**Clinic Name**

## EMPLOYEES’ HANDBOOK

DATE

Employees’ Handbook 2025

Welcome to the clinic.

This handbook is intended to give essential guidance to staff employed at the Clinic (that is, staff who are on the payroll). It is not relevant to self-employed staff, such as Associates or outside contractors.

In large part it concerns guidance on employment and other law. However, it cannot be the definitive guide and any current legislation will override our guidance in the event that this handbook is incorrect or out-of-date. This is simply our best effort to make sure employees understand their rights.

We have a separate handbook (the Clinic Handbook) which must be read and adhered to by all staff working at the Clinic, regardless of their employment status. The Clinic Handbook, while not forming part of any contract, provides the rules for working in the clinic.

There is a degree of overlap between these 2 documents, but the intent should be clear. If not, please talk to the Principal or Practice Manager.

We also have separate policies on Anti-Harassment and EDI (Equity, Diversity and Inclusion). These are legal obligations and you must be familiar with them.

Unless expressly stated otherwise, the terms of this handbook are not intended to create nor are they likely to be construed to constitute a contract, expressed or implied, between the clinic and any of its staff.

We have tried to ensure that our 2 handbooks, together with the 2 policy documents, contain all the information you need. If there are any areas which need further explanation please discuss this with the clinic Principal or Practice Manager.

This handbook supersedes any previously issued booklets.

The clinic may issue additional policies as needed from time to time.

Signature: Date:

Name (Clinic Principal)

Table of Contents

Introduction 2

Probation 2

Hours of work 2

Annual Holidays 3

Sickness Absence 4

Redundancy 6

Jury service 6

Medical appointments 6

Family Friendly Policies 7

Maternity leave 8

Maternity benefits 8

Antenatal care 9

Keeping in Touch Days) 9

Key Actions 10

Health and Safety Implications 10

Return to work 10

Holidays During Maternity Leave 10

The right to adoption leave 11

Paternity leave 11

Length of paternity leave 12

Pay 12

Notice 12

Qualification 13

Amount of leave 13

Shared Parental Leave 14

What Is a Dependant? 14

Entitlement 15

Procedure 15

Amount of Carer’s Leave 16

Exercising the Right to Carer’s Leave: 17

FLEXIBLE WORKING 17

Applying 17

Considerations 18

Grounds for Refusal 18

DISCIPLINARY, CAPABILITY & GRIEVANCE 19

The right to be accompanied 20

The role of the companion 20

Accompanying a colleague 20

The disciplinary stages 21

Gross Misconduct 22

Guide for staff facing a disciplinary hearing 22

APPEALS PROCEDURE 23

The Capability Hearing 23

The Capability Stages 24

Action under one of the capability stages 24

APPEALS PROCEDURE 25

# Introduction

This handbook is intended for employed staff at the Clinic. It contains rights and responsibilities which are not relevant to self-employed staff, such as our practitioners.

It should be read in conjunction with the Clinic Handbook, and our policies on Anti-Harassment and EDI (Equity, Diversity and Inclusion) which are relevant to everyone working here.

# Probation

All staff are recruited on a probation period. The details of your probation period are explained in your terms and conditions as part of your contract. This period gives the clinic an opportunity to assess your performance and provides you with the opportunity to raise any problems or difficulties you are experiencing.

It is important that you receive regular feedback from the Principal or Practice Manager during the probationary period, to indicate if your performance is satisfactory or if there are any areas for concern.

During your probationary period the Principal or Practice Manager will advise you of your progress and highlight any areas of concern. If there are any factors which may be affecting your performance during your probationary period you should discuss them with the Principal or Practice Manager at the earliest opportunity.

# Hours of work

The normal hours of work and details of break periods will be as stated in your contract of employment.

The clinic reserves the right to change the normal working hours following consultation with staff who may be affected.

Details of your specific arrangements will be stated in your contract of employment.

Timekeeping

The clinic regards punctuality as an important matter in the interests of efficiency and delivery of good patient care.

Persistent lack of punctuality may result in disciplinary action being taken.

Procedure for Overtime Work

To claim money for overtime you must ensure that you have followed the correct procedure.

All overtime must be agreed and authorised by the Principal or Practice manager. It is at the discretion of the Principal or Practice Manager whether overtime is permitted.

You must record any additional hours on your timesheet and this must then be authorised by the Principal or Practice Manager.

Anyone abusing the overtime system may face disciplinary action.

# Annual Holidays

We ask you to consider the needs of both the business and patients when arranging your holidays, by giving as much notice as possible, and by understanding when we need to cover peak periods of operation. We also ask you to work with other members of the team to make sure that holidays are allocated fairly.

Entitlement

The annual holiday entitlement at the clinic is stated in your contract of employment. If your employment starts part way through the leave year your entitlement will be calculated on a pro-rata basis.

The holiday year is stated in your contract.

It is up to the you to ensure that you manage your holiday over the holiday year.

There will be no payment in lieu for holidays not taken.

How holiday is calculated

Staff who work 5 days a week are entitled to 5.6 weeks holiday (28 days).

5.6 weeks (28 days) includes the entitlement to bank holidays. If as a part time worker your normal working day falls on a bank holiday this must be included in your entitlement. A “day” means a period of 7 hours, not including unpaid breaks.

