

DIOCESE OF PORTSMOUTH



DIOCESAN OPERATING PROCEDURES D (DOP D)

DIOCESAN OPERATING PROCEDURES FOR PERSONNEL

Issued by

The Bishop of Portsmouth and the Trustees of the Portsmouth Diocesan Trust
St Edmund House
Bishop Crispian Way
Portsmouth PO1 3QA

(Additional copies may be downloaded from www.portsmouthdiocese.org.uk)

Registered Charity No. 246871

FOREWORD

These Diocesan Operating Procedures are an important step forward in providing clarity for all those concerned with administration in all the communities that together form the Diocese of Portsmouth. We have a responsibility to ensure that people, buildings and money are treated carefully and with respect and to perform our duties "with the diligence of a good householder." (Canon 1284§1)

As a diocese we must always ensure that the matters we deal with fulfil the requirements of both civil and canon law. It should be clear that these Diocesan Operating Procedures are not 'guidelines' or in any way optional. They have the status of particular law for this diocese and therefore must be adhered to in the broad areas of personnel, schools, buildings and finance. They reflect the vision of the Church contained in our diocesan Pastoral Plan.

I am grateful to those who have given so much of their time to compiling these procedures and who will ensure their regular review and updating.

+Crispian Hollis
Bishop of Portsmouth
May 2010

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DOP D1

PROCEDURE AND DOCUMENTATION FOR STAFF RECRUITMENT

- 1.1 Before deciding to recruit a new employee it is sensible to check that the work cannot be done by a volunteer or an existing employee, and indeed that it needs to be done at all. The following steps are normally involved in the recruitment process:
- 1.1.1 Advertising of vacancies
 - 1.1.2 Short-listing of applicants
 - 1.1.3 Interviewing of candidates
 - 1.1.4 Taking up of references
 - 1.1.5 Checking whether applicant can lawfully live and work in the UK
 - 1.1.6 Obtaining Criminal Records Bureau checks (or equivalent disclosure where the applicant previously worked outside the UK) where appropriate
 - 1.1.7 Checking whether applicant is barred under the Independent Safeguarding Authority ("ISA") barred list where appropriate. ¹
 - 1.1.8 Offer to suitable candidate
 - 1.1.9 Acceptance of offer
 - 1.1.10 Informing of unsuccessful applicants
 - 1.1.11 Induction of new employee

For each position which needs to be filled, a relevant job description (see appendix C) should be drawn up, in order to clarify for both the employer and (potential) employees the exact nature of the duties involved. In this way, disputes and confusion can be avoided.

Advertising

- 1.2 Parishes and the Curia are free to choose how, and where, they will advertise job vacancies, although it makes sense to make use of local papers and/or the national press if applicable. Where there is a "genuine occupational requirement" for the role to be filled by a Catholic person, the national Catholic press may be used. Advertisements must be carefully worded, so as to avoid complaints of discrimination on the grounds of sex, sexual orientation, gender reassignment,

¹ From November 2010 further obligations will come into place in relation to individuals who will be working in controlled or regulated activities with children or vulnerable adults. Please refer to the safeguarding section of the Diocesan website if this may apply see <http://www.portsmouthdiocese.org.uk/safeguarding>.

marital status or civil partnership, race, colour, disability or age, religion or belief or on any other grounds of discrimination which are not permitted by law.

- 1.3 Applicants should be sent a copy of the standard application form (see appendix D), job description (see appendix C) and the equal opportunities monitoring form (see appendix E). As part of this, applicants will be asked to provide the names and addresses of two referees, one of whom should be the most recent employer. All applications should, as a matter of courtesy, be acknowledged.

Short-listing

- 1.4 Only when the nature of the job demands that it is done by a Catholic may preference potentially be given to those applicants who can more closely identify with the work of the Parish, i.e. practising Catholics. Discrimination on the grounds of religion or belief is expressly forbidden by legislation unless there is a "genuine occupational requirement" for the job to be performed by a Catholic. However, great care must be exercised when dealing with other applicants. Discrimination on the grounds of sex, sexual orientation, gender reassignment, marital status or civil partnership, race, colour, disability or age is also expressly forbidden by legislation.

Interviews

- 1.5 The points noted above should be borne in mind during interviews. Terms and conditions of employment must be discussed, and the candidates should be made aware of the requirements for confidentiality in the work, if that is relevant.

Taking up of references

- 1.6 References should be taken up in all but the most exceptional circumstances. Referees should not be contacted until after interview, and then not without the permission of the applicant.

Criminal Records Bureau and other checks

- 1.7 Where an employee, whether employed on a full time or a part time basis, will through their work have access to children and/or vulnerable adults, Criminal Records Bureau checks should be obtained prior to the employee commencing employment. Where the employee has previously worked outside the UK, an equivalent disclosure should be obtained from the country in which they previously worked.
- 1.8 Where an employee, whether employed on a full time or a part time basis, will through their work have access to children and/or vulnerable adults and a Criminal Records Bureau check other than an enhanced one has been undertaken, the Independent Safeguarding Authority barred list should be checked prior to the applicant commencing employment to ensure that the applicant is not barred from working with children or vulnerable adults.²

² Please refer to Footnote 1.
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Offer

- 1.9 It may be useful to make an offer by telephone, as well as writing a formal letter of offer (see appendix A). Please note that any offer made by telephone will be contractually binding on the Diocesan Trustees. The written offer must be accompanied by the contract of employment (see DOP D3), a copy of which (together with the letter) the candidate is asked to sign and return as his/her acceptance of the offer of employment. The Co-ordinating Pastor/Parish Priest/Head of Department is authorised to sign the letter of offer where the candidate is to be employed in a parish. The Secretary to the Diocesan Trustees is authorised to sign the letter of offer where the candidate is to be employed in a Curia department. Please check the guidelines for the band of support worker hourly rates.

Other matters

- 1.10 An appropriate induction course should be arranged for each new employee, at which employees should be provided with access on line to the Diocesan Operating Procedures which contain the employment and personnel policies and procedures. Where the employee will be working in the Curia, they should also be given a copy of the Curia Handbook. They should be asked at this stage to fill in the new employee form (see appendix F), and provide information about their next of kin (see appendix G). They should also be asked to sign the Data Protection Act statement (See appendix H).
- 1.11 The induction course should be relevant to the tasks for which the new employee has been engaged, and therefore needs, to a certain extent, to be job-specific. However, all induction courses must include full coverage of *Health and Safety at Work Policy*, with particular emphasis on their responsibilities to themselves and their colleagues (please see DOP D5).
- 1.12 All employees (new or existing) must be made aware of the necessity to operate safe practices during their employment, and the reporting procedures where unsafe practices come to their knowledge.
- 1.13 All new employees must be instructed fully as regards fire prevention and the actions to take in case of fire. They must be familiar with the layout of the building in which they are employed and the safe exit routes in case of emergencies.
- 1.14 All employees must have a written confirmation of their appointment, job title, salary and terms and conditions of employment (see appendix B).
- 1.15 Identity checks must be carried out on all new employees. The Diocesan policy for identity checks on recruitment is set out in appendix I.

Appendix A

Letter of offer to a new employee (see paragraph 1.9)

Dear.....,

I am writing to confirm the offer of employment by the Portsmouth Roman Catholic Diocesan Trustees Registered as trustee of the Portsmouth Diocesan Trust ("the Diocesan Trustees") as [*insert job title*] at [*insert parish/location*] with effect from [*insert start date*].

