have appropriate insurance cover. The HR Team will take into account your personal circumstances e.g. disability. Include details of the start and finish times, changes in the mode of transport used and any personal circumstances.

As a guide, The HR Team will take the following into account when deciding on a discretionary basis whether your journey is 'exceptionally difficult':

- it takes more than 1 1/2 hours by public transport
- public transport at peak hours is infrequent
- you are on fixed or flexible hours

The HR Team will disregard the adverse effects of roadwork's on the length of your journey and seasonal changes in traffic conditions.

If the HR Team approves EFA at public transport rate of motor mileage allowance and no free car parking is available at your new location you may reclaim your parking fees or excess parking fees. You will need to set out a comparison of the relative costs and explain the efforts you have made to find a free car park. The HR Team may also reimburse toll fees as part of your EFA claim.

If your claim for EFA is not approved, you may still use your car to travel to and from work. In these circumstances, the rate of EFA will be restricted to the notional cost of public transport. The HR Team will not repay car parking or toll fees.

### 9.5.4 Infrequent Attendance

When you attend your normal Highways England location on an infrequent or irregular basis, The HR Team will calculate EFA using the cost of public transport at monthly, weekly or daily rates as appropriate. The HR Team may approve EFA at the public transport rate of motor mileage allowance if this offers the Highways England best value for money.

### 9.5.5 The Effect of Detached Duty on EFA

When you travel to detached duty stations, you may reclaim you're travelling costs as a combination of EFA and normal Travelling Expenses. Your entitlement to Travelling Expenses is considered first,

followed by EFA for the difference in mileage less your own responsibility. The maximum payable is the lesser of the EFA rate approved at the date-of-transfer and Lodging Allowance.

### 9.5.6 Annual Review

EFA based on the cost of public transport is subject to an annual adjustment in line with the Retail Price Index. No adjustments will be made to compensate for fares increases.

EFA based on PTR will be reviewed in line with revisions to its rates.

### 9.5.7 Subsequent Transfers and Moves

If you are transferred for a second time at public expense within a three-year period, EFA will be recalculated using the original (first) home-to-office journey. This will be compared with the journey to the new (third) permanent station for the remainder of the original three-year period.

When the first three-year period is over, you may receive a further three-year period of EFA, starting from the date of your second transfer. The calculation will be based on the difference between you're travelling costs to the second permanent station and those to the third.

If you subsequently move closer to your new permanent Highways England location and you're travelling costs decrease, EFA will be reduced accordingly. If you're travelling costs increase as a result of a move of home, EFA will remain the same.

### 9.5.8 Absences

Entitlement to EFA ceases for any absence lasting three consecutive weeks or more. You must notify the HR Team of all absences, preferably in advance. These include maternity leave, and special leave, but not annual leave, which has already been taken into account. Highways England will recover any overpayments directly from salary.



## Chapter 9.6 - Part A: Travelling Time

### Chapter 9A – Travel and Subsistence Policies

You cannot claim travelling time of less than 45 minutes on any one day.

These rules only apply if you:

- do not receive any other form of payment for official travel outside conditioned hours
- are below pay band 7
- are a pay band 7 with a basic salary below the pay band 6 maximum

These rules do not apply if:

- regular travel is a specified condition of your service
- your conditions of service do not attract overtime

you work within a safety critical role – as travel time will not be paid because of the overtime arrangements which are in place for the Traffic Officer Service. (This means that staff working the Traffic Officer Service cannot claim travel time)

If you are a pay band 7 or pay band 8, in certain circumstances you are entitled to travelling time and/or time off in lieu if you are required to travel at the weekend or during a public holiday.

You may be allowed time off in lieu, calculated on the same basis as travelling time for which payment is made. If you do not take time off in lieu you may claim payment which will be calculated at 0.5 x the rate for pay band 7/8 overtime. Detailed rules are set out below.

If you begin an official journey from home and/or end it by returning home, you must deduct the time you usually take on your normal home-to-office and/or office-to-home journey from the time spent travelling on the official journey. Note, the first 45 minutes of the journey will not be paid.

#### 9.6.1 Calculating Travelling Time

Travelling time of 45 minutes or more on any one day will be aggregated with any other falling within the same overtime period and the total rounded down to the nearest quarter of an hour. As an example, travelling time on Day 1 of 40 minutes, on Day 2 45 minutes, total 1 hour 25 minutes, rounded down to 1 1/4 hours.

#### 9.6.2 Official Travel on Normal Working Days

If you work and travel on official business on the same day, you are not entitled to travelling time until you have completed your conditioned hours for that day. Payments for time travelled in addition to the standard working day, between home and work locations other than the usual place of work, will be limited to 0.5 of the plain time hourly rate.

If you work flexi-time the travel time you can claim should be only those hours in excess of the hours recorded on your flex-time record.

### 9.6.3 Attending Training Courses

If you attend an internal training course or a short full or part-time external course, you may reclaim travelling time as if you were on detached duty. You are not entitled to travelling time when you attend a long full-time course, sandwich course or bursary at a college or university.

If your course lasts for less than your normal working day, Highways England will disregard up to one hour for the purposes of travelling time. As an example, if you're daily conditioned hours are eight, you may claim travelling time if you attend your course for at least seven.

### 9.6.4 Additional Attendance

You can reclaim time spent on home-to-office and/or office-to-home journeys outside normal working hours, other than regular rostered commitments. This applies equally to additional time within conditioned hours, at weekends, on public or privilege holidays. If the attendance also qualifies for "minimum attendance credit" or "call out bonus", you will be paid whichever the more favourable is of:

- travelling time plus the reckoning of actual attendance for overtime or the appropriate premium
- "minimum attendance credit" or "call out bonus" as appropriate

### 9.6.5 Overnight Travel

Eight hours will be deducted from the time spent on any journey during which a sleeping berth is occupied.

### 9.6.6 Travelling at Weekends and on Bank and Public Holidays

Subject to the above rules, staff who travel on official business on a Saturday, Sunday or public holiday in addition to conditioned hours, may reclaim payment at 0.5x plain time. Time off up to half of a normal working day may be taken in respect of travel on any one day, with any balance repaid at 0.5 x plain-time rate.

If you are a pay band 7 or pay band 8 and your salary does not include an element for weekend working, you can claim for the time spent on official travel. Payment at 0.5 x plain time rate for:

Saturday, Sunday and Bank/Public holidays

In addition to these payments, pay band 7 and pay band 8 should be allowed time off calculated at 0.5 x hours worked for any hours spent on official travel outside their conditioned hours on Saturdays, Sundays and Bank and Public holidays.

### 9.6.7 Travel on Privilege Holidays

If you are required to be on official duty on a day fixed as a privilege holiday, you are entitled to time off in lieu for the time spent on official travel. This includes travel for attendance at short, full or part-time external training courses. You are not entitled to repayment for those hours. Any time off in lieu will be calculated at 0.5 x hours spent travelling.

### 9.6.8 Travelling Time on Permanent Transfer

If you are permanently and compulsorily transferred to a location which justifies a move of home, you are entitled to travelling time for the initial journey to the new station, according to the normal rules.

If, as a result of your permanent transfer, your conditioned hours change, any travelling time between the two locations will be calculated on the conditioned hours of the old station.

### 9.6.9 Making your Claim

The travelling time claim form is available on the Portal under Travel and Meet section (see Chapter 9C section 9.6 or (include link to form on the portal).

You must submit your claim, together with the relevant travelling and subsistence claim form, as soon as possible on your return to the office or within three months. If you are a regular traveler or on detached duty, you must submit your claims at regular, monthly intervals. Late claims may be disallowed.

### 9.6.10 Certifying Officers' Responsibilities

Your Certifying Officer must check that the details on the travelling time claim form and travel and subsistence claim form agree with each other. It is the Certifying Officer's responsibility to:

- confirm eligibility for overtime
- ensure that travelling does not take longer than necessary
- minimize the amount of weekend travelling
- confirm that your normal home-office journey has been deducted from the hours claimed if your journey started and/or ended at home

## Chapter 9.7 - Part A: Expenses on Permanent Transfer

### Chapter 9A – Travel and Subsistence Policies

#### 9.7 Expenses on Permanent Transfer

These rules deal with the financial assistance available when you permanently transfer to a new location in the interests of Highways England and as a consequence need to move home. The general principle is that you will be reimbursed for all reasonable expenses which are actually and necessarily incurred as a result of your relocation.

The Human Resources (HR) Team will provide you with written guidance when you transfer in the interests of Highways England. You may obtain further advice and guidance regarding the reimbursement of expenses at any time from the HR Team.

If you are in any doubt about your eligibility for transfer expenses or unclear about the rules, seek advice from the HR Team before making a decision which incurs a financial commitment.

If you are transferred on permanent and compulsory terms but do not need to move home, you may be eligible for Excess Fares Chapter 9A section 9.5.

If you need funds before you move, you may apply to the HR Team for a temporary advance of the full cost. Attach suitable documentary evidence of the funds required e.g. an invoice. The advance must be cleared by submitting a completed claim with receipt within one month.

Banks, building societies and housing associations may need an employer's reference. You should refer such requests to your HR Team.

#### 9.7.1 Exclusions

The following transfers do not qualify for re-imbursement of removal expenses:

- voluntary or compassionate transfers
- transfers for which special arrangements exist
- moving home to take up a first appointment
- when the terms of an advertised vacancy specifically preclude payment

#### 9.7.2 Definitions

A permanent transfer is a posting to a new Highways England location which is expected to last at least three years from the date of posting, one year in the case of single non-householders.

The HR Team and line-managers are responsible for deciding whether a permanent transfer is in the interests of Highways England.

A permanent transfer is regarded as in the interests of Highways England when it:

- is made at Highways England's request
- involves established staff appointed to a higher post following an internal competition

Transfers fall into one of the following four categories, which will be decided by the HR Team:

- householder with spouse or partner
- non-householder with spouse or partner

- single householder
- single non-householder

You are regarded as a householder if you: own or part-own and occupy a property at your original permanent Highways England location; occupy unfurnished, rented accommodation at your original permanent Highways England location; your accommodation is partially furnished by yourself.

You are regarded as a non-householder if you: live in rented, furnished accommodation; the accommodation does not qualify for householder status e.g. you live with your parents.

You are regarded as single unless, at the date of transfer, you: are living with a spouse or partner at your existing permanent or detached duty location and s/he will join you; are living apart only as a result of a previous transfer made in the interests of Highways England.

### 9.7.3 Deciding the Terms

The HR Team will decide whether a removal is approved and whether expenses will be reimbursed. The HR Team will use the following criteria:

- your new Highways England location is beyond reasonable daily travelling time of your existing home: at least 1½ hours each way, unless your existing journey takes as long
- your new Highways England location is at least 30 miles from your new home, unless your existing location is as far
- personal factors, such as disability, render daily travelling difficult
- public transport is unavailable or known to be unreliable and you have no other means of getting to work

When assessing whether your journey would be beyond reasonable daily travelling, the HR Team will assume public transport will be used, unless the use of a car would be more practical or appropriate.

### 9.7.4 Moving Your Main Place-Of-Residence

In order to qualify for reimbursement, you must have every intention of selling your main residence at your existing location and moving to a different main residence at your new Highways England location. Highways England will not pay you simply to purchase a second home.

You must make every effort to sell your existing home, move to your new location as quickly as possible and use the Highways England's relocation service. If your move is delayed unnecessarily, you stop making efforts or the HR Team are not satisfied with your efforts, you may lose your entitlement to reimbursement. The HR Team may withdraw financial support should the period of time taken to sell your existing home and purchase one at your new location exceed six months. The HR Team will consider your case based on the efforts you make through the relocation service.

Your existing property must be marketed at the price agreed between Highways England and the relocation agent. Assistance may be withdrawn if this is not adhered to.

If you have compelling personal reasons for deferring your move, you should write to the HR Team as early as possible, setting out the facts.

You must move to within a reasonable daily travelling distance of your new Highways England location, normally within a 1½-hour single journey time. The HR Team may refuse approval if your chosen location would result in operational inefficiency caused by travelling difficulties. The HR Team generally expects you to achieve a reduction of at least 50% in your daily travelling time or distance. Contact the HR Team for advice before making a firm commitment.

### 9.7.5 Couples Transferring Together

When you transfer with your spouse or partner and you both qualify for reimbursement, only one of you may pursue a claim. To avoid confusion, one must make all the claims for expenses in connection with the move. Please notify the HR Team in advance of the details.

### 9.7.6 General Entitlements

These general entitlements are qualified by more specific rules elsewhere in this Part of this section. Please ensure that you have read all the relevant paragraphs. As a householder, you may reclaim the following:

- solicitor's fees
- drains test
- stamp duty
- wiring test
- land registration fees
- incidental legal expenses
- survey fees
- mortgage fees, including guarantee premiums
- National House-Building Charges (NHBC)
- telegraphic transfer fees
- VAT

You may reclaim expenses incurred on a purchase which subsequently falls through, provided that Highways England is satisfied that the withdrawal was for good reasons:

- an unfavourable survey
- legal complications
- reasons outside your control e.g. the vendor withdrew

Highways England will only repay reasonable charges and *the cost of one aborted purchase*.

### 9.7.7 Bridging Loan Finance

Highways England does not provide bridging loan finance. Employees should make use of the home sale scheme operated by the relocation agent.

### 9.7.8 Mortgage Redemption Penalties

Lenders may charge a penalty payment when a mortgage is redeemed. You may claim reimbursement of this charge. If your lender waives the penalty or refunds it later on, particularly if you take out another mortgage with the same lender at your new location, you will be required to reimburse any amounts already paid by Highways England.

### 9.7.9 Advance of Salary for House Purchase

You may apply for an advance of salary for house purchase when:

- you move to an area in which housing costs are higher, according to the District Valuer's list of average property prices
- you have secured the maximum mortgage at normal rates of interest charged by banks and building societies

- you have re-invested all the proceeds from the sale of your original property in the purchase of the new one

You must use the whole of the advance to complete the purchase of your new property. If your new property needs essential work to make it habitable e.g. roof repairs, you may include the cost in the purchase price. Fixtures, fittings, extensions and non-essential work cannot be included.

The maximum advance is six months' gross annual salary calculated after the date of transfer, including any pensionable allowances. If you receive an advance for both house purchase and negative equity, the total must not exceed 12 months' salary.

The advance may not exceed the difference between the purchase price of the new property less the amount raised on the new mortgage plus the residual equity from the sale of the original property. The residual equity is the selling price less the amount repaid against the outstanding mortgage plus the expenses incurred in the sale, unless Highways England is reimbursing the latter.

Payment of the advance will not be made until contracts have been exchanged and completion is due. You must provide written evidence of exchange of contracts to support the claim. If for any reason the purchase of the property for which the advance is given is not completed, the full advance must be repaid immediately, even if you intend to purchase an alternative property.

On receipt of the advance, you must sign a document in which you: acknowledge the debt; undertake to repay it on demand; authorize Highways England to make regular deductions from your salary; acknowledge that upon resignation, retirement or redundancy you must repay any outstanding amount immediately. Highways England has the right to recover the outstanding amount of the advance from any salary, allowances or benefits owing, including pension benefits.

Highways England normally recovers advances by deducting equal, monthly instalments from your salary. The repayment period must not exceed 12 years from the date of transfer. Repayments may be started from the pay-day immediately after the date of the advance or deferred for up to four years. A deferment will not extend the maximum repayment period of 12 years from the date of the advance.

The repayment period must not go beyond your normal retirement age. If you have less than 12 years' service remaining, Highways England will either: take larger instalments over a shorter period; recover the balance outstanding from your pension benefits on retirement. In the latter case, Highways England will confirm the adequacy of those benefits.

If you are transferred again at public expense within the repayment period, you may claim a further advance. You must still satisfy the criteria. The sum of the new advance plus the balance of the old advance must not exceed the overall limit.

You must repay your advance immediately if you sell the house for which the advance was paid and the move is not a result of a transfer at public expense.

### 9.7.10 Negative Equity

Highways England will not compensate you for any loss of equity resulting from fluctuations in the housing market. You may, however, take an interest-free loan, in the form of an advance of salary, which you must repay over a maximum of 12 years. You are entitled to apply in the following circumstances:

- your property at your original Highways England location has been sold
- you have insufficient funds to clear the outstanding mortgage on the property

Repayments normally commence from the pay-day immediately after the date of the advance. They may be deferred for up to four years from the date of the advance. This will not extend the maximum repayment period of 12 years from the date of the advance.

The repayment period must not extend beyond your normal retirement age. If you have less than 12 years' service remaining, Highways England will either: take larger instalments over the shorter period; recover the balance outstanding from your pension benefits at retirement. In the latter case, Highways England will confirm the adequacy of the benefits.

You should make an application on the relevant form and send it to the HR Team. You will not receive payment until contracts have been exchanged and completion is due. You must provide the HR Team with written evidence of exchange of contracts. If for any reason the sale of the property is not completed, you must repay the full advance immediately, even if the sale and purchase proceed at a later date.

Your maximum entitlement is six months' gross salary, as calculated immediately after the transfer date. It includes any pensionable allowances applicable at that time. In exceptional circumstances this period will be extended to twelve months' gross pay.

Your advance cannot exceed the difference between the sale price and the amount of the mortgage outstanding on your property at the date of sale. You must use the whole of your advance to clear your debt to the lender.

When you receive an advance of salary for both negative equity and house purchase, the total sum cannot exceed twelve months' salary.

You must sign a document in which you: acknowledge the debt and undertake to repay it on demand; authorize regular, equal, monthly deductions from salary; agree to full repayment on resignation or retirement. Highways England reserves the right to recover sums outstanding from salary, allowances or benefits, including pension benefits.

The Inland Revenue regards advances over £8,000 as a beneficial loan. Highways England will not compensate you for any tax due.

An advance is repayable immediately if you sell the house for which the advance was paid and the move is not at public expense.

If you are transferred again at public expense within the repayment period, you may claim a further advance. You must still satisfy the criteria for payment.

### 9.7.11 Cessation of Allowances

All allowances stop immediately upon resignation, retirement or dismissal. You must reimburse to Highways England any payments made in anticipation of expenses. Allowances also stop in the event of unpaid leave and unauthorized absence.

### 9.7.11 Changes-in-Circumstances

Allowances resulting from a transfer and paid on a continuing basis are determined in relation to your precise circumstances at the time of transfer. You must notify the HR Team immediately your circumstances changes. Examples of such changes are:

- sale or purchase of your home at your old or new location
- change in status, in particular your spouse/partner and/or dependents no longer intend to join you at your new location
- changes in dependents



### 9.7.12 Exceptional Circumstances

The circumstances of every move are different and the rules may not cover every possible situation. If you find that you are seriously disadvantaged financially as a result of events beyond the scope of these rules, write to the HR Team with the details. Please note that:

- the arrangements cover incidental expenses connected with your move and settling in at your new home
- some claims may not be met by the rules or may attract a personal tax liability

## **Chapter 10 - Attendance Management - Contents**

Part A of this chapter sets out your terms and conditions of employment relating to Attendance Management.

Parts B and C are the Procedures and Guidance that record the arrangements set up in the Company for Sickness and Attendance Management.

### **Part A: Attendance Management Policies**

[10.1 Sick Leave](#)

[10.2 Sick Pay](#)

[10.3 Attendance Management Policy](#)

[10.4 Managing Individuals with Mental Health](#)

[10.5 Occupational Stress Policy](#)

[10.6 Role of Employee Assistance Programme](#)

[10.7 Policy on alcohol](#)

[10.8 HIV and AIDS](#)

[10.9 Policy on PMS and Menopause](#)

[10.10 Notifiable diseases and Food Poisoning](#)

### **Part B: Attendance Management Procedure**

[10.3 Attendance Management Procedure](#)

### **Part C: Attendance Management Guidance**

[10.3 Attendance Management Guidance](#)

[10.5 Stress Risk Assessment](#)

## Chapter 10.1 - Part A: Sick Leave

### Managing sick absence

#### *Contents:*

- a. Paragraphs 10.1.2 to 10.1.12 inclusive set out your terms and conditions of employment relating to sick leave
- b. [Section 10.2](#) sets out your terms and conditions of employment relating to sick pay
- c. Part A and Part B, Attendance Management Policies & Procedures sets out the measures that can be applied whenever your line managers believe that your attendance is unsatisfactory and
- d. Part C of this chapter of the Staff Handbook contains Guidance for helping you and your line managers to address sickness absence

#### 10.1.2 Informing the company

If you are absent from duty because of illness or a medical condition, you must inform your duty/ line manager or arrange for your duty/ line manager to be informed as set out in [Part A of this Staff Handbook, Chapter 2](#) (paragraph 2.2.2). In Traffic Officer Service posts separate arrangements apply, which are set out in [Chapter 14/ TM Supplement](#). If, without good reason, you fail to comply with this requirement, your absence will be treated as set out in [Part A Chapter 2](#) (paragraph 2.3.2).

#### 10.1.3 Sick certificates

You must supply Highways England with a certificate or certificates relating to any illness or medical condition as follows:

- a. in the case of an absence not exceeding 7 calendar days by confirming your absence on the Shared Service Portal, and
- b. in any other case obtained by you from a qualified medical practitioner (you cannot self-certify an absence immediately following a period of absence certified by a qualified medical practitioner)

Subject to paragraph 10.1.4, you must ensure that any self-certificate or certificate obtained from a qualified medical practitioner:

- a. is submitted to your line manager not later than 7 calendar days from the first day of your absence, and
- b. either alone or together with other such certificates covers the whole period of your absence because of illness after the first 7 days

If you are a line manager, you must arrange for any original certificates submitted to you to be forwarded immediately to the Shared Service arvato (SSa). You should send the original certificate(s) and keep copies of such certificates. The SSa will not accept copies.

Where a certificate is obtained from a qualified medical practitioner within the first 7 calendar days of your absence because of illness and relates only to a forward period, you are required to confirm the absence as mentioned in sub paragraph 10.1.3(a) for the preceding period.

#### 10.1.4 Failure to supply a certificate

If, without good reason, you fail to:

- a. supply a certificate or certificates covering the entire period of any sick absence beyond 7 days, and/or

- b. submit the requisite certificate or certificates to your manager not later than 7 calendar days from your first day of absence

The period or periods may be treated by Highways England as an unauthorised absence for which you will not be paid or payment may be recovered if made in error in line with normal recovery rules.