To calculate holiday entitlement in hours, the following will be used:

|  |  |
| --- | --- |
| **Days worked** | **Holiday entitlement** |
| 4 days a week | 22.4 days  |
| 3 days a week | 16.8 days |
| 2 days a week | 11.2 days |
| 1 day a week | days |

Approval for holidays

You must obtain approval to take leave in advance of taking your holiday. This should generally be at least one month in advance.

You must complete and submit a holiday request form to the Practice Manager or Principal.

The Principal or Practice Manager has the right to refuse your request if it is not possible to meet the needs of the clinic and will discuss possible alternatives with you to seek a compromise.

Once your request has been agreed the holiday dates will be respected. You should not commit yourself to a holiday (for example by paying a deposit) until your request has been agreed.

If you become ill during your holiday, you should contact the Principal or Practice Manager immediately and then you must follow the normal absence reporting procedure.

Public Holidays

The clinic is normally closed on public holidays, with a shut-down period between Christmas and New Year.

Your annual holiday entitlement includes these periods of closure unless otherwise agreed.

Part Time Employed Staff

All principles of this policy apply equally to part-time staff. Holiday entitlement is calculated on a pro-rata basis to the full time equivalent.

# Sickness Absence

We recognise that sickness absence is something that affects almost everyone at some time during their career.

However, it can have a significant effect on the business and can have an adverse impact on the care we offer to patients. It is therefore important to ensure that it is well managed to help keep absence levels under control.

We do recognise that most sickness absence is genuine and it is the clinic’s policy to offer support to our staff during these times.

The clinic wishes to sympathetically manage each case on its own merits and help individuals to reduce levels of absence and make a successful return to work following prolonged absence. Here is how we do that:

Reporting sick

On the first day of sickness, members of staff must make contact with the Principal or Practice Manager **by phone call** preferably **before 8.00 am.**

You should explainthe reason for sickness and your expected return date.

It is not acceptable for another individual to make contact on your behalf.

This is important for the clinic, so that arrangements can be made to cover your work or to cancel patients if necessary. In addition, colleagues are likely to worry about a colleague until they know why they haven’t arrived for work.

If your absence is expected to last for more than 1 day and you have not obtained a fit note, you are required to keep the Principal or Practice Manager informed every day by 8.00 am.

If you fail to do this within the specified time and without good reason, this may result in the absence being classified as unauthorised. In this instance it is therefore likely that there would be no eligibility to statutory sick pay and it could lead to disciplinary action.

If no contact is made the Principal or Practice Manager may try to make contact to find out what is happening, and make sure that you are safe and looked after. This could involve attempts to make contact by phone, visits to your home, and/or by letter.

If there is no response after any of these approaches, another letter will be sent inviting you to attend a disciplinary hearing. If still no contact is made after this letter, then the disciplinary hearing will go ahead in your absence and you will be notified of the outcome.

If you become ill during a holiday, you should contact the Principal or Practice Manager immediately and then you must follow the normal absence reporting procedure.

Authorisation for Absence

If absence lasts for 7 calendar days or less then you must complete a self-certification form when you return**.** This should be completed during a return-to-work interview.

If the sickness lasts for longer than 7 consecutive days you must provide the Principal or Practice Manager with a fit note. The fit note must be forwarded to the Principal or Practice Manager at regular intervals.

In the event of an ongoing absence any additional fit note must be provided on the same day that the current fit note expires.

The clinic reserves the right to request that you obtain a fit note for periods of sickness which are less than 7 days for which the clinic will reimburse the staff on production of a receipt.

The self-certification form/fit note and the return-to-work questionnaire once completed will be kept on file for the duration of your employment.

Clinic Sick Pay

All employed staff are eligible to claim clinic sick pay, provided they are on a permanent contract. The amount you are eligible for depends on your length of service. Details of your specific arrangements will be stated in your contract of employment.

Clinic sick pay is only payable for those with more than 2 years’ service.

Statutory Sick Pay (SSP)

Statutory sick pay is the sick pay which you are entitled to as part of your Social Security benefits.

Statutory sick pay is paid through the payroll in the normal way at pre-determined rates and all payments are subject to tax and National Insurance deductions. You should be aware that statutory sick pay is only due from the fourth day of sickness absence but you may receive statutory sick pay for 28 weeks of continuous or linked instances of sickness absence.

For the purpose of statutory sick pay the qualifying days in this employment will be Monday to Friday inclusive.

Return to work interview

On return to work a “return to work” interview willbe conducted by the Principal or Practice Manager using a standard questionnaire. The questionnaire once completed will be kept on file for the duration of your employment.

The person conducting the interview has to be investigative but will also be compassionate in their approach. The purpose is to try to uncover any underlying health or work problems that you might have.

# Redundancy

Where redundancy appears to be necessary, the Principal or Practice Manager will examine the possibility of job changes in accordance with the alternative employment provisions.

Where termination of employment by reason of redundancy appears to be inevitable, management will notify staff concerned and any queries should be raised with the Principal or Practice Manager immediately.

Should any redundancies be necessary the clinic will decide on the basis of retaining those who, in the opinion of the Principal or Practice Manager, are likely to contribute most to the future prosperity of the clinic and therefore the job security of all.