This offer is subject to:

- the Diocesan Trustees receiving references from two referees (not friends or relatives), one of which should be your present or last employer, which we deem to be satisfactory. Please confirm that we are free to write to those people you identified for references on your application form;
- the Diocesan Trustees being satisfied that you have the right to live and work in the United Kingdom and to do the work we are offering you. This is dependent on you producing and allowing us to photocopy, and keep a record of, the relevant original documentary evidence to enable us to comply with our obligations under the Immigration, Asylum and Nationality Act 2006. You will not be allowed to start work before the relevant documents have been checked;
- you showing us the certificates for all your formal qualifications;
- the Diocesan Trustees obtaining a satisfactory enhanced CRB check and/or equivalent disclosure where you previously worked outside the UK as considered necessary by the Diocesan Trustees for the position offered; and;
- you not being barred from working with children and/or vulnerable adults under the Independent Safeguarding Authority ("ISA") barred list(s) where appropriate³ for the position offered.

Should you accept this offer or start employment before all these conditions are satisfied and they are not later satisfied within a reasonable time, we reserve the right to terminate your employment without notice.

The first six months of your employment will be your probationary period. At any time during this period, we may terminate your employment on one week's notice. Your performance and suitability will be under constant assessment and towards the end of the probationary period you will be notified whether your employment is to be confirmed or terminated.

³ from November 2010 where you have individuals who will be working in controlled or regulated activities with children and/or vulnerable adults, you will need to also add: you having registered with the Independent Safeguarding Authority (ISA). You are required to provide such assistance and evidence as the Diocesan Trust may require ensuring that such registration has been carried out.

Details of the terms and conditions attaching to this employment are given in the enclosed contract of employment, two copies of which are enclosed and which, with this letter, will form your contract of employment. In case of any conflict or inconsistency the contract will prevail. If you are able to accept the offer, please sign, date and return one copy of this letter and the contract in the enclosed SAE.

Please also find enclosed an Employee Next of Kin Record form and a New Employee Form. Please also complete these and return them also in the enclosed SAE.

I hope you will be able to accept this offer, and I look forward to hearing from you as soon as possible.

Yours sincerely

[insert name]

for and on behalf of the Diocesan Trustees.

encs.

I accept this offer of employment on the terms and conditions of employment set out in this letter and the enclosed contract of employment one copy of which I have read and returned signed and dated.

I authorise you to contact for references the referees given in my application for employment.

Signed:.....

Dated:.....

Appendix B

Letter of offer to an existing employee (see paragraph 1.14)

NB: All employees must have a written confirmation of their appointment, job title, salary and terms and conditions of employment.

Dear.....,

I am writing to confirm your appointment as [*insert job title*] at [*insert parish/location*] which commenced on [*insert start date*]. You will have continuity of employment from your previous position with the Portsmouth Roman Catholic Diocesan Trustees Registered as trustees of Portsmouth Diocesan Trust ("the Diocesan Trustees").

The terms and conditions relevant to this employment are contained in the attached contract of employment, two copies of which are enclosed. Please sign and return one copy as confirmation of your acceptance of the new terms.

You have already been given access to copies of the Diocesan Operating Procedures applying to your employment and the Curia Handbook.

Yours sincerely,

for and on behalf of the Diocesan Trustees.
encs.

Appendix D

Employment Application Form (see paragraph 1.3)

Roman Catholic Diocese of Portsmouth: Employment Application Form

Confidential

Parish/location.....Post.....

Please complete all sections of the form before signing. Additional information may be appended.

Please return the form not later than the closing date stated.

Personal Details		
Surname:	Title:	Address: _____ _____ _____
		Post Code: _____
First Names(s):		
Tel No:	Home	Work
Email		

If you need a driving licence to do the job you are applying for, please answer the following questions:

Do you hold a full current driving licence YES/NO

Is it free of endorsements? YES/NO If NO, please give details

Do you own a car to which you have access for the purposes of work? YES/NO

Is this car insured for work purposes other than for journeys to and from your usual place of work YES/NO

National Insurance Number:

Please give details of any special interests or hobbies.

Have you previously worked for us? YES/NO. If yes, when and in what capacity?

Appendix D (continued)

Have you a contact or are you related to any person in our employment? If so, please give details.

On what date would you be available to commence this employment?

Education and Qualifications		
Examinations Taken	Subject & Grade	Year

Please give name & address of school/college/university where you obtained your qualifications

Appendix D (continued)

Current or most recent employment		
Dates (from/to)	Name and Address of Employer	Position held and Summary of main duties
Current salary:		
Reason for leaving:		
Minimum notice period:		

Please give details of your two previous employers, most recent first		
Dates (from/to)	Name and Address of Employer	Position held and Summary of main duties
Salary and Reason for leaving:		

Appendix D (continued)

Membership of Professional Bodies & Qualifications		
Name of Professional Body and date of membership	Qualifications	Status

Please outline the skills and experience you have gained through paid employment and other work activities and interests which are relevant to your application for this job.

Please use this space to give any other information you feel is necessary to support your application including your reasons for applying to us and what skills or benefits you can bring.

How can we assist with any special needs to enable you to attend interview?

References

Please nominate two referees (not relatives or friends) from whom references may be sought. One should be your present or last employer.

1. Name _____ Address _____

Designation _____

Tel No: _____ Post Code: _____

Occupation: _____ Email: _____

Appendix D (continued)

2. Name _____ Address _____
Designation _____
Tel No: _____ Post Code: _____
Occupation: _____ Email: _____

Declaration

I declare that the information contained in this application is, to the best of my knowledge, true and complete and that false or misleading statements may render this application and any subsequent employment invalid and subject to summary termination.

I understand that it may be necessary for the Portsmouth Roman Catholic Diocesan Trustees Registered as trustees of Portsmouth Diocesan Trust ("the Diocesan Trustees") to process information which could be regarded as Sensitive Personal Data under the Data Protection Act 1998. I consent to the processing of such data for the purposes of my application and any subsequent employment with the Diocesan Trustees.

Signature _____

Date _____

Return to:

For Curia vacancy Personnel Administrator
St Edmund House
Bishop Crispian Way
PORTSMOUTH PO1 3QA

For Parish vacancy Co-ordinating Pastor/Parish Priest/Head of Department
(Insert address)

Application forms should be returned not later than the closing date stated.

Appendix E

Equal Opportunities Information (see paragraph 1.3)

Roman Catholic Diocese of Portsmouth: Equal Opportunities Monitoring Form

Confidential

The information is required so that we can monitor the implementation of our equal opportunities policy. It will enable us to compile statistical information regarding the diversity of applicants for the purposes of comparison with the diversity of those actually recruited. It will not be used for any other purpose and will not be looked at by those short-listing or interviewing candidates. We would encourage you to complete it so that we can have a full picture of our recruitment patterns. Please return it with the application form but placed in the separate envelope provided for this purpose, which is marked "Confidential – Equal Opportunities Monitoring Form".

Please tick as appropriate

1 I am Female Male

2 Ethnic Origin

Please read the list below and tick the appropriate box that you feel most nearly describes your ethnic origin.

A Asian or Asian British

-
-
-
-

Bangladeshi
Indian
Pakistani
Other Asian background (please describe)

B Black or Black British

-
-
-

African
Caribbean
Other Black background (please describe)

C White

-
-
-

British
Irish
Other White background (please describe)

D Chinese or other Ethnic Group

- Chinese
- Other (please describe)

E Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background, please describe

The above categories of ethnic origin were used for the 2001 census in England and Wales and are recommended by the Commission for Racial Equality. They do not refer to place of birth, citizenship or nationality, but to the ethnic group to which you belong.

3 I am married Yes No

4 To help identify if single parents or carers are treated less favourably, please tick as appropriate

I live with my partner Yes No

Dependent Children Other Dependants

5 I am registered disabled Yes No

I have a disability Yes No

which might require assistance with mobility Yes No

6 Other requirements (please specify)

I understand that in giving the information above, I am consenting to the processing of this information for the purposes of monitoring implementation of the Diocesan Equal Opportunities Policy.