### 10.1.5 Sickness during or preceding annual leave

[Part A of this Staff Handbook, Chapter 2 - Section 2.4](#) sets out your terms and conditions of employment for when you fall sick during or preceding annual leave.

### 10.1.6 Sick absence during pregnancy

[Part A of this Staff Handbook, Chapter 2 - Section 2.6](#) sets out your terms and conditions for when you fall sick during pregnancy.

### 10.1.7 Flexible Working Hours - (FWH) credits for sick leave

If you work flexible working hours, you can credit any day or part day of sickness with the appropriate number of hours up to a maximum of your full working day (7.4 hours for full time staff) see [Chapter 2 Part A](#) of this Staff Handbook for more details about the flexi system.

### 10.1.8 Accidents and injuries

You must report to your line manager all accidents and injuries sustained in the course of your employment, who will then ensure that Highways England enters all the relevant details in an accident book/on IRIS maintained for that purpose. Arrangements for recording details of any accidents (including near misses) and injuries sustained in the course of your employment are set out in the health and safety guidance on the Portal.

### 10.1.9 Alternative employment during sick leave

If you are absent on sick leave, you must not undertake any alternative employment, whether paid or unpaid without having first obtained approval from the Highways England.

### 10.1.10 Part-time working after sick absence

On return to work after sick absence, you may be allowed to work part-time for up to three months, if Highways England's Occupational Health Service (OHS) provider (see below) considers that this is necessary to help you to recover. The effect of such part-time working on your pay and pension will depend on the particular circumstances of your case (for instance with regard to the disability provisions of the Equality Act and Highways England's general duty of care).

### 10.1.11 Referral to the Occupational Health Service

Occupational medical advice is provided to Highways England by an external Occupational Health Service (OHS). If you give your signed consent to the OHS to obtain a report from your doctor and/or specialist, you will be entitled to see a copy of that report. You may also be asked to attend a medical examination carried out by or on behalf of the OHS. Consent is not mandatory, though it may be in your interest that Highways England has the most up to date medical advice. If consent is not given, decisions will have to be taken on the information available. Further information on referral consent to the Occupational Health Service (OHS) is set out below.

### 10.1.12 Medical Records Act 1988

Under the terms of the Access to Medical Records Act 1988 you have the right to withhold your consent for Highways England's Occupational Health Service (OHS) to apply to your family doctor or hospital specialist for medical information. If you give your consent you have the right to see information about your medical condition before it is supplied to the OHS. You will have 21 days from the date of OHS letter notifying you that a medical report has been requested in which to ask your family doctor or hospital specialist to let you see the report. Your family doctor or hospital specialist will tell you if you cannot see any part of the report for professional medical reasons. If you are given access to your report your family doctor or hospital specialist will not send it to OHS until you give your consent. If you regard any information in the medical report as incorrect or misleading, you can ask in writing for it to be amended (please note: if your family doctor or hospital specialist does not accept that the information is incorrect or misleading they are not required to make the amendment: but in these cases your family doctor or hospital specialist will invite you to prepare a written statement on the disputed information when it is sent to OHS). Subject to the provisions of the Act you have a right to see information about your medical condition for up to six months after it has been sent to OHS. If your family doctor or hospital specialist gives you a copy of the medical report at your request they may charge you a reasonable fee to cover the cost of its supply.

## Chapter 10.2 - Part A: Sick Pay

### 10.2 Sick pay

#### 10.2.1 Sick pay entitlement

If you:

- a. are absent from duty by any reason of any illness or medical condition, and,
- b. have supplied Highways England with a certificate or certificates in accordance with [Chapter 10 Part A 10.1.3.](#)

you are entitled to be paid in accordance with paragraphs 10.2.2 to 10.2.8 inclusive.

#### 10.2.2 Pay during sick leave (if you normally attend on every working day)

Except under the circumstances set out in paragraph 10.2.4, if you work full time or if you work part-time but are required to attend for work on every working day, you are entitled to be paid:

- a. at your normal rate of pay (see Part A of this Staff Handbook, Chapter 8 - Pay) for any periods of sick leave which in any twelve month period do not exceed six months, and,
- b. at one half your normal rate of pay for any periods of sick leave which in any 48 month period, exceed 6 but do not exceed 12 months.

#### 10.2.3 Pay during sick leave (if you work part-time and are not required to attend every working day)

Except under the circumstances set out in paragraph 10.2.4, if you work part-time and you are not required to attend for work on every working day, you are entitled to be paid:

1. at your normal rate of pay (see Part A of this Staff Handbook, Chapter 8 - Pay) for any period of sick leave which in any period of 12 months does not exceed  $(26 \times A)$  working days (where A is the number of days you are required to attend for work each week), and,
2. at one half the normal rate of pay for any periods of sick leave which in any period of 48 months exceed the period mentioned in sub paragraph (a) but do not exceed  $(52 \times A)$  working days (where A is calculated in accordance with sub paragraph (a)).

In paragraphs 10.2.2 and 10.2.3, "working days" for Monday to Friday employees do not include any Saturday or Sunday or any public or privilege holiday which falls on a day when you would otherwise be required to attend work. For those who work an operational shift system, working days may include Saturdays, Sundays or any public or privilege holidays that are scheduled as working days on the roster. Working days do not include the alternative times that employees are rostered to take scheduled rest days or a day in lieu of a Public or Privilege holiday.

#### 10.2.4 Exceptions

Paragraphs 10.2.2 and 10.2.3 will not apply if:

- a. Highways England's Occupational Health Service (OHS) has advised Highways England that there is no reasonable prospect of your recovering and returning to work (and it is therefore appropriate to retire you on medical grounds); or
- b. your average weekly earnings are less than the lower weekly earnings limit for National Insurance contributions.

### 10.2.5 Calculation of sick leave period

Periods of secondment, special leave without pay or special leave with pay for study purposes do not count towards the periods of twelve months and four years referred to in paragraphs 10.2.2 and 10.2.3.

Any period of sick leave calculated in accordance with paragraphs 10.2.2 and 10.2.3 will include any Saturday or Sunday and public or privilege holiday or any scheduled rest days on a roster which occurs during (but not at the beginning or end of) that period.

For staff working part-year, any period of sick leave calculated in accordance with 10.2.2 and 10.2.3 will include any Saturday and Sunday, any public or privilege holiday or any scheduled rest days on a roster which occurs during (but not at the beginning or end of) your working period. In the event of sick absence immediately prior to a scheduled break the period of sick absence will be deemed to have finished on the last working day of the contracted work period.

### 10.2.6 Extension of sick absence beyond the prescribed maxima

An extension to the limits of sick absence set out in paragraphs 10.2.2 - 10.2.3, of up to 40 days on full pay, including any Statutory Sick Pay (SSP) will be granted to a member of staff who has exhausted their entitlement to full and half pay due to a long illness or injury and then falls ill again after return to duty. This extension will only be allowed for:

- a. minor ailments unrelated to the original illness or injury
- b. continuing treatment of the original illness or injury which necessitates time off work to administer, and/or
- c. debilitating side-effects, recovery from which requires time off work

In addition to these 40 days, up to a further 20 days sick absence will be allowed for continuing treatment of the original illness or injury. This will be where it is necessary to be away from work to receive the treatment to recover from its after-effects.

The extension referred to in paragraphs 10.2.6 will not be granted to a member of staff who has exhausted their paid sick absence entitlement by a variety of illnesses.

### 10.2.7 Further periods of sick leave

If you have exhausted the period of paid sick leave to which you are entitled in accordance with paragraphs 10.2.2 and 10.2.3, you will be entitled to a further period or periods of paid sick leave provided that:-

- a. you are a member of the Principal Civil Service Pension Scheme
- b. the Scheme Medical Adviser has expressly approved the further period of paid sick leave in accordance with this paragraph, and
- c. the Scheme Medical Adviser has advised Highways England that there is a reasonable prospect that you will return to work

If you satisfy the conditions mentioned in paragraph 10.2.6, you will be entitled to be paid at the lower of the following rates:-

- a. the rate of the pension for which you would have qualified had you retired by reason of ill health on the date of expiry of the period of paid leave under paragraphs 10.2.2 or 10.2.3, or
- b. one half of your normal rate of pay

Any period of paid sick leave taken in accordance with paragraph 10.2.10 will not reckon as reckonable service for the purposes of the Principal Civil Service Pension Scheme.

### 10.2.8 Injury benefits

You should also note that, if you are injured or contract a disease in the course of duty, you may be entitled to injury benefits under Section 11 of the Principal Civil Service Pension Scheme (PCSPS) - you should contact HR for further details (see also [Chapter 13 - Leaving Highways England](#) of this Staff Handbook).

If you are absent due to an injury sustained, or disease contracted, in circumstances which satisfy the qualifying conditions for payment of injury benefits under Section 11 of the PCSPS:

- a. the sick absence maxima of 6 months on full pay and 12 months overall set out in paragraph 10.2.2 may be extended by the period or periods of your absence up to a maximum of a further 6 months and/or
- b. an allowance may be payable where your earning capacity is impaired by the injury or disease – i.e. you are receiving sick pay at less than full rate

### 10.2.9 Social Security benefit adjustment

Highways England will reduce the amounts payable to you in accordance with the preceding paragraphs by the amount of any social security benefits to which you are entitled, unless:

- a. you can demonstrate that you have decided not to claim any such benefits
- b. that any social security benefits to which you would otherwise be entitled have been disallowed
- c. there are special circumstances why the reduction should not be made in your case.

For the purposes of this paragraph, "social security benefit" means any statutory sickness or invalidity benefit including any related allowances for adult and child dependants and in the case of a married woman or widow who has elected not to pay National Insurance contributions includes a non-contributory invalidity pension.



## Chapter 10.3 - Part A: Attendance Management Policy

[Part B Procedure](#)

[Part C 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 Policy Principles

1. Line managers must hold an Informal Review Meeting when an individual's sickness absence has reached 5 working days or 3 occasions in a rolling 12 month period.
2. Line managers may instigate an informal meeting to discuss an individual's attendance prior to the trigger if an individual's absence is giving them cause for concern.
3. Line managers must hold a Formal Review Meeting with an individual to consider formal action for attendance when absence has reached 8 working days or 4 occasions in a rolling 12 month period.
4. It is the line manager's decision as to whether formal action should be taken and in doing so they should consider factors including:
5.
  - the nature of the absence, i.e. is it an isolated incident such as an accident or operation
  - whether the illness is related to pregnancy, disability or an injury at work
  - occupational health advice received
5. Long term sickness absence is defined as a continuous period of 21 calendar days. Once an individual's absence has reached this point, line managers must hold a Formal Review Meeting with the individual and refer them for an occupational health assessment.
6. If an individual is continuously absent for up to 3 months they will be invited to a further formal review meeting. If the manager believes they can no longer support the absence, they should consider the case and consult HR regarding whether it is appropriate to refer the case to a Decision Officer to consider dismissal.
7. The line manager must hold meetings with the individual if their absence continues to levels of 6, 9 and 12 months. If the absence reaches 12 months, the line manager should consult with HR to consider what further action is necessary.
8. Where the long term absence procedure has been followed and the employee has not returned to the full duties of their post on a regular and sustained basis within a reasonable time (and occupational health advice suggests that this will remain the case for the foreseeable future), no further reasonable adjustments can be made, and there have been no opportunities for redeployment into suitable alternative employment, the individual's employment may be terminated on the grounds of their ill health.

9. All employees have the right to be accompanied by a Trade Union representative or a colleague at all stages of the formal process.
10. All employees have a right of appeal against any formal action taken as a result of the attendance management procedure.

## Chapter 10.4 - Part A: Managing Individuals with Mental Health

Mental illness is one of the top three causes of certified sickness absence; one in seven people of working age have such difficulties. A mental illness may be covered under the disability provisions within the Equality Act. Thus mental health problems ranging from manic depression and schizophrenia, to panic disorders and various depressive conditions could be within the scope of the Act.

If someone has a mental health condition it is sensible to assume they may be covered by the disability provisions within the Equality Act and to actively consider what adjustments, if any, are necessary to help support them do the job. Considering reasonable adjustments is the sign of a good employer. There are no pre-determined solutions - an adjustment that suits one person may not suit another with apparently the same diagnosis or problem. The individual is often the best person to propose what is needed.

The most important single adjustment a manager needs to make may well be about attitudes and assumptions to mental health. A manager should ensure that everyone is aware that advice can be sought from the Diversity Team/Reasonable Adjustment Officer who holds Highways England's budget for "reasonable adjustments" under the disability provisions within the Equality Act. Individuals with mental health problems may need no adjustments at all, particularly if they are given an element of genuine control over how and when they do their job. Also, individuals with a mental health problem may not see themselves as having a health condition and may not require adjustments.

### 10.4.1 Confidentiality

A manager should encourage an individual to discuss any mental health concerns with them and assure the individual that they will respect confidentiality. If an adjustment is necessary, neither line manager nor colleagues need to be told the precise medical reasons for the adjustment if an individual would rather they did not know.

### 10.4.2 Adjustments at work for people with mental health problems

A manager needs to be aware that during initial training an employee who has, or has had, a mental health problem may need a particularly clear and thorough explanation of what is required of them. During the first few months of employment a manager needs to consider what adjustments may be necessary i.e. in the form of extra support, feedback and reassurance.

If an individual's attendance, performance or behaviour gives cause for concern, the first step the manager should take is to find the reasons why. This should be done through a sensitive conversation with the individual as soon as concern is identified. A Welcome Back Discussion is a suitable time for this discussion, or if someone remains off work on sick leave the manager should visit them at home, with their agreement, or in another suitable, mutually acceptable place. Part of this discussion should be to refer the individual to Occupational Health straight away so that support can be provided as quickly as possible to enable a return to work.

### 10.4.3 Absence from work

The underlying cause of frequent short-term sickness absences and long-term sickness absence may be due to a mental health problem, such as anxiety or depression. This may sometimes be declared on an individual's medical certificate from the doctor, or it may be disguised by other reasons on self-declaration such as stomach upsets, or frequent minor illnesses. A manager must be aware of patterns of absence. If they suspect that someone may be suffering from a mental illness, or feeling under pressure, it is important to discuss this with the individual and to offer empathy and support. The individual should always be referred to Occupational Health via the HR PMST so that professional advice can be sought quickly and reasonable adjustments considered. Both the individual and the manager can seek advice and support from the [EAP](#).

When an individual is off work on long-term continuing sick absence with mental health problems it is important for managers to keep in touch with the individual to offer support through their illness. However, managers should be particularly sensitive to the needs of people who are off work with mental health illnesses. Advice should be sought from the Occupational Health if the individual refuses to keep in touch. The individual should be asked to keep in touch with another manager if they do not wish to keep in touch with their own line manager.

#### 10.4.4 Working arrangements and reasonable adjustments

Adjustments (which a manager should always discuss with the individual), may include:

- rearranging responsibilities within the team, for example, exchange a single demanding project for a job consisting of a number of smaller tasks
- transferring the employee to another job
- part-time working, job-sharing or flexible working hours
- additional support and a period of adaptation during changes of work organisation

#### 10.4.5 Concentration, Memory

Occasionally people with mental health problems experience difficulties with concentration and/or memory.

Adjustments to be considered, which again should always be discussed with the individual concerned, may include:

- providing room dividers, partitions or other soundproofing or visual barriers, or
- reducing noise in the work environment

It may be helpful for the manager to provide written instructions as these may help decrease anxiety, increase confidence, provide a structure for people who have some difficulty in organising themselves, or compensate for concentration difficulties.

Short-term memory loss or lapses in memory may likewise be overcome with the help of written instructions. For someone who has problems remembering dates, appointments or phone numbers, a manager could consider providing an electronic organiser with an alarm and/or additional training on the uses of Outlook.

#### 10.4.6 Side Effects of Medication

There may be no side effects at all from medication, however, some medication may cause lethargy in the mornings, or make waking difficult, resulting in the employee being late. Managers should allow for this and consider allowing for a later start. Occasionally medication for certain mental illnesses may cause minor tremor, which affects fine motor control, triggering the need for adjustments. Advice on the possible side effects of various medications can be sought from Occupational Health through the People Management Support Team.

#### 10.4.7 Stress

Highways England has a separate [Stress Policy, guidance and a stress risk assessment tool](#) which is available in Chapter 10 part C of the staff handbook.

## Chapter 10.5 - Part A: Occupational Stress Policy

### 10.5.1 Introduction

#### Legal Framework

There are no legislative provisions in the UK which specifically address stress or the mental and psychological wellbeing of employees. However, employers have a duty, under the Health & Safety at Work Act 1974, to ensure, so far as is reasonably practicable, that workplaces are safe and healthy. In addition, under the Management of Health & Safety at Work Regulations Act 1999, employers have a duty to assess the nature and scale of risks to health in the workplace, which embraces those of a psychological nature, and to base control measures on the assessment. In addition, the Equality Act 2010 places a duty on employers to make reasonable adjustments in relation to staff with a relevant physical or mental disability.

#### What is Stress?

The Health and Safety Executive defines stress as ‘the reaction people have to excessive pressures or other types of demand placed upon them’. It arises when there is a perceived imbalance between the demands made on an individual, including self-imposed ones, and the personal and environmental resources available to meet those demands.

Individuals can be subjected to pressures both within and outside the workplace, and sometimes it may be a combination of these pressures that results in harmful levels of stress. This can produce negative physical, emotional or behavioural effects.

Common symptoms of stress include muscular pain, headaches, indigestion, fatigue, palpitations, mood swings, irritability, anxiety, depression, excessive drinking or smoking, poor concentration and irregular sleeping patterns (but there are many others).

### 10.5.2. Our Commitment

Highways England places a high value on the physical and mental health of its staff and is committed to increasing the general understanding of workplace stress; we recognise the importance of facilitating the skilled management of individuals in all areas by appropriate, on-going training; and we aim to help staff at all levels to manage stress in themselves and in those they manage by early recognition and appropriate intervention. With this in mind, we have made the following commitments:

To continue to identify potential sources of stress through:

- increasing general understanding of stress and mental health problems at work
- monitoring changes, working practices and health indicators (including carrying out stress audits as necessary) and
- feedback from staff

Highways England will take appropriate action to reduce potential sources of stress. This will include the following, as appropriate:

- Explain the reasons why a course of action has been proposed.
- Consult with staff and/or their representatives before making any major changes in the structure or organisation of Highways England.
- Keep staff informed.
- Provide support to help staff manage change.
- Encourage team activities to enable sharing of information and views.

- Provide a working environment which ensures, so far as is reasonably practicable, the health, safety and welfare of all our staff.
- Seek ways of dealing with work situations where stress has been identified as a risk factor; e.g. using the [generic and individual stress risk assessment tools](#)
- Consult with the TUS on terms and conditions of employment where a problem which might result in stress is brought to our attention.
- Ensure that training is provided to managers at all levels to help them recognise and deal with stress in themselves and others.
- Provide training for staff at all levels to help them deal with personal stress and to manage their time and workload.
- Create an environment where individuals feel able to report situations which are causing or are likely to cause stress to themselves or others and
- Promote awareness of stress related problems to help staff who are experiencing stress.

People respond to pressure in different ways and their ability to cope can depend on a number of factors. Highways England will take the following measures to help individuals who are at risk:

- Provide guidance so that individuals can recognise stress in themselves or other.
- Encourage staff who are suffering from stress to seek help.
- Provide training to help staff deal with the effects of stress.
- Encourage managers and colleagues to be sympathetic and supportive.
- Encourage staff to participate in sports and social events (eg SASHA).
- Support groups and individuals locally so that they can identify problems and implement solutions.
- Make staff aware of the counselling and support services available to them through the [Employee Assistance Programme](#) (EAP).
- Refer individual cases to the Occupational Health Service as appropriate.
- Wherever reasonably practicable, match individuals' existing skills and experience to appropriate jobs and development opportunities, and
- Provide training to meet developmental needs.

### 10.5.3. Responsibilities

#### Corporate

Highways England has corporate responsibility for the health, safety and welfare of all its staff. The commitments outlined above demonstrate our intention to fulfil our duty of care to all our staff. We also welcome the input of all our staff and their representatives in helping us to respond to any problems of stress in the workplace.

#### Line managers

Line managers have responsibility for the health, safety and welfare of their staff and should recognise and, where possible, remove or reduce the factors that can lead to stress. They should ensure that they understand the causes, recognise the signs and symptoms of stress and identify the appropriate remedial action. The skills and expertise managers will need to carry out this task are:

- listening
- acting as a role model for Highways England values and behaviours
- staying calm under pressure
- ensuring effective communication between themselves and staff
- fostering a supportive environment within which stress and mental health issues can be discussed
- agreeing clear, achievable and challenging objectives and keeping them under review
- ensuring that staff are being developed and trained so that they can carry out their work effectively
- being alert to work situations which might cause stress

- problem solving so that situations which are causing stress can be avoided or dealt with
- being aware of individuals who might be at risk from stress
- being supportive, and
- being aware of their own stress levels and seeking help and support for themselves as appropriate

## Personal

Staff can help to manage their personal stress levels by doing all or some of the following:

- Reading the guidance issued by Highways England.
- Discussing and agreeing objectives and training needs with their manager.
- Being organised.
- Expressing their views on any issues that affect them or their colleagues either locally or across Highways England.
- Seeking help at an early stage from managers, HR or the Employee Assistance Provider (EAP), and
- Looking after their health.

## HR

HR will provide help, support and training to staff who are experiencing stress. Their role involves:

- providing information, guidance and training to staff and managers
- providing support and counselling with the help of the Employee Assistance Programme (EAP)
- compliance with all relevant legislation
- undertaking stress audits at intervals to assess levels of stress, and
- monitoring absence and performance records

### 10.5.4. Summary

Stress is an issue that affects Highways England staff across the organisation. Solutions, as with the problem, will need to be addressed at a corporate, local and individual level. It is something for which we all have responsibility, for both our colleagues and ourselves. Highways England recognises that stress is a fact of working life but will do all it can to identify the causes of stress; reduce stress to its lowest level wherever it is identified and as quickly as possible; and provide support for staff who are experiencing stress.

