

A Parish Guide to:

Recruitment

Employment

Termination

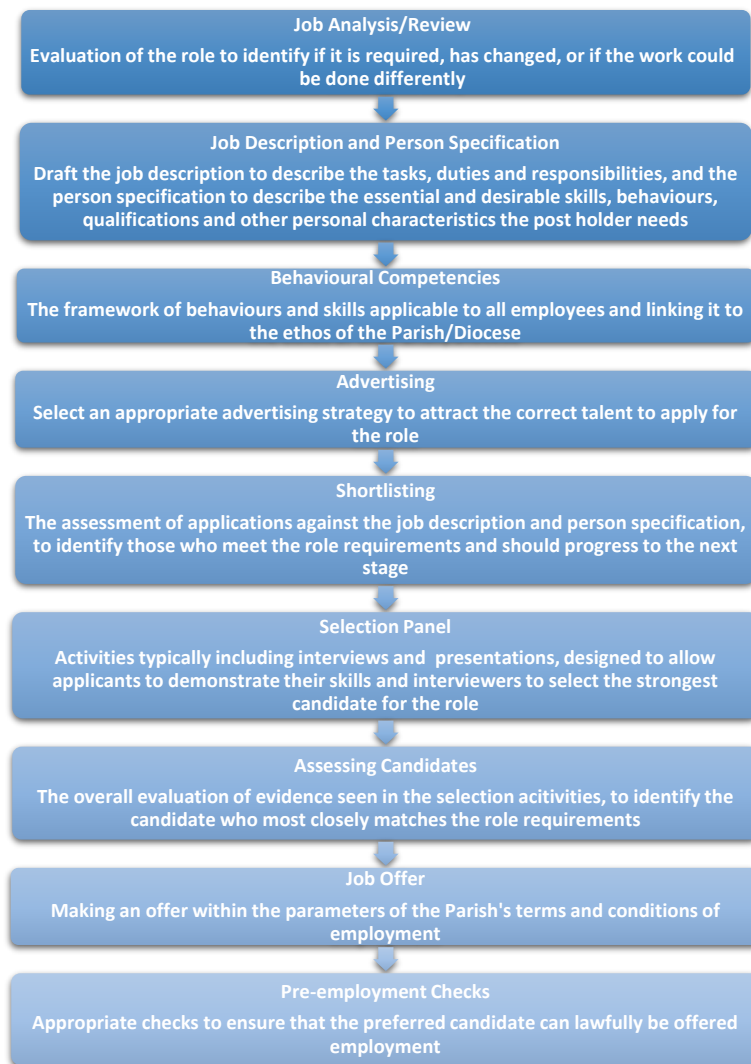
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## Section 1 - Introduction

The aim of this guide is to enable Churches to effectively recruit and select both employees and volunteers and fulfil their legal obligations as an employer. This guide sets out the key steps and processes that need to be undertaken whilst being objective, consistent and fair across the whole of the Diocese of Leeds.

The flowchart below details the steps that should be taken from making the decision to recruit to the individual being employed.



## **Section 2 - Recruitment**

### **Introduction**

The Church of England Safer Recruitment Guidance is an essential part of the Church of England's approach to safeguarding and it sets out safer recruitment practices for people working or volunteering with children and adults. The full document can be found at:

[https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer\\_recruitment\\_practice\\_guidance\\_2016.pdf](https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf)

At least one member of the recruitment should have undertaken the on line safer recruitment training

Once the PCC has authorised the appointment of an employee and the funding has been secured, you will need to begin the recruitment process. The whole process should be transparent and objective and should follow best practice guidelines.

It is a good idea to have a timescale in mind as to when you would like the employee to commence employment with you, bearing in mind that the whole recruitment process can take approximately three months (many individuals usually have a notice period of at least one month but this can occasionally be up to three).

### **Equality and diversity in recruitment and selection**

It is important to attract talented people from all areas of society so as to achieve an effective and diverse workforce.

It is vital that at every stage of the recruitment and selection process, any decisions you make about candidates are based solely on objective grounds. When reviewing application forms, shortlisting candidates, and conducting interviews or other selection activities, you must assess individuals in terms of how their skills match the requirements of the role. Any decision made about a candidate because of a protected characteristic, constitutes unlawful discrimination under the Equality Act 2010.

*The protected characteristics are:*

- Gender
- Race (nationality, ethnic or national origin, colour)
- Age
- Disability
- Sexual orientation
- Gender reassignment
- Religion or belief, or none (a philosophical belief can be a set of important and cogent values by which someone lives their life e.g. Humanism, Atheism)
- Pregnancy or maternity
- Marriage or civil partnership

### **Occupational Requirement**

In some specific circumstances, it may be justified to require applicants to be of a particular religion/gender etc., where this is vital to the post. This is known as a Genuine

Occupational Requirement. For example, being a Christian would be a justifiable Genuine Occupational Requirement for a priest, a training officer for the clergy, or a post that directly supports mission activity. However, in many roles within the Diocese, it will be sufficient for you to establish that an applicant has empathy with the aims/ethos of the organisation. If you are unsure whether the Genuine Occupational Requirement may apply to a role for which you are recruiting, you must seek advice from Human Resources in advance of drafting the person specification.