If you have a grievance relating to redundancy you must raise that grievance immediately with the Principal or Practice Manager and the grievance will be heard in accordance with normal grievance procedures.

# Jury service

If you are employed, you will not be paid your normal salary during your absence. It is at the Clinic’s discretion whether to make top up payments to the subsistence you are paid by the court, as there is no statutory entitlement to this. Each case will be reviewed carefully.

# Medical appointments

There will be times when you may need to attend a medical or dental appointment. Under normal circumstances, you will be asked where possible to make appointments outside of your working hours.

In principle, the Clinic will pay for reasonable time off, but you should arrange appointments in a way that means the least possible time has to be taken off work.

Where possible, you should check with the Principal or Practice Manager prior to booking an appointment. You should be prepared to show the Principal or Practice Manager your appointment card or other evidence of the appointment.

# Family Friendly Policies

Employed staff have various entitlements in law as a result of pregnancy or adoption etc.

This part of the handbook is intended to help you understand those rights and make clear how we will try to help you.

Because the law may change, this section can only give general guidance. If something in this section is superseded by a change, then clearly we want to comply with that change.

We do not have an in-house HR specialist, but we will do our best to make sure you are aware of all your entitlements.

We want to work together with you in this regard and we especially want to make sure that your status in the clinic is not adversely affected because of your statutory entitlements.

Obviously, we also have a duty to provide the best service to our patients, so early, clear communication between you and the Principal or Practice Manager is essential if we are to manage the clinic effectively.

Compassionate leave

Compassionate leave applies where a person faces difficult personal circumstances which require them to take time off work. This may include situations such as bereavement, serious family illness or personal domestic difficulties.

Compassionate leave may be granted following the death of, or serious illness involving, the following family members:

* **‘Immediate family’ -** Spouse/Partner, Child, Brother/Sister, Parent, Grandparent, spouse/Partner’s parents or someone living in your household as a close family member.
* **‘Relative’ -** Aunt, Uncle, Cousin**,** Brother/Sister-in-law, Niece or Nephew, both full blood and half-blood relations and step-brothers, -sisters and -parents.

It is important that we treat each situation individually, and therefore managers will use their discretion and judgement to decide how to deal with a request for compassionate leave.

While we recognise that it is often not possible to arrange this kind of leave in advance, it is extremely important to telephone the Principal or Practice Manager immediately you are aware that you will not be able to come into work. In some cases, you may be able to give some warning to the Principal or Practice Manager that you will need to take compassionate leave, as in the case of a bereavement that is expected shortly; if so, please let them know so that they can plan appropriately.

Maternity

Below is brief outline of the maternity rights provided by UK Employment Legislation to help you understand your entitlements.

We will do everything we can to meet our obligations under the law and help you understand your entitlement. We will also encourage other staff to offer their help and support.

To this end, we aim to provide practical support, particularly to facilitate the transition back to full or part-time work.

Statutory maternity rights fall into four main categories:

* Maternity leave
* Maternity benefit (Statutory Maternity Pay or Maternity Allowance)
* Time off for antenatal care
* Protection against unfair treatment or dismissal

Additionally, the clinic has a specific duty to protect the health and safety of staff who are pregnant, have recently given birth or if they are breastfeeding. This will include conducting a risk assessment where necessary.

Staff who have completed more than one year’s service (whether before or during a period of maternity leave), may be entitled to parental leave, which may be taken immediately after maternity leave (subject to notice requirements for taking parental leave). Details of parental leave provisions are set out in a separate section of this handbook.

Maternity leave

All pregnant staff are entitled to take up to one year (52 weeks) maternity leave, regardless of length of service. Maternity leave is a single continuous period and is made up of the following:

* **26 weeks Ordinary Maternity Leave** (OML) and 26 weeks Additional maternity leave (AML) during which the contract of employment continues and you must continue to receive all contractual benefits except wages or salary.
* **Compulsory Maternity Leave**:A member of staff may not work for the clinic immediately after childbirth. This period of compulsory maternity leave lasts for two weeks from the date of childbirth.

Maternity benefits

A pregnant member of staff who meets qualifying conditions, based on their length of service and average earnings, is entitled to receive up to 39 weeks Statutory Maternity Pay (SMP).

A member of staff will be entitled to SMP if:

* They have worked for the clinic for a continuous period of at least 26 weeks ending with the qualifying week (the 15th week before the expected week of childbirth);
* Their average weekly earnings in the eight weeks up to and including the qualifying week (or the equivalent period if monthly paid) have been at least equal to the lower earnings limit for National Insurance contributions.

The rate of SMP is usually 90% of the member of staff’s salary (or average weekly earnings) for the first six weeks and the SMP flat rate for the remaining weeks.

Antenatal care

All pregnant members of staff are entitled to time off with pay to keep appointments for antenatal care made on the advice of a registered medical staff, midwife or health visitor. Antenatal care may include relaxation classes and parent classes. Except for the first appointment, you must show the Principal or Practice Manager, if requested, a certificate from a GP, midwife or health visitor, confirming the pregnancy together with an appointment card.

You are entitled to take unpaid time off work to attend up to 2 antenatal appointments with your partner. The time off is capped at six and a half hours for each appointment.