Appendix F

New Employee Form (see paragraph 1.10)

NEW EMPLOYEE FORM

NAME:

ADDRESS:

POSTCODE:

CONTACT TELEPHONE NUMBER:

DATE OF BIRTH:

PARISH/DEPARTMENT:

NI NUMBER:

STARTING DATE:

NAME OF BANK ACCOUNT:

ACCOUNT NO:

SORT CODE:

(Please attach P45 Form or completed P46 Form)

Signed
Co-ordinating Pastor/Parish Priest/Head of Department

Date

Appendix G

Next of Kin Details (see paragraph 1.10)

Roman Catholic Diocese of Portsmouth: Employee Next of Kin Record

PARISH/DEPARTMENT:

EMPLOYEE NAME:

RELATIONSHIP:

NAME:

ADDRESS:

POST CODE:

Contact Telephone Number:

Home:

Work:

Mobile:

Email:

Signed:

Date:

Appendix H

Employee Data Protection Statement (see paragraph 1.10)

PARISH/DEPARTMENT:

EMPLOYEE:

Personal information obtained from you and about you during the course of your work with Portsmouth Roman Catholic Diocesan Trustees Registered as trustees of the Portsmouth Diocesan Trust ("the Diocesan Trustees") will be held in your personnel file.

You have expressly consented in your contract of employment to the Diocesan Trustees holding and processing information about you, including sensitive personal data. The information is necessary for your proper employment, and will only be disclosed to statutory bodies auditors and restricted personnel authorised by the data controller (the Diocesan Trustees) or as otherwise set out in your contract of employment.

Your file will include some of the following, where appropriate:

- Job application form
- Curriculum vitae
- Acceptance letters
- Contract of employment
- Contract amendments
- Job description
- Assessment reports
- Disciplinary letters
- Sickness reports and notes
- Holiday information
- Absence information
- Next of kin
- Bank details
- Mortgage request replies
- References given
- Payroll details
- Pension information

Files will be audited on a regular basis to ensure that out of date information is destroyed accordingly. Personal data will only be stored for as long as is necessary for the purposes for which it was collected from data subjects. Information will then be destroyed by shredding.

Please sign below your acknowledgement of these details.

Signed _____

Date _____

Appendix I

Policy for Identity Checks on Recruitment (see paragraph 1.15)

1. INTRODUCTION

The Diocesan Trustees are legally required to undertake certain basic documentation checks on every potential employee in order to avoid employing illegal workers.

This policy applies to all new employees of the Diocesan Trustees, irrespective of their national origin.

This policy will be reviewed and updated as necessary in accordance with changes in the law. Neither this policy nor any part of it is intended to have contractual effect.

2. DOCUMENT CHECKS

Before any individual of any nationality starts work for the Diocesan Trustees, it is obligatory that he or she can prove entitlement to work in the UK.

In order to ascertain whether a person has the legal right to work in the UK, the Diocesan Trustees must examine and retain copies of certain original documents (see appendix I.1).

Employees will not be permitted to commence work for the Diocesan Trustees until the Diocesan Trustees have been provided with the required documentation in order to satisfy their legal obligations.

Where the employee has submitted documents from List B of appendix I.1, follow-up checks must be carried out at least annually to ensure the employee's ongoing entitlement to continue working in the UK.

3. ENTITLEMENT TO WORK IN THE UK FOR EEA NATIONALS

Appendix I.2 sets out a brief summary of entitlement to work in the United Kingdom for EEA nationals as at the date of this policy, which will be updated as necessary to accord with changes in the law. For non-EEA nationals, entitlement to work should be checked with the UK Border Agency.

APPENDIX I.1

The acceptable documents* are either:

- Any of the **original** documents or combination of the **original** documents in List A; or
- Any of the **original** documents or combination of the **original** documents in List B .

List A	List B
<ul style="list-style-type: none"> - An ID card (issued to the holder under the Identity Cards Act 2006) or a passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom. - An ID card (issued to the holder under the Identity Cards Act 2006), a national identity card or a passport which has the effect of identifying the holder, or a person named in the passport as the child of the holder, as a national of the European Economic Area or Switzerland. - A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the Border and Immigration Agency to a national of a European Economic Area country or Switzerland. - A permanent residence card issued by the Home Office or the Border and Immigration Agency to the family member of a national of a European Economic Area country or Switzerland. - A Biometric Immigration Document issued by the Border and Immigration Agency to the holder which indicates 	<ul style="list-style-type: none"> - A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit. - A Biometric Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question. - A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office or the Border and Immigration Agency to the holder or the employer or prospective employer confirming the same. - A certificate of application issued by the Home Office or the Border and Immigration Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6

* As at 24 November 2009. Check www.ukba.homeoffice.gov.uk for updated lists.
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that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.

- A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
- An Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
- A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
- A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous

months old **when produced in combination with** evidence of verification by the Border and Immigration Agency Employer Checking Service.

- A residence card or document issued by the Home Office or the Border and Immigration Agency to a family member of a national of a European Economic Area country or Switzerland.
- An Application Registration Card issued by the Home Office or the Border and Immigration Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the Border and Immigration Agency Employer Checking Service.
- An Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
- A letter issued by the Home Office or the Border and Immigration Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

employer.

- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
- A letter issued by the Home Office or the Border and Immigration Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

APPENDIX I.2

A summary of the entitlement of EEA nationals to work in the United Kingdom at the date of this policy is set out below.

(i) Nationals from the majority of EEA countries, Switzerland, Cyprus and Malta

Citizens of Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden and Switzerland have the right to work in the UK in the same way as British citizens.

Spouses or civil partners and dependent children (up to the age of 21) of citizens of the EEA countries and Swiss nationals who have the right to work in the UK also have an automatic right to work in the UK, regardless of their nationality. Other family members may need permission before carrying out work.

(ii) European Economic Area (EAA) nationals from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia

Citizens of the above countries are entitled to work legally in the UK. However, once a worker from any of the above 8 countries has been employed, they must, within one month of starting work, apply to register with the Home Office under the Worker Registration Scheme if they are to work in the UK.

Offers of employment to individuals from the above countries will be subject to their complying with the following requirements and their application for registration being successful. The PRCDTR will provide the individual with evidence of employment in the form of an offer letter or contract of employment confirming their employment in order to enable the individual to apply to register. Where the individual continues to be employed for more than 30 days, the PRCDTR must obtain a copy of the employee's registration application and retain it until notification has been received from the Home Office that the employee has been registered. Once the registration certificate has been received, the PRCDTR will keep a copy of the registration certificate.

If the individual does not register within one month of starting work, or if their application to register is refused, the individual's employment will be terminated. The requirement to register under the Worker Registration Scheme only applies for the first 12 months of employment.

N.B. Some workers from these 8 countries will be exempt from the requirement to register (for example, nationals of these countries who have been employed without interruption in the UK for 12 months or more). If a worker claims to be exempt from the registration requirements, they must provide documentary evidence of their exemption which should be checked and a copy retained on their personnel file.

(iii) Bulgarian and Romanian nationals

Since 1 January 2007 Romanians and Bulgarians have had the right to travel throughout the European Union, but in the UK there are restrictions on employed work for Romanian and Bulgarian workers. They will need to obtain authorisation **before** starting work from the UK Border Agency unless they are exempt from authorisation. Further guidance on exemptions can be obtained from the UK Border Agency website. The main routes for working in the UK are as follows:

- Skilled workers with the right qualifications and experience can come to the UK on work permits to take up specific jobs where no suitable UK applicants can be found.
- Workers with particularly high levels of skills and experience are eligible for admission under the Highly Skilled Migrant Programme.
- Migration is permissible where a job is in a specified sector, known as the sector based scheme. A full list of relevant sectors can be found at www.ukba.homeoffice.gov.uk/workingintheuk

Routes to work in the UK for non-EEA nationals

There are many ways in which non-EEA nationals may work in the UK. The UK's immigration system was totally overhauled in 2008 and 2009 when the Points Based System was introduced.