### **Reviewing a job role**

When a vacancy (whether existing or new) arises, it is important to analyse the need for and nature of the role. The process of job analysis enables you to consider whether the role is (still) required, if it has changed, or whether the work could be done in a different way.

You should take the following steps:

1. Establish why the vacancy has arisen (the post-holder is leaving, it is a new post due to additional work).
2. Speak to the current post-holder if applicable. Establish the exact nature of the work, does it reflect the current job description and person specification, or has the role evolved over time? Perhaps the post-holder has taken on additional responsibilities on an informal basis. Is there anything in the job description that they no longer do? Also seek to find out whether the current person specification is accurate, or if there are different skills or behaviours required as the role has evolved.
3. If the role has newly arisen, consult with others in the team who may provide useful insight into the work to be done and the overall team requirements.
4. Endeavour to focus on the type of person needed in the role going forward, rather than basing requirements on the skills or abilities of the current or previous post holder.

### **Job Description and Person Specification**

#### ***Job Description***

The purpose of the job description is to provide details of the main duties that are required to fulfil the role. It should provide answers to the following questions:

- What is the purpose of the job?
- What does it contribute to the organisation's aims and activities?
- How and where does it fit into the organisation?
- What are the role's main duties and responsibilities and/or accountabilities?

The format of the job description will vary according to the complexity of the role. However, it should always include at least the following information:

- Job title
- Location
- Reporting relationships
- Overall purpose
- Duties

It is worth remembering that the job title should describe the function of the actual job and whether or not it is a managerial position. Those from outside of the organisation should understand what the job entails from the job title.

The job description should not form part of the Contract of Employment as the duties should be amended and updated regularly as the role develops. An ideal opportunity to update the job description (in agreement with the post holder) is at an appraisal when the objectives for the forthcoming year are agreed. The list of duties should be amended to reflect the tasks required to fulfil the objectives set.

Although the job description will be periodically reviewed and updated, it is likely that circumstances will occur from time-to-time in which the employee will be required to perform a duty (or duties) which are not included in the current job description. To avoid any misunderstanding (or possible disputes) a statement should be included along the following lines:

“Any other duty as required by the line manager commensurate with the post”.

### ***Person Specification***

The purpose of the person specification is to decide what qualifications, knowledge, skills and attributes the successful candidate will need to possess in order to carry out the duties of the role effectively.

The items in the person specification are generally identified as ‘Essential’ or ‘Desirable’. ‘Essential characteristics’ are those which the post holder must have to undertake the role i.e. the role cannot be done without them. They may include a specific qualification, ability in an IT software package, or a ‘soft’ skill such as the ability to meet deadlines, for example. Items in the person specification are assessed at different stages of the recruitment process (e.g. application and interview) and a candidate who does not match the essential requirements at the relevant stage, must not be progressed further through the selection process.

*Desirable characteristics* are those which a candidate should ideally possess to undertake the role, and they can help you distinguish between candidates who all meet the essential criteria.

You should decide the elements to be assessed at each stage of the selection process and indicate this on the job description and person specification; for example, specific qualifications can be assessed from the application form, verbal communication skills at interview or via a candidate presentation.

### **Advertisement**

When writing the advertisement, it is important to ensure that it is not discriminatory in any way. The advert should be eye-catching and appealing to the type of person that you are hoping to attract. It can be useful to look on the internet to get an idea of what other

adverts are being placed.

If, when preparing the job description and person specification, a Genuine Occupational Requirement has been established for the post holder, the advert must include this information.

An example wording for the advert could be:

*"A Genuine Occupational Requirement exists for the post-holder to be a Christian in accordance with the Equality Act 2010."*

Similarly, if the post holder will have contact with children or adults who are vulnerable, an enhanced Disclosure and Barring Service check will be required. The advert must also contain this requirement. Suitable wording could be:

*"An enhanced DBS Disclosure will be required for the successful applicant".*

There are a variety of locations you can place your advert such as on the Church of England Pathways website, the Diocesan website, the local newspaper or job sites on the internet, for example. Adverts are generally placed for two weeks however it is important to bear in mind the printing dates if your vacancy is advertised in a printed publication. If you would like your advert placing on the Pathways or Diocesan website, please contact the HR team at the Diocesan Office.

### **Application Pack**

The information included in an application pack will vary depending on the job being advertised.

An application pack should include an application form, a job description and a person specification. All applicants must fill in an application form rather than submitting a CV to ensure that Safer Recruitment guidelines are followed.

The form is the first stage of the selection process and enables us to assess candidates fairly and objectively against a standard format. Furthermore, the application form is a binding document and any employee who is subsequently found to have given false or misleading information on the form, can be disciplined or dismissed. It is also useful to include information regarding the Church in the application pack.

Information on the salary and benefits package will also help a prospective candidate decide whether or not they would like to apply for the position.

Finally, don't forget to state the date by which all completed applications must be received, together with details of where the application form should be returned (unless using Pathways).

### **Selection Process**



Once the closing date has passed, all of the completed applications should be given due consideration. A small panel of people should gather to read through the applications and determine whether all the essential areas of the person specification have been met. It is useful to draw up a table listing the essential and desirable skills specified on the person specification along the top and list the names of the candidates along the side. Those selected for interview should meet all of the essential criteria. Depending on the quality and quantity of the applications received, the desirable criteria should also be evaluated. This table should be kept for a period of six months (before shredding) from the date of appointment to the position in order that you have the evidence of the criteria used for selection should you receive any claims for discrimination in your selection process.