### 10.5.5. Contacts

If a member of staff needs help or advice either for themselves or a colleague, they can contact the following as appropriate:

- Line manager
- Senior manager
- HR
- Local trade union representative
- [Employee Assistance Programme](#) (EAP)

## **Chapter 10.6 - Part A: Role of Employee Assistance Programme**

You are entitled to advice and counselling in assisting you to face difficulties and to help you to continue to be efficient and effective at work - details of the services provided for this purpose are given Chapter 2A Section 2.9. Except under very exceptional circumstances this advice and counselling is confidential.



## Chapter 10.7 - Part A: Policy on alcohol

This area remains under discussion with TUS [updated: Patrick Hagg 01/04/2015]

Highways England seeks to improve the health of its employees through health screening and initiatives such as Health at Work.

Alcohol abuse can impair judgement, reduce performance and can cause accidents; it can also result in serious health problems such as cirrhosis, brain damage and cancer. Whilst most people who drink alcohol do so in moderation, there are some whose drinking habits bring harm to themselves and to others. Where there is a problem affecting the workplace it has to be tackled jointly by employer and employee.

This policy describes Highways England's approach to staff with problems related to alcohol and gives guidance on how to recognise them and on which procedures apply. It also provides information on help that is available to both managers and staff, and on health aspects of alcohol abuse.

### 10.7.1 Highways England's approach

Highways England has a positive approach to the treatment of problems caused by alcohol abuse. Staff whose drinking habits are causing problems will be encouraged to seek help on a confidential basis. If you have a drink problem:

- a. you will be granted time off, if necessary, to attend medical appointments, receive treatment and participate in a programme designed to help your recovery. This will be treated as sick absence, and
- b. if you fail to make progress (or suffer a relapse) you will be encouraged to continue treatment and to seek further medical help, and support from [EAP](#)

The normal procedures on discipline and inefficiency will apply, however, if your behaviour and/or work performance falls below an acceptable standard and you fail to make reasonable efforts to overcome it or to accept help (see Part A of this Staff Handbook, Chapter 3 Maintaining Satisfactory Standards of Conduct and Chapter 7 Maintaining Satisfactory Standards of Performance) Highways England will manage the situation in accordance with these procedures.

Alcohol is prohibited in some of Highways England's premises ([see local instructions](#)) and where there is no formal ban, line managers are expected to ensure that office parties do not cause disruption to the work of the office. All staff are expected to be scrupulous in observing the law on drinking and driving.

### 10.7.2 The role of the line manager

It is a disservice to the member of staff concerned for colleagues to ignore or cover up situations where alcohol abuse is affecting their behaviour, attendance or performance.

Line managers are often best placed to identify symptoms of a developing problem and to suggest appropriate help. The following are examples of signs which may suggest alcohol is affecting an individual's performance (there can, of course, be other causes for what may initially appear as an alcohol-related problem):

- a. days off sick, often around weekends
- b. lateness and long lunch hours
- c. unpredictable mood changes
- d. unreliability
- e. fluctuating work performance
- f. increased tendency to accidents

- g. strained relationships with other staff
- h. change in drinking habits. e.g. smell of drink on the breath in the morning or other unusual times of day
- i. deterioration in personal appearance and hygiene
- j. deterioration in concentration and memory

If a line manager thinks a member of their staff has an alcohol-related problem, they may wish first to consult HR for advice. The line manager should arrange a confidential discussion with the individual about the signs identified and the cause of the problem: an individual with an alcohol-related problem may avoid admitting the fact. The EAP and HR are available to provide continuing guidance to line managers in these circumstances.

If the individual does recognise that there is a problem, the line manager should encourage them to seek appropriate help and explain Highways England's approach and the procedures which would apply.

Consideration should also be given to the individual's work environment; changes might be made to help them; for example, where:

- a. they are working alone or without supervision
- b. the job is monotonous or it requires long or irregular hours
- c. they travel away from home, or
- d. there are other heavy drinkers in the office

Alcohol abuse can also be due to domestic or other problems and the individual should be encouraged to receive help on such personal issues which may be causing them to drink.

### 10.7.3 Getting help

The [Employee Assistance Programme \(EAP\)](#) will provide advice and information about the availability of treatment for problem drinking and on other sources of help.

## Chapter 10.8 - Part A: HIV and AIDS

### Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS)

1. Highways England is committed to equality of opportunity in the employment of staff. It also has commitments towards their welfare and well-being.
2. Discrimination against people with HIV or AIDS is unlawful. People with HIV or AIDs are protected from discrimination in UK law.
3. The Equality Act 2010 makes provisions relating to people with progressive conditions. Under the Act people tested as Human Immunodeficiency Virus (HIV) antibody positive or who have Acquired Immune Deficiency Syndrome (AIDS) are protected against discrimination from the point of diagnosis. HIV and AIDs are progressive conditions defined as disabilities under equality legislation.
4. There should be no discrimination, harassment or victimisation of any member of staff who is living with HIV or AIDS. If discrimination, harassment or victimisation occurs, disciplinary action will be considered against the offending officer. The offending officer will also be provided with the medical facts about HIV and AIDS and they may also be given the opportunity to receive counselling about HIV and AIDS in the workplace.
5. Staff with HIV or AIDS are not required to inform Highways England. If a member of staff declares to their line manager or to Human Resources that they have HIV or AIDS, the information will be maintained on a confidential basis. Breaches of confidentiality will be dealt with under the Discipline procedure.
6. If it becomes known that a member of staff has HIV or AIDS Highways England will make reasonable arrangements, in consultation and agreement with the individual, to enable work to be continued.
7. For the purposes of the rules governing sick absence and statutory sick pay staff who are living with HIV or AIDS will be treated in the same way as disabled staff. Where there is a need to attend treatment or counselling sessions during working hours as part of their treatment they will be allowed time off work in accordance with the Attendance Management and/or special leave policies.
8. Performance management objectives must take the duty to make reasonable adjustments into account. Once any reasonable adjustments have been made and the person has had sufficient time / training to get used to them their performance should be assessed in the same way as that of non-disabled staff.
9. Staff will not be dismissed just because they are living with HIV or AIDS or be transferred to alternative employment unless they request it or medical advice is that this, or medical retirement is appropriate. In such circumstances the individual and their trade union representative where appropriate will be consulted.
10. No member of staff or applicant for a post will ever be required to take a test for HIV.
11. Highways England recognises the importance of counselling for members of staff who are living with HIV or AIDS. The Employee Assistance Programme will provide counselling and advice on other sources of help, both to staff who are living with these conditions and those who may have anxieties about how the virus is passed on.

12. Further advice and information about HIV and/or AIDS is available from a number of external sources:

- [National AIDS Trust](#)
- [Terrence Higgins Trust](#)
- [Worksmart](#)
- National AIDS Helpline: 0800 567123 (24 hours)
- Terrence Higgins Trust Helpline: 0808 802 1221
- ACAS Helpline: 08457 474747

## Chapter 10.9 - Part A: Policy on PMS and Menopause

Highways England seeks to improve the health and well-being of its employees and recognise conditions that may need extra support. Two issues faced by females are PMS and the Menopause.

### 10.9.1 PMS

One woman in every three will regularly experience Premenstrual Syndrome (PMS) but it is not well understood. It is a range of physical and emotional symptoms that some women experience prior to their monthly periods and can last for between 2 and 14 days. Symptoms can include headache, breast swelling and tenderness, bloating, water retention, fatigue and depression, tension and irritability and craving for sweet or salty food. There are many changes during the menstrual cycle but they are only labelled as PMS when they are distressing or disabling. Some of these will require sensitive handling and possible referral where deemed helpful to OHA.

### 10.9.2 Menopause

Menopause is the process for ending menstruation and is a natural event in life for every woman. The experience will vary from woman to woman and generally takes place between the ages of 45 – 55. The length of the menopause also varies from several months to several years with women experiencing symptoms from a wide range at varying degrees and intensity. It is therefore important that each woman is considered individually and supported accordingly. In certain severe instances this can lead to Osteoporosis. This is the thinning of bones due to loss of calcium, and which usually occurs in genetically predisposed post-menopausal women. (This is to be distinguished from Osteoarthritis which is the same as "degenerative" or "old age" arthritis).

Symptoms can be short or long term, emotional or physical and vary from woman to woman. Some experience severe problems while others hardly notice anything. The symptom most commonly associated with the menopause is hot flushes. Other physical symptoms include headaches, tiredness/insomnia, palpitations, achy joints and loss of libido. There can also be emotional symptoms including mood swings, anxiety, irritability, depression and feeling unable to cope. There are also some long term effects such as dry skin and hair, brittle nails, vaginal dryness and osteoporosis. Some women cry more easily, feel depressed or anxious at times, are less patient and feel disorganised. Some women can also suffer short term memory loss. It is important to remember that each woman's experience is highly individual. Some women may experience few or no symptoms of menopause, while others experience multiple physical and psychological symptoms. The extent and severity of symptoms varies significantly among women.

Menopause is not an illness but changes in oestrogen levels can result in those symptoms described above. It is not usually associated with the workplace or with workers health and safety. However, the symptoms can sometimes be worse at work because of ways of working and working conditions and it is these that can affect women's health, especially if they cannot make healthy choices. The symptoms can be exacerbated by working in areas with poor ventilation; high working temperatures, having to wear unsuitable clothing (uniform) and even some protective equipment can aggravate common menopausal symptoms such as hot flushes and sweating affecting workers comfort and health and can also cause embarrassment for some women. It is also necessary to consider the effect on male members of staff where they face issues arising from these symptoms in partners or family members.

Managers should be aware of these conditions when dealing sympathetically with staff absence and that there are some simple measures that can easily be implemented including access to drinking water, adjustable work place temperatures, adjustable ventilation and flexible rest breaks. As with other medical conditions a referral can always be made to OHA and where appropriate a work place assessment can be arranged.

Managers should deal with staff that raise issues as sympathetically as possible and ensure understanding is shown with regard to any need for time off in line with sickness procedures. Staff

are advised where possible to ensure this is recorded in sickness absence forms as menopause or menstrual problems to ensure management can monitor and evaluate the issues raised.

## Chapter 10.10 - Part A: Notifiable diseases and Food Poisoning

As defined in Section 10 of the Public Health (Control of Disease) Act 1984:

- Cholera
- Plague
- Relapsing fever
- Smallpox
- Typhus

As defined in The Public Health (Infectious Disease) Regulations 1988:

### *Schedule 1*

- Acute poliomyelitis (polio)
- Acute encephalitis (brain inflammation/infection)
- Anthrax
- Acquired Immune Deficiency Syndrome (AIDS)
- Diphtheria
- Dysentery (amoebic or bacillary)
- Leprosy
- Leptospirosis (caused by infection with Leptospira)
- Malaria
- Measles
- Meningitis
- Meningococcal septicaemia (without meningitis)
- Mumps
- Ophthalmia neonatorum
- Paratyphoid fever
- Rabies
- Rubella
- Scarlet fever
- Tetanus
- Tuberculosis
- Typhoid fever
- Viral haemorrhagic fever
- Viral hepatitis
- Whooping cough
- Yellow fever

### *Schedule 4*

- Amoebic and bacillary dysentery
- Paratyphoid and other salmonella infections
- Straphylococcal infections likely to cause food poisoning
- Typhoid

## **Chapter 11: Grievance and Appeals Contents**

This chapter sets out your terms and conditions of employment relating to grievance and appeals.

### **Part A: Grievance Policy Principles**

[11.1 Grievance policy](#)

### **Part B: Grievance Procedure**

[11.1 Grievance procedure](#)

### **Part C: Guidance**

[11.1 Grievance and appeals guidance](#)

[11.2 Grievance and appeals letters](#)



## Chapter 11.1 - Part A: Grievance Policy

### [Part B Procedure](#)

## 11.1 Grievance Policy Principles

This document should be read in conjunction with the procedure (Chapter 11 Part B) before raising a grievance. Employees should read the full procedure

It is inevitable that, from time to time, some employees will feel worried or concerned at all sorts of issues. We want an open culture, where genuine worries can be expressed and resolved swiftly by an appropriate decision officer. This grievance procedure sets out how Highways England will handle such concerns.

### *a) Core principles*

Wherever possible, grievances should be resolved informally or through mediation as this is more likely to bring about a resolution that is satisfactory to everyone.

Grievances are about resolving problems, so staff are expected to be able to explain how they would, reasonably, like the issue resolved.

Grievances must be raised without unreasonable delay and as soon as possible after the latest incident giving cause for concern. Grievances are unlikely to be heard if they are raised more than 3 months after the latest incident.

Grievances should be dealt with promptly. Hearings and decisions should not be unreasonably delayed.

Any grievance hearing should be conducted by a manager who was not involved in the matter of concern.

It will be assumed that grievances are made in good faith. This means it is assumed that you genuinely believe your complaint to be justified, whatever the outcome of the case. Where your grievance is found to have been made in bad faith or maliciously, you may face disciplinary action.

A grievance should only be raised in relation to other processes, where the appeals process has been exhausted and the individual still feels they have a valid grievance. This includes the disciplinary process.

### *b) HR intervention*

HR reserves the right to assume control, direction and/or handling of any grievance.

### *c) Formal stage*

Grievances [must be put in writing](#) (see Chapter 11C Section 11.1.1) and to the individual's line manager. Where the grievance is against the line manager the counter-signing manager should be approached. The manager (Decision Officer (DO)) receiving the grievance must arrange for a hearing to be held promptly after a grievance is received.

At the hearing, the manager must allow the individual to explain their grievance and how they think it should reasonably be resolved. Following the meeting the manager should decide on what action, if

any, to take. Decisions must be communicated to the individual and, where appropriate, should set out what action Highways England intends to take to resolve the grievance.

#### *d) Appeals*

If an individual feels that their grievance has not been satisfactorily dealt with they can take the matter further on appeal. Appeals [must be made in writing](#) (see Chapter 11C Section 11.1.3) within 10 working days of the date of the decision letter, to the manager (Appeal Officer (AO)) named in the letter. It is good practice to set out the grounds of appeal.

The appeal hearing will take place in a similar way to the original grievance hearing. The decision at appeal is final.

#### *e) Whistleblowing*

There are special procedures for staff to raise issues of concern under the Public Interest Disclosure Act 1998.

#### *f) Right to be accompanied*

Employees have a statutory right to be accompanied by a companion at a formal hearing and an appeal hearing. To exercise this right, employees must make a reasonable request.

## Chapter 12: Industrial Relations - Contents

Part A of this chapter sets out your various terms and conditions of employment relating to trade union representation, including means for determining the allocation of facilities to officially recognised trade unions, their representatives and members.

It records your entitlement to belong to, and be represented by, an officially recognised trade union; incorporates the agreement that management and officially recognised trade unions have reached for the conduct of industrial relations in Highways England; and records the formal arrangements set up in Highways England to facilitate consultation between management and the officially recognised trade unions.

Part B is the Procedure for consultation with the Trade Union side.

Part C is the Guidance that provides further information and forms in relation to Industrial Relations and Trade Union Facility Time.

*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.*

### Part A: Policy - Industrial Relations

- [12.1 Industrial Relations](#)
- [12.2 Unions and the Whitley system](#)
- [12.3 Whitley Structures in Highways England](#)
- [12.4 Consultation and Negotiation with Highways England](#)
- [12.5 Trade union membership](#)
- [12.6 Trade union representatives](#)
- [12.7 Facility time](#)
- [12.8 Administrative arrangements for the TUS](#)

### Part B: Procedure - Industrial Relations

- [12.4 Procedure for consultation with the TUS](#)

### 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 12.1 - Part A: Industrial Relations

### 12.1 Industrial relations

Industrial relations is the expression used to describe the relationship between employer and employees (represented by their trade unions). For the purposes of this Staff Handbook, industrial relations means the relationship between:

- a. Employees , such as yourself, working for Highways England - represented by officially recognised trade unions
- b. Highways England as your employer - represented by Highways England's management.

#### 12.1.2 Terms and conditions of employment

In addition to the contractual terms and conditions of employment set out in this Chapter of the Staff Handbook, other terms and conditions relating to industrial relations can be found in:

- a. Part A of this Staff Handbook, Chapter 1 - Introduction
- b. Part A of this Staff Handbook, Chapter 8 - Pay

Under certain circumstances, you have a contractual right to be assisted and represented by your trade union. These rights are set out in Part A of this Staff Handbook, for instance:

- a. Chapter 3 - Personal conduct (see - Maintaining satisfactory standards of conduct)
- b. Chapter 7 - Performance (see - Maintaining satisfactory standards of performance)
- c. Chapter 10 - Ill health (see - Maintaining satisfactory standards of attendance)

## Chapter 12.2 - Part A: Unions and the Whitley system

### 12.2.1 The Whitley system

The Whitley system provides a framework for negotiation, consultation and exchanges of views and information between Highways England's management (the "Official Side") and the officially recognised trade unions that represent you. The Whitley system covers both formal (see section 12.3 and informal (see section 12.3.1) contacts between the Official Side and the officially recognised trade unions.

Matters affecting employees represented by only one officially recognised trade union may be dealt with directly between the Official Side and the trade union concerned. Matters concerning employees represented by more than one officially recognised trade union may be dealt with between the Official Side and the trade unions acting together (the "Trade Union Side" or "TUS").

### 12.2.2 Aim of the Whitley system

The aim of the Whitley system is to secure the greatest measure of co-operation and agreement between the Official Side and TUS. The objectives of the system are to:

- a. increase efficiency and ensure the well-being of employees,
- b. provide mechanisms for dealing with grievances, and,
- c. provide a forum for discussion in which differing views can be expressed and a range of experience can be drawn upon.

### 12.2.3 Officially recognised trade unions

Highways England recognises that fully representative trade unions are essential for promoting good industrial relations and effective consultation and/or negotiations on terms and conditions of employment. In this context the following trade unions are officially recognised by Highways England:

- a. Prospect (formerly Institution of Professionals, Managers and Specialists (IPMS)), which represents professionals and specialists at all levels other than those represented by the First Division Association (FDA) and the Public and Commercial Services Union (PCS), including Traffic Officers (See also the [www.prospect.org.uk](http://www.prospect.org.uk))
- b. the Public and Commercial Services Union (PCS), which represents administrators, support staff, secretaries, executives and RCC staff. The PCS also has members at all levels not covered by the Prospect (See also the [PCS Website](#))
- c. the Association of First Division Civil Servants (FDA), which represents Senior Civil Service administrators and members in Bands 7 and 8. Contact Robyn Dasey at FDA HQ, 2 Caxton Street, London, SW1H 0QH, telephone 0171 343 1111, fax 0171 343 1105 or email [robyn@fda.org.uk](mailto:robyn@fda.org.uk). The FDA's web site is [www.fda.org.uk](http://www.fda.org.uk).

## Chapter 12.3 - Part A: Whitley Structures in Highways England

### [Part C Guidance](#)

## 12.3 Whitley structures in DfT and the Agencies

### The Departmental (DfT) Whitley Council

*The Departmental Whitley is not currently in operation, and we will therefore be taking steps to review relevant sections (including this one) alongside the development of a new negotiation and consultative framework for Highways England.*

### 12.3.1

The Departmental Whitley Council (DWC) is chaired by the Permanent Secretary of DfT and meets once a year. Except under exceptional circumstances, the DWC only considers issues where it can be demonstrated that an aspect of policy is involved with implications beyond just one of the six bargaining units which make up the "DfT family" (i.e. DfT(Central) and DfT's six Agencies - Driving Standards Agency, Driver & Vehicle Licensing Agency, Highways Agency, Maritime & Coastguard Agency, Vehicle Certification Agency, Vehicle & Operating Services Agency).

### 12.3.2

Examples of issues which might be considered by the DWC include:

- a. any over-arching industrial relations issues which affect employees working in more than one of the eleven bargaining units (for instance, health and safety, equal opportunities, the Staff Handbook model)
- b. the movement of employees between different bargaining units within DfT (and the movement of employees between DfT and the Government Offices)
- c. cross Departmental initiatives
- d. Whitley arrangements and industrial relations

### 12.3.3

Except under exceptional circumstances the DWC does not:

- a. become involved in discussions about DfT(C), individual Agency or Government Office specific issues. Such issues should be dealt with through the appropriate local Whitley machinery (see paragraphs 12.3.4 to 12.3.5) unless it is necessary to clarify Departmental policy in relation to its local application (see sub paragraph 12.3.2(a))
- b. stand as a final arbiter in purely local disputes - again, these should be dealt with by the appropriate local Whitley machinery (see paragraphs 12.3.4 to 12.3.5)

The DWC's committees are:

- a. the DWC General Purposes Committee (GPC) which meets formally four times a year, chaired by the DfT(C) Director of Human Resources. The GPC will also meet on an ad hoc basis as necessary, chaired by DfT(C)'s Head of Industrial Relations (the GPC constitution is at Chapter 12B Section 12.4b. Whitley Committees for each of the Department's Executive

Agencies - these meet at least twice a year and are chaired by the relevant Agency Chief Executive (see section 12.3)

### 12.3.1 Whitley sub committees

In the Agency Whitley business is organised through a National Whitley Committee, which is chaired on the official side by the Chief Executive. The following sub-committees support this:

- a. Local Whitley Committees in all the main regional offices, which cover matters of concern to staff working in those offices
- b. Local and National Health & Safety Committees, which cover matters of concern relating to Health & Safety at both local and national level
- c. Personnel Working Group, which covers local and national issues requiring a higher profile than the local Whitleys and which, if not resolved, can be taken to the National Whitley
- d. Traffic Management Committee, which deals with national and local Traffic Management issues, which cannot be resolved at local level

### Whitley business outside of DWC and committees

The conduct of Whitley business is not, however, dependent upon meetings of the DWC or its formal committees and sub committees. There is continual formal and informal consultation (through correspondence and ad hoc meetings) between HR, Directorate, Divisions or line divisions (as appropriate) and TUS or trade union representatives about matters affecting employees.