Details of routes to work in the UK for non-EEA nationals can be found on the UK Border Agency website, at www.ukba.homeoffice.gov.uk/workingintheuk. This is a complex area and in most cases professional advice will be necessary.

DOP D2

MISCELLANEOUS PERSONNEL PROCEDURES AND DOCUMENTATION

Attendance Records

- 2.1 It is the responsibility of the Co-ordinating Pastor/Parish Priest/Head of Department to agree with the employee the hours to be worked, and to explain the procedure and the rules for absence due to sickness, time off in lieu of extra hours working and holidays. A table setting out the responsibilities for maintaining attendance records is at appendix A.
- 2.2 It is the responsibility of the employee to maintain an accurate attendance record, noting holidays taken and outstanding, absence due to sickness and time off in lieu. This record forms the basis for the calculation of appropriate salary each month. An example attendance record form is to be found at appendix C.

Leaving procedure

- 2.3 Once an employee has given notice of his/her intention to leave, it is important that he/she be interviewed so as to clarify the reason(s) for this decision, since this may affect the recruitment of a successor. A table setting out the procedure and responsibilities for employees leaving the diocese is at appendix B.
- 2.4 An employee leaving form (see appendix D) should be completed and kept on file for future reference. Notification of the leaving must be given to the pension provider (if appropriate) and a salary adjustment form sent to the Accounts Officer, Department for Finance and Property (see appendix E).
- 2.5 A "final letter" to the employee, together with his his/her P45 when it is available, should be given or sent to the employee.

Procedure for reporting absence due to sickness

- 2.6 A table setting out the procedure and responsibilities for reporting absence due to sickness is at appendix F. On the first working day of absence, the employee must inform his/her Co-ordinating Pastor/Parish Priest/Head of Department, indicating, if possible, the length of absence and asking for a blank self-certification form (see Appendix 7) if the absence is likely to last longer than 3 days. Where 3 days or less, the employee is required to complete a self-certification form on their return to work.
- 2.7 On the fourth working day of absence the employee completes the self-certification form and sends it to his/her Co-ordinating Pastor/Parish Priest/Head of Department.

- 2.8 On the fifth working day of absence the employee must give his/her Co-ordinating Pastor/Parish Priest/Head of Department an indication of the likely length of absence. For absences of more than seven consecutive days (covering five working days) the employee must obtain a medical certificate from a doctor and send it to his/her parish manager/Curia Personnel Administrator.
- 2.9 Self-certification forms and medical forms must be filed in the employee's file for future reference.
- 2.10 During any rolling period of twelve months a full time employee is normally permitted up to 20 working days' sickness absence on full pay, pro-rated on the basis of number of days/hours worked for part time employees. Any such sick pay is subject to the production of a medical certificate in respect of absences of more than seven consecutive days covering five working days. Any extension of sick pay will be on a discretionary basis, but in no instance will be more than half pay.

Appendix A

Procedure for Maintaining Attendance Records – Responsibilities (see paragraph 2.1)

CO-ORDINATING PASTOR/PARISH PRIEST/HEAD OF DEPARTMENT	EMPLOYEE	PERSONNEL ADMINISTRATOR
1. Agree hours to be worked with Employee and explain procedure and rules for Sick Absence, Time off in Lieu (TL), Holidays etc.		
	2. On copy of Attendance Record Sheet (<i>Appendix 2</i>) note: Holiday days taken and outstanding Sick Absence Time off in Lieu entitlement and taken (which should normally be within 6 weeks of entitlement occurring)	
	3. Return completed Attendance Record Sheet to the Personnel Administrator by 15 th of each month to ensure payment of appropriate salary	
		4. Ensure all Attendance Records received are available for payroll run
5. Send signed copy of Attendance Record Sheet (<i>appendix 2</i>) to Personnel Administrator as soon as possible after the end date		

Appendix C

Procedure for Employee Leaving Diocesan Trust – Responsibilities (see paragraph 2.3)

CO-ORDINATING PASTOR/PARISH PRIEST/HEAD OF DEPARTMENT	EMPLOYEE	PERSONNEL ADMINISTRATOR
	1. Employee notifies Co-ordinating Pastor/Parish Priest/Head of Department of intention to leave, and when	
2. Explores the situation with employee then completes "Leaver's Form" (<i>Appendix 4</i>) and sends to Personnel Administrator with date of leaving, reason for leaving ,and request to fill position if appropriate		
		3. Informs payroll of departure date (<i>Appendix E</i>) and notifies pension/death in service supplier if appropriate
		4. Final letter produced, for signature as appropriate, and given or sent to leaver with P45 when received from payroll.

Appendix D

Employee Leaving Form (see paragraph 2.4)

EMPLOYEE LEAVING FORM

NAME:

PARISH/DEPARTMENT:

Reason Given at Exit Interview for Leaving Employment of Diocese:

Appendix E

Salary Adjustment Form (see paragraph 2.4)

PRIVATE AND CONFIDENTIAL

From: **Date:**

To: Personnel Accounts Officer, Department for Finance and Property

PAYROLL

Will you please make the following alterations to the Payroll:-

Member of Staff:-

Department/Parish:-

(a) Alteration to Salary Level / New Member of Staff		
Old Salary	£	pa
New Salary	£	pa
<i>This change is to take effect from:-</i>	-----	
(b) Staff Member Leaving:-		
Date of Termination	-----	
Any Holiday Pay Adjustments etc.	-----	
(c) Any Other Instructions		

Appendix F

Procedure for Reporting Absence Due to Sickness – Responsibilities (see paragraph 2.6)

CO-ORDINATING PASTOR/PARISH PRIEST/HEAD OF DEPARTMENT	EMPLOYEE	PERSONNEL ADMINISTRATOR
	1. On first day of absence Employee telephones Curia Co-ordinating Pastor/Parish Priest/Head of Department, if possible indicating length of absence and asking for blank self-certification form if appropriate	
2. If absence is likely to be longer than 3 days, Curia Co-ordinating Pastor/Parish Priest/Head of Department asks Personnel Administrator to send blank Self-Certification Form to employee		
	3. On fourth day of absence employee completes self-certification form (<i>Appendix D</i>) and sends to Personnel Administrator/Co-ordinating Pastor/Parish Priest/Head of Department	
		4. Completed self-certification form filed in employee's personal file and in payroll file
	5. On 5 th day of absence employee telephones Co-ordinating Pastor/Parish Priest/Head of Department with estimate of length of continuing absence.	

Appendix F - continued

DIOCESE OF PORTSMOUTH - DIOCESAN OPERATING PROCEDURES

DOP D2 – MISCELLANEOUS PERSONNEL PROCEDURES AND DOCUMENTATION

	<p>6. For absence of more than 7 days, employee must obtain medical certificate and send it to Personnel Administrator/Co-ordinating Pastor/Parish Priest/Head of Department.</p>	
		<p>7. During any rolling period of twelve months, an employee is normally permitted up to 20 working days' sickness or injury leave of absence on full pay, pro-rated for part time employees, subject to production of a medical certificate in respect of any absence of more than seven consecutive days. Any extension of sick pay will be on a discretionary basis, but in no instance more than half pay. When sickness record reaches 20 days absence in one calendar year Personnel Administrator instructs payroll to cease paying salary , informing Individual concerned and their Co-ordinating Pastor/Parish Priest/Head of Department</p>
<p>8. If case is to be made for review of level of pay during sickness, Co-ordinating Pastor/Parish Priest/Head of Department must put a case to Personnel Committee.</p>		

Appendix G

Statutory Sick Pay (see paragraph 2.6)

Form for Self Certification of Sickness

1. When you are absent through sickness for any period of half a day or more you must complete this self-certification form, unless you have a medical certificate from a doctor which covers the whole period of your absence.
2. If your absence through illness continues for more than seven consecutive days (including weekends, Bank Holidays and other non-working days) you must send a doctor's certificate to the Co-ordinating Pastor/Parish Priest/Head of Department for the period starting on your eighth day of absence.
3. If you do not complete a self-certification form or produce a doctor's certificate you may lose your entitlement to payment during your period of absence through illness.