You can accompany an expectant parent to their ante-natal appointments if you are:

* The baby’s father;
* The expectant mother’s spouse, civil partner, or partner (of either sex) in a long term relationship with them;
* Intended parents of a child in a surrogacy arrangement if you expect to be entitled to and intend to apply for a parental order in respect of that child.

There is no qualifying period.

We cannot require you to provide evidence of the ante-natal appointment, but we can request a signed declaration.

Keeping in Touch Days)

You and the Clinic can agree on up to 10 days’ work during your maternity leave. These are known as ‘Keeping in Touch Days’. They aren’t limited to your usual job – they could be used for training or other events. You might want to use some Keeping in Touch Days to ease your return to work.

You are not required to take up Keeping in Touch Days - it is up to you to choose, but equally the Clinic does not have to offer them to you. Both you and the clinic must agree that you will work these days and agree the arrangements including what you will be doing and how you will be paid.

Remember, you cannot work during the first two weeks after the baby is born.

In any case, we might make contact with you (and vice-versa) while you are on maternity leave, as long as the amount and type of contact is not unreasonable. For example, we might discuss your plans for returning to work or important developments at work.

We would like you to keep in touch with us throughout your pregnancy, not simply so that we can plan all the legal stuff, but because we’ll be excited too!

Key Actions

Let the Principal or Practice Manager know that you are pregnant as soon as you can.

You are not obliged to tell your clinic you are pregnant until 21 days before the date that you wish to start your maternity leave (unless you wish to request time off for antenatal care), however, it is important that you tell the Principal or Practice Manager that you are pregnant as soon as possible so he/she can make sure that your work does not present a risk to you or to that of your unborn child.

The Principal or Practice Manager will be responsible for dealing with the administrative aspects of maternity and for processing Statutory Maternity Pay. He/she will explain exactly what you need to do.

Health and Safety Implications

If you believe that there is a risk to your Health or Safety, or to that of your unborn baby, bring this to the Principal’s or Practice Manager’s attention as soon as possible.

Give the Principal or Practice Manager as much notice as possible for your maternity leave. Help him/her to effectively plan for your absence by telling him/her as early as you can when you intend to start maternity leave.

Return to work

If you want to return to work earlier than the end of the 52 weeks leave that you are entitled to take, then you must give the clinic 56 days’ notice (8 weeks’) written notice of your intention to return. Similarly, we will give you 56 days’ notice of when your maternity leave period is due to end in order that you can plan for your return to work.

If you decide not to return to work at the end of your maternity leave period, then you must give your normal contractual notice period to the clinic that you do not wish to return. However, the clinic would be grateful for as much notice as possible.

Holidays During Maternity Leave

Employees on maternity leave are entitled to public and annual holidays for the year as though they had been at work. This means that the full annual leave entitlement should be taken during the leave year either before or after the maternity leave.

Adoption

Below is brief outline of the adoption rights provided by UK Employment Legislation to help staff to understand their entitlements.

As soon as practicable after the notification that you will be adopting a child, you should arrange a meeting with the Principal or Practice Manager*.* The purpose is to confirm that you understand:

* Your right to adoption leave and any additional leave, including the requirements to give appropriate notices.
* Your right to return, together with any potential opportunities for flexible working arrangements.
* Arrangements for time off.
* Your entitlements to pay during adoption leave.

The right to adoption leave

Adopters who qualify, will be entitled to up to 52 weeks’ Adoption Leave (26 weeks Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks Additional Adoption Leave (AAL)).

The clinic will pay Statutory Adoption Pay at 90% of your average earnings for 6 weeks, and a flat rate of the statutory level (or 90% of average weekly earnings if this is less) for a further 33 weeks.

Prospective adoptive parents may also take time off for the purpose of having contact with the child or for any other purpose connected with the adoption. The main adopter (the employee taking adoption leave) may take time off for up to 5 appointments and the secondary adopter (partner of employee taking adoption leave) may take time off for up to two appointments.

We recognise that orderly arrangements for cover during the period of adoption leave and also for enabling you to keep in touch with any developments at work are important for ensuring smooth transitions at each stage.

Accordingly, prior to commencement of adoption leave you will be informed of the arrangements for covering your work and also for providing you with opportunities to remain in contact whilst you are on leave.

Paternity

Fathers who have responsibility for the upbringing of the child have the right to 2 weeks paid paternity leave (at the Statutory Paternity leave rate).

Paternity leave

You will be eligible for paternity leave and pay if you:

* Are the father of the child or the mother’s husband or partner (including same-sex partner). Paternity leave is also available if you the partner of an adopter, whether male or female.
* Have worked for the Clinic continuously for at least 26 weeks by the ‘qualification week’. The qualification week is the end of the 15th week before the expected week of childbirth (EWC) or, for adoption paternity leave, by the end of the week in which the child’s adopter is matched with the child.
* Have or expect to have responsibility for the upbringing of the child.
* Have given the correct notice.

Length of paternity leave

You can choose to take either one week or two consecutive weeks’ paternity leave (not odd days) and you can choose to start your leave:

From the date of the child’s birth (whether this is earlier or later than expected).

On a chosen day after the date of the child’s birth (whether this is earlier or later than expected).

From a chosen date which is later than the first day of the EWC.