### DfT staff working in government offices

For those Crown employees working in Government Offices (GOs) whose "parent" Department is DfT, the majority of industrial relations issues are covered by the separate GO Whitley Constitution administered by the Government Offices Regional Co-ordination Unit (RCU). GO-specific issues remain in the GO Whitley machinery and are not referred to "parent" Departments like DfT. However, under exceptional circumstances, issues relating solely to DfT staff working in GOs can be referred to the DWC.

### 12.3.2 Official Side Secretariat

The Agency's HR -- provides the Official Side Secretariat for the WC. The Official Side Secretariat:

- a. agrees agendas for the WC in consultation with the TUS and prepares and circulates papers for the WC, etc. as necessary
- b. arranges WC meetings in consultation with the TUS and, subsequently, prepares minutes of those meetings and agrees them with the TUS
- c. manages the allocation and logging of "facility time" (see Section 12.7) and other facilities (Section 12.8)
- d. is responsible for developing, setting and communicating the Agency's industrial relations policy and for supporting its implementation throughout the Agency

## Chapter 12.4 - Part A: Consultation and Negotiation with Highways England

### Part B Procedure

#### 12.4.1 Highways England policy

Subject to Part A of this Staff Handbook - Chapter 1 - Introduction, when changes affecting your terms and conditions of employment and/or those of other employees are being planned, Highways England will consult either:

- a. you or, if you so decide, your trade union, if the changes affect or have implications for you alone
- b. the TUS if the changes affect Highways England staff collectively
- c. the appropriate individual union, if the changes affect or have implications for only staff represented by that union

Highways England is contractually bound to negotiate with the TUS under the circumstances described in Chapter 1 of this Staff Handbook, Introduction.

In circumstances where Highways England is not contractually bound to negotiate changes to your terms and conditions, it will, nevertheless consult either:

- a. you or, if you so decide, your trade union, if the changes affect or have implications for you alone;
- b. the TUS if the changes affect Highways England staff collectively; or
- c. the appropriate individual union, if the changes affect or have implications for only staff represented by that union.

Consultation under this paragraph will be with a view to reaching agreement and will commence as early as possible when changes are being planned. Such consultation, whether written or oral, will provide adequate information to ensure that the planned changes are understood and will always be conducted with a view to reaching agreement. Both sides will seek genuinely a solution which is mutually acceptable, and, where this is not possible, the Highways England will take decisions only after proper and genuine consideration has been given to the views of the TUS.

If you are a line manager, the requirements of the above paragraphs, apply equally to any day to day dealings that you might have with your staff and with local trade union representatives.

#### 12.4.2 Time Limits

Instant consultation or negotiation is seldom possible or productive - the TUS need reasonable time to confer with trade unions and their members if they are to put forward considered and constructive views. The amount of time needed for this will vary from case to case. At the same time, however, there is a need to ensure that consultation or negotiation does not drag on needlessly. Both sides therefore will seek a timely conclusion to consultation or negotiation on each particular issue. A procedure for conciliation with the TUS is attached at Chapter 12B Section 12.4



### 12.4.3 Disagreement procedure

So far as possible, disagreements should be resolved at local level. Where this is not possible, the matter can be referred to the Departmental Whitley Council General Purposes Committee (GPC) in accordance with paragraph 14 of the GPC Constitution (at section 12.4).

## Chapter 12.5 - Part A: Trade union membership

### 12.5.1 Encouragement to join a trade union

You are entitled to belong to any trade union which will admit you as a member under its rules of membership.

Highways England attaches importance to ensuring effective consultation and involvement of employees. It is, of course, a personal decision whether or not to join a Trade Union. However, Highways England encourages you to join an officially recognised Trade Union (see section 12.2.3) and to play an active part within it, making sure that your views are represented.

If you are a properly accredited representative (see section 12.6.1) of an officially recognised Trade Union, the Agency will, in accordance with Section 12.7, permit you to have time off or paid leave from your official duties to discharge your industrial relations and Trade Union functions.

### 12.5.2 Attending Trade Union Meetings

If any of the officially recognised Trade Unions wish to hold meetings with their members during working hours and/or on official premises, they must first seek the agreement of the Official Side Secretariat in good time. Agreement will be forthcoming provided that the meetings are arranged in good time, are timed to minimise disruption to work and are for the purposes of:

- a. conducting elections for union branches
- b. consulting members on industrial relations matters affecting employees
- c. considering and proposing resolutions for Trade Union annual conferences and associated report-back meetings
- d. other Trade Union matters - for instance annual general meetings

Where meetings for conducting elections or consulting members have been agreed in accordance with the preceding paragraph, the Official Side Secretariat will ensure that your line managers are notified as necessary. If you are a member of an officially recognised Trade Union, and subject to overriding operational considerations, your line managers will allow you to attend such meetings and your attendance will be considered official business (if you are on flexi-time you will be allowed the appropriate credit).

If you are a member of an officially recognised Trade Union, and subject to exceptional operational considerations determined by your line manager, the Official Side Secretariat will also grant you reasonable requests for paid time off for the following purposes:

- a. to attend a Conference of an officially recognised Trade Union, whether as a delegate, a trainee delegate or in any other official capacity
- b. attending meetings with the TUS, with accredited representatives or with full time officers of the officially recognised trade unions, in connection with industrial relations functions (see section paragraph 12.7.2)
- c. representing the Trade Union on external bodies relevant to employment in the Civil Service, e.g. at a Trades Union Congress meeting

### 12.5.3 Recruitment of Trade Union members

The officially recognised Trade Unions are allowed to recruit new members on official premises, large scale, "desk to desk" recruitment exercises by the recognised Trades Unions require agreement between the Official Side Secretariat and Trade Union involved with regard to timing and handling arrangements.

Highways England will allow the TUS or an officially recognised Trade Union to be represented in any induction meetings for new entrants.

### 12.5.4 Trade Union subscriptions

If you are a member of one of the officially recognised Trade Unions, one method by which your union subscriptions can be paid is for you to ask Highways England to deduct all or part of the subscription from your pay and to transfer this to the appropriate Trade Union (the system known as "check off") - your Trade Union can provide a suitable application form. In the event of industrial action, and for the duration of that action, Highways England may decide to withdraw - in whole or in part - from this arrangement in respect of those Trade Unions with members officially involved in industrial action. In that event, you will be advised of the decision in writing.

If you want to leave your Trade Union and you pay your subscription through "check-off" arrangements as detailed above you must inform Shared Services arvato (via service ticket) who will arrange for deductions from pay to be stopped.

## Chapter 12.6 - Part A: Trade union representatives

### 12.6.1 Accredited representatives

You are regarded as an accredited representative of an officially recognised Trade Union if you hold office:

- a. in the TUS (see section 12.2.1), and/or
- b. as an officer or member of an executive committee of the FDA, PCS or Prospect

### 12.6.2 Notification of Trade Union appointments

When you become an accredited representative, at whatever level, the Official Side Secretariat must be notified in writing, within 2 weeks of your appointment, stating your name and official address, the appointment (or appointments) to be held, the date of commencement and expected duration. Responsibility for notification of such appointments rests with either,

- a. the TUS Secretariat - for TUS appointments (or the TUS Chair for the appointment of a new TUS Secretary)
- b. by officials of the appropriate Trade Union committees for appointments relating to individual Trade Unions only

If you are an accredited representative, you cannot have paid time off from your official duties to undertake such functions unless you apply for, and are formally allocated, facility time in accordance with [Section 12.7](#).

As soon as you have notified the Official Side Secretariat of your appointment as an accredited representative, the Official Side Secretariat will write to your line manager (with a copy to HR) informing them of your appointment. This letter will also inform your line manager how much, if any, "facility time" you have been awarded (see [Section 12.7](#)).

### 12.6.3 Election of accredited representatives in official time

As noted in section 12.5.2 the Official Side will provide facilities by agreement with the officially recognised trade unions for the election of accredited representatives or for the announcement of election results from ballots of individual members held previously. Where election takes place at the annual general meeting of an officially recognised trade union or at any other general meeting of an officially recognised trade union the meeting should be allowed to start during working hours for this purpose unless a service to the public would thereby have to be withdrawn. However, the Official Side will make all reasonable efforts to ensure that such elections can take place during working hours.

### 12.6.4 Learning Representative

A learning representative is a trained union member who promotes learning in his/her workplace. The role of a learning representative includes:

- informing members about learning initiatives - for example courses provided by trade unions or online learning.
- advising members on where to find courses and sources of funding
- referring members to professional careers guidance where appropriate

If you are appointed a Learning representative in accordance with the regulations, you will be permitted to take such time off with pay as shall be necessary to attend appropriate training courses and to enable you to effectively carry out your duties. To minimise any impact on the Learning representatives' official duties, you must agree with your line management all training sessions and meetings in advance. Agreement will not be unreasonably withheld and such time off will not count against facility time.

If you are appointed a Learning representative Highways England is required to provide you with such facilities and assistance as may reasonably be required for the purpose of carrying out your duties. Management must consult Learning representatives in good time with regard to:

- a. the introduction of mandatory core training
- b. the appointment of training and development providers
- c. the planning and organisation of any development and training initiatives

## 12.6.5 Health and Safety duties

The officially recognised Trade Unions are responsible for appointing Health and Safety (H&S) representatives. These may or may not be members or elected officials of the Trade Unions. Appointments of H&S representatives must be notified to HR. Chapter 2A Section 2.10 of this Staff Handbook, sets out health and safety arrangements for Highways England.

## Chapter 12.7 - Part A: Facility time

### [Part C Guidance](#)

#### 12.7.1 Facility time allowances

If you are a properly accredited representative of an officially recognised Trade Union, Highways England will, except in exceptional circumstances, permit you to have an the annual allocation of paid time off from your official duties ("facility time") which you need to enable you to undertake the functions appropriate to your position within the Trade Union

The amount of facility time and the functions for which it is granted must be agreed with the Official Side Secretariat when you are appointed as an accredited representative (see section 12.6.1. You cannot take facility time until it has been agreed with the Official Side Secretariat and, if you are awarded facility time, you must comply with Highways England's rules for requesting and logging the resulting time-off, etc. (see sections 12.7.4 to 12.7.7). Failure to comply with these rules may lead to withdrawal of your facility time. Newly appointed accredited representatives may request facility time on an ad-hoc basis whilst their requests for formal annual allocations are being processed.

When considering requests for facility time, the Official Side, in consultation with your line managers as appropriate, will bear in mind the need to avoid disruption of official work and to maintain services to the public, although requests will not be unreasonably refused.

The functions referred to above should be those in which:

- a. the Official Side and Trade Unions are jointly involved as detailed in the Industrial relations functions section below., and
- b. those which are of concern to the Trade Unions alone as detailed in the "Trade Union functions" section below.

#### 12.7.2 Industrial relations functions

If you are a properly accredited representative of an officially recognised Trade Union, the industrial relations functions (broadly, matters which are dealt with under Whitley arrangements) for which facility time may be granted as detailed above include:

- a. attendance at meetings between the TUS or officially recognised trade unions and management
- b. consultation or negotiation with the appropriate level of management on matters of joint concern, e.g. conditions of service
- c. preparation, including consideration of papers and proposals, for joint meetings, consultation and negotiation
- d. consulting and informing members through the normal channels of communication and exceptionally through meetings about negotiations and discussions with management
- e. meetings with other accredited representatives or full-time officers of officially recognised trade unions or members, to consider matters of joint concern to both the Official Side and TUS or trade unions
- f. meetings of the TUS or trade union representatives prior to or after a joint meeting to consider matters relating to the meetings

g. conducting interviews with and on behalf of trade union members on matters concerning them and Highways England

h. appearing on behalf of trade union members before the Civil Service Appeal Board, a Medical Appeal Board (or similar Departmental/Agency boards) or an outside official body, e.g. an Employment Tribunal dealing with an industrial relations matter concerning the Civil Service as an employer

i. explanations to groups of new employees of the role of the trade union in the Highways England industrial relations system, and

j. reasonable travelling time to get from your normal place of work to meetings associated with the industrial relations functions set out above

If, as a properly accredited representative of an officially recognised Trade Union, you require time off for any of the duties set out above a formal facility time allowance must be sought in accordance with the Applications for Facility time Section below

### 12.7.3 Trade union functions

If you are a properly accredited representative of an officially recognised Trade Union, the trade union functions (broadly matters which concern trade unions alone) for which facility time may be granted as detailed above include:

a. taking part as a representative in meetings of official policy making bodies of the trade union (such as National Executive or Agency Executive Committees), meetings of the TUS, or meetings of other Executive Committees

b. attendance at a Conference of an officially recognised trade union in the Civil Service, whether as a delegate, trainee delegate, or in any other official capacity

c. representing the trade union on external bodies, relevant to employment in the Civil Service, e.g. at Trade Union Congress meetings

d. duty as Organiser, Treasurer or other official posts of the union

e. activities on behalf of the official bodies of the union

f. reasonable travelling time to get from your normal place of work to meetings associated with the trade union functions set out above

A maximum of 25 days per year facility time (40 days for members of National Executive Committees and Councils) can be awarded by the Official Side Secretariat for the activities listed above. If, as a properly accredited representative of an officially recognised Trade Union, you require time off for any of the duties set out above, a formal facility time allowance must be sought in accordance with the Applications for Facility time section below.

Special provision may need to be made, by agreement with local line-management, for accredited representatives who do not work normal, or full, office hours but who are required to attend meetings within those hours. For example, if an accredited representative who works part-time attends a meeting on a day on which he or she would not normally attend work, line management may award that individual a day off in lieu.

## 12.7.4 Applications for facility time

If you require facility time as set out in the preceding paragraphs, you must make a formal application to the Official Side Secretariat by completing a form FAC2 (an example is at Chapter 12C Section 12.7) showing:

- a. your name and address
- b. the Trade Union appointment (or appointments) to which you have been elected
- c. the date of commencement and duration of the appointment (or appointments)
- d. the amount of facility time you are seeking differentiated between industrial relations duties and Trade Union activities; examples of the functions for which paid time-off can be granted are given in paragraphs 12.7.2 and 12.7.3.

Your completed FAC2 application form must be submitted to the Official Side Secretariat (see section [12.3.2](#)), via your line managers. This will afford your line managers the opportunity to comment on whether the facility time sought is likely to create organisational difficulties.

Facility time allocations will be granted for one year at a time. You must therefore submit a new application form FAC2 every year (assuming, of course that you have been elected to Trade Union duties that warrant facility time). Facility time allowances will be deemed to have lapsed if new applications are not made before expiry of the previous allocation.

When approval has been given, a copy of form FAC2, endorsed as appropriate, or a separate approval minute will be sent to you by the Official Side Secretariat with copies to your line manager and HR (who will ensure that the approval is recorded on your personal file).

## 12.7.5 Permission for time spent away from official duties

You must always seek the permission of your line manager before spending any time away from official duties under a facility time allowance. It is not open to line managers to countermand a facility time allowance which has been authorised by the Official Side Secretariat, but, exceptionally, there may be occasions where permission to take such time off may have to be withheld (for instance, because of the need to avoid serious disruption of official work or to ensure that services to the public are maintained). However requests to take authorised facility time will not unreasonably be refused.

## 12.7.6 Monitoring of time-off taken

If you have been awarded a facility time allowance as an accredited representative, you must account for all time spent away from your official duties under that allowance. To this end, you must maintain a diary record on form FAC2 ( and submit this to your line manager every month. Your line manager must, in turn, forward the completed FAC2 form to the Official Side Secretariat (see section [12.3.2](#)). The main aim of this monitoring is to ensure that the amounts of authorised facility time are not exceeded.

## 12.7.7 Withdrawal of facility time

If you have been awarded a facility time allowance as an accredited representative, you should note that the Official Side reserves the right to withdraw the allowance if you repeatedly fail to complete and submit forms FAC2.



## 12.7.8 Absences of accredited representatives

If you are asked to substitute to cover the prolonged absence of an accredited representative on sick leave etc., you will be given facility time, subject to the approval processes set out in paragraphs 12.7.4 to 12.7.5. Normal absences or short periods of sick leave should be covered by other accredited representatives with ad hoc arrangements when urgent business requires a substitute.

## 12.7.9 Training of accredited representatives

Within the limits for Trade Union functions set out in section 12.7.3, and subject to the written approval of the Official Side Secretariat, you will, if you are an accredited representative, be allowed facility time, in addition to any other allocation of facility time, as follows to undergo training at courses relevant to representational duties, including induction, specialist and advanced courses organised by the TUC or Trade Unions, provided you are sponsored by your Trade Union headquarters:

- a. during the first or second year as an accredited representative, up to 10 days, and
- b. in subsequent years up to 5 days, except that up to 5 days from the following year's training allowance may be anticipated if a TUC course lasts up to 10 days

## 12.7.10 Implications of facility time for the official duties of accredited representatives

The amount of any formal facility time allocation will be a factor in determining the nature and extent of the official duties which you are expected to perform. How this is done is a matter for your line managers to determine and it will vary according to a number of factors - not least the amount of facility time approved. In most cases, however, accredited representatives will have facility time allowances ranging between 5 and 10 days a year. In such cases it should be possible to take account of facility time commitments within existing staffing allocations, for example, by taking steps to re-arrange work on a particular day or part of a day when an accredited representative needs to be absent or accepting that official work will take a little longer to deal with. Line managers must recognise, however, that the output of the accredited representatives concerned will be commensurately lower than that of their colleagues and account should be taken of this factor in determining workloads and in setting objectives and Performance and Development Plans (PDPs).

## 12.7.11 Annual staff Performance reviews for accredited representatives

If you are an accredited representative with less than 65 days facility time per year, your annual Performance review will be undertaken by your line manager, whose direct reporting will be confined to your official duties with appropriate input regarding any trade union activities from a suitable trade union representative.

If you have been awarded more than 65 days facility time per year, you should have the opportunity to agree whether your performance is assessed solely on the work done in official time or on a combination of both official and facility time (therefore involving more than one reporting officer). Where it has been agreed that your performance should be assessed on a combination of official and facility time, the Official Side and Trades Unions involved should agree on the arrangements for assessing your performance at the outset of each reporting year. In all cases, the agreed reporting officer (or officers) should be of a higher grade than the individual being reported on, and must have familiarised themselves with the current performance management arrangements (see Chapter 7a Section 7.1.5). Where you have been awarded more than 155 days facility time, the Countersigning Officer will usually be HR SCS.

### 12.7.12 Pay costs for employees with significant amounts of facility time

In order to relieve cost centres which have staff who have been allocated significant amounts of facility time (i.e. more than 65 days per annum), a formal trade union reimbursements budget has been established. This is managed by the Official Side Secretariat.

### 12.7.13

If you have been allocated more than 65 days facility time per annum, the Official Side Secretariat will arrange for your Cost Centre's allocations to be increased to cover your salary costs for the duration of your facility time (if your allocation is less than 65 days per annum, the cost of your facility time will be absorbed by the Cost Centre).

### 12.7.14

Cost Centres will thus be able to deploy staff in a way which takes account of any facility time and bring in additional staff as necessary on a permanent or temporary basis. The way this is done will be for line management to decide but, if you are affected, they will need to safeguard your longer term position given that you may later cease to receive a facility allowance.

## **Chapter 12.8 - Part A: Administrative arrangements for the TUS**

### **12.8.1 Office accommodation**

Accommodation will be allocated to the TUS or accredited representatives for their exclusive use. Where no room is available for exclusive allocation, Highways England will allocate the private use of a general room, for example for interviews. Rooms will be allocated on the understanding that they may be reallocated if required for overriding official purposes.

In multi-occupancy buildings it may be necessary and appropriate for the TUS, or for Trade Unions representing more than one Department/Executive Agency, to share accommodation, after consultation with all parties.

Subject to availability, Highways England will provide rooms for TUS or Trade Union meetings.

### **12.8.2 Office equipment**

Highways England will provide the TUS with office furniture and equipment (including computers, photocopiers, fax machines and telephones). The normal Highways England rules relating to the use of official resources, equipment, etc. will apply – see Chapter 3 of this Staff Handbook .

Similarly, Highways England will provide the TUS with normal office services (such as the provision of stationery and access to the internal distribution system and Inter-departmental Despatch Service).

### **12.8.3 Notice boards**

In those of Highways England's buildings where it is practicable, the local branch of any recognised Trade Union can have notice board facilities on official premises. Boards will be provided by Highways England without charge.

The position of notice boards should normally be confined to those parts of official premises which are not ordinarily accessible to the general public. The siting and number of boards is a matter for local discussion and agreement. Multi-union boards must be used wherever possible.

Trade Unions are free to exhibit Trade Union notices of general interest to Employees on their notice boards but no notice may be exhibited anywhere else on official premises without the previous consent of Highways England.

Trade Unions can also have electronic notice board facilities on the Portal.

Notwithstanding the paragraphs above the Official Side can challenge the propriety of any notice (paper or electronic) exhibited by a Trade Union and, on giving reasons, subsequently to be confirmed in writing, secure its immediate withdrawal. The Trade Union concerned would be free to make representations to the Official Side about the reinstatement of the notice. Ordinarily notices may be expected to concern Trade Union business and policy directly and a need to challenge their propriety should not normally arise.

### **12.8.4 Use of email**

Individual Trade Unions can use Highways England's email systems to communicate with their members, so long as messages are circulated to members only and not to Highways England as a whole.

## Chapter 13 - Leaving Highways England - Contents

Part A of this chapter sets out terms of employment relating to leaving your employment, retirement, pensions and redundancy

Parts B and C are the Procedures and Guidance for managing Resignation, Redundancy, Early retirement and early severance, continuation of service beyond normal retirement age, the provision of references, pensions and job re-shaping under partial retirement.