FULL NAME	
FIRST DAY OF SICKNESS ABSENCE	
LAST DAY OF SICKNESS ABSENCE	
RETURN TO WORK DATE & TIME	
TOTAL NUMBER OF WORKING DAYS ABSENT THROUGH SICKNESS	
PARISH/CURIA/DEPARTMENT	

I certify that I was unable to work due to sickness and the cause of my sickness was:-

(Note: "illness" and "unwell" are not sufficient information)

Have you consulted your doctor during this period of sickness absence?

Yes

No

I DECLARE THAT THE INFORMATION GIVEN ABOVE IS COMPLETE AND CORRECT

Employee signature: _____ **Date:** _____

NOTE: This form must be completed and submitted to the [*to be inserted*] immediately on your return to work.

DOP D3**TERMS AND CONDITIONS OF EMPLOYMENT**

**Roman Catholic Diocese of Portsmouth
Contract of Employment**

This contract of employment is made on [*insert date*].

This contract sets out the terms of your employment with the Portsmouth Roman Catholic Diocesan Trustees Registered as trustees of the Portsmouth Diocesan Trust ("the Diocesan Trustees") and includes the particulars of employment that the Diocesan Trustees are required to provide under the terms of the Employment Rights Act 1996.

This contract is divided into two sections: the first section specifies personal terms and the second section gives the general terms and conditions of employment. Unless otherwise stated, both the personal and the general terms and conditions of employment are contractual and so binding on you.

Section A – Personal Terms

Name of Employer: Portsmouth Roman Catholic Diocesan Trustees Registered of St Edmund House, Bishop Crispian Way, Portsmouth, Hants PO1 3QA
Name of Employee: [<i>name</i>] of [<i>address</i>] ("you")
Date Employment Commenced:
Date of Commencement of Continuous Employment:
Place of Work: Parish/Department: [<i>insert</i>] [and insert work address]
Responsible to:
Job Title:
Job Specification: OR [The main duties of your position are set out in the attached job description]
Basic salary: [<i>insert</i>] per annum

Section A – Personal Terms - *continued*

Hours of Work:

Exceptions from Section B - General Terms and Conditions:

Section B - General Terms and Conditions

General

- 3.1 These Terms and Conditions of Employment annul any previous agreement whether verbal or written given to you at any time.
- 3.2 The first six months of the employment will be a probationary period. The Diocesan Trustees reserve the right to extend the probationary period at its discretion.

Duties

- 3.3 The title of your job and the job description does not limit your duties and the Diocesan Trustees may require you from time to time to do any work within your capacity.

Place of Work

- 3.4 Your place of work is shown in Section A although the Diocesan Trustees may from time to time require you to work at other locations either on a permanent or temporary basis.

Salary

- 3.5 Payments are made monthly in arrears by credit transfer to your personal bank account.
- 3.6 Each year, the salaries of all staff will be reviewed; any increases awarded will normally be implemented from 1st September. A review does not confer any automatic right to an increase.
- 3.7 The Diocesan Trustees reserve the right to make deductions from your salary in respect of any money owed to the Diocesan Trustees and/or the parish, e.g. overpayment of salary, expense advances, etc.
- 3.8 You are not entitled to paid overtime.

Hours of Work

- 3.9 The Diocesan Trustees reserve the right to change the daily starting and finishing times but not so as to alter the total normal weekly hours. However, in certain circumstances it may be necessary to adjust or exceed the hours in order to ensure that your duties in accordance with the terms of the employment are properly performed.

- 3.10 If you are required, on occasion, to work authorised additional hours in one week, you will be entitled to time off in lieu at a time authorised by your Co-ordinating Pastor/Parish Priest/Head of Department, in accordance with the provisions of Diocesan Operating Procedure D4 (Page 45).

Holiday Entitlement

- 3.11 The Diocesan Trustees' holiday year is the calendar year.
- 3.12 The holiday entitlement is 25 working days per calendar year in addition to bank and public holidays. For full time employees, calculated on a pro-rata basis for part time employees.
- 3.13 You are expected to take your holiday entitlement within the calendar year concerned.
- 3.14 The holiday entitlement under clause 12 will be increased as follows:
- After five years service, the entitlement will be increased to 26 days
 - After ten years service, the entitlement will be increased to 27 days
 - After fifteen years service, the entitlement will be increased to 28 days
 - After twenty years service, the entitlement will be increased to 30 days.
- 3.15 You may take your holiday entitlement at any time during the calendar year, subject to the prior agreement of your Co-ordinating Pastor/Parish Priest/Head of Department. Normally you would be expected to take at least two weeks of your total entitlement in one continuous period.
- 3.16 On termination of employment you may be required to take outstanding holiday during the notice period.
- 3.17 Accrued holiday entitlement not taken by the end of each calendar year may only be carried over to the next year with the explicit approval of your Co-ordinating Pastor/Parish Priest/Head of Department and in exceptional circumstances. In any event your statutory minimum entitlement to annual leave under Regulation 13 of the Working Time Regulations 1998 may not be carried forward.
- 3.18 In the year of commencement or termination of employment, holiday entitlement will be calculated on a pro-rata basis for each complete month worked. On termination of employment, outstanding holiday that has accrued during the year of termination of employment may be paid in lieu. The Diocesan Trust reserves the right to make a deduction from final salary for holiday taken in excess of entitlement of an amount equal to the gross salary paid to you in respect of such holidays.

Sickness absence

- 3.19 The conditions of your employment relating to absence due to sickness or injury and the amount of pay to be received while absent are in accordance with the Diocesan Trustees' Sickness Procedure in Diocesan Operating Procedure D2.
- 3.20 The Diocesan Trustees reserve the right at their expense to require you to be examined at any time by an independent doctor nominated by the Diocesan Trustees. For this purpose you shall not unreasonably withhold your consent to the release of your medical records to such doctor where the Diocesan Trustees or the doctor reasonably requests it. Such a request could be made, for example, where the Diocesan Trustees are seeking to ascertain your fitness to work in particular duties or establish the viability of ongoing employment. In the event that you are examined by such doctor you authorise him or her to notify the Diocesan Trustees of any matters he or she considers may impair you from properly performing your duties.

Absence from work

- 3.21 If you wish to be absent from work during normal working hours the consent of your immediate manager must be obtained. No salary is payable for periods of unauthorised absence.

Retirement

- 3.22 There is no retirement age applying to employees in the Diocese. Employees should notify the Diocese when they intend to terminate their employment due to retirement.

Pensions

- 3.23 A diocesan pension scheme has been established for all employees who wish to contribute (subject to the deed and rules from time to time in force). Joining date is normally 1st February each year, and full details of the scheme can be obtained from the Diocesan Trustees' Personnel Administrator.
- 3.24 A contracting out certificate under the Pensions Schemes Act 1993 is not in force in respect of the employment.

Reimbursement for travelling and other expenses

- 3.25 You are entitled to seek reimbursement of travelling and other expenses wholly, exclusively and necessarily incurred in the course of your employment at rates currently in force as published in Diocesan Department of Finance and Property circulars.