Candidates should only be invited to an interview if there is a confidence that the person meets the requirements for the post.

It is a requirement of the Equality Act 2010 that interviews are accessible for all candidates so you will need to check in advance whether there are any special requirements to be made, for example, wheelchair access, large print documents etc. All unsuccessful candidates should also be notified.

## **Interviews**

The interviews should be conducted by a small panel of people who have knowledge and understanding of the parish/project and its purpose and who will be working with the newly appointed person. Panel members should include some of the following:

- The person who will be responsible for management of the worker
- A member of the PCC
- A significant partner or stakeholder
- A representative of the user group.

### **Interview planning and arrangements**

During the interview planning stage, use the following checklist:

- Ensure there is an appropriate space to interview
- Allow sufficient time: a minimum of 45 minutes to one hour per interview plus at least 15 minutes between candidates for writing up notes
- Ensure there will be no interruptions
- Appoint the panel chair
- Plan the interview format and running order with panel colleagues, including any other activities e.g. presentation
- Draft and agree interview questions based on the criteria to be assessed at this stage
- Circulate the agreed questions to the panel in advance
- Print copies of the job descriptions/person specification, all application forms, planned interview questions and assessment sheets
- Understand and adapt to any reasonable adjustments needed by candidates. For example, will a candidate be accompanied by a Guide Dog; will they require additional time to deliver their presentation?

### ***Chairing the interview panel***

The panel should be made up of 2 or 3 people. The role of the panel chair is key to ensuring the smooth and effective running of interviews. Interviews should be structured, using the ORCE methodology which is used to produce high-quality evidence about candidates, measuring how well they performed throughout the recruitment process:

- Observe – the focus here should be on obtaining evidence
- Record – it is important to make extensive notes
- Classify – use the information gathered to classify them against the identified competencies
- Evaluate – use detailed rating forms to do this – preferably using numeric scales

#### **The chair will:**

- Welcome the candidate and introduce or facilitate introductions from the panel
- Outline the interview format so that the candidate knows what to expect: length of the interview, information about the role, order of questions from the panel, candidate questions, other activities e.g. presentation, tour
- Manage time and ensure each interview progresses at a suitable pace with time to cover all elements
- Explain the work of the Diocese and outline key aspects of the role
- Offer each panel member the opportunity to ask questions and probe their area of interest/specialism
- Ensure all candidates' questions are answered as fully as possible
- Close the interview and give timings for next steps/feedback
- Following the interviews, chair the scoring and assessment 'wash up' session
- Guide the panel to a decision, providing robust challenge to ensure that assessment is based purely on objective analysis of candidates' skills against the job description and person specification and gaining consensus as to the preferred candidate
- Keep all interview paperwork including panel notes for appropriate secure storage or disposal in compliance with data protection (these should be kept for six months then disposed of).

### ***Interview questions and process***

Look at the person specification to see which items are to be assessed at interview. You will then need to draft questions which will enable candidates to demonstrate their skills, knowledge and experience.

Interview questions fall into three broad categories:

1. General questions
2. Role related or technical questions
3. Behavioural competency questions

'General' questions might include:

- What do you know about the work of the Diocese?
- Why are you interested in this role?
- Would you be able to attend occasional evening events?

'Role-related' questions might include:

- Give an example of how you have managed a budget effectively.
- Describe how you have planned and organised a significant event/meeting.
- What key developments in employment law are expected in the next 12 months?

'Behavioural competency' questions seek examples of when the candidate has demonstrated skills which match those required for, and which can be transferred to, this role. Asking candidates to describe what they have done in the past is a better predictor of future performance than, say, hypothetical questions. Examples might include:

- Describe how you have used your motivational skills to enable a member of your team/colleague to develop in their role.
- Give an example of an improvement you have implemented within your team.

The following tips may be useful in managing the interview process:

- Many candidates are of course nervous at interviews; use the introductions and your opening questions to put them at their ease and build rapport.
- Check housekeeping: have plenty of water available so that the candidate does not have to ask. Specifically check that all mobiles are on silent/switched off. Place 'Do not disturb, interviews in progress' signs on the door. Warn the candidate if a fire alarm test is due.
- Your aim is to help all candidates demonstrate their skills and knowledge fully so that you can identify the strongest match for the role. Structure your questions carefully and comprehensively. Allow them to refer to notes they may have brought.
- Avoid any question which could be construed as unfair, biased or discriminatory. For the majority of roles which are not covered by the Occupational Requirement guidance, specific personal questions about religion or belief cannot be justified. Questions about home-life, caring responsibilities etc. are also not justifiable. Structure all questions objectively, based on the requirements of the role.
- If a candidate 'dries up' or cannot immediately answer a question, gently move on and return to that area later.
- Use any silences appropriately, allowing thinking or note-taking time.
- Manage the candidate: courteously move on to the next question if they have given you sufficient information; remind them of the original question if they have digressed.
- Be aware of your own inherent biases/preferences (we all have them, they are a part of human nature), and plan questions to counterbalance these.
- Remember the 'horns/halo' effect: one poor or excellent aspect of a candidate's performance can influence you against or in favour of them (for example a poor presentation against good responses to interview questions). Maintain a balanced view and evaluate all aspects of their performance equally.