### Part A: Leavers Policy

[13.1 Leavers](#)

[13.2 Retirement and Pensions](#)

[13.3 Redundancy Policy and Agreement](#)

### Part B: Leavers Procedure

[13.1 Leavers](#)

[13.2 Retirement and Pensions](#)

[13.3 Redundancy Procedure](#)

### Part C: Leavers Guidance

[13.1 Partial Retirement Guidance](#)

## Chapter 13.1 - Part A: Leavers

### Part B - Procedure

#### 13.1.1 Written notice

Unless you agree to a shorter period, Highways England will give you the following minimum period of written notice to terminate your employment:

- a. where your probationary appointment is terminated, the minimum period of written notice is 5 weeks;
- b. where you have a period of continuous service of less than 4 years and you:
  - are dismissed on grounds of poor performance (see Chapter 7 - Performance), or
  - are dismissed on grounds of unsatisfactory attendance (see Chapter 10 - Ill Health), or
  - are dismissed for misconduct (see Chapter 3 - Personal Conduct) in circumstances where summary dismissal is not justified; the minimum period of written notice is 5 weeks
- c. where you have a period of continuous service of 4 or more years and you:
  - are dismissed on grounds of poor performance (see Chapter 7 - Performance), or
  - are dismissed on grounds of unsatisfactory attendance (see Chapter 10 - Ill Health), or
  - are dismissed for misconduct (see Chapter 3 - Personal Conduct) in circumstances where summary dismissal is not justified; the minimum period of written notice is 1 week, plus 1 week for every year of continuous service, subject to a maximum of 13 weeks
- d. where you are dismissed for misconduct (see Chapter 3 - Personal Conduct) in circumstances where summary dismissal is justified, you have no right of any notice.
- e. where you are to be retired on medical grounds:
  - whilst serving a probationary period, a minimum of 5 weeks, and where you or your representative inform Highways England that you wish to appeal to a Medical Board a maximum of 8 weeks
  - in every other case, the minimum period is as per sub paragraph (c), subject to a minimum of 9 and a maximum of 13 weeks
- f. if your appointment is terminated compulsorily on grounds other than those set out in sub paragraphs (a) to (e) above, the minimum period of written notice is 6 months (or a period of notice equal to the un-expired part of a fixed period of employment specified in your contract, if this is less) except:
  - in cases of early departure through voluntary exit or voluntary redundancy (see Chapter 13B Section 13.2) where the date of termination will be agreed with you, or,
  - where you are over 60, and you are made compulsorily redundant, you will be given 12 months notice if you have less than 10 years service or 9 months notice if you have between 10 and 25 years service, provided that this notice does not extend beyond your 65th birthday.

### 3.1.2 Compensation in lieu of notice

In any case where Highways England does not give you the appropriate minimum period of written notice mentioned in paragraph 13.1.1, you are entitled to be paid compensation, in accordance with the Civil Service Compensation Scheme (CSCS), in respect of any period of notice to which you would otherwise be entitled, except where you:

- a. have agreed with Highways England to leave before the expiry of your notice without any payment in lieu of notice
- b. have been offered and have accepted early departure through voluntary exit under specific terms and have agreed a shorter period of notice with Highways England (see Chapter 13B Section 13.2). (Note that whilst the Civil Service Compensation Scheme will no longer apply to staff post transfer. Where staff qualify for benefits within the scheme the calculation will be carried out in accordance with the equivalent terms).

### 13.1.3 Resignation

You may resign on giving Highways England the following minimum period of written notice:

- a. where you are Payband 7 or Payband 8: 3 months (1 month if you formerly worked in the Department for Transport, were recruited as, or promoted to, Highways England Payband 7 or above before 2 April 1990, and you have not been promoted since)
- b. in any other case: 1 month

Exceptionally, Highways England may agree that you can give a shorter period of written notice.

When you leave, your P45 will be sent to your home address. You cannot withdraw a notice of resignation except with the consent of Highways England.

Further details of what you should do if you decide to resign are given in Chapter 13B, Section 13.1.

### 13.1.4 Notice period for age retirement

Where you are able to retire on the grounds of age you should give 3 months written notice of the date you intend to retire to enable Highways England to make the pension arrangements necessary to ensure timely payment.

Having notified Highways England of your intention to retire on a certain date you cannot withdraw that notification except with the consent of Highways England. In exceptional circumstances, Highways England may agree your request to withdraw your notification and continue in service. Agreement may be given on the basis that you withdraw your application four weeks or more before the notified date of retirement.

### 13.1.5 Notice period for actuarially reduced retirement

Where you are to take actuarially reduced retirement (see Chapter 13B Section 13.2 you should give 6 months written notice unless Highways England agrees to a shorter period.

### 13.1.6 References

If you resign or retire, Highways England will, at your request, provide a reference to a new employer  
- further details are in Chapter 13B, Section 13.1.

## Chapter 13.2 - Retirement and Pensions

[Part B Procedure](#)

[Part C Guidance](#)

### 13.2 Retirement and pensions

#### 13.2.1 Retirement age

Highways England does not have a default retirement age. This means that you may work beyond your pension age; that term is defined below.

##### Medical retirement

Retirement through ill health is irrespective of age.

##### Pension age

Pension age is the earliest age at which you may take voluntary retirement and receive immediate pension benefits. The pension age in the various civil service pension schemes is as follows

- Classic - 60
- Classic plus - 60
- Premium - 60
- Partnership - 55
- Nuvos - 65
- Alpha - the latter of 65 or the state pension age. If the state pension age changes, your Alpha Pension date will also change.

[Age retirement notification form.](#)

#### 13.2.2 Deciding whether to retire at pension age: the process

Shared Services Arvato will write to you 6-12 months before:

- 55th birthday, if you are in a Partnership pension scheme
- 60th birthday, if you are in the Classic or Classic Plus or Premium pension schemes
- 65th birthday, if you are in the Nuvos scheme
- State Pension age, if you are in the Alpha pension scheme

This letter will notify you of your pension age and set out what you have to do if you wish to retire when you reach your pension age.

If you do not reply to the Shared Services arvato letter, it will be assumed that you will work beyond your pension age

#### 13.2.3 Working beyond pension age

If you wish to retire at any time beyond your pension age you must give Highways England the same amount of notice as you would need in order to resign see [Chapter 13.1.3, Resignation](#). Highways England will endeavour to make the necessary pension arrangements to ensure timely payment but



this cannot be guaranteed. This written notice must be sent to your line manager who will then inform Shared Services arvato. The onus is on the employee to ensure this happens, Highways England will assume an employee wishes to continue working unless told otherwise.

Highways England policy is to support employees whether they wish to retire, work longer or if they wish to take partial retirement.

### 13.2.4 Partial retirement

Partial retirement enables staff to draw some or all their pension and continue to work and earn a salary. Partial retirement enables Highways England to retain experienced staff who can facilitate skills transfer before they fully retire. Applications for partial retirement will be granted unless there are exceptional business reasons why they cannot be. Written applications for partial retirement must be considered under the procedures and timeframe set out in the process flowchart contained in [Staff Handbook, Chapter 13, Part C](#).

The expectation is that requests for partial retirement will be accommodated. However, where applications are refused, the manager must ensure the applicant is notified of the business reasons for refusal. See the Partial Retirement guidance contained in [Staff Handbook, Chapter 13, Part C](#).

### 13.2.5 Performance, absence, ill health

Staff working beyond their pension age are subject to the same performance, absence and ill health procedures and criteria as staff who are working under their pension age.

If a staff member is disabled, covered by the provisions of the Equality Act 2010 and is medically incapable of carrying out the functions of the post that they currently occupy, even with reasonable adjustments, then that person will be transferred to a post which they can do, provided that this is a reasonable step for the employer to take in the circumstances. Such a transfer will be without detriment to the staff member's terms and conditions.

### 13.2.6 Medical retirement

Highways England may decide to retire you on medical grounds before or after you reach your pension age where:

- a. You can no longer work by reason of ill health, or
- b. your efficiency is so impaired by reason of ill health that Highways England can no longer retain your service.

If you have not reached pension age but you can no longer work, or your efficiency is impaired by reason of ill health, you are entitled to request Highways England to retire you early on medical grounds. Chapter 13B Section 13.2 gives further details.

Should you become disabled, Highways England will support you as far as possible to allow you to remain in work. We recognise the value of retaining staff who become disabled. It means Highways England will continue to have access to their valuable skills and experience and saving on the cost of recruiting a replacement.

### 13.2.7 Referral to Highways England's medical adviser

Where:

- a. You have requested Highways England to retire you on medical grounds, or
- b. Highways England proposes to retire you on medical grounds

You should co-operate with Highways England by supplying such medical evidence relating to your illness or condition (including, where necessary, attendance at a medical examination) as Highways England may reasonably require.

### 13.2.8 Medical retirement appeals

If you are dissatisfied with a decision by Highways England to retire you (or not to retire you) on medical grounds, you are entitled to appeal to a medical board in accordance with such procedures as may be specified by that medical board. Highways England will remind you of this appeal right when you are notified of its decision to retire you (or not to retire you) early on medical grounds.

Any decision of a medical board will be binding on Highways England.

If an appeal against a decision to retire you is unsuccessful, you shall retire not later than four months after the date on which you were informed of the decision.

### 13.2.9 Retirement or payment of preserved payments due to early departures before pension age

Retirement or payment of preserved payments due to early departure before pension age is covered in Chapter 13B Section 13.2.

## Chapter 13.3 - Part A: Redundancy Policy and Agreement

### Part B: Procedure

#### 13.3.1 Coverage

Highways England Redundancy Agreement (RA) is set out below. The RA applies to all employees currently working for Highways England, including those staff on secondment from Highways England and those who are working outside of Highways England under any agreed arrangement. For the purposes of the RA employees on extended special leave and career breaks continue to be notionally attached to their specific business unit for extended special leave up to twelve months, or to Highways England for career breaks of more than twelve months. This will be used to determine whether any compulsory redundancy exercise would be relevant. In the event of a compulsory redundancy situation the line manager would advise an employee to confirm how this impact and whether employees will be included in any relevant “at risk” pool as part of the redundancy process.

#### 13.3.2 Consultation

Consultation with the Trade Union Side on any implementation of the RA would be with a view to reaching an agreement.

#### 13.3.3 Compensation

Every effort will be made to avoid or minimise the number of dismissals of employees under this arrangement, but if dismissals cannot be avoided, compensation will be calculated and paid in accordance with the equivalent terms of the Civil Service Compensation Scheme (CSCS) at the time of dismissal. This includes, where relevant, any reserved rights to specified terms which may be held by individual employees.

#### 13.3.4 'Equality proofing'

The procedures relating to redundancy have been designed to be fair, and the impact on particular groups of staff will be assessed and 'equality proofed', ie, that the selection for redundancy has not disadvantaged any particular group of staff. Highways England is committed to the principles of the Public Sector Equality Duty and the Positive About Disability initiative (commonly known as the Two Tick Symbol), it is the policy of Highways England to ensure all individuals are treated fairly and that no employee receives less favourable treatment on the grounds of a protected characteristic. All reasonable options will be considered in relation to staff with a disability during any redundancy programme, including where appropriate making reasonable adjustments as required by the Equality Act 2010. Equality proofing is an integral part of the RA and is covered in section 2.12 Chapter 2 Part C of this handbook.

#### 13.3.5 Highways England redundancy agreement

Wherever there are indications of surplus employees working in Highways England and before a compulsory redundancy situation is declared, there must be consultation between the Official and the Trade Union Sides (TUS) as early as possible with a view to reaching agreement with the object of avoiding or reducing the number of redundancies and mitigating their effects.

Consultation will begin not less than eight weeks before any compulsory redundancy situation is declared.

Highways England will follow the definition of redundancy described in Section 139 of the Employment Rights Act, 1996. This states that

"an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:

- the fact that his employer has ceased or intends to cease:
  - to carry on the business for the purposes of which the employee was employed by him, or
  - to carry on that business in the place where the employee was so employed, or
- the fact that the requirements of that business:
  - for employees to carry out work of a particular kind, or
  - for employees to carry out work of a particular kind in the place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish."

Highways England will act in accordance with statutory redundancy procedures (apart from calculation and payment of redundancy which will be in accordance with the equivalent terms of the Civil Service Compensation Scheme). Highways England will act in accordance with the principles of the Cabinet Office Protocols where appropriate and will ensure that all reasonable steps are taken to avoid the development of redundancy situations. The selection procedures and criteria will be fair, consistent, objective and non-discriminatory.

Where surpluses of staff arise, Highways England will re-deploy staff wherever possible. The suitability of alternative employment will be decided with reference to location, grade, salary and any educational or vocational qualifications necessary for the role.

If redundancies cannot be avoided, compensation will be calculated and paid in accordance with the equivalent terms of the Civil Service Compensation Scheme (CSCS) as amended from time to time.

## **Chapter 14: Supplement to Highways England Staff Handbook for the Traffic Officer Service**

Part A of this chapter sets out your contractual terms and conditions of employment for Staff employed in Safety Critical Posts in the Traffic Officer Service and should be read in conjunction with the relevant chapter of the main staff handbook.

Part B of this chapter provides procedures to follow whilst employed in a Safety Critical Post in the Traffic Officer Service.

Part C of this chapter provides Guidance in support of your employment in a Safety Critical Post in the Traffic Officer Service.

### **Part A: Supplement to Highways England Staff Handbook for the Traffic Officer Service Policies**

[14.0 Chapter Summary](#)

[14.1 Introduction](#)

[14.2 Working in Highways England](#)

[14.3 Personal Conduct](#)

[14.4 Security and confidentiality](#)

[14.5 Private Interests](#)

[14.6 Legal Representation](#)

[14.7 Performance - no supplement, directs to Chapter 7](#)

[14.8 Pay](#)

[14.9 Travel and Subsistence - no supplement, directs to Chapter 9](#)

[14.10 Attendance Management](#)

[14.11 Grievance and Appeals - no supplement, directs to Chapter 11](#)

[14.12 Industrial Relations - no supplement, directs to Chapter 12](#)

[14.13 Leavers Policy - no supplement, directs to Chapter 13](#)

### **Part B: Supplement to Highways England Staff Handbook for the Traffic Officer Service Procedures**

[14.3 Personal Conduct](#)

[14.10 Attendance Management](#)

### **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 14.0 - Part A: Chapter Summary

*Supplement to Highways England Staff Handbook for the Traffic Officer Service*

### 14.0 Chapter summary

The document applies to the Traffic Officer Service only and material in this section takes precedent over the equivalent chapter reference within the Staff Handbook for staff employed in Safety Critical posts.

The terms and conditions of employment outlined in this document are contractual and supplement the guidance in the existing Highways England Staff Handbook for those undertaking Traffic Officer Service posts. This volume is the first source of policy guidance applicable to employees working in the following Traffic Officer Service Safety Critical posts within the Highways England):

- Operations Managers (TM3)
- Team Managers (TM2)
- Traffic Officers (TM1b)
- Regional Control Centre Operators (TM1a)

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The headings in any chapter, section or paragraph of any of this, or other contractual documents, are descriptive only and are not conclusive as to the interpretation of any such chapter, section or paragraph. To meet the operational needs of the business, Highways England reserves the right to add to, vary, withdraw or otherwise change this document, in its absolute discretion as it sees fit. It will however, negotiate any changes that affect terms and conditions with the Trade Union Side and communicate any such variations as soon as is practicable.

Should you require further information on the application of these policies please contact your line manager. For interpretation and guidance on policy please contact your HR Business Partner.

## Chapter 14.1 - Part A: Highways England Staff Handbook Introduction

### *Chapter 14A - Supplement to HE staff handbook for the Traffic Officer Service Policies*

This section should be read in conjunction with Chapter 1 however the material in this section takes precedent over the staff handbook for staff employed in safety critical posts.

#### 14.1.1 Contract of Employment

People in the above posts are Highways England employees, assigned to Traffic Officer Service duties within Customer Operations Directorate of Highways England. Terms and conditions of employment include those set out in following documents:

- Letter of appointment
- Principal Terms and Conditions document
- The current pay settlement for the Highways England
- The current conditions applicable in this volume as amended from time to time
- Where this volume offers no policy lead, the guidance laid out in the main volume of Highways England Staff Handbook, as amended from time to time
- [The Highways England code of conduct](#)
- Other terms and conditions may also be implied by custom and practice or by employment law

Highways England employees are also covered by the provisions of the Principal Civil Service Pension Scheme, provided they have not elected to "opt out".

It should also be noted that although the Civil Service Compensation and Injury Benefits schemes will no longer apply to you, where you would have qualified for benefits within these schemes the calculations will be carried out in accordance with the equivalent terms.

#### 14.1.2 Safety Critical Posts

The Traffic Officer Service posts to which this guidance applies (see summary at the beginning of the chapter) have been identified as Safety Critical. Highways England recognises that individuals fulfilling these roles will be subjected to higher levels of risk and exposure than other employees affecting the safety and security of themselves, their colleagues and the public. Separate policies have been put in place to ensure that people in Safety Critical posts are supported in fulfilling their duties in a safe and effective manner. Specific Terms and Conditions of Employment apply to staff in these posts so as to satisfy Health and Safety and Security issues related to the posts.

## **Chapter 14.2 - Part A: Working in Highways England**

Part A of this chapter sets out your contractual terms and conditions of employment for Staff employed in Safety Critical Posts in the Traffic Officer Service in relation to working in Highways England.

[14.2.2 Probation](#)

[14.2.3 Working Hours and Attendance](#)

[14.2.4 Leave](#)

[14.2.7 Postings, Promotions and Transfers](#)

[14.2.10 Health and Safety](#)



## Chapter 14.2.2 - Part A: Probation

### [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.

### 14.2.2 Probation

#### Probation policy for staff employed in safety critical posts

In addition to the probation period and before appointment, new staff will be required to complete initial training.

#### 1 Introduction

This section supplements existing policies laid down in the Highways England Staff Handbook [Chapter 2 Part A](#).

It outlines policy in respect of Probation for staff employed in Safety Critical roles in the Highways England.

Where provisions in this section contradict other guidance, the provisions in this section will take precedent above any conflicting provisions for those employed in Safety Critical posts.

#### 2 Objective

To develop a dynamic, fit for purpose probation policy able to meet the operational requirements of the Traffic Officer Service.

Enable line managers to accurately assess an individual's performance during the probationary period, in order that an appropriate recommendation can be made in respect of confirming the appointment.

In developing this policy Highways England have adopted the principles of 'best practice' whilst ensuring consistency with current legislation and other Highways England policies.

#### 3 Probation

All staff in safety critical posts are required to serve a period of probation. The purpose of which is to ensure employees meet the requirements relating to the job role and pay band and that performance and conduct, including timekeeping and attendance, are satisfactory.

Staff must demonstrate satisfactory levels of performance, attendance, timekeeping and conduct during probation, and pre-appointment enquires must be satisfactory before appointment can be confirmed. A decision may be taken not to confirm an individual's appointment at any time within the scheduled probation period, e.g. if there were to be a breach of statutory requirements relating to their job role, failure of health or security checks, gross misconduct, serious poor performance and/or a failure to meet any required training standards as detailed in this policy.

Where an individual is promoted whilst in their probationary period, confirmation of that appointment and other subsequent appointments will be subject to satisfactorily passing the probation period as detailed above.

At the end of the probation period, employees will be notified in writing as to whether their appointment is being confirmed. In the event of the probationary period not being confirmed an Appeal may be made as detailed in section 14.2.2 paragraph 9. Poor performance.

## 4 Probation period

The normal period of probation for staff in safety critical posts is nine months from the date that the employment commenced with Highways England.

Probationary performance reports will be completed by the line manager for all staff at the four and eight month stages (see section 14.2.2 paragraph 6 Line Managers responsibility of this document). A decision whether or not to confirm the appointment will be taken on the basis of an individual's performance, conduct and attendance at the eight month stage.

Any extension is exceptional and will only be considered where there were exceptional or compelling factors or events that have prevented an adequate assessment e.g. essential training course has been delayed.

In exceptional circumstances, line managers may request that the probation period be extended by up to 3 months. Requests should be made on the [probation report form](#) and sent to the HR PMST.

## 5 Line managers responsibility

The line manager must confirm expectations, key deliverables and any objectives from the outset, as a minimum within the first two weeks of employment or end of initial training.

Throughout the probation period line managers must actively manage and monitor performance, attendance, and conduct including timekeeping and general attitude.

Where it becomes evident that an individual is failing to meet the required standards, the line manager must meet with the individual to discuss the concerns and reinforce the standards and objectives required.

The line manager should ensure appropriate training and development intervention is applied as may be necessary to allow the individual to attain the required standard.

Line managers should provide guidance, support and encouragement to all staff throughout and beyond the probation period.

Line managers must consult with HR where clarity is sought in respect of this policy.

## 6 Reporting process

The line manager is required to monitor the individual's performance throughout the entire probation period addressing issues on a case by case basis at the earliest opportunity.

The line manager should meet with the individual on a regular basis e.g. every 6-8 weeks in order that performance is accurately monitored.

Line managers must assess an individual's ability and complete the Probation Report Template at the four month stage, a signed copy of which must be forwarded to the Shared Service arvato via a service ticket.

For appointment to be confirmed an individual must demonstrate that they fully meet the requirements of the post within the specified period as detailed below:

- Satisfactory and sustainable performance of the role by the end of the probationary period; and
- Satisfactory attendance and timekeeping throughout the probation period; and
- Satisfactory pre-appointment enquiries into health, character etc; and
- Satisfactory conduct throughout the probation period;

If probation is to be confirmed, the line manager must complete the Probation Report Template not later than eight months following the commencement of employment.

The completed probation report must be submitted to the Shared Service arvato.

If the line manager considers either at the 8 month review stage or at any other time during probation that the individual is not likely to achieve the standards required, subject to having received appropriate advice, development and support, they should discuss with HR PMST and invite the individual to a hearing before making a final decision.

## 7 Performance (Informal stage)

Where it becomes evident that an individual is failing to meet the required standards, the line manager must, in addition to requirements in section 7, meet with the individual to discuss the concerns and reinforce the standards and objectives required. A period for improvement must be set; in most circumstances this should be a period of one month but not exceeding two months.

Within this period line managers should arrange regular review meetings to ensure the individual is responding to the actions required and in order to address any additional intervention e.g. further training that may be deemed appropriate.

Dependent on the period of time set (as detailed above), review meetings should ideally be held every two to four weeks or at intervals as may be agreed by both parties.

In exceptional circumstances e.g. where specific, safety critical concerns are apparent, it may be appropriate to implement additional, targeted support e.g. job shadowing or mentoring for the individual. In these circumstances, it would be appropriate to apply more frequent interim reviews e.g. daily/weekly meetings.