Health and Safety

- 3.26 You are contractually required to carry out instructions and observe rules (including safety rules) as are from time to time circulated by the Diocesan Trustees. The Diocesan Trustees have a comprehensive health and safety policy which is detailed in Diocesan Operating Procedure E2. All employees are expected to be aware of the requirements of the policy and to implement those requirements. Failure to comply may result in disciplinary action and, in serious cases, dismissals.

Grievance Procedure

- 3.27 If you have any grievance relating to your employment, you should discuss it with your immediate manager. If the matter is not resolved informally at this stage, you should bring it to the attention of Moderator of the Curia if you work in a Curia department or to the appropriate Vicar General where you work in a parish. Your grievance should be raised, in writing in accordance with the Diocesan Trustees' grievance procedure. There is a right of appeal as set out in the grievance procedure. The grievance procedure is set out in Diocesan Operating Procedure D4. It is not contractual.

Disciplinary Rules and Procedure

- 3.28 The disciplinary rules applicable to your employment are set out in the Diocesan Trustees' disciplinary procedure. The disciplinary procedure is not contractual and the Diocesan Trustees may change the terms of the disciplinary procedure at any time at its absolute discretion. The disciplinary procedure is set out in Diocesan Operating Procedure D4 (Page 45).
- 3.29 The Diocesan Trustees expressly reserve the right to suspend you from employment pending investigation of any disciplinary or related matters. During any such period of suspension you will continue to be paid your full basic salary.
- 3.30 The Diocesan Trustees also reserve the right to:
- a. demote you to a lower grade where the pay and conditions of the lower grade will then apply to you; and/or
 - b. change your working arrangements
- as a form of sanction for disciplinary offences.
- 3.31 If you are dissatisfied with any disciplinary decision affecting you or any decision to dismiss you, you should raise this in writing with the Secretary to the Diocesan Trustees, giving the grounds for your appeal. The appeal must be lodged within 5 working days of the disciplinary decision or decision to dismiss you being confirmed to you in writing. In respect of any appeal, you should always follow the appeals procedure set out in the Diocesan Trustees' disciplinary procedure.

Trade Union membership

3.32 Any employee of the Diocesan Trustees has the right to join or not to join a Trade Union.

Collective Agreements

3.33 There are no collective agreements relevant to your employment.

Exclusive Service

3.34 During employment with the Diocesan Trustees, you may not be concerned in any other business or occupation whatsoever without the prior consent in writing of the Co-ordinating Pastor/Parish Priest/Head of Department as applicable (which will not be unreasonably withheld). If such permission is given you must advise the Co-ordinating Pastor/Parish Priest/Head of Department of the additional working hours and the parish priest or head of department as applicable reserves the right to withdraw his consent at his absolute discretion.

Termination of Employment

3.35 During your probationary period you are required to give and entitled to receive not less than one week's notice to terminate your employment.

3.36 After your probationary period, the minimum notice you must give is one month.

3.37 After your probationary period, the minimum notice you are entitled to receive is:

- Less than 5 years' service 1 month
- Over 5 years' but less than 6 years' service 5 weeks
- Each additional year of service over 6 years 1 additional week's notice
- 12 or more years' service 12 weeks' notice

3.38 In accordance with the Diocesan Trustees' rules and disciplinary procedures the Diocesan Trustees are entitled to dismiss you without notice in the event of serious misconduct and/or serious negligence.

Records

3.39 It is the duty of any employee to inform his/her Co-ordinating Pastor/Parish Priest/Head of Department of any changes in his/her circumstances (e.g. address, marital status, next of kin etc.).

Changes to Terms and Conditions

- 3.40 The Diocesan Trustees reserve the right to vary your terms and conditions of employment from time to time. Any such changes in the terms will be notified, in writing, to you or otherwise brought to your attention, within one month of the change taking place.

Confidentiality

- 3.41 You should not, during or after your employment, disclose any information belonging to or in respect of the Diocesan Trustees, priests of the diocese, employees, the parishes or their parishioners. All information in relation to the Diocesan Trustees, priests of the diocese, employees, the parishes and their parishioners is confidential whatever its contents. Employees are required to respect the confidentiality of such information. You must not, except as authorised or required by law or employment duties, reveal confidential information relating to the Diocesan Trustees, priests of the diocese, employees or any of the parishes, their parishioners or any third party. This obligation will continue after the termination of employment. A breach of confidentiality would be regarded as gross misconduct, and could lead to dismissal from employment.

Criminal Records Bureau Checks

- 3.42 As a pre-condition of your employment the Diocesan Trustees have obtained and/or inspected an enhanced disclosure from the Criminal Records Bureau ("CRB Check") and/or an equivalent relevant disclosure from outside the UK where applicable in respect of you prior to the commencement of your employment.
- 3.43 You are required as a condition of your ongoing employment to advise the Diocesan Trustees immediately of any proceedings or prosecutions brought against you or in which you are involved or any cautions, reprimands and warnings held on police records, whether central or local or international, in respect of you since the date of the last CRB disclosure and/or equivalent relevant disclosure as above obtained by the Diocesan Trustees where the nature of such proceedings, prosecutions, cautions, reprimands or warnings may compromise your position as having unsupervised access to children and young people and/or vulnerable adults.
- 3.44 The employment is subject to and conditional on you renewing and maintaining as appropriate a current CRB Check authorising you to work with children and young persons and/or vulnerable adults and/or registration with the Independent Safeguarding Authority ("ISA"). You are required to provide such assistance as the Diocesan Trustees may require in ensuring that such checks are carried out including providing such evidence as is required to establish that the obligations under this clause are met with a copy of such check or to apply through the Diocesan Trustees for a check to be made.

Overseas Employment

- 3.45 There are no particulars to be entered in this statement with regard to working outside the United Kingdom.

Computer Equipment, Monitoring & Data Protection

- 3.46 You must observe all legal requirements and Diocesan Trustees' rules regarding the use of computer equipment. You are required to familiarise yourself with the Diocesan Trustees' policy on email and internet use which is set out Diocesan Operating Procedure D4. Computer software must not be used for work unless it is properly licensed and is used only in accordance with the licence.
- 3.47 By signing this contract, you acknowledge that access to the Diocesan Trustees' computer and telephone systems (including voicemail) is provided for work purposes. In order that the Diocesan Trustees may protect its legitimate interests and so far as the law allows, you agree that all of your email (including any personal data) may be monitored by the Diocesan Trustees. You also accept that use of the internet may be monitored.
- 3.48 You consent to the Diocesan Trustees obtaining (whether from you or others) recording and using information about you (e.g. age, address, marital status, union membership, state of health, performance and disciplinary records) in connection with your employment and for so long thereafter as may be reasonably required for the legitimate purposes of the Diocesan Trustees. You also consent to the Diocesan Trustees disclosing that information other than sensitive personal data (e.g. medical and personal counselling notes) to others with a legitimate reason to receive it (e.g. external advisors, insurers) whether within or without the European Economic Area and in the case of sensitive personal data to the Diocesan Trustees disclosing such information only to professional advisors and/or medical advisors or in connection with legal proceedings.
- 3.49 By signing this contract, you expressly consent to the Diocesan Trustees holding and processing sensitive personal data about you.

Diocesan Trust and Parish Property

- 3.50 On termination of employment for whatever reason you must return all diocesan and/or parish property including, but not confined to, documents (in hard copy or machine readable form), mobile telephone, office keys, security pass, credit cards, computers together with their contents, passwords and any hardware or software provided for use, and any other office equipment.

Loan following Accident

3.51 In the event that you are incapable of attending work by reason of injuries sustained wholly or partly as a result of actionable negligence, nuisance or breach of any statutory duty on the part of any third party, all payments made to by the Diocesan Trustees, whether of salary or sick pay, shall to the extent that compensation is recoverable from that third party constitute loans by the Diocesan Trustees to you (notwithstanding that as an interim measure Income Tax has been deducted from payments as if they were emoluments of employment) and shall be repaid when and to the extent that you recover compensation for loss of earnings from that third party by action or otherwise.