Paternity leave must be taken:

If the child is born before the EWC, within 52 weeks of that date or

Within 52 weeks of the actual date of birth of the child.

Only one period of leave will be available to you even if more than one child is born as the result of the same pregnancy.

Pay

During your paternity leave you may be entitled to statutory paternity pay (SPP) from the company. SPP will be the rate which is in force and changed from time to time.

Notice

You are required to inform us of your intention to take paternity leave in or before the 15th week before the EWC, unless this is not reasonably practicable. You will need to inform the Principal or Practice Manager in writing of:

* The week the baby is expected.
* Whether you wish to take one or two week’s leave.
* When you want the leave to start.

You must inform the Principal or Practice Manager of the date on which the child was born, in writing, as soon as is reasonably practicable after the birth.

You may be required to give the Principal or Practice Manager a signed declaration that you wish to take paternity leave to care for a child or support the other parent and that you satisfy the eligibility criteria as set out earlier in this policy.

If you have given notice of your intentions to take paternity leave and wish to change the date on which you wish it to begin, you must give us written notice 28 days before the new period of leave is due to start.

Parental Leave

The Maternity and Parental Leave Regulations 1999 introduced a right to parental leave. This is the right to take unpaid time off work to look after a child or make arrangements for a child’s welfare.

All staff who have a child under eighteen years old or have adopted a child and who have completed a minimum of one year’s continuous employment with the Clinic by the time they want to take the leave are eligible.

Qualification

To qualify for parental leave, you must be named on the child’s birth certificate or have parental responsibility for the child under the law.

There is no requirement for you to be living with the child in order to qualify, but parental leave must be taken to care for the child.

Examples of the way leave may be used are:

* To spend more time with a child in early years;
* To accompany a child during a hospital stay;
* Settling a child into childcare arrangements;
* To enable the family to spend more time together.

Amount of leave

You are entitled to 18 weeks in total for each child. Parents of disabled children are entitled to 18 weeks in total.

Parental leave must normally be taken in blocks or multiples of one week. The only exception is for staff with disabled children who can take leave in blocks or multiples of one day.

One week’s leave is equal to the length of time a member of staff is normally required to work in a week.

A maximum of four weeks parental leave can be taken in a year in respect of any child.

Shared Parental Leave

The Shared Parental Leave regulations provide an opportunity for parents to have more flexibility in the way they choose to care for a new arrival to the family during the first year of their child’s life, or the first year following adoption. Eligible staff will be able to curtail their maternity leave and/or pay and to share the untaken balance of leave and pay as shared parental leave and pay with the child’s other parent or their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Shared Parental Leave means that eligible fathers and partners will be able to request more leave from work in the first year following their child’s birth, because it is shareable. Eligible staff taking maternity leave may return to work early because the child’s father or their partner is taking leave in their place.

Shared parental leave can be taken in both continuous or discontinuous blocks. This means eligible parents can request to mix work with leave in the first year of their child’s life and return to work between periods of leave if they wish.

An eligible member of staff must inform the employer at least 8 weeks before they plan to take parental leave and/or pay and have the right to submit three notifications specifying leave periods they are intending to take.

Time Off For Dependants

Employees are entitled to time off for unexpected emergencies involving dependants and to make any necessary longer-term arrangements involving a dependant.

The right does not entitle employees to time off for other domestic emergencies e.g., in the event of the boiler bursting or the washing machine leaking. If an emergency arises, not involving a dependant, time off will be at the manager’s discretion and will normally be deducted from annual leave entitlement.

All dependents leave will be unpaid unless it comes under Bereavement Leave.

What Is a Dependant?

A defendant is defined as:

* a spouse
* a child (including an adopted child)
* a parent or someone who lives in the same household as you such as a partner or elderly relative.
* someone who reasonably relies on you for assistance when that person is ill, injured or assaulted or to make arrangements when that person is ill or injured.

Specifically excluded are those who live in the same household in the capacity of tenant, lodger or boarder.

Entitlement

The entitlement is to a “reasonable” amount of time-off. It is intended to cover the time needed to deal with the immediate problem and to arrange alternative longer-term care where applicable.

The actual amount of time-of will vary according to the circumstances, but in most cases should not exceed 1 or 2 days.

There is no limit on the number of times you can be absent from work under this right.

The type of incidents where time-off may be necessary include:

* To provide assistance when a dependant falls ill, gives birth, is injured or assaulted.
* To make arrangements for the provision of care for a dependant who is ill or injured.
* Upon the death of a defendant (bereavement leave);
* Due to unexpected disruption or termination of the arrangements for the care of a dependant.
* To deal with an unexpected incident involving the employee’s child during school hours.

This list is not exhaustive.

Procedure

If an emergency arises then you should notify the Principal or Practice Manager, as soon as is reasonably practicable, of the reason for your absence and how long you expect to be away from work.

There may be exceptional circumstances where you leave work before it was possible to contact the Principal or Practice Manager. You should inform them as soon as possible and no later than immediately on returning to work.

On return to work the absence will be recorded in your personnel file. The absence will not be deducted from any accrued holiday entitlement nor will it influence any decisions regarding promotion.

Carer’s Leave

Carer’s Leave applies when you need to take time off work to provide or arrange care for a dependant with a long-term care need. This section sets out the circumstances in which we will give you unpaid time off work to deal with these situations.