In most cases review meetings (detailed above) will be scheduled in accordance with the individual's roster pattern. However, in certain circumstance it may be necessary and/or in the interest of the individual to attend outside of their scheduled attendance. In such circumstances and in agreement with the individual, the individual will receive an overtime payment or time of in lieu for attending the review meeting.

Staff should be encouraged to discuss any concerns they may have and objectives targeting the specific concerns should be clearly identified. This action should ensure that the individual is aware of the improvements required and the timescales set.

Line managers should refer back to the SMART objectives and competence levels for the post but it is also important to introduce additional targeted development/ training activities to assist the individual to improve their performance.

All review meetings should be conducted on a formal basis. Notes should be taken, recording all evidence based comments relating to the individuals performance.

As individuals have the right to see this record, they should be asked to sign copies to ensure the notes accurately reflects the discussions held.

In assessing an individual's performance, line managers should employ such measures as may be required in order to accurately assess the individual. This may involve the line manager or others 'shadowing' the individual whilst carrying out duties or by seeking an independent view e.g. inter-regional support.

Where it is deemed appropriate to require an independent assessment, the line manager must first meet with the individual concerned to consider, with a view to agreeing whether the any 'assessor' is made aware of any the specific concerns. A full written report must be submitted upon completion of the assessment.

## 8 Poor performance (formal stage)

In circumstances where performance is below an acceptable level and informal action fails to secure sufficient improvement, as detailed in section 7, formal measures will be warranted.

If an individual's performance fails to meet the required standards by the four month review stage (see below), a written warning may be issued to the individual.

It is appropriate to issue a first written warning at the four month review point where and individual's performance is such that:

- objectives are not only missed, but in a manner clearly below reasonable expectations and fundamental to what the job requires
- agreed levels of competence required in the role are not being demonstrated
- despite retraining/ improvement required standards are not being met

The line manager must meet with the individual to discuss the concerns and reinforce the standards required, referring back to the SMART objectives where necessary. It is important that the proper procedure for giving a written warning as set out in Chapter 7 of the Handbook is followed.

A further period of improvement, ideally one month, but no more than three months, should be set, to enable the individual to demonstrate the required improvements.

In order to support the individual in attaining the required standards, targeted intervention should be considered e.g. job shadowing, mentoring, with daily/weekly review meetings scheduled to monitor the individual's performance.

The line manager must advise the individual that continued poor performance may result in further action being taken e.g. final written warning, and a recommendation not to confirm their appointment at the eight month review stage may be made, or in certain circumstances e.g. where specific safety critical standards are not attained, before this time.

Where, following a period as determined above, no sustained improvement is evident, or where a demonstrable decline in performance is apparent, a final written warning may be issued to the individual.

The line manager must meet with the individual to discuss the concerns and reinforce the standards required. Further objectives should be set and review meetings scheduled to monitor the individual's performance. It is important that the proper procedure for giving a final written warning as set out in Chapter 7 of the Handbook is followed.

In order to support the individual in attaining the required standards, targeted intervention should be considered e.g. job shadowing, mentoring, with daily/weekly review meetings scheduled to monitor the individual's performance.

Where, despite formal action being taken, an individual's performance fails to meet the required standards either at the eight month stage, or in certain circumstances prior to the eight month stage

(e.g. where it is clear that the individual is not likely to meet the required standards despite all interventions being taken as detailed in this policy), a recommendation not to confirm appointment should be made as detailed in section 12 Confirmation of appointment of this policy.

Where it has not been possible to take all the necessary action before the end of the probation period (e.g. because performance issues emerge only after the four month stage), exceptionally it will be open to line managers to recommend that probation is not confirmed at the eight month stage even though formal warnings have not been given. In these circumstances the following minimum steps must have been taken:

- A four month and eight month probation report must have been completed and shared with the individual
- At least one meeting must have been held to discuss poor performance prior to the completion of the eight month report and the individual provided with appropriate support/ time to improve

## 9 Conduct

Where an individual on probation is guilty of minor misconduct (as defined in Chapter 3 of the Staff Handbook), they should be called to an oral hearing and, if appropriate, given a formal oral warning and a period of improvement set, ideally one month, but no more than two months. It is important that the proper procedure for giving an oral warning as set out in Chapter 3 of the Handbook is followed.

If, during the life of the oral warning there is a further act of misconduct, the individual should be called to an oral hearing and, if appropriate, given a written warning plus a period of improvement set, ideally one month, but no more than two months. It is important that the proper procedure for giving a written warning as set out in Chapter 3 of the Handbook is followed.

If there has been one or more formal warnings for minor misconduct or for an act of serious misconduct during the probationary period, this should be reflected in the 4 month and/ or 8 month probation report and taken into account when deciding whether the individual has passed probation. This does not preclude an individual being dismissed at an earlier stage for serious/ gross misconduct where dismissal is the appropriate penalty.

## 10 Attendance

Where absence levels exceed the formal triggers for inefficiency action on grounds of poor attendance set out in Chapter 10 of the Staff Handbook, line managers should arrange oral hearings, give written/ final written warnings as appropriate and allow time for improvement (one month after a written warning and two months after a final written warning). It is important that the proper procedure for giving written/ final written warnings as set out in Chapter 10 of the Handbook is followed.

Where absence levels exceed the trigger points during the probation period and one or more appropriate warnings have been given, this should be reflected in the 4 month and/ or 8 month probation report and taken into account when deciding whether the individual has passed probation.

## 11 Confirmation of appointment

For an appointment to be confirmed, individuals must demonstrate that they fully meet the requirements of this policy and of those required of an employee working within Highways England.

These requirements are based on:

- satisfactory and sustainable performance of the role by the end of the probationary period; and
- satisfactory attendance and timekeeping throughout the probation period; and

- satisfactory pre-appointment enquiries into health, character etc; and
- satisfactory conduct throughout the probation period;

A decision to confirm employment should be made by the line manager on the probation form during the 8 month review with regard to the criteria above, by completing the appropriate section of the form

A decision not to confirm appointment before the end of the probation period may be appropriate where it can be demonstrated that despite relevant interventions and formal warnings no improvement in performance is apparent or in the opinion of Highways England is likely to be within the probation period.

Individuals may be dismissed at any time if their conduct is unsatisfactory or if they have knowingly provided false information during recruitment (see Chapter 3A – Personal conduct of the Staff Handbook, in particular the Maintaining Satisfactory Standards of Conduct).

Action that could lead to dismissal can only be taken by managers at least one grade above the job holder (minimum TM2 level). If the line manager considers either at the 8 month review stage or at any other time during probation that the individual is not likely to achieve the standards required, subject to having received appropriate advice, development and support, they should discuss with the HR Team and invite the individual to a hearing before making a final decision,

A copy of the 4 month and/or 8 month Probation Report Templates and all supporting documentation on which the decision will be based must be provided to the individual.

If the hearing finds that conduct, performance or attendance is unlikely to reach acceptable standards before their probation period ends the employee should be dismissed.

However the line manager must consult with HR to confirm the following before making a decision to terminate employment;

- the correct procedure has been followed throughout the probation period
- all reports have been submitted in accordance with the policy and in the timeframe specified
- HR support and agree the decision is correct decision based on the information provided

A decision to terminate employment must be confirmed in writing. A standard template letter is included in the Probation guidance.

## 12 Appeal process

An employee who wishes to appeal against a decision to terminate employment must do so within 10 working days of the date of the decision letter by writing to the *Countersigning Officer*. The *Countersigning Officer* considering the appeal must be at least one pay band above the person whose decision is being appealed (unless the person making the decision was a Senior in which case the appeal officer can be of the same band).

### *a) Initial training policy for safety critical staff*

Highways England is committed to the training and development of its entire staff. As part of this process Highways England believes that an effective training programme forms a vital foundation for each member of staff. The Initial Training process applies to everyone starting a new job in these Safety Critical posts (including those who are transferring from a different division or office location in Highways England), and staff who are returning from a long-term absence (excludes Maternity Leave). Staff are required to attend and pass all scheduled training courses and adopt the standards of Highways England throughout the course of their duties. For Health and Safety reasons staff in Safety Critical posts will be offered employment conditional on them satisfactorily completing their Initial Training (See below)

Learning and development requirements must be identified and agreed between employees and line management. Once the needs are identified, agreed learning requirements will be entered on to the employee's Individual Development Plan (IDP) on the Shared Service arvato Portal.

Line managers have a responsibility to assess the impact of training courses on an individual's performance in the workplace and whether the objectives for attending the training course have been met.

All new Highways England staff working in Traffic Officer Service Safety Critical posts must adhere to the required standards and expectations in respect of their initial training. This section relates to the need to satisfactorily complete training as outlined in the offer of employment letter, which forms part of the contract of employment with Highways England.

Where this policy contradicts guidance laid down elsewhere, the provisions in this policy will have primacy over any conflicting provisions in respect of any other initial training policy within Highways England.

For the avoidance of doubt, the Safety Critical posts affected by this policy are outlined in the summary at the beginning of this chapters . Compliance with this policy is a condition of employment. Failure to meet the requirements (see paragraphs below) of this policy may result in your appointment not being confirmed at any time throughout the probation period.

All individuals will be required to attend and pass initial training. Furthermore, they will also be required to undergo security and medical checks in line with current Highways England procedures as set out in the Offer of Employment letter and in current guidance (including Chapter 14.2A Section 14.2.10 paragraph a) Health and Safety and Chapter 14.4A Section 14.4.1 Security and Confidentiality policies).

#### *b. Definitions*

For the purpose of this policy the term 'initial training' relates to a training programme that commences with or soon after the start of employment within a Safety Critical Post in Highways England.

#### *c. Training*

It is the policy of Highways England to ensure that all employees (in accordance with the provisions of the Equal Opportunities Policy) are developed and trained in order to satisfy statutory requirements, protect the safety of its employees and the public, meet Highways England business objectives and wherever possible, meet personal aspirations of individuals.

In accordance with the above, you will be required to attend training and development courses. This will include an initial training programme to commence immediately upon or shortly after the start of employment.

Mandatory courses must be attended. Each member of staff is responsible for attending such courses both on initial training and in the future. Attendance and performance is monitored at all stages throughout each course and any/or both of these areas may contribute to any final assessment.

Absence, other than through ill health, which must be supported by a Doctor's certificate after seven days, must be with advanced agreement of the Line Manager or Training Manager.

If in the opinion of the Training Manager, assessor or tutor, a period of absence warrants it, an individual may be required to re-sit any module.

Throughout the initial training programme, individuals will be required to pass a variety of modules. These are designed to equip them to perform their basic duties within the workplace effectively and safely. All modules are subject to assessment, the outcome of which will determine if the individual



can move on to the next part of the programme. Dependant on performance and the business, Highways England and/or assessor reserves the right to require an individual to re-sit a module at a later date. Should there be any final assessment this may be delayed until such a time that all modules are completed to a satisfactory standard.

Regular reviews will take place throughout the training programme, appropriate feedback given and performance recorded in line with Training Policy. These reviews are designed to highlight any area(s) where an individual may need extra support. Assistance and support will be given to individuals to assist in meeting standards.

If in the opinion of the assessor (supported by documentary evidence from the reviews) an individual is deemed unlikely to meet the required standards in any/or all modules, Highways England reserves the right not to confirm their appointment to a Safety Critical Post with immediate effect. Any concern about performance should first be discussed, documented and feedback provided, before a decision to not confirm an appointment is considered and made. Discussions should take place with the following people: a) student with course tutor; b) student with course tutor and course manager, and; c) escalation to include the line manager. (In the absence of a formal line manager, this will be an employee of Highways England e.g. Highways England Training Manager.)

For the avoidance of doubt, if a decision is made not to allow an individual to continue with initial training and not to confirm appointment, Highways England's decision will be final.

As part of initial training, Highways England may require staff to complete a final assessment. It is a condition of your employment with Highways England that you pass any such assessment should it be necessary, the results of which will be fed back to the member of staff for review.

A decision on the way forward and whether or not to confirm appointment will be made based on evidence and information supplied by the Assessors including whether or not an additional assessment can be taken. Highways England has no obligation to offer any additional assessment. However any additional assessment that is offered will be based on the recorded judgements of the original assessment, issues raised during the reviews and the overall performance in each module.

If a further assessment is permitted the result of this assessment will be final. If an individual fails to meet the required standard for the second time the staff member will be considered to have failed Initial Training. Their appointment to a Safety Critical Post with Highways England will not be confirmed with immediate effect.

Subject to meeting all other criteria outlined in the offer letter and the associated terms and conditions, members of staff successfully passing all modules of their initial training and any final assessment may commence their duties.

Members of staff failing to meet the required standards, as set out by Highways England and its assessors will have the right to appeal against the decision. Beyond the process outlined above a formal appeal may be made in writing to a senior manager. For training continuity purposes this must be made known within five days of the result being declared.

From time to time, Highways England will, where it sees fit to do so in order to meet the business and/or individual needs, require members of staff to attend further training courses in line with, or independent to any Training or Development programme in place at the time. It is a condition of employment that staff attend and pass these courses.

Learning and Development requirements must be identified and agreed between members of staff and line management. Once the needs are identified, agreed learning requirements will be entered on to the employee's Individual Development Plan (IDP) on the Shared Service arvato Portal.



#### *d. Data protection*

Any information acquired by Highways England, in the process of carrying out this policy will be held by Highways England in accordance with Data Protection Act 1998.

#### *e. Review*

Highways England will periodically review this policy and will amend it following consultation with the Trade Union Side.

## Chapter 14.2.3 - Part A: Working Hours and Attendance

### Part C: Guidance

*Chapter 14A – Supplement to HE staff handbook for the Traffic Officer Service Policies*

## Chapter 14.2 – Working in Highways England Policy

This section should be read in conjunction with Chapter 2 however material in this section takes precedent over the staff handbook for staff employed in safety critical posts.

### 14.2.3 Working hours and attendance

#### *a) Permanent Stations and Place of Work*

Staff will be appointed to a Permanent Station, which for Traffic Officer Service duties will either be the Regional Control Centre (RCC) for that region or one of the designated outstations/depots. This will be known as the Permanent Station. Under no circumstances will home addresses be used as a permanent station. Staff are required to travel reasonable distances within the Region as part of their operational duties. Staff may not claim Subsistence whilst on normal duty on the network to which they are employed to work.

#### *b) Working Arrangements: Shift Patterns*

To provide a quality service and meet customer needs, Highways England will operate a continuous service over a 24 hour period, 365 days per annum.

A working week (excluding breaks) will comprise 37 hours a week with attendance based on shift rosters to be determined by Customer Operations Management, according to needs. Rosters will be subject to change and adaptation to meet local operational needs. Staff working a shift system will receive the appropriate shift allowance (See below that will be paid in addition to basic salary to reflect the attendance pattern being worked).

A general approach has been developed as a national framework. These may be adapted to suit local operational imperatives.

#### *Key Elements:*

Application of a:

- 3 shift, attendance system, over 24 hours, 365 days a year
- Double day shifts (early/late excluding nights 365 days a year)

This is likely to operate across all Regions and Regional Control Centres, with additional flexibility to address regional fluctuations in workload and weekend requirements.

#### *Shift Allowance*

A shift allowance will be paid in addition to basic pay: At start up of service this is:

- 20% for staff available to work a shift pattern over 24 hours, 365 days a year and;
- 12.5% for those available for double day shifts (early / late - excluding nights) 365 days a year.

Other work patterns will be subject to consultation with the TUS.

### *Part Time and Job Share Staff*

A sliding scale based on pro rata payments will be agreed for staff who do not work the full shift systems.

### *Continuity of Shift Allowances*

Shift allowances will cease to be paid if staff move to other duties. The Continuity Policy is at Chapter 14.8A Section 14.8.

### *Variation of Shift Patterns*

Highways England reserves the right to amend the duration and timing of shifts subject to giving you a reasonable period of notice normally expected to be a minimum of 4 weeks, however Highways England reserves the right to give a shorter period of notice.

### *Review of Allowances*

Allowances are a separate payment made in addition to basic pay and may be reviewed and adjusted, after negotiation with the Trade Union Side. Allowances will reflect the attendance patterns associated with Shift Rosters which may be adjusted with 4 weeks notice.

### *c) Working Arrangements: Staff Flexibility - Working Hours*

Highways England needs its employees to be flexible in order to meet operational and customer demands. This includes a requirement on staff, according to their post, to adopt a flexible attitude with regard to shift working arrangements, including overtime, 'on-call' availability (where required) and dealing with exceptional operational circumstances and job mobility obligations. Staff may be required to move between posts that are within a reasonable travelling distance of their home, to work away from home for periods of detached duty, to work overtime where it is a requirement of the post and to be "on call" where it is specifically identified by line management as proper to the post.

### *d) Punctuality and Unplanned Absence e.g. Sickness Absence and Ill Health*

To meet customer needs, we rely on all staff in Highways England to attend work punctually and on a regular basis. Staff are therefore expected to take all reasonable steps to look after their health, thereby minimising the effect of any absence period, as lateness, prolonged absence and/or repeated short absence periods can have an adverse impact on both team colleagues and our customers.

All staff should contact the duty Team Manager preferably personally or via someone acting on their behalf, as soon as possible or at least two hours prior to their scheduled work start time on the first day of absence. You should state: the reason for absence; whether you intend to see a doctor; a best estimate of date of return. Where possible, staff should also make arrangements for next contacting their line manager / Highways England.

For its part, Highways England will take appropriate steps to provide positive support to staff where they have any health or personal concerns that affect their ability to attend work. This includes obtaining relevant independent medical advice where this is considered appropriate.

### *e) Uniform, Presentation, Dress Code and Identification Policy*

Given the high public profile of our role, it is essential that staff wear the designated uniform in accordance with latest policy and carry the required Identification Card at all times whilst on official duty.

The wearing of uniform and carrying of an ID Card is a condition of employment for staff employed to Safety Critical posts. These post holders will be issued with an Identification Card, which signifies the powers to undertake certain tasks associated with the post.

Highways England is an Equal Opportunity employer and recognises the importance of having a diverse workforce.

#### *Religious dress and/or body piercings:*

Any item of dress or any body piercing that you are required to wear by reason of your religion or culture will be permitted - subject to strict adherence to the following conditions:

- You must continue, so far as possible, to wear your full uniform whilst on duty- as you must be seen by the general public to exercise the proper powers relevant to your post, and
- Your proposed item(s) of dress or body piercing must be discrete and not conflict with any health and safety obligation either to yourself, your colleagues and/or the general public

#### *Disability and the Equality Act 2010*

Highways England will make such variations as are reasonable in all of the circumstances to the uniform, so as not to place a disabled person (within the meaning of the Equality Act 2010) at a substantial disadvantage in comparison with persons who are not disabled.

#### *Respective Responsibilities:*

All employees must:

Uniform:

- Wear the full uniform while on duty, that is issued to you from time to time;
- Not substitute any item of uniform clothing for another not officially issued to you without prior agreement;
- Not wear any additional visible item of clothing, headgear and/or fashion accessories not provided to you by Highways England without prior written approval of your line manager;
- Keep your uniform clean, neat, tidy and properly maintained at all times;
- Seek the prompt replacement of any uniform item that becomes damaged or permanently soiled, and make suitable alternative arrangements in consultation with your line manager to operate effectively and safely in any interim period;
- Wear the designated uniform only when on official duty, or when travelling to and from your place of work, and;
- Return the uniform when you are officially requested to do so (as it shall at all times remain the property of Highways England).

Identification:

- Keep your Identification Cards and other official articles safe and secure at all times, reporting any loss at the earliest opportunity;
- Use your Identification Cards only for official purposes and only when undertaking official duties, and;
- Return your Identification Cards to your line manager when you leave your post, or at times when any absence from duty extends beyond 6 weeks.

Presentation/Personal Appearance:

- Wear uniform properly so as to ensure safety at all times and keep your personal appearance neat and clean so as to properly reflect the responsibility of the post and Highways England.

#### Potential disciplinary action

- Recognise that either a serious and/or persistent breach of any of the above policies regarding your Uniform, your Identification and/or your Presentation/Personal Appearance without good reason may lead to disciplinary action as outlined in the Staff Handbook.

For information on how to keep your uniform clean see chapter 14.2 Part C Section 14.2.10.

## 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 A: Postings, Promotions and Transfers

### [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.*

### 14.2.7 Postings, promotions and transfers

#### *a) Transfer Arrangements: Highways England Staff moving to Traffic Officer Service Roles*

Clear procedures exist for staff to transfer into the Traffic Officer Service from the 'asset' side of Highways England (otherwise known as Non –Traffic Officer Service). The position is offered subject to the satisfactory completion of all security checks and medical and fitness assessments, including attending and satisfactorily completing the Training Programme and any subsequent training. The pay arrangements for staff moving from existing Highways England Pay bands into Traffic Officer Service Roles are outlined in the table below.

<b>Current Highways England Pay Grade</b>	<b>TM Pay Grade</b>	<b>Pay Transfer Rule</b>
AA (£17,275)	TM1A (RCC Operator) (£19,757)	Transfer to TM1A salary (£19,757), Shift premia and other allowances may apply.
AO (£19,671)	TM1A (RCC Operator) (£19,757)	Transfer to TM1A salary. Shift premia and other allowances may apply.
AO (£19,671)	TM1B (Traffic Officer) (£22,191)	Transfer to TM1B salary (£22,191). Shift premia and other allowances apply in addition.
AO (£19,671)	TM2 (Team Manager) (£28,381 to £30,511)	Transfer on to minimum for TM2 scale (£28,381). Shift premia and other allowances apply in addition.
EO (£22,682 to £23,815)	TM1B (Traffic Officer) (£22,191)	Transfer to TM1B salary (£22,191). Shift premia and other allowances may apply.
EO (£22,682 to £23,815)	TM2 (Team Manager) (£28,381 to £30,511)	Transfer on to minimum for TM2 scale (£28,381). Shift premia and other allowances may apply.
HEO (£27,183 to £29,493)	TM2 (Team Manager) (£28,381 to £30,511)	Rules apply as for level transfer. Shift premia and other allowances may apply.
PB5 (£33,009 to £36,310)	TM3 (Operations Manager) (£42,869 to £49,300)	Transfer to minimum of TM3 scale (£42,869). Shift premia and other allowances may apply.
SEO (£39,790 to £43,770)	TM3 (Operations Manager) (£42,869 to £49,300)	Rules apply as for level transfer. Shift premia and other allowances may. Minimum for TM3 will apply where SEO salary is below £42,869.