- Reserve decisions until you have seen all candidates; treat all equally even if you have identified early on in an interview that one is not suitable for the role.

It can be helpful to give the candidate a tour of the facilities (the project, area, accommodation, office etc) immediately prior to the interview taking place. This will allow the candidate to ask any relevant questions during the interview itself.

It is helpful to tell the candidate when you hope to make a decision by – however, don't make false promises!

Once all of the interviews are completed, the interview panel should retire to discuss the performance of the candidates and agree whether an appointment is to be made. Referral should be made to the notes made by the interview panel member(s) for any clarification.

A verbal, conditional job offer may be made to the successful candidate, subject to "the receipt of satisfactory references" and subject to receipt of an acceptable DBS check, (where appropriate). Any verbal job offer should be followed up by a written offer.

### **Assessing candidates**

After each interview and any other selection activity (e.g. presentation), panel members should score the questions to note their own assessment of the candidate. Individual assessments will not be discussed until all interviews have been completed. At this stage, the panel chair will lead the 'wash up' session when scores will be shared by the panel and consensus reached on the preferred candidate. This should ideally be done as soon as all of the interviews have been completed.

In assessing candidates, you must rigorously measure each person against the essential and desirable criteria in the person specification, as well as their ability to fulfil the requirements of the job description. As indicated above, the desirable criteria can be used to differentiate between candidates who have performed equally well at interview.

When evaluating your evidence, it is important to be aware of the following:

- *The Halo effect* – the tendency to generalise one aspect of good performance to all performance
- *The Horn effect* – the tendency to generalise one aspect of poor performance to all performance
- *Central tendency* – the tendency to give 'middle of the road' evaluation often so that one can avoid having to justify high or low scores
- *Leniency* – the tendency to generally view people's performance favourably
- *Harshness* – the tendency to generally view people's performance unfavourably
- *First impressions* – the tendency to be most influenced by initial impressions and to disregard subsequent contrary evidence
- *Recency* – the tendency to be most influenced by the last observations made and to disregard earlier contrary evidence

- *Stereotyping* – allowing personal biases and prejudices arising from stereotyped views of groups of people to distort evaluation of actual performance

## References

Letters should be sent to the referees as soon as a conditional offer of employment has been made to a candidate. The candidate's permission should be sought prior to these requests being made. Some organisations prefer to request references before the interviews are conducted. However, it should be noted that many candidates do not wish their current employer to be aware that they have a job interview and may be reluctant to allow reference requests to be made until a conditional offer of employment has been made – this is normal and isn't a problem.

You should always request a reference from their current or most recent employer. Some employers will only confirm the dates that the employee worked for them and the job title of the employee. Again, this is normal and should not be taken as to reflect badly on the individual.

Where a reference is received verbally it should always be followed up in writing.

Should a candidate be given a conditional offer (subject to references being received which are satisfactory to the organisation) they may start prior to receipt of the references. In the unusual situation where an unsatisfactory reference is received, the employment should be terminated as the condition of the job offer would not have been met.

## DBS Disclosures

Where the employment involves working with children and/or adults who are vulnerable, an appropriate Disclosure and Barring Service check will need to be obtained. Employees should not commence their employment until an acceptable DBS check has been completed.

## Pre-employment Checks and Reasonable Adjustments

In compliance with the Immigration Act 2016, all candidates who are offered a post must provide evidence that they have the Right to Work in the UK. As the UK has now left the EU please note that the rules are changing, and employer's should ensure that they are complying with the regulations – please refer to the government guidance here for the latest updates - <https://www.gov.uk/check-job-applicant-right-to-work>.

It will also be imperative to establish whether the candidate needs any reasonable adjustments to carry out the role and this should be discussed as well, so that the requirements of the Equality Act 2010 are fully met.

## Recruitment Paperwork

All the recruitment paperwork, including the completed application forms, selection information, copies of letters and interview notes should be kept securely for a period of

six months after the appointment has been made. This will ensure that you have any necessary documentation should a claim be made against you for discrimination.

It should be noted that discrimination claims may be made to a tribunal by an applicant for up to three months after the time when the alleged discrimination occurred. Once the six months has passed the paperwork for the unsuccessful candidates should be shredded in order to comply with the General Data Protection Regulations 2018.

### **Section 3 – Documentation**

It is vital that both employees and volunteers have a written contract of employment that sets out their terms and conditions of employment – this offers protection for both employer and employee.

#### **Contract of Employment**

Employees and volunteers should be provided with a contract (agreement for volunteers) once their offer of employment is unconditional.

The following information is required to be produced in the document:

- Name of employer
- Name of employee
- Date when employment began
- Date when continuous employment began
- Scale or rate of salary
- Intervals at which remuneration will be paid
- Details relating to hours of work (which will include normal hours of work)
- Holiday entitlement
- Job title
- Normal place of work
- Details of any probationary period
- Terms relating to sickness absence and sick pay
- Details of pension and pension scheme
- Period of notice which each party must give to terminate the employment
- The termination date of a fixed term contract or the likely length of a temporary contract
- Details of any collective agreements which may affect the terms and conditions of the employment (only if a Trade Union is officially recognised by the organisation)
- Details of the disciplinary and grievance policy and procedures, including details of the name of the person(s) to whom the employee can raise a grievance or appeal if they are dissatisfied with any disciplinary decision
- Any training entitlement provided by the employer, whether mandatory and whether it must be paid for by the employee, must be referred to in the main document but terms can be contained in a supplementary document

Two copies of the Contract of Employment should be provided to the employee and each signed by both parties; the employer retains one copy and the employee retains the other.