For time off involving dependants, please see our Time off for Dependants Policy above.

You have a right to take up to one week of unpaid time off work in each rolling 12-month period to provide or arrange care for a dependant with a long-term care need. No-one who takes Carer’s Leave in accordance with this policy will be subjected to any detriment.

A dependant for the purposes of this policy is:

* your spouse, civil partner, child or parent;
* a person who lives in the same household as you, but who is not your tenant, lodger, boarder or employee; or
* anyone else who reasonably relies on you to provide or arrange care for them.

A long-term care need means:

* They have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
* They have a disability for the purposes of the Equality Act 2010; or
* They require care for a reason connected with their old age.

Some examples of the activities that carer’s leave may be used for (in cases where there is a long-term care need) are as follows:

* Taking a dependant to a medical appointment;
* Assisting a dependant in respect of a planned hospital stay;
* Dealing with care homes; and
* Settling official matters such as pensions or legal documents in respect.

Amount of Carer’s Leave

You may take a minimum of half a working day's leave under this policy and up to a maximum of one week's leave. You do not need to take the days consecutively, provided that you take no more than the equivalent of one working week's leave in each rolling 12-month period.

If the amount of time you work varies from week to week, a week's leave will be an average of a week's work:

If you have been employed for at least a year, this will be calculated by dividing the total of the periods for which you were normally required to work during the course of a week in the previous 12 months by 52.

If you have been employed for less than a year, this will be calculated by dividing the total of the periods for which you were normally required to work during the course of a week by the number of weeks you have been employed.

Exercising the Right to Carer’s Leave:

To take leave under this policy you must give the clinic the longer of three days' notice or twice as many days' notice as the number of days you want to take off.

* The notice should be in writing and must specify:
* that you are entitled to take carer's leave;
* the days you intend to take carer's leave and
* whether you will take a full or a half day.

If you fail to notify us as set out above, you may be subject to disciplinary proceedings for taking unauthorised time off.

In some circumstances, where the operation of the business would be disrupted if you took leave, we may need to postpone your carer's leave. If we do this, we will allow you to take the same amount of leave you have requested at a mutually convenient time within one month of the first day you requested to take leave under this policy. If this happens, we will write to you within seven days of your request to take leave, setting out the reason for the postponement and the days we have agreed you can take carer's leave.

If you take carer's leave and any other statutory leave (for example, maternity or adoption leave) consecutively, carer's leave does not count when calculating the period of time you have been away from work in respect of your right to return to the job in which you were previously engaged.

# FLEXIBLE WORKING

Flexible work arrangements are alternative arrangements or schedules from the traditional working day and week. You may choose a different work schedule to meet personal or family needs. Alternatively, we may initiate various schedules to meet our patients’ needs.

The right to apply for Flexible Working is available to all staff who have worked for the Clinic continuously for 26 weeks at the date the application is made and who have made no more than 2 requests to work flexibly during the previous 12 months.

Applying

To make an application for flexible working you should complete a request form or write a letter. Your application must:

* Be in writing and dated.
* State that the application is being made under the statutory right to request a flexible working pattern.
* Specify the flexible working pattern applied for.
* State the date on which it is proposed the change should become effective.
* State whether a previous application has been made to the employer and, if so when it was made.

It is to your advantage to provide as much detail as possible about the pattern you would like to work.

Any request that is made and accepted under the statutory right will normally be a permanent change to your contractual terms and conditions (unless otherwise agreed). You have no right to revert back to the previous working pattern. Therefore, you should think carefully about your request.

Considerations

Remember if you request a flexible working pattern that will result in you working fewer hours, your pay will be reduced too.

In particular, think about the date when you would like your new working pattern to begin and be aware that the process can take up to 8 weeks to complete and sometimes longer where a problem arises.

If you are due to go on maternity and you want the changes to start on your return, you should make your application in good time. It would be helpful if you tell us before you take leave that you are interested in applying to work flexibly on your return.

Bear in mind that you may need to attend meetings with the Principal or Practice Manager so that your request can be properly considered.

Grounds for Refusal

The clinic may refuse your application for a change in terms and conditions where it properly and reasonably considers that one or more of the following grounds apply:

* It would create a burden of additional costs;
* There would be a detrimental effect on ability to meet patient demand;
* It is not possible to reorganise work among existing staff;
* It is not possible to recruit necessary additional staff;
* There would be a detrimental impact on quality of service or performance;
* There would be insufficient work during the periods you propose to work;
* There are planned structural changes.

If the Clinic refuses your request, we will let you know which of the permitted reasons applies and explain why the reason(s) given applies to your circumstances.

# DISCIPLINARY, CAPABILITY & GRIEVANCE

The aim of the disciplinary and capability procedure is to help and encourage staff to achieve and maintain standards of conduct and performance, and to ensure fair and consistent treatment for all staff.

There are 3 main elements to this:

* **Disciplinary Procedure:** This is used where an individual does not respond on issues of performance or conduct, or where the incident is serious enough to warrant application of this procedure, at any one of the three stages from written warning through to dismissal.
* **Capability Procedure:** This may apply either to performance or conduct issues where a member of staff is not able to respond, perhaps through lack of guidance and or training.
* **Grievance procedure:** This is the process for individuals who feel they need to raise an issue related to their employment, and for this to be resolved speedily.