## Chapter 14.2.10 - Part A: Health and Safety

### Part C: Guidance

#### *Chapter 14A - Supplement to HE staff handbook for the Traffic Officer Service Policies*

## 14.2 Working in Highways England Policy

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.

### 14.2.10 Health & Safety

Highways England undertakes to provide and maintain a safe working environment required by law. It also recognises that in Safety Critical posts, employees may at times be subject to increased risk. This Health & Safety section sets out how Highways England and the individual can work together to minimise risks in the workplace.

The management of Health, Safety and Welfare for all Highways England staff is defined in the overarching Highways England Health and Safety Policy. Detailed arrangements for Highways England staff working in offices and other buildings are covered by the Highways England Supplemental Policy Statement dated June 2000 and the accompanying Office Health and Safety Notices. Procedures and policies applicable to all Highways England staff (such as those required by DSE, VDU Regulations and the Working Time Regulations) will equally apply to those in Traffic Officer Service posts.

The processes and procedures identifying the Health & Safety related tasks to be undertaken by TOS staff whilst working on the network are published in the [Traffic Officer Manual](#). The Manual contains copies of the relevant risk assessments and associated information, together with the training provided to Traffic Officer Service staff and further defines safe systems of work and must be adhered to.

These combined documents are available in each Regional Control Centre and Outstation for reference purposes. Please contact your HR Business Partner should you have any difficulty accessing these documents.

In addition to the Highways England Health & Safety Policy, staff are also required to adhere to the requirements of the Highways England Uniform Policy ([See chapter 14 section 14.2.3 paragraph 8.](#)).

#### a) Health & Fitness (inc. Medical Checks) Policy for staff in Safety Critical Posts

The motorway and trunk road network is a hazardous environment, often involving high noise levels, fast moving traffic, and the possibility of chemical spills and noxious fumes. In turn, regional control centre work presents its own hazards with long periods in office-based roles using technical equipment. Staff in both areas may also find themselves immobile for periods of time. Staff in these posts need to meet appropriate minimum health and fitness standards and maintain these standards in order to undertake Traffic Officer Service (TOS) duties. This will safeguard the welfare and safety of individuals, their colleagues and the public. Highways England needs to be sure that staff have no medical conditions that might be exacerbated by working in the TOS environment (other than where a reasonable adjustment might negate the effect of this), or that it does not put the health and safety of staff or the public at risk and that staff have the physical fitness to cope with the work.

#### *Pre-employment medical checks*

Before commencing employment the successful candidates will undergo a medical assessment. All successful candidates are required to satisfactorily complete a medical questionnaire supplied by the Highways England Medical Advisor. Individuals will be invited to attend a medical assessment once



the medical questionnaires have been received. Satisfactorily completing the medical check is a requirement before individuals are able to commence duties. Highways England must establish whether individuals can carry out functions that are intrinsic to the work concerned, with reasonable adjustments in place, as required.

The medical examination will involve two assessments. The first is a clinical assessment that will check height, weight, blood pressure etc. The second part of the assessment will be a functional test which will last for approximately one hour. However, candidates who, in the opinion of Highways England medical advisor, are unsuitable for a safety critical role, and for whom Highways England decides that reasonable adjustments cannot be made, will not be eligible for appointment to safety critical posts. The areas covered by the pre-recruitment assessment are described in 'Pre-employment health assessment', a report by the Highways England Medical Advisors for Highways England,, a copy of which is available from your HR Business Partner.

Highways England is an Equal Opportunity employer and recognises the importance of diversity. It will therefore operate a positive approach to issues regarding the Equality Act 2010, as outlined below.

### *Equality Act*

Highways England will make such variations as are reasonable in all of the circumstances so as not to place a disabled person (within the meaning of the Equality Act 2010) at a substantial disadvantage in comparison with persons who are not disabled.

### *Probation*

If during the period of probation it becomes clear that an officer is impaired in his/her performance of the role, or that he/she compromises their own safety or that of others because of a medical problem (including the use or abuse of alcohol or drugs), Highways England will support the officer in the resolution of that problem. However, if the problem cannot be resolved within the probation period, the officer's service will be terminated.

### *During employment*

Highways England policy is to minimise the risk of injury or harm to its staff. For example, headsets in the Control Centre are designed to avoid acoustic shock and on-road work procedures are designed to avoid contact with chemical spillages, noxious fumes and sources of infection. Highways England will provide information on possible hazards at appropriate intervals to affected staff.

Highways England will carry out regular medical assessments of staff in safety critical posts including those checks required specifically in respect of night workers. In addition, staff who reasonably believe they have been in contact with chemical spillages, noxious fumes or sources of infection may request a medical assessment at any time. Current advice from Highways England Medical Advisors states that staff in safety critical posts are at no greater risk of exposure to such diseases as Hepatitis B, TB and Tetanus. However staff may still request vaccinations/inoculations for this cost. All requests will be assessed on a case by case basis and would typically be applied following attendance at an incident where it was deemed (following a risk assessment) that the attendees may have been exposed to a greater risk.

Should the Highways England Medical Advisor advise that an officer is unfit for a safety critical role, every effort will be made to find alternative employment for that officer although Highways England cannot guarantee to do so.

An officer who becomes pregnant should inform her line manager as soon as possible. A risk assessment will be carried out. If it is likely that her health or that of the unborn baby will be put at risk should she continue in her role, every attempt will be made to find suitable alternative employment for the duration of the pregnancy. Failing that, she may be allowed paid special leave for the period until maternity leave begins.

It is an officer's responsibility to ensure he/she is fit for duty. Officers should not report for duty if they are unfit through a medical condition or under the influence of drugs or alcohol (see Drugs and Alcohol Policy at Chapter 14.10A Section 14.10.1

Line managers who believe that an officer's ability to carry out his/her role is impaired as a result of a medical condition or the use/abuse of alcohol or drugs may at any time request a medical assessment. Initial contact should be made through the HR Business Partner.

It is important that officers should not compromise their own safety or that of others. Therefore Highways England prefers that an officer should be absent rather than to report as fit for duty when they are not. In the case of repeated occasions where an officer is unfit for duty, Highways England will view the matter sympathetically and make reasonable adjustments to enable the officer to carry out their role and this will be based on medical advice where considered necessary. Abuse of this provision may be regarded as a disciplinary or poor performance matter.

A serious view will be taken of any officer who reports as fit for duty when he/she is aware that they are not fit and their safety or that of others may be put at risk. This may result in disciplinary proceedings being taken in accordance with the procedures outlined in the Staff Handbook.

It is the line manager's responsibility to ensure his/her staff are fit for duty and to take appropriate action (including transfer to other duties or suspending pending investigation and possible disciplinary action) over an officer who, in the line manager's opinion would be impaired in his/her performance of their role or who would pose a danger to themselves or to others.

### *Drugs and Alcohol*

Highways England has a positive approach to the treatment of problems caused by alcohol or drug abuse or misuse. Staff with alcohol or drug problems will be encouraged to seek help on a confidential basis. Highways England recognises that such problems can be treated successfully.

Staff must not put their own or others' safety at risk by attempting to work when their performance is impaired through alcohol or drugs (whether recreational or prescribed). The detailed policy, including a testing regime that will apply in certain circumstances, is at Staff are required to conform to the requirements of any current Highways England Drugs and Alcohol Policy for staff in Safety Critical posts and this is a condition of employment.

### *Ongoing fitness*

This medical and fitness policy is applicable to staff employed in Safety Critical posts. Staff are encouraged to maintain their health and fitness levels for their own safety, as well as their ability to carry out the safety critical role. For example, staff should follow any advice that may be made available through the Highways England Medical Advisors and by participating in sporting and social activities where possible. This may be through the Highways England sporting and social organisations.

Staff will receive medical checks at regular intervals while they are in Safety Critical posts. In addition, staff or their line manager may request a check if their health begins to have an impact on their work, well-being and that of others. This includes those accessing hazardous chemicals in the course of their work.

Working procedures have been designed to avoid contact with noxious chemicals and contagious diseases. Advice from the Highways England Medical Advisors indicates that staff carrying out Safety Critical roles are at no greater risk of exposure than those in other areas of Highways England. However, staff (other than those who are office based, i.e. RCC Operators) may request vaccinations/inoculation against Hepatitis B, Tetanus and Tuberculosis (TB). All requests will be assessed on a case-by-case basis and would typically be applied following attendance at an incident where it was deemed (following a risk assessment) that the attendees may have been exposed to a greater risk.

### *Blood Donation*

Highways England encourages and supports national blood service donor sessions. However, it is minded of certain potential side effects that donating blood may have on staff working in safety critical roles.

For the majority of staff there are minimal side effects e.g. potential for slight dizziness. This does not pose a problem for most staff returning to their place of work after donating blood.

For staff employed in Safety Critical roles, a side effect such as delayed faint or dizziness could have a significant impact on their ability to perform in their job and the health and safety of themselves and others.

Staff employed in safety critical posts wishing to donate blood must adopt the following practice:

- Wherever possible only donate blood on a rest day
- Never donate blood during rest or lunch breaks
- If you have donated blood, you must allow a period of time equivalent to a typical “night’s rest” e.g. 8-10hrs before returning to work, for example it would be permissible to donate blood before midday if you are working a night shift

Due to the operational needs of the Traffic Officer Service, it is not permissible for Traffic Officer Service staff to take special paid leave to donate blood.

### *Potential disciplinary action*

Staff must recognise that either a serious and/or persistent breach of any of the above policies regarding failure to take due regard for health and fitness to work may lead to disciplinary action as outlined in the Staff Handbook.

### *Smoking and Electronic cigarettes*

Highways England has a no-smoking policy in all of its buildings and other Highways England property. This includes all Highways England vehicles.

The ban includes the use of electronic cigarettes.

Following concerns regarding the safety electronic cigarettes raised by the world health organisation, it has been agreed with Trade Union Side that as a reasonable precautionary measure the use of electronic cigarettes within a Highways England building or vehicle will no longer be permitted.

The employee assistance programme, provided by HELP EA, can also provide assistance to staff on how to reduce or stop smoking.

## Chapter 14.3 - Part A: Personal Conduct

Part A of this chapter sets out your contractual terms and conditions of employment for Staff employed in Safety Critical Posts in the Traffic Officer Service in relation to personal conduct.

### Part A: 14.3 Personal Conduct

[14.3.2 Suspension, Standing down policy](#)

[14.3.4 Reporting Personal Arrest or Conviction](#)

[14.3.2 Suspension, Standing down policy](#)

## Chapter 14.3.4 - Part A: Reporting Personal Arrest or Conviction

### [Part C: Guidance](#)

## Chapter 14.3.4 - Part A Suspension, Standing down policy

*Chapter 14A - Supplement to HE staff handbook for the Traffic Officer Service Policies*

### 14.3 Personal Conduct

*This section should be read in conjunction with Chapter 3 however the material in this section takes precedent over the staff handbook for staff employed in safety critical posts.*

#### 14.3.4 Reporting Personal Arrest or Conviction

To maintain public confidence in the integrity of the operation, staff must promptly report, in writing to their line manager any occasion when they are arrested, cautioned, charged or convicted for any offence (and this includes driving penalties and offences).

Staff must recognise that if they are convicted of an offence that materially affects their official Highways England position and/or duties, they will be subject to the Highways England disciplinary procedures as outlined in the Staff Handbook. This could include immediate suspension and, after appropriate investigation, termination of employment.

For its part, Highways England will provide appropriate advice and support to the individual concerned so that the matter is resolved as soon as is reasonably practicable.

## Chapter 14.4 - Part A: Security and confidentiality

### Part C: Guidance

*Chapter 14A - Supplement to Highways England Staff Handbook for the Traffic Officer Service Policies*

### *14.4 Security and Confidentiality*

*This section should be read in conjunction with Chapter 4 however the material in this section takes precedent over the staff handbook for staff employed in safety critical posts.*

#### 14.4.1 Security and Confidentiality

Given the high public profile of the role, the level of trust invested in our staff by the public, and the importance of the trunk road network to the national economy, it is essential that our staff are, and are seen to be honest and impartial in the exercise of their duties. All successful applicants to Traffic Officer Service posts will undergo security and criminal records checks as proper to the post. After employment, repeat checks will be made at intervals as determined by Highways England policies on security and vetting.

Highways England is committed to the principles of the Rehabilitation of Offenders Act and a criminal conviction in your past may not be a bar to employment in these posts. Further information is given in "Applications for Positions in The Traffic Officer Service in Highways England: Guidance for Candidates on Employment of Applicants with Criminal Convictions." (See Chapter 14C Section 14.4.1). This is guidance and any specific areas of doubt should be referred to your HR Business Partner.

## **Chapter 14.5 - Part A: Private Interests**

### **14.5.1 Secondary Employment Policy**

This policy is under consideration with TUS

[The Secondary Employment Policy document](#)

## Chapter 14.6 - Part A: Legal Representation

### *Chapter 14A - Supplement to HE staff handbook for the Traffic Officer Service Policies*

*This section should be read in conjunction with Chapter 6 however the material in this section takes precedent over the staff handbook for staff employed in safety critical posts.*

### 14.6.1 Legal Representation

Due to operational demand and building on the existing provisions for legal support detailed in Chapter 6 of the Staff Handbook, See Section 14.6.2 below Provision of Legal Support for TOS Staff, addresses specific TOS requirements and provides further information on how TOS staff can obtain legal support.

The process for obtaining legal support is clearly outlined and details greater clarity as well as guidance for staff employed in 24/7 operational environment. In particular, it specifies how legal support can be obtained outside of normal office hours in exceptional circumstances.

The process better enables managers to obtain the legal support they require. Such advice is normally facilitated by HR during 'office' hours. However, in circumstances where legal support is required outside of normal 'office' hours, managers in the TOS are now able to contact their local RCC to obtain the Duty Officer's contact details. This will enable the manager to obtain the required advice from a member of the Legal Services Team.

A 'key contact' sheet is also provided within the information below, the use of which is intended for line managers only and in the case of the Duty Officer, with the consent of the Head of On Road, Team Leader or Duty OM (as appropriate). The contact sheet should be held locally in the RCC under the supervision of the RCC Team Manager, to ensure it is available on a 24/7 basis (See below).

### 14.6.2 Provision of Legal Support for TOS Staff

#### *a) General Principles*

It is the responsibility of all staff to immediately, or as soon as is practicable to do so, report to their line manager all occasions when in connection with their official duties;

- a claim is made upon or proceedings are taken against them;
- any request is received by them, in connection with legal proceedings, to make a statement, produce a document or give evidence;
- any document in court proceedings, including a witness summons, is served on them;
- they are involved in or become aware of any incident which may constitute a criminal offence or give rise to civil legal proceedings against themselves or any other member of Highways England.

In circumstances where there is potential for legal proceedings to be brought against an individual as a result of their official duties, the line manager will refer the matter to HR immediately or as soon as practicable to do so. Upon being advised HR will facilitate as necessary the provision of advice from Highways England legal advisers.

#### *b) Providing a Witness Statement*

The role of the Traffic Officer Service is such that staff may be requested by the Police, third party solicitors or other Agencies etc. to provide a statement in relation to an incident they may have witnessed and/or been involved in.



Requests may be made in writing, normally from a solicitor or verbally from the Police whilst in attendance at, or shortly after an incident. In any case staff must inform their line manager of the request as a matter of course.

It is not appropriate for staff to make a response or statement that could prejudice their own or Highways England defence until they have received advice from Highways England. Accordingly, in all cases but obvious emergencies, staff should avoid giving an immediate response and instead should discuss the matter with their line manager who can arrange for the statement to be given at an appropriate time and place e.g. on Highways England premises, with support if needed.

It will be exceptional that a witness statement will be demanded at the scene of the incident so most interviews should be deferred until normal working hours.

#### *c) Provision of Legal Support*

Highways England will in general provide legal support to a member of staff where in the course of their employment legal proceedings are brought against them. Any support will be subject to certain conditions (e.g. full cooperation with the solicitor appointed to represent them).

The following section summaries the support provided for civil and criminal proceedings.

#### *d) Civil Proceedings*

Highways England will provide legal support to staff who are sued for damages as a result of actions carried out in the course of their employment.

Representation will be by a solicitor acting for Highways England. Any damages and/or liability for the other party's costs will also be met from public funds. Support will, however, not be provided if they:

- refuse to agree to be represented by a solicitor acting for Highways England
- refuse to instruct the legal representative in the terms required by that representative, and/or
- have acted outside the course of their employment

#### *e) Criminal proceedings*

In the unlikely event of criminal proceedings being brought against staff in respect of an act or default that they are alleged to have committed in the course of their employment, Highways England will consider each case on its merits before deciding whether or not to accept responsibility for the defence of such proceedings.

Where Highways England decides that it will not accept responsibility for the defence, Highways England will notify the individual of the reasons.

If Highways England does accept responsibility for the defence of criminal proceedings brought against a member of staff, the terms will be explained to them and set out in writing and be likely to be similar to those explained above in respect of civil proceedings.

#### *f) Inquests and fatal accident inquiries*

Highways England will provide staff with legal representation if they are involved in an inquest or fatal accident inquiry as a result of their official duty provided there is no conflict of interest between them and Highways England. Where such a conflict arises, assistance with legal representation is at the discretion of Highways England. In this latter instance, staff will be notified of the final decision and the reasons for that decision if Highways England does not provide them with legal representation.

#### *g) Other legal advice*

Highways England will provide legal advice to staff that are assaulted in the course of their official duty and will consider whether to give assistance with any subsequent proceedings. (Such an assault may well form the subject of a criminal prosecution against the perpetrator in any case.)

#### *h) Refusal of assistance with legal representation*

If staff are refused legal representation or assistance with legal expenses, they have the right of appeal to a senior manager.

#### *i) Out of Hours*

In most cases the provision of statements etc. can be delayed until such time as appropriate support can be provided. However, in circumstances where an immediate response is necessary the matter must be discussed with the Duty Operations Manager in the first instance to determine the appropriate course of action.

If, exceptionally, legal advice is required outside of normal office hours, the Duty Officer can be contacted with the consent of the Duty Manager. Contact details are retained in the RCC under the supervision of the RCC Team Manager.

The Duty Officer will have available to them contact numbers of divisional managers in Legal Group including the Head of Employment and Corporate Services Division, Legal.

In the unlikely event of a member of staff being arrested and/or detained at a police station, they should ask for the assistance of the duty solicitor who will be locally available. The individual must then make sure that Highways England is informed of the position at the earliest opportunity.

## Chapter 14.8 - Part A: Pay

*Chapter 14A - Supplement to HE staff handbook for the Traffic Officer Service Policies*

### 14.8 Pay

This section should be read in conjunction with Chapter 8 however the material in this section takes precedent over the staff handbook for staff employed in safety critical posts.

#### 14.8.1 Pay and Pay Progression

As part of the Annual Pay Review on the 1st August each year the basic pay and progression arrangements for Traffic Officer Service Staff will be considered by Highways England so staff are recompensed for working an average 37 hours a week. Roles have their own grading/pay band structure to reflect market information and what is critical to the Traffic Officer Service and Safety Critical posts. Latest Basic Pay Ranges for Traffic Officer Service Staff and Progression Arrangements are set out below:

*a) Pay, Grading Structure and Pay Progression as at 1 August 2014*

Grade	Role	Minimum £	Maximum £	Pay on recruitment
Grade 6	Head of Division	58,434	67,199	As per current HE policy
TM3	Operations Manager	43,298	49,793	As per current HE policy
TM2	Team Manager	28,665	30,817	As per current HE policy
TM1B	Traffic Officer	22,413	22,413	As per current HE policy
TM1A	RCC Operator	19,955	19,955	As per current HE policy

The pay ranges as shown above apply from 1 August 2014. For details of progression arrangements see the details of appropriate pay review.

TM1A and TM1B who commence employment on or after 1 April 2014 will initially be paid at a training rate of salary. Upon successful completion of probation pay is uprated to the level shown above.

*b) Recruitment and Retention Allowance for Safety Critical Posts - Applicable to named Pay Bands in the South East and East Regions*

Highways England pays a Recruitment and Retention Allowance for Team managers, RCC Operators and Traffic Officers in Safety Critical posts in the South East and East Regions. The current allowance will be reviewed from time to time and the latest information can be obtained from your HR Business Partner. The Recruitment and Retention allowance is paid in addition to basic salary and is not

calculable for overtime or allowance payments. Continuity of Recruitment and Retention allowance and ongoing rights to receive this allowance will be administered in accordance with current Highways England policy. This section outlines the Highways England Policy in respect of the Recruitment and Retention Allowance for the Traffic Officer Service.

The Recruitment and Retention allowance is applicable only to the South East and East regions. The South East and East regions are the only area where it is currently regarded as acceptable or necessary to apply the allowance. At this time any regional incentives will be considered for a region as a whole, not individual offices or zones i.e. outstations within it. This is necessary because of the cost of living throughout the area, the fixed location for these posts and to minimise the creation of artificial boundaries. The stations and outstations currently affected are shown at the end of this document.

The Recruitment and Retention allowance will, where applied

- Supplement a single national pay range for Traffic Officer Service posts
- Not be consolidated and so be subject to review or change, including taking into account future economic influences
- Not be pensionable
- Not be calculable for overtime or allowance payments
- Be a pro rata payment proportionate to a percentage of full time hours worked for staff working less than full time

The payment is made to encourage Recruitment and Retention in particular Safety Critical posts. Staff who move to other posts not attracting this allowance at a future date will relinquish their right to this payment with immediate effect, and with no "mark-time" arrangements.

The amount payable for the posts and regions outlined until further notice will be £1,500 (gross) per annum to TM1A in the South East and East and £1,000 for TM1B and TM2. This amount will be subject to normal deductions e.g. tax, NI contributions. The allowance will be paid incrementally over the year in the same way as, and with, salary.