Any changes made to the Contract of Employment should be made with the agreement of both parties and should be confirmed in writing. The letter will then form a codicil to the Contract of Employment and should be attached to it (this should also be signed by both parties).

### **Probationary period**

The length of the probationary period should be noted in the Contract of Employment. Three or six months is a typical period, depending upon the type of position and dependent on whether the role is temporary or permanent. Generally, the more senior the position, the longer the length of the probationary period.

A reduced notice period is usually required to terminate the employee during the probationary period.

The purpose of the probationary period is to ensure that both the employer and employee are happy with the appointment. Therefore, it is vital that the performance of the employee is monitored carefully and closely during the probationary period by the designated line manager. It is helpful to both the employee and employer if targets for achievement during the probationary period are set within the first two weeks of the commencement of employment. Regular review sessions should take place every month as a minimum. Any performance concerns should be discussed with the employee and noted on their personnel file.

If performance issues do arise, the employee should be fully aware of the issues and given the opportunity to improve. If their performance does not meet the required standards, their contract may be terminated after following the correct process. It should be noted that in this event an employee does have the right of appeal. An evaluation should take place prior to the post being re-advertised to ensure that the fault does not lie in the recruitment process.

### **Confirmation of Position**

Once the probationary period has been successfully completed, a letter should be sent to the employee informing them of this and confirming their position.

### **Policies**

Once there is at least one employed person, it is important to have workplace policies in place as soon as possible. There are a number of policies required by legislation for employers, and some that are recommended. However, it should be noted that there are many additional policies that could be considered, and this will be unique to each workplace.

Policies required by legislation:

Health and Safety (required by law if there are more than five employees, but still best practice to have) although churches should already have Health and & Safety policy in

place  
Grievance  
Disciplinary  
Equal Opportunities

Recommended:  
Sickness absence  
Leave/time off work  
Family Friendly (including maternity and paternity provisions)  
Anti-bullying

#### **Section 4 – Pay and Reward**

When looking at the level of pay and reward for the employee, it is important to consider the remuneration package as a whole. This will include salary, pension, holiday entitlement, flexible working hours, time off for appointments, compassionate leave, life assurance, provision of equipment, car/car allowance, subsistence allowance and training provision. Often charitable organisations have provided increased intangible benefits to balance their inability to pay the market rate of pay.

Consideration should be given as to whether the level of pay is sufficient:

- To attract suitable employees
- To retain good employees
- To reward employees for their loyalty, effort, experience and achievement.

There will be several influences on the pay level:

- *Minimum* – to fulfil legal obligation in relation to the National Living (Minimum) Wage.
- *Competitive* – it will be necessary to pay the local market rate for a specific type of work in order to attract the calibre of candidates.
- *Equitable* – to provide a fair rate of pay for an employee in a particular type of work.
- *Motivational* – to provide an incentive for the employee.
- *Cost-of-living* – to keep pace with inflation.
- *Incremental increases* – annual increases to salary.

Where funding has been obtained for an appointment, it will be necessary to consider the cost of the appointment over the project period to ensure that there are sufficient funds to pay for a cost-of-living increase throughout the duration of the project, the approximate cost of paying expenses, any training needs, the cost of non-managerial supervision and equipment costs as well as considering the “on-costs” of employment which include employers’ National Insurance payments, pension costs and provision for redundancy payments etc.

The level of pay can be determined by considering the duties in the job description and the calibre of candidate required to match the person specification. The evaluation of



the job role will determine the level of reward. It is also useful to look at advertisements for similar roles as this will provide information regarding the local market rate paid for similar work.

The level and method of payment should be included in the employee's Contract of Employment.

The Diocese of Leeds offers a payroll service to parishes. These services will take away some of the potential problems relating to the calculation of tax and national insurance as well as student loan deductions and statutory payments such as Statutory Sick Pay, Statutory Maternity Pay, Statutory Adoption pay and Statutory Paternity Pay, for example. However, whether or not you use an external payroll agency, the legal responsibilities remain with the employer (PCC).

### **The Living Wage**

Please note that General Synod have made a commitment for all of our employees to be paid the Living Wage (this is different to the National Living (Minimum) Wage) which is currently £9.90 per hour (as at May 2022). This is to ensure that our employees are not subject to poverty and the Living Wage is 'an idea that flows directly from Christian Values'. For more information on the Living Wage, please visit: <https://www.livingwage.org.uk/>

### **Holiday Entitlements**

Statutory holiday entitlements are set out under the Working Time Regulations. The statutory entitlement is 28 days which include the statutory public holidays (8 days a year in England).

Holiday dates should be agreed in advance between the employer and employee. Employees do not have the right to choose holiday dates without due consideration to others. Holidays should be calculated on a pro-rata basis for part-time employees.