Policies and Procedures

3.52 You agree to comply with the rules, policies and procedures of the Diocesan Trustees from time to time in force although these do not form part of your contract of employment unless otherwise stated.

Signed.....

Date

For and on behalf of the Diocesan Trustees

I agree to the above terms and conditions.

Signed.....

Date

DOP D4

EMPLOYMENT POLICIES, PROCEDURES AND GUIDELINES

EMPLOYEES' REMUNERATION POLICY

Employees will have a total remuneration package reflecting the middle of the range for comparable jobs in this geographical area and in other dioceses. The aim is to achieve visible fairness within the diocese. Given the environment and ethos, there is a recognition that most people working in the diocese and its parishes will deliver more than might be expected for their level of salary. The overall aim is for transparency and fairness.

In recruiting staff, the Diocesan Trustees will offer a fair salary, taking into account the skills required, the responsibilities of the position, and local rates of pay.

Each year the salaries of all staff will be reviewed; any increases awarded will normally be implemented from 1st September.

Responsibilities of the diocese and Co-ordinating Pastor/Parish Priest/Head of Department regarding employees

- The parish priest as administrator of temporal goods is required by Canon Law 1286 'to pay those who work for him under contract a just and honest wage which would fittingly provide for their needs and those of their dependants.' The Diocesan Trustees and the parish priest will ensure that a regular review of salaries is carried out, and that policy is reflected fairly with a periodic review of the terms of employment contracts in the light of external practice.
- The Diocesan Trustees and the parish priest will ensure that individual responsibilities and accountabilities are clearly defined on appointment, and are reviewed regularly.
- The Diocesan Trustees and the parish priest recognise that their employees have the right to have their contributions valued in the context of the need for fair treatment of all.

Responsibilities of the Employee

- Employees must demonstrate commitment to work as part of a team, ensuring that the sum of the team outputs is greater than individual inputs.
- Employees must fulfil their defined responsibilities to an appropriate standard, ensuring transparency about how their working hours are spent, and accessibility as appropriate.

- Employees must ensure that additional working time for which time off in lieu will be claimed is authorised in advance by their Co-ordinating Pastor/Parish Priest/Head of Department.

Compensation for working more authorised hours than shown in the contract of employment

- The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department expect people to be able to complete their work within the number of hours for which they are paid.
- If, on occasion, they need to work authorised additional hours in one week, they should take time off to compensate within the next six weeks, at a time authorised by their manager. It is normally unacceptable to accumulate additional hours worked for a period of more than six weeks, and this can only be overridden by their Co-ordinating Pastor/Parish Priest/Head of Department or, for Curia staff, by a head of department (or line manager where there is no appropriate Head of Department). In exceptional circumstances, it may be of more benefit to the Diocesan Trustees or Co-ordinating Pastor/Parish Priest/Head of Department for the employee to be paid for these accumulated hours rather than to take time off and their Co-ordinating Pastor/Parish Priest/Head of Department could then make a case for consideration and decision by the Personnel Committee.
- This policy applies to all employees who normally work regular hours. For those normally working irregular hours, appropriate arrangements will be described in their contract of employment.

Further Responsibilities of the Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department

- Ensure that no employee is asked to complete more work than they could reasonably be expected to complete within their normal working hours.
- Promptly deal with situations where employees are regularly seeking authorisation for time off in lieu of extra hours worked, by exploring the reasons and providing support and direction as appropriate to prevent a recurrence.
- Ensure that no employee is exploited because they are capable and willing to work extra hours without compensation.

Responsibilities of the employee

- Employees must make every effort to complete their work within the agreed working time.

- When they are unable to do so, employees must explain the situation to their manager and to seek advice on planning their time efficiently and additional support if appropriate.
- Employees must request authorisation from their manager before undertaking additional work for which compensation will be claimed, and before taking time off in lieu as compensation.

Neither this policy nor any part of it is intended to have contractual effect.

Diocesan policy on sole workers and late workers in diocesan and parish offices is set out in DOP D6 (Page 97).

RESOURCING POLICY

The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department must plan to achieve defined objectives without increasing the Diocesan payroll, even taking account of rising costs. Vacancies will be closely examined to ensure that they need to be filled, and wherever appropriate will be filled through advertising and open competition. Exceptions may occur where speed is of the essence or skills required are very specialised.

Responsibilities of the Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department

- The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department will work efficiently to ensure a balance between funds available and achievement of objectives.
- The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department will provide people with adequate notice of potential changes.
- The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department will recruit from as wide a field as possible consistent with the requirement to avoid unnecessary costs.
- The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department will treat all job applications with confidentiality and discretion.
- The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department will ensure that each employee receives a comprehensive and appropriate induction programme.

Responsibilities of the employee

- Employees must welcome and support newcomers, making sure that they are given the facilities they require to achieve maximum effectiveness in the shortest possible time.
- Employees must make full use of the induction programme provided on appointment to a new role, and to work towards achieving the performance standards set out in the programme produced for them.

Neither this policy nor any part of it is intended to have contractual effect.

TRAINING AND DEVELOPMENT POLICY

The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department aim to retain their employees, but recognise the absence of clear career paths because of the limited number of people employed. They therefore aim to help people to develop their skills, attitudes and behaviours to increase their attractiveness in the job market, whilst making every effort to develop individual roles to enhance job satisfaction in the absence of the potential for career progression.

Responsibilities of the Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department

- The performance of every employee will be subject to regular review, with feedback to highlight achievements and opportunities for improvement.
- Each employee will have the opportunity to discuss and agree annual performance objectives. The objectives must be specific, measurable and achievable.
- Those accountable for other employees will work with them to agree a Personal Development Plan, and demonstrate the commitment of the Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department to the implementation of the Plan through support and encouragement.
- Recognising that ongoing change is inevitable, with the pace of change constantly increasing, the Diocesan Trustees and the Parish Priest undertake to manage change effectively, using appropriate means of consultation and communication, and to ensure that employees are provided with the time and the tools to develop new ways of working as required.

Responsibilities of the Employee

- Employees must take responsibility for their own career and personal development and create and implement their own Personal Development Plan.
- Employees must be responsive to feedback from colleagues within the Diocesan Trustees and the parish and be prepared to adapt their behaviour to facilitate effective team working.
- Employees must recognise that working effectively within the Diocesan Trustees and the parish will involve them in changing their ways of working and developing new skills, and remaining open to opportunities to improve their performance and outputs.

Neither this policy nor any part of it is intended to have contractual effect.

COMMUNICATION POLICY

The overall aim of internal communications within the Diocese is to create a unified understanding of the roles within the Curia and the Parishes and the relationships between them. The Curia has the responsibility to communicate to the Co-ordinating Pastor/Parish Priest/Head of Department what it has to offer in terms of help and support, whilst the Co-ordinating Pastor/Parish Priest/Head of Department t has the responsibility to inform the Curia of his problems, and need for help and support.

Responsibilities of the Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department

- The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department must establish the structure and define and facilitate the process and the minimum standards for internal communication, and must provide opportunities for employees to give feedback and offer improvement suggestions on matters concerning their employment.

Responsibilities of the Employee

- Employees must record and distribute information obtained in the course of their employment that could be of benefit to their colleagues.
- Employees must interpret information as appropriate for the intended recipient, and must read and absorb information directed to themselves.
- Employees must take opportunities provided to offer constructive feedback and suggest improvements to facilitate communications within the diocese and the parish and between the Curia and the parishes of the diocese.

Neither this policy nor any part of it is intended to have contractual effect.