Stations and outstations affected by the Recruitment and Retention Allowance:

#### ***South East***

##### **Regional Control Centre**

Godstone RCC (M25, J6)

##### **Outstations:**

Easton Lane (M3, J9)  
Weatherhill - HE (M23, J9)  
Coldharbour Police Depot (M20, J6)  
Dartford - HE (M25, J1A)

#### ***East***

##### **Regional Control Centre & Outstation**

South Mimms RCC

##### **Outstations:**

Chieveley (M4, J13)  
Milton Common (M40, J7)  
Toddington (M1, J12)  
Whittlesford (M11, J10)  
Heston - HE depot (M4, J3)

## **14.8.2 Overtime**

The current Highways England Overtime policy published in the Staff Handbook and as amended from time to time, will apply to Traffic Officer Service staff with the following exceptions: It is anticipated that overtime levels in The Traffic Officer Service will be higher than those experienced by Highways England to date. As a result of the Safety Critical demands of the work and the unpredictability of incidents on the network it is an expressly contractual term and a condition of employment that staff are required to work overtime where it is authorised in excess of rostered

attendance, when the appropriate recompense will be made. Attendance on overtime will take cognisance of requirements of the Working Time Regulations and Equal Opportunities Policy.

#### *a) Overtime Rates*

General procedures and processes for claiming Overtime are outlined in the Staff Handbook.

Overtime rates will apply for Traffic Officer Service Safety Critical Staff at rates outlined in the [overtime arrangements for operational staff](#). Note that the rates applicable to Heads of Division remain in line with PB8/Grade 6 and are covered in Chapter 8 of the Staff Handbook.

Where overtime is worked on a public/bank holiday the employee can take the Public/bank holiday leave at another time.

The need for overtime claims must, in all instances, be authorised in advance by a line or duty manager and the authorisation recorded. The nature of the work is likely to mean that, in certain circumstances, this authorisation may be granted immediately before the claim period.

#### **How to claim:**

Timing of claims: All claims should be no more than 4 weeks old at the time the claims are made.

All Overtime claims will be recorded and approved via the Shared Service arvato Portal. Employees should enter the details of any overtime and / or travel time worked by entering the additional hours worked under the relevant date on the working time screen on the Shared Service arvato Portal.

#### *b) Time off in Lieu*

Highways England needs Safety Critical Staff to maintain an effective operational 24/7 service at the same time as ensuring employees have an appropriate work/life balance. When time is accrued in excess of the normal rostered hours, as authorised by line or duty managers, local managers can authorise Time Off in Lieu (TOIL) instead of an overtime payment.

TOIL will only be authorised for additional hours worked and the amount of time off taken will be calculated proportionate to the overtime payment rates in force for the particular payband. A debit facility will not exist and staff can only take TOIL as recompense for work already undertaken. TOIL credit must total no more than the time worked on two average day shift attendances, beyond which an overtime claim must be submitted within one month. When TOIL credit is held beyond that period staff cannot elect to convert it back to overtime after that one month period has elapsed.

To ensure an appropriate operational capability any TOIL taken instead of overtime must be agreed and authorised in advance by the line manager. Authorisation of TOIL is not guaranteed and will be granted subject to business needs, in particular that levels of resource at any given time can maintain an effective and credible service.

#### *c) Part Time Staff*

When working **voluntary** overtime part time staff will receive overtime rates for work when their weekly attendance exceeds 37 hours. Note however that part time staff working **non-voluntary** overtime will not need to fulfill this requirement before being paid overtime rates.

#### *d) Meal Breaks*

Due to the 24/7 nature of this operation, meal breaks will not be paid whilst working overtime.

## 14.8.3 Working Arrangements: Shift Pay and Allowances

Highways England pays two different shift allowances: one for staff working double day shifts; the other for those staff working shifts over 24 hours. Both cover 365 days a year (See chapter 14.2A Section 14.2.3 paragraph b). Current shift allowance rates, applicable for the post, will be reviewed from time to time and latest information can be obtained from your HR Business Partner. Shift allowances **do not** form any part of salary entitlement and are paid in *addition* to basic salary.

## 14.8.4 Continuity of Shift Allowances in Safety Critical Posts

Continuity of shift pay and ongoing right to receive allowances will be administered in accordance with current Highways England Policy.

This section outlines the Highways England policy in respect of continuity of shift allowances in the event of disturbance of normal duties. It applies to staff in safety critical posts in receipt of shift allowances that are in addition to basic salary.

The policy for safety critical staff continuing to be paid a shift allowance will be influenced by different circumstances. This section seeks to outline the circumstances and further details how an allowance will be reinstated following a cessation in payments.

### *a) The Relevant Period*

Highways England considers a continuous period of absence greater than 60(Sixty) days (**the relevant period, hereafter**) to be a reasonable timeframe beyond which, in certain circumstances it could not reasonably be expected to recompense staff for duties that they are not available to undertake.

### *b) Discontinuation of Allowances*

Following a relevant period of absence (as detailed above), the circumstances whereby an individual's allowance will cease to be paid are as follows:

- Temporary appointment to other duties where the post does not attract an allowance.
- On detached duty to other posts in directorates other than Traffic Operations.
- Other temporary absences on official duty outside of Traffic Officer Service.
- Paid/ unpaid special leave and other authorised absences occurring during shift working.
- Paid/ unpaid sick leave.

In addition to the above, allowances will cease to be paid with immediate effect where an individual moves permanently to a non safety critical post. Individuals who transfer to posts within the Traffic Officer Service either on the same grade or on promotion will be paid an allowance proper to the post. 'Marked Time' arrangements will not apply in respect of any shift allowances previously payable.

Staff suspended on full pay will continue to be paid the shift allowance beyond 60 days. Staff suspended without pay will cease to be paid any allowance at the time of suspension of salary.

### *c) Continuity of Allowances*

Following a relevant period (as detailed above)), the circumstances whereby an individual's allowance will continue to be paid are as follows:

- All periods of annual leave.
- Schemed rest days.
- Public, privilege and other holidays.

- Internal and external training occurring / influencing shift attendance.
- Paid maternity and paternity leave.
- Paid local absence (e.g. Facility Time).

#### *d) Deputising (formerly known as TRA)*

In circumstances where an individual is required to undertake the full duties of a higher grade on a temporary basis (TRA), the individual will receive an allowance (where applicable) proper to the high grade. For the avoidance of doubt any previous allowance will cease with immediate effect and will not be used in the calculation of the Deputising payment.

In circumstances where the higher grade does not attract an allowance e.g. TM3 to Grade 6, the individual will be entitled to continue receiving their previous allowance in accordance with paragraph b) Discontinuation of allowances.

Upon reverting to their substantive grade the individual will receive an allowance proper to the substantive grade, for the avoidance of doubt the previous allowance will cease with immediate effect.

#### *e) Reinstating Allowances*

Where an allowance has ceased in accordance with this policy, the allowance can only be reinstated following a full resumption of normal duties or as set out below:

- Where the individual is subject to a 'phased' return to work e.g. reduced hours, part time working.
- Temporary assignment to other posts within the Traffic Officer Service.
- Following a period of sick absence.

#### *f) Applications for Discretionary Continuity*

In exceptional circumstances, at the absolute discretion of Highways England it may be appropriate to continue payment of an allowance e.g. where sick absence is as a result of an Industrial injury.

A request for discretion to be exercised must be made in writing to HR for consideration.

### 14.8.4 On call/standby arrangements

Being "on call" may be a requirement of some posts, where specifically identified, to support the Traffic Officer Service (See below for current rates). Payment for this availability will be made at current Highways England rates where a member of staff is required to be available to perform actual work outside of their normal working hours. To be eligible for "call out" payment there is a commitment to remain continuously and immediately available outside normal working hours, in a fit state to undertake duties associated with your employment. This includes when the member of staff can only be contacted via their home telephone and when, at line management discretion, they have been issued with a pager or a mobile phone to fulfil "call out" commitments.

#### "On Call" Payments

##### *a) Rates\**

Staff whose pay already includes an element of call out (e.g. duty officers) cannot claim these allowances.

**Period**

**Rate**

Weekdays (or rostered working days) outside of normal	£8.00
Hours/Weekends for each 12-hour period pro-rated if less than 12 hours	(£0.67 per hour)
Weekdays (or rest days for those rostered to work weekends) and Privilege days for each 24 hours period, pro-rated if less than 24 hours	£23.00 (£0.96 per hour)
Public and Bank Holidays (where not due to be worked) for each 24 hour period, pro-rated if less than 24 hours	£25.00 (£1.04 per hour)

The rates as shown are applicable with effect from the 1st February 2016.

For periods of less than 24 hours on Saturday/Sunday and public holidays the appropriate proportion of the 24 hour rate is payable.

Actual time worked on call out will be paid in accordance with the overtime and night duty allowance rules. Separate guidance will be made available on this.

\* = On-call rates changed as a consequence of the launch of MEC effective from 1 February 2016  
- see [Chapter 8.11](#)

#### *b) Night duty*

Where an allowance is not already being paid to staff to recompense them for night attendance, the following rates will be paid in addition to overtime at the following rates for core Highways England staff:

1/4 of plain time rate for working between 8pm-11pm, and

1/3 of the hourly plain time rate for working between 11pm-6am

Periods of less than half an hour do not qualify for payment. Night Duty Allowance is not reckonable for overtime calculations and is not pensionable.

#### *c) Overtime*

Please refer to 14.8.2 above.



## Chapter 14.10 - Part A: Attendance Management

[Part B: Procedure](#)

[Part C: Guidance](#)

*Chapter 14A - Supplement to HE staff handbook for the Traffic Officer Service Policies*

This section should be read in conjunction with Chapter 10 however the material in this section takes precedent over the staff handbook for staff employed in safety critical posts.

### 14.10.1 Highways England Drugs and Alcohol Policy for Staff in Safety Critical Posts

This document supplements Highways England's existing policies and procedures.

It outlines policy in respect of Drugs and Alcohol and forms part of the terms and conditions of employment for staff employed in Safety Critical posts in Highways England as set out in the summary at the beginning of this chapter.

Where provisions in this policy contradict other guidance in respect of alcohol and drugs, the provisions in this section will take precedent above any conflicting provisions for those employed in Safety Critical posts.

Abuse or misuse of alcohol or drugs can adversely affect the health and safety of employees and the wider public in addition to affecting commercial performance and expediency. As such, it is inappropriate that alcohol or drugs should affect Highways England employees whilst delivering a service.

The consequences of accidents or mistakes in safety-critical roles may, by definition, be more severe than for accidents or mistakes in other roles. It is therefore essential that more comprehensive rules and guidelines be in place in order to mitigate against the added risk and to protect the safety of employees and the public alike.

#### *a. Application*

The provisions of this policy will apply to staff in Safety Critical posts. Employees undertaking Safety Critical posts are outlined in the summary at the start of this chapter. If your behaviour, work performance or ability to carry out duties is, as a result of the use of drugs or alcohol at any time not regarded by managers as being at a safe or acceptable standard it will be regarded as a matter of serious misconduct and result in disciplinary procedures being taken as outlined in the Staff Handbook.

#### *b. Policy Objectives*

The objectives of this policy are as follows:

To maintain and enhance a safe and efficient working environment for all staff by raising awareness of the risks and possible harm to the working environment, associated with drug and alcohol misuse

To outline the help and support services available to employees and line managers who have, or, who have identified a drug or alcohol related problem

To ensure that employees are aware that Highways England regards failure to abide by this policy as a serious disciplinary matter, which might ultimately result in loss of employment, and

To make clear the rights, responsibilities and procedures for all Highways England employees with regards alcohol and drugs.

*c. Definition Of "Drugs"*

For the purposes of this policy the term "drug" includes:

1. substances covered by the Misuse of Drugs Act 1971 (including any re-enactments or amendments) - referred to as "controlled drugs"
2. solvents or any other substances that may be subject to misuse

In addition, the provisions relating to drugs under this policy apply equally to the use of illegal drugs and the misuse, whether deliberate or otherwise, of prescribed or "over the counter" drugs.

For the purpose of this policy any reference to drug abuse or drug misuse means:

1. the non-therapeutic (i.e. non-curative or non-pain relieving) use of drugs (e.g. the misuse/abuse of opiates, stimulants, sedatives etc)
2. the illicit use of drugs that have no generally accepted medical purpose (e.g. the misuse/abuse of cocaine/LSD etc.), and
3. the misuse of other substances by assimilation into the person (e.g. the inhalation of solvents or other volatile substances etc)

*d. Highways England Approach*

Highways England has a positive approach to the treatment of problems caused by alcohol or drug abuse or misuse. Staff with drinking or drug-taking problems will be encouraged to seek help on a confidential basis. Details of where to find help can be found at paragraph j) Highways England recognise that such problems can be treated successfully.

Highways England may opt in its absolute discretion to agree with the employee a health care programme, This may involve:

1. a reasonable amount of time off to attend medical appointments, receive treatment and participate in a programme designed to help your recovery. This will be treated as sick absence (in accordance with the current Sick Absence Policy), and
2. if you fail to make progress (or suffer a relapse) you will be encouraged to continue treatment and to seek further medical help and support from the EAP (Employee Advisory Programme)

Every employee whose performance or attendance deteriorates over time may be subject to standard procedures for unacceptable performance or irregular attendance. Where drug or alcohol misuse or dependency is identified as a contributory factor Highways England may, as outlined above, elect to treat this as a health problem and options to explore and treat the problem may be considered as part of the procedures. However, the circumstances and seriousness of an individual's conduct or

attendance issue will need to be given proper consideration and this may result in disciplinary action being taken as outlined in the Staff Handbook.

#### *e. Responsibilities of Employees in Safety Critical Posts*

Employees have a responsibility to attend work in a fit state. That is to say, not under the influence of alcohol or drugs. Guidance on what is meant by being under the influence of alcohol is at Chapter 14.10C section 14.10.1. Any employee who realises they are unfit for work must not report for duty. It is considered less serious to admit to being unfit for work, rather than attempting to work and putting your life, as well as the lives of colleagues and the public, at risk. Employees should telephone their line manager and explain the situation. Absence of this nature will be considered authorised sick absence in the first instance and the line manager will arrange a return to work meeting.

The consumption of alcohol or the misuse of drugs during work time, including all breaks is forbidden.

Employees must note that smelling of alcohol or appearing to be, or having been under the influence of drugs or alcohol does not project Highways England in a positive light. Where appropriate an employee in these circumstances may be deemed unfit for duty by their line manager and may be subject to disciplinary procedures as outlined in the Staff Handbook.

Any employee suspected of any illegal activity concerning alcohol or drugs will be reported to the Police. Any employees subsequently found guilty of any related drug or alcohol related offence might render them liable to dismissal.

Any employee who is prescribed drugs by their medical advisor should ensure the medical advisor is aware of their role and has confirmed that the drugs will not compromise the ability of the employee to carry out their role safely. If, for whatever reason, a drug is prescribed that will affect the ability of the employee to carry out their role safely, the line manager must be informed immediately. This information will be kept confidential. The Line Manager may then make suitable alternative work arrangements for the employee as the circumstances require.

When taking non-prescription drugs (e.g. antihistamines etc.), an employee must ensure that the drug will not compromise their ability to carry out their role safely. If in any doubt, professional medical advice should be sought. If there are any adverse side effects then these should be discussed with your Line Manager who will keep that information confidential and if necessary appropriate suitable alternative work arrangements may be made.

Breach of any area of this policy will be treated with utmost seriousness and may be regarded as a disciplinary matter under the established disciplinary procedures as outlined in the Staff Handbook.

Employees may attend discussions with managers in issues relating to this policy with their Union representative or with one work colleague should they so choose.

#### *f. Alcohol and drug testing regime*

Due to the nature of the responsibilities of those staff in Safety Critical posts, Highways England has determined that in the following circumstances it will be reasonable to require employees to participate and co-operate with a programme of drugs and alcohol testing:

1. following an accident or other incident where Highways England has reasonable grounds for suspicion that alcohol or drugs may have been a causative or contributory factor
2. where Highways England has reasonable grounds to suspect that the employee has attended work whilst under the influence of alcohol or drugs, or has consumed alcohol or drugs in working time and/or has contravened the provisions of this policy
3. as part of an aftercare alcohol or drugs rehabilitation plan, and

#### 4. part of any pre-employment screening

Should future risk assessments indicate that it is necessary, Highways England reserves the right to implement a random testing policy. This will follow consultation with the TUS.

Highways England recognises that certain procedures are invasive. Highways England, therefore, undertakes that the least evasive tests will be used wherever possible unless specialist advice is given to the contrary.

The decision of the specialist advisor, as to which is the most appropriate method of testing having assessed the nature and reason for the request, will be final.

Employees are asked to comply with all reasonable requests and procedures. If an employee's refusal is unreasonable then the employee may be subject to disciplinary procedures as outlined in the Staff Handbook.

Employees are to ensure that any samples given are not tampered with or interfered with in any way. A suitably qualified person will take all samples under controlled conditions.

Employees will be required to sign a written consent form agreeing to the test and for the results to be disclosed to Highways England following the procedures outlined in Chapter 14.10B Section 14.10.1 paragraph a). Employees may be suspended on full pay pending the test result being made available and any subsequent decision being made.

#### *g. Results of testing*

A person will be deemed to have failed a test based upon the criteria outlined at Chapter 14.10B Section 14.10.1 paragraph a) of this policy.

Failure of any drug or alcohol test undertaken by the police in respect of an "on duty" Highways England employee will also be regarded as a failed test for the purposes of this policy.

If, following the test results, it is confirmed that the employee is free from alcohol and/or drugs and the circumstances in which the test was required merit further action, the employee may be dealt with under the disciplinary procedures outlined in the Staff Handbook.

If a current employee tests positive for drugs or alcohol, this will be regarded as a disciplinary matter and as such Highways England may suspend the employee on paid leave to allow Highways England to determine the most appropriate way forward to address the problem. Anyone testing positive under pre-employment screening against laid down pre-employment test criteria will not be offered employment. Anyone who tests positive for proscribed drugs and where the circumstances merit further action may be dealt with under Highways England disciplinary procedures outlined in the Staff Handbook.

The results of the test may be retained on the employee's personal file if Highways England considers this appropriate. A copy of the result will be made available to the employee. Duplicate samples will be taken and stored under conditions recommended by Highways England medical advisors and the testing company and a copy of the result sent to the employee. In the event the employee disputes the test results Highways England should be notified within 3 working days so that steps may be put in hand for a review of the results. The employee should state the reason why the result is disputed.

Employees have a right of appeal to the Chief Executive against any decision made on the outcome of a test.

#### *h. Line Managers Responsibilities*

Line managers should ensure both they and their employees are familiar with this policy and associated procedures.

Under the Health & Safety at Work Act 1974 the employer has a responsibility to take all reasonable precautions to ensure the safety and well-being of employees and members of the public.

Line managers should set a good example through adopting a responsible approach to the use of alcohol and drugs in line with this policy.

Line managers are often best placed to identify symptoms of a developing problem and to suggest appropriate help in the circumstances. Guidance on what to look out for is given in Chapter 14C Section 14.10.1 paragraph a) of this policy. Line Managers should offer the member of staff advice, support and guidance in a sympathetic and confidential manner and should encourage staff to seek specialist help. Line Managers should consider agreeing to a Health Care Programme to assist with the employee's recovery.

The guidance set out in the paragraph above will also apply to those circumstances where the employee approaches their Line Manager on a voluntary basis to discuss any alcohol and/or drug related problem they may have.

Where a manager has become aware of deterioration in an individual's work or behaviour he/she should conduct an initial interview. The purpose of this interview is to:

- discuss with the individual the deterioration in his/her work performance and/or behaviour and to seek comment, and
- offer the individual a referral to Highways England specialist medical adviser for medical/specialist advice

Should this referral be rejected the manager should inform the individual of possible disciplinary consequences should the pattern of behaviour continue or the work performance not improve.

Depending on the outcome of the interview, the manager will determine what action (including the use of disciplinary procedures) should be considered with regard to the original incident/s. Advice should be sought from the your HR Business Partner.

The interview will be confined to a discussion on work performance and/or behavioural problems unless there is clear evidence of alcohol or drug misuse, or the individual raises the matter him/herself.

If the member of staff so wishes, they will have the right to be accompanied at the interview by a Trade Union/Staff Association representative. The manager may also request an HR Business Partner to be present.

A Line Manager who is given any reason to doubt the capability of an employee as a result of alcohol consumption or as a result of drugs should take immediate action in line with the procedures outlined in section 14.10.1, point's f and g and Chapter 14.10B Section 14.10.1 paragraph a).

A Line Manager who has been informed and been shown evidence by the employee that they are taking prescribed drugs that may compromise their ability to carry out their role, should attempt to make alternative arrangements so the employee can continue to work without jeopardising the safety of themselves, other employees or the public. If this is not possible the employee may be instructed to take sick absence (in accordance with the sick absence policy) until a satisfactory arrangement can be made

A Line Manager must treat with strictest confidentiality any information, records or documentation relating to alcohol or drugs problems of an employee, as in the case of other health matters, and an assurance of this should be given to any employee seeking help.

A Line Manager should arrange a return to work meeting with any employee who has had an alcohol or drug related absence. A course of action should be determined to minimise the risk of similar occurrences, and to ensure the employee has access to the support and guidance needed. Guidance to this process is given in Chapter 14C Section 14.10.1 paragraph a) of this policy.

#### *i. Review*

The Agency will periodically consider the need to review this policy and will amend it following consultation with the Trade Union Side.

#### *j. Getting Help*

*Help and guidance can be sought from your Line manager, HR Business Partner or E.A.P (HELP EA Service) in the first instance.*

*Outside the office, your GP can offer assistance and the following organisations can provide counselling and practical help:*

**Alcohol Concern**

Waterbridge House

32-36 Loman Street

London SE1 0EE

Telephone: 020 7928 7377

Email: [contact@alcoholconcern.org.uk](mailto:contact@alcoholconcern.org.uk)

**Alcoholics Anonymous**

Helpline: 0845 769 7555

*Alcoholic's Anonymous*

*has groups in most urban*

*areas. Please look in the*

*phone book for details of*

*local groups*

**Narcotics Anonymous**

Helpline: 020 7730 0009