### **Expenses**

It should be agreed with the employee in advance what expenses will be paid. The reimbursement of expenses should be made by the completion of an Expenses Claim Form, with receipts attached, which should be authorised by the employee's manager.

### **Pension Arrangements**

The Pensions Act came into effect in October 2012, which introduced Auto-Enrolment. As a result of this, all employers are expected to provide a pension to all eligible employees.

Auto-Enrolment applies to all employees aged 22 to 74 who have one month of service with an employer and earn a minimum of £10,000 in any year, although employees earning less than this amount may request to opt in (employers must comply with all requests to opt-in).

Employees may opt-out of the auto-enrolment scheme, but will be re-enrolled automatically every three years as per government legislation. If employers encourage employees to opt out, they may receive large financial penalties.

Further details about pensions and auto-enrolment are available from the Pension Regulator: <http://www.thepensionsregulator.gov.uk/>

## **Section 5 – Performance Management**

It is helpful for both the employee and the employer to know and understand what expectations there are in relation to their job role so that they can work towards achieving the goals set for them. The capacity to meet these expectations will depend upon factors such as:

- The capability of the employee
- The level of management support available
- The processes, systems and resources available to the employee.

In order to ensure that the employee can perform to the best of their ability, managers should hold regular one-to-one's with the employee as well as holding annual appraisals.

Regular feedback and recognition of achievements form essential elements in the retention, performance and satisfaction of employees. It is a costly process to recruit an employee so it is sensible to ensure that the organisation is able to retain employees. Two-way communication between the employer and employee will bring any issues to light at the earliest opportunity.

### **Appraisal**

Appraisals give an opportunity to consider the employee's performance in their job role, to identify objectives and priorities for the future and agree any development or training needs required to achieve these.

Appraisals should be carried out annually with regular, less formal one-to-one sessions (ideally monthly) to ensure that employees are supported and that they are able to achieve their goals and re-evaluate any areas as necessary.

The review process should provide feedback to the employee, provide the motivation to achieve future goals and provide the strategy for improving performance.

A good review process will encourage self-review by the employee as well as the

employee being reviewed by their manager. The documents should be exchanged prior to the review meeting taking place which will allow both the reviewer and reviewee to consider the information and prepare for the meeting. This may be particularly helpful where the employee and employer have different ideas as to the priorities of the role or the direction in which the role should progress.

The review is also an opportunity to update the job description (with the agreement of the employee) and ensure that it reflects any changes in the direction of the job. Once agreed, the new job description should be dated and issued to the employee with a copy retained on their personnel file.

It should be noted that the review is not the vehicle for dealing with poor performance issues – these should be dealt with as they occur and not left to an annual review. In essence, there should not be any surprises for the employee at their review meeting.

### **Training**

It is important for the employee to receive adequate training to allow them to perform in their role well. Training in new skills will provide development opportunities for the employee as well as being of benefit to their employer.

Training needs may be identified during the appraisal process when it may become clear which new skills, or improved skills, will be necessary to fulfil the role during the forthcoming period. However, some training needs may be mandatory, for example, to adhere to legislative requirements relating to Health and Safety, First Aid and Food Hygiene. Such training needs should be given priority.

There are numerous methods of training that can be provided which don't necessarily incur the level of expense that attending a day conference or course may incur. Additionally, different individuals prefer to learn in different ways and so consideration should also be given to the specific preferences of the individual. Some types of training methods include:

- Study course
- Searching the internet
- Sitting alongside a person to learn a new skill
- Job shadowing

Many of these will only incur time costs; others will have expensive fees.

Where an employee is offered an expensive training programme, an educational agreement should be put in place where the employer reserves the right to recover a proportion of the training costs should the employee leave the organisation within a certain period (usually two years) after completing the training or qualification. This will ensure that the organisation receives a suitable return on the investment of the training programme.

### **Absence Management**

Accurate sickness absence records should be kept for each employee for both sickness absence and other general absences.

When an employee is unable to work, due to sickness, they should notify their employer on the first day of absence within one hour of being due to start work. In the first week, employees should make regular contact with their manager. If their absence lasts for more than seven calendar days, they should provide a sick note from their doctor and agree the frequency of contact with their manager going forward.

On the employee's return to work, a meeting should be held with their manager. A discussion should take place so that the employer can be sure that the employee is well enough to return to work and should include making any necessary adjustments, whether these need to be temporary or permanent.

### Capability Procedure

If an employee is not meeting their employer's standards, the employer should investigate the situation before deciding on the next step to take (for example, dismissal). The standards expected by the employer should be in the employee's written terms of employment, or in a workplace policy booklet.

An employer might consider an investigation for possible disciplinary action if an employee: keeps taking sick leave or being late (some HR systems have 'trigger' points to keep track of attendance records), is absent without permission – some might call this 'unauthorised absence' or 'absent without leave' (AWOL) or seems to have trouble doing their job.

#### Deciding on the best procedure

The employer must decide whether a disciplinary or a capability procedure is most appropriate. The employer should meet with their employee to find out more on whether the issue is due to either: conduct or capability.

#### If it's a conduct issue

Conduct is about an employee's behaviour at work. Usually it's a conduct issue if the employee has control over their actions. For example, calling in sick when they're not genuinely ill. To deal with a conduct issue, the employer should follow a disciplinary procedure.