Examples of General Disciplinary Offences

* Poor timekeeping and/or attendance.
* Poor work standard or inadequate attention.
* Disruptive or unacceptable behaviour.
* Contravention of health and safety regulations.
* Failure to comply with clinic rules.

The table below shows some examples of disciplinary problems. It is not intended to be a complete or exhaustive list and will not preclude disciplinary action being taken for misconduct of a different or more serious nature. It is for guidance only.

|  |  |
| --- | --- |
| **Misconduct** | **Gross Misconduct** |
| **Behaviour**Failure to comply with a reasonable request or instructionAbusive or insulting behaviourFoul or abusive languageDisorderly conductIncapability through drink Behaviour likely to bring the Clinic into disrepute**General Conduct**Failure to comply with statutory requirements and regulationsInappropriate use of company equipmentFailure to maintain the required standards of dress or presentationFailure to comply with company policies and procedures**Health & Safety**Neglect of safety standardsFailure to wear essential protective equipmentBreaches of rule or instructions regarding health and safety at workBreach of smoking regulations**Absence**Unauthorised absence from place of workFailure to follow absence reporting procedures  | **Behaviour**Serious act of insubordinationHarassment or bullyingDiscrimination on the grounds of a protected characteristicSerious incapability through alcoholBeing under the influence of (or in possession of) illegal or un-prescribed drugs in the ClinicFighting or threatening physical violence against others**Theft & Fraud**Stealing from the company or from fellow staffFalsification of company recordsGiving false evidence of incapacity to workAccepting bribes (monetary or otherwise) from people who do business with the Clinic**General Conduct**Unauthorised disclosure of confidential informationDeliberate damage to Clinic propertyUndertaking work in conflict with the ClinicUndertaking private work on Clinic premises or using Clinic equipment, without authoritySeeking to obtain unauthorised access to confidential data**Health & Safety**serious breach of safety rules |

THE DISCIPLINARY PROCEDURE

A full investigation of the circumstances of a given case will be carried out without delay. If appropriate the staff may be suspended with pay during the period of this investigation. A disciplinary hearing will then be held.

At the hearing the member of staff will be informed of the specific complaint, will have the opportunity to state their own case and will have the right to be accompanied by a fellow member of staff or, where appropriate, a trade union representative.

The right to be accompanied

The chosen companion may be a fellow worker, a trade union representative or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

To exercise the right to be accompanied a worker must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. It would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

E

The role of the companion

The companion will be allowed to address the hearing to put and sum up the worker’s case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not however, have the right to answer questions on the worker’s behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

Accompanying a colleague

If you have been asked to accompany a colleague to a meeting or appeal, please note the following:

The clinic encourages staff to bring a companion to meetings and appeals under its disciplinary policy and procedure. You are, however, under no obligation to accompany your colleague.

Your colleague will need to know quickly whether you will accompany him or her, as a date for the meeting or hearing has been set. If you agree to do so you should therefore consult the Principal or Practice Manager straight away to arrange any time off.

If you are unable to attend at the time set, but can attend within five working days, advice your colleague and we will rearrange the meeting or hearing.

You will be permitted time off with pay to travel to and attend the meeting or appeal (including discussions with your colleague immediately before and after it). The clinic expects that your colleague will provide you with sight of any relevant information and liaise with you about meeting arrangements. We will not copy anything to you directly unless he or she asks us to do so.

In addition to companions lending ‘moral support’ to their colleagues, the clinic is happy for them to express views and play an active part in the meeting. If management express views at the meeting you may respond on your colleague’s behalf. Please note, however, that if your colleague is asked questions then he or she must respond to them directly; you are not to answer questions on his or her behalf.

The disciplinary stages

The procedure shall be carried out without any unreasonable delay, but not in such haste as to prejudice the fair and effective operation of the procedure. No staff member will normally be dismissed for a first breach of discipline except in the case of gross misconduct. Details of any warning given will be retained on the staff member’s personnel record.

A staff member shall be given an explanation of any disciplinary action taken and shall have the right to appeal against any such action, in accordance with the appeals procedure.

The disciplinary procedure may be implemented at any stage if the staff’s conduct warrants such action.

**Stage 1 (Written warning).** This stage will be implemented because of:

* An unsatisfactory response to an informal warning
* Further related breaches of discipline within six months of an informal warning
* A breach of discipline of such seriousness that a formal written warning is warranted.

The staff member will be given a formal written warning giving details of the complaint, the improvement required, the time-scales allowed for improvement and the right of appeal.

The warning should also inform the staff member that action under the next stage of the procedure may be considered if there is no satisfactory improvement reached or repeated misconduct.

A copy of the written warning will be placed upon the staff’s personnel file but will be disregarded for disciplinary purposes after a period of twelve months, subject to satisfactory conduct.

**Stage 2 (Final Written Warning).** This stage will be implemented because of:

* An unsatisfactory response to a written warning
* Further related breaches of conduct within one year of a written warning
* A breach of discipline of such seriousness that a final written warning is warranted

The final written warning will detail the complaint, warn the staff that failure to improve may lead to dismissal and refer to the right of appeal.