RECOGNITION POLICY

Everyone who works in the Diocese and its Parishes will make every effort to recognise and celebrate achievement appropriately.

Responsibilities of the Diocesan Trustees and the parishes

- The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department will work towards an environment in which personal achievements are always recognised and acknowledged by managers and colleagues.
- Significant achievements will be recognised and acknowledged at a more senior level.

Responsibilities of the Employee

- Employees have a responsibility to acknowledge the achievements of their colleagues, and to bring them to the notice of others as appropriate.

Neither this policy nor any part of it is intended to have contractual effect.

EQUAL OPPORTUNITIES POLICY

The Diocesan Trustees are committed to a comprehensive policy of equal opportunities in employment, in which employees are selected and treated on the basis of their relevant merits and abilities.

The aims of the policy are to ensure that no job applicant or employee is discriminated against on the grounds of gender, sexual orientation, gender reassignment, marital status or civil partnership, race, colour, ethnic origin, nationality, age or disability, religion or belief which are not permitted by law; or on any other grounds except where this is necessary to ensure that the job is done effectively and safely.

This principle will apply to recruitment, training, promotion and all other benefits, terms and conditions of employment.

All employees have a responsibility to apply this principle in practice. It is the responsibility of every employee to ensure that the Diocesan Trustees' equal opportunity policy is observed and to understand clearly that there is a moral and legal duty not to discriminate against individuals. Equal opportunities are taken very seriously by the Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department and any act of discrimination by an employee will be regarded as a disciplinary matter and will be dealt with according to the Diocesan Trustees' disciplinary procedure. However please note that neither this policy nor any part of it is intended to have contractual effect.

CHILD AND ADULT PROTECTION POLICY, PROCEDURE AND PRACTICE

Please refer to the section on the diocesan website section relating to safeguarding.

<http://www.portsmouthdiocese.org.uk/safeguarding>

RETIREMENT POLICY

Introduction

There is no retirement age applying to employees in the Diocese. Employees should notify the Diocese when they intend to terminate their employment due to retirement.

If you wish to retire, you should resign in writing, in a letter addressed to your Co-ordinating Pastor/Parish Priest/Head of Department. You will be required to give the amount of notice set out in your contract of employment.

The Philosophy of the Diocese

The Diocese of Portsmouth is committed to supporting all employees, irrelevant of age. When employees are approaching retirement the Diocese is committed to supporting them in the transition from work to retirement.

The Diocese acknowledges the importance for employees to achieve a work-life balance and permits employees to work flexible hours in most departments and positions where possible. The Diocese will endeavour to grant requests where possible.

The Diocese will place restrictions on the operation of flexible working, however, if it deems it necessary for the proper conduct of its business and in accordance with the permitted statutory grounds for refusal where applicable.

Your Request could be for:

- reduced hours of work
- shorter times of work
- changes to your hours of work
- part-time working
- job sharing
- working part of the year only
- working shifts
- working from home

Pensions

If you are a member of a pension scheme and are considering retirement, you are advised to contact the appropriate provider prior to notifying the Diocese of their retirement to establish:

- The time and the date that benefits under the scheme will be available to you
- An estimate of likely remuneration, to facilitate decision making
- The necessary forms to be completed

POLICY ON EMAIL & INTERNET USE

The provision of email and internet facilities is essential for the efficient and proper working of the diocese and the parishes. The email system and internet are therefore provided for work-related purposes. Reasonable, limited use of emails for personal messages is permitted but you should respect the primary purpose of the email system and do this in your own time. The contents of all emails must comply with the restrictions set out in these guidelines. Neither this policy nor any part of it is intended to have contractual effect.

Email and internet facilities must not be used for accessing or downloading non-work related material. Not only does non-work related material substantially increase the risk of failure to the diocesan and parish IT applications, but defamatory, pornographic, discriminatory and other obscene material introduced from email or the internet, places the Diocese, Parishes and staff at risk and will not be tolerated.

Anything containing material that is, or could reasonably be perceived to be defamatory, discriminatory, offensive, obscene or pornographic and any junk email e.g. jokes, chain letters and advertising or anything which is known to be or may be a virus may not be sent by email or any other form of electronic communication or displayed or stored in the diocesan or parish's computers. Accessing, storing, displaying or sending such material will constitute a serious disciplinary offence and may be treated as gross misconduct liable to summary dismissal.

Emails or files containing the above kind of material should be deleted. They must not be forwarded or responded to. Unsolicited material should also be deleted and attachments left unopened. If the sender is an acquaintance they should be made aware of this policy and asked to stop sending such material.

All emails should be drafted with care and should follow best practice for written communications as if they were a letter or other communication. Derogatory remarks in email, whether about employees, parishioners or others are strictly prohibited. Written derogatory remarks, even when made in jest, could constitute libel or discrimination for which employees and/or the diocese could be sued.

Sending emails from other people's email accounts is prohibited unless you have express permission from your Co-ordinating Pastor/Parish Priest/Head of Department to do so. Furthermore, disclosing the personal data of others, whether employees or parishioners, via email may well be outside the purposes for which the Diocesan Trustees have registered to process personal data and could result in criminal liability under the Data Protection Act 1998. All personal data must be processed securely and lawfully and you should apply the principles under the Data Protection Act to your use of email and the internet. The Computer Misuse Act 1990 also makes it a criminal offence to gain unauthorised access to the diocesan or parish IT systems.

The Diocesan Trustees and the Co-ordinating Pastor/Parish Priest/Head of Department have to protect against viruses which could damage their IT systems and you should not insert into any computer any disc, CD-ROM, removable hard-drive or any other device, or load any program or software on to the diocese's or parish's IT systems, without prior permission.

You must not infringe copyright when using information from the internet.

The placing of material on the diocesan or any parish website and the placing of Diocesan or Parish material on any other publicly-accessible website is strictly prohibited except for authorised staff.

All address lists or contact information stored on the diocesan or parish systems belongs to the Diocesan Trustees and may not be copied or removed without prior written permission from the Co-ordinating Pastor/Parish Priest/Head of Department or Moderator of the Curia.

Monitoring of Voicemail, and Email and Internet Use

Internet, email and voicemail facilities are provided to employees to assist in the performance of the diocesan and parish's work. The Diocesan Trustees reserve the right to carry out monitoring of your use of these facilities where it is necessary for the benefit of the diocese and the parish or to enforce the Diocesan Trustees rules and procedures. Monitoring may be undertaken in the following circumstances:

- To ensure the security of the diocesan and parish's system, for example, protection from viruses or detection of the misuse of passwords;
- To find lost messages or to retrieve messages relevant to our work lost due to computer failure;
- To assist in the investigations of wrongful acts or allegations of misconduct;
- Where it is necessary for the Diocesan Trustees to meet their legal obligations, for example to ensure the safety of workers or to prevent unlawful discrimination;
- To check the mail boxes of employees where they are absent from work, for example on holiday or off sick, in order to gain access to information relevant to the work of the diocese and the parish;
- To ensure that employees' use of email and Internet facilities is in accordance with this policy.
- To monitor the quality and/or consistency of work.

Although the Diocesan Trustees shall, wherever possible, restrict email monitoring to address/header, employees should be aware that there may be particular circumstances in which the Diocesan Trustees are justified in examining the content of messages.

You will be responsible for any action taken against the Diocesan Trustees for breaches of copyright or defamation resulting from any breach of this policy.

Misuse of the email and internet facilities in breach of these guidelines will be treated as a formal disciplinary matter and will be dealt with in accordance with the diocesan disciplinary procedures.

Whilst this policy refers to “employees”, all staff are expected to comply with its provisions, whether self-employed or agency staff, whether temporary or permanent and whether based at the diocesan offices, parish premises or at home.

All emails used on diocesan or parish business must