#### If it's a capability issue

Capability is about an employee's ability to do their job. Usually it's a capability issue if the employee has no control over it. For example, if an employee becomes unable to do their job due to an illness and adjustments or support cannot help.

It's not always clear whether an employee's poor performance is due to capability or conduct. But the employer should always carry out a full and fair procedure before deciding on any action like dismissal.

Commented [AM1]: I'm not sure this makes sense?



## Section 6 – Dismissal and Redundancies

ACAS identifies and explains dismissal procedures which are included in their Code of Practice. If a situation arises where the employer believes it may be necessary to dismiss an employee, they should ensure that they comply with the following points:

- Dismissing employees should be the last resort and employers should carry out necessary investigations without unreasonable delay to establish the facts.
- Employers should use a fair and consistent procedure when dismissing an employee.
- It is always best to try to resolve any issues informally first - often a quiet word is all it takes to sort out problems.
- Employees have the right not to be unfairly dismissed.
- Follow the ACAS Disciplinary and Grievance Code of Practice: <http://www.acas.org.uk/media/pdf/f/m/Acas-Code-of-Practice-1-on-disciplinary-and-grievance-procedures.pdf> and Guide: <http://www.acas.org.uk/media/pdf/9/g/Discipline-and-grievances-Acas-guide.pdf>
- Set out in writing your rules and procedures for handling disciplinary procedures (in a policy).
- Make sure employees and managers understand the rules and procedures for disciplinary issues.

A dismissal occurs when an employer terminates the employee's contract. Just as formal disciplinary action should only be necessary if informal methods have failed to resolve the problem, so dismissal should be the last resort in terms of sanctions.

Whilst the ACAS Code is not in itself legally enforceable, employment tribunals will take its provisions into account when considering relevant cases so it is important to ensure that any processes followed are in line with the Code.

Employees have the right not to be unfairly dismissed. In most circumstances, employees will need to qualify before they can make a complaint to an employment tribunal:

- at least one year's continuous service for employees in employment before 6<sup>th</sup> April 2012;
- two years for employees starting employment on or after 6th April 2012.

### **Redundancy**

Redundancies are a form of dismissal and can happen when an employee's job no longer exists. This can be for a variety of reasons such as the employers need to reduce their workforce, close the business, or certain work is no longer needed, for example. If an employee is made redundant, they may be eligible to certain rights such as time off to look for work, redundancy pay, a notice period and consultation with their employer.

There are guidelines for making employees redundant and for determining whether or not a redundancy situation exists. ACAS has a helpful guide for handling small-scale redundancies: <http://www.acas.org.uk/index.aspx?articleid=4547>

It is helpful to draw up a draft framework of what you are thinking of doing and in what order. This should include:

- *Step 1 – Briefing your managers* – talking with your managers will help the process to go more smoothly and help you to determine what support they need.
- *Step 2 – Talking to your staff* – you're legally required to *consult meaningfully* with your staff. This is a very specific way of discussing the situation with staff, so working out how, when and what to talk about is important. It's also useful because your staff may give you options that you hadn't previously considered.
- *Step 3 – Choosing redundancy staff carefully* – if redundancy does turn out to be the way forward, you need to plan how you will fairly and consistently decide which jobs will go. You also need to plan how you will select people for redundancy from those posts.
- *Step 4 – Giving redundancy notice and pay* – this should be part of your discussions and (if handled correctly) can be reassuring for your staff.
- *Step 5 – Remembering notice period rights* – being mindful of special rights, your redundant staff have to look for jobs or training will help you plan ahead. Also, if other jobs in your business come about, there are provisions for trial periods that could help you avoid redundancy costs.
- *Step 6 – Allowing for staff to appeal against their selection for redundancy* – this can often give you a chance to be absolutely sure you've done the right thing and give you the opportunity to put it right if not.
- *Step 7 – Focussing on your businesses future* – it's important to remember that redundancy is meant to help you get your parish back on track. You will need to plan how the business will operate when redundant staff leave.

## **Section 7 – Volunteers**

Volunteers play an essential part in the operation of many parishes and the recruitment of them should follow a similar format to that of employee's.

### **Recruiting**

Volunteers should be interviewed to check that they have the appropriate skills and knowledge to fulfil the voluntary tasks for which they are applying.

Where a volunteer's role will involve contact with children or adults who are vulnerable, a DBS check will be required.

It should be noted that volunteers may only receive training which is necessary for them to fulfil their voluntary tasks. Any general training that they receive may be considered a benefit, thus changing the status of a volunteer to that of a worker.

### **Volunteer Agreement**

It is useful to have an agreement with the volunteer which will state the expectations of both the organisation and the volunteer. This is especially helpful if a period of training is required which will create a significant cost to the organisation.

However, care should be exercised in ensuring that the language used in the agreement is not contractual in its implications. An agreement should show mutual hopes rather than mutual obligations.

### **Training**

The organisation should provide training for the volunteer that is necessary for them to undertake their role. However, it should not allow a volunteer to consider the training as a reward in return for their volunteering as this would be deemed to be a 'consideration' given in return for work which would create a contract between the organisation and the volunteer (which would entitle the volunteer to claim the National Living Wage for all the hours that they have "worked").