A copy of the written warning will be placed upon the staff’s personnel file but will be disregarded for disciplinary purposes after a period of twelve months, subject to satisfactory conduct.

**Stage 3 (Dismissal).** If a staff member’s conduct following a final written warning is still unsatisfactory, they will be dismissed with contractual notice.

The staff member will be provided with a written statement confirming the reasons for dismissal, the date of termination and the right of appeal (including how to make the appeal and to whom).

Gross Misconduct

Normally a staff member will be summarily dismissed without notice and without payment in lieu of notice if there has been an act of gross misconduct, major breach of duty or conduct which brings the Clinic into disrepute.

The need to follow the procedures relating to the investigation of allegations, suspension from duty and a fair disciplinary hearing still apply, irrespective of the seriousness of the case.

The staff member will be provided with a written statement confirming the reason for dismissal, the date of termination and the right of appeal.

Guide for staff facing a disciplinary hearing

Preparing for the hearing

* Ensure you know exactly what complaint is being made against you and why.
* If you feel the complaint is unjustified ensure you are able to present your case clearly and collect any information which may support your case.
* If you wish to be accompanied, you are responsible for ensuring your representative is aware of the time and date of the hearing.

During the hearing

* Remain calm.
* Listen carefully.
* Give honest and accurate answers.
* Support your answers with examples or written evidence, if this is available.

Appeals

A staff member has the right to appeal against any disciplinary action taken against them within 5 working days from the date of their disciplinary letter. The wish to appeal should be indicated in writing stating the ground(s) on which the disciplinary penalty should be reviewed.

The manager who made the original disciplinary decision will not be involved in the appeal.

The appeal will usually be heard by a member of management more senior than the person who undertook the initial hearing, or by an independent manager where possible.

Every effort is made to ensure that appeals are heard and resolved quickly.

The staff member is entitled to be accompanied by a trade union representative or a work colleague at an appeal hearing. Where a staff member appeals against any disciplinary action taken against them, the original disciplinary decision (including a decision to dismiss) will be implemented pending the appeal hearing and its outcome.

CAPABILITY PROCEDURE

This procedure will be initiated where the staff’s standard of performance in the job is below that expected of them, and where this is not due to a breach of discipline.

The staff will be made aware of the nature of the complaint and advised of the right to be accompanied by a colleague or trade union representative.

The capability procedure may be implemented at any stage if the staff’s performance warrants such action, but all the procedures requiring a full investigation, suspension from duty, if appropriate, and a fair hearing must still be conducted.

The Capability Hearing

The manager conducting the hearing will remind the staff member why the hearing has been convened, and clearly explain the complaint. The member of staff will then be given a chance to respond.

If the Principal or Practice Manager is satisfied that the member of staff’s work is to a satisfactory standard then no further action will be taken. The staff member will be informed in writing*.*

If the Principal or Practice Manager conducting the hearing is satisfied that the staff’s work is not to a satisfactory standard action will be taken under one of the capability stages.

The Capability Stages

**Stage 1:** Written warning. This stage will be implemented because of an unsatisfactory outcome of an informal warning.

**Stage 2:** Final written warning. This stage will be implemented because of an unsatisfactory outcome at the completion of Stage 1 or, if the individual’s poor performance endangers themselves or other staff, or damages the interests of the business.

**Stage 3:** Dismissal. If an individual’s performance following Stage 2 is still unsatisfactory he or she will be dismissed. Before dismissing an staff the availability of suitable alternative work should be considered, this may involve a change of grade and remuneration.

Action under one of the capability stages

Action under one of the capability stages will be accompanied normally by one or more of the following measures, as appropriate:

* The setting of a period of time in which the staff is to show an improvement.
* The provision of suitable training, guidance and feedback.
* The setting of task(s) for the staff to complete.
* Assigning the staff to other duties, this may involve a change of role and remuneration.

Following the expiry of any period during which improvement is required the staff will be informed that either:

* Performance has shown a satisfactory improvement or
* Performance has not shown a satisfactory improvement and further action will be taken.

If the Principal or Practice Manager conducting the hearing is satisfied that the staff’s work is showing an improvement or is at a satisfactory standard then either no further action will be taken or extra time may be provided to achieve the expected standard.

The manager conducting the hearing will keep a full written record of the hearing and the decision.

The staff member will be provided with written confirmation of the decision as soon as practicable, normally within two working days.

A member of staff who receives a final written warning will be warned that failure to achieve the desired improvement in performance by the end of the stated time period will result in dismissal.

If the staff is to be dismissed they will be sent a letter stating the reason for dismissal.

APPEALS PROCEDURE

A staff member has the right to appeal against any capability action taken against them within 5 working days from the date of their disciplinary letter. The wish to appeal should be indicated in writing stating the ground(s) on which the disciplinary penalty should be reviewed.

The manager who made the original capability decision will not be involved in the appeal. An independent person will hear the appeal. Every effort is made to ensure that appeals are heard and resolved quickly. The member of staff is entitled to be accompanied by a trade union representative or a work colleague at an appeal hearing. Where a member of staff appeals against any capability action taken against them, the original capability decision (including a decision to dismiss) will be implemented pending the appeal hearing and its outcome.

GRIEVANCE PROCEDURE

Grievance Procedure is set out in the Clinic Handbook, and is therefore not repeated here..