### **Expenses**

It is vital that volunteers are reimbursed for their genuine out-of-pocket expenses rather than receiving any payment given in return for work they undertake. Reimbursement is not taxable, does not create a contractual or employment relationship, and will not affect state benefits.



***What is a genuine reimbursement of expenses?***

Reimbursement means repayment or refund of money which the individual has actually spent. It will not be considered as remuneration provided that:

- The expenditure was genuinely incurred
- The expenditure was necessary for the work
- It was wholly for the work
- It is adequately documented
- It was reimbursement of the type of expenditure allowed free of tax by the Inland Revenue

The following are allowed by HM Revenue and Customs as reimbursable expenses provided that the volunteer receives no other payment or remuneration from the organisation:

- A mileage allowance at HM Revenue and Customs agreed rate or less, for genuine car use between home and the place of volunteering, or between places of volunteering
- Actual cost incurred for specialist clothing required for the voluntary work, for example uniforms or clothing required for health and safety purposes
- Actual cost incurred in the purchase of materials or services required to do the voluntary work
- Actual cost of meals taken during the time of volunteering

Payments greater than the costs actually incurred are not genuine reimbursements and will not be treated as such by HM Revenue and Customs. It is good practice to have limits on the maximum amounts that will be reimbursed for meals, childcare and other expenses.

Reimbursement should be made by a claim with the volunteer's signature obtained. The receipts should be attached to the claim form.

**Performance issues**

A volunteer should have informal meetings with the person who supervises or manages them in order to ensure that their performance meets satisfactory standards. Records may be kept, especially where performance issues have arisen.

Volunteers should not be bound by the Disciplinary and Grievance procedures as this would have contractual implications.

When a volunteer agreement is ended by the organisation, care should be taken to avoid the use of contractual language.

## Section 8 – Health & Safety

Health and Safety regulations are covered by several Acts. Written Health and Safety policies are a statutory requirement for all employers with five or more employees however, it is best practice for all organisations to have a policy. The policy needs to identify responsibilities for health and safety and should generally cover three main areas:

- The statement of general policy of Health and Safety at work (this sets out your commitment to managing Health and Safety effectively, and what you want to achieve).
- The responsibility section (this section sets out who is responsible for specific actions).
- The arrangements section (this section contains the detail of what you are going to do in practice to achieve the aims set out in your statement of Health and Safety policy).

For more information and guidance, please visit:

<http://www.hse.gov.uk/toolbox/managing/writing.htm>

### Office Health and Safety

An employer should attend to the following areas:

- Managing health and safety (e.g. assessing risks)
- Workplace health and safety and welfare (e.g. working environment and housekeeping)
- Provision and use of work equipment (e.g. tools to be suitable for their purpose)
- Manual handling (e.g. avoiding or assessing needs and methods)
- Protective equipment (e.g. ensuring it is properly used)
- Display screen equipment (e.g. satisfying certain minimum requirements for computers)

#### Display Screen Equipment Guidelines

The Display Screen Equipment Regulations 1992 cover all workers who habitually use display screen equipment as a significant part of their normal work. The main requirements include:

- Risk assessment of individual work-stations, especially with regard to visual fatigue, muscular-skeletal problems etc
- Work-station design to conform to minimum ergonomic standards
- Provision of adequate rest breaks from work at the screen
- Access to eye tests at the employer's expense
- Provision of adequate information and training

<https://www.hse.gov.uk/msd/dse/assessment.htm>

### Manual Handling

The regulations require employers to consider the risks from manual handling operations to the health and safety of their employees.

They are required to:

- Avoid manual handling operations where possible
- Assess and reduce the risks of the remaining operations
- Provide mechanical aids and/or personal protective equipment
- Provide information and training

### **Risk Assessment**

There is a requirement to carry out risk assessments for the type of work that the employee will do. Further information and templates are available from the Health and Safety Executive website found here <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>

Ecclesiastical Insurers also have a document library

[https://www.ecclesiastical.com/document-library/?q=&facet\\_audience=35083&facet\\_documentType=&facet\\_productService=&facet\\_dateMonth=&facet\\_dateYear=](https://www.ecclesiastical.com/document-library/?q=&facet_audience=35083&facet_documentType=&facet_productService=&facet_dateMonth=&facet_dateYear=)

## Section 9 – Useful Contacts and Addresses

### **ACAS (Advisory Conciliation and Arbitration Service)**

Euston Tower  
286 Euston Road  
London  
NW1 3JJ

Tel: 0300 123 1100

[www.acas.org.uk](http://www.acas.org.uk)

### **The Charity Commission**

<https://www.gov.uk/government/organisations/charity-commission>

### **Chartered Institute of Personnel and Development (CIPD)**

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

### **Churches' Child Protection Advisory Service (CCPAS)**

PO Box 133  
Swanley  
Kent  
BR8 7UQ

Tel: 0303 003 1111

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

### **Education and Skills Funding Agency**

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

### **Gov.uk**

<https://www.gov.uk/>

### **Health & Safety Executive**

HSE Reporting Line: 0345 300 9923

[www.hse.gov.uk](http://www.hse.gov.uk)

### **HMRC**

<https://www.gov.uk/government/organisations/hm-revenue-customs>

### **Learn Direct**

Tel: 0800 101 901 [www.learndirect.com](http://www.learndirect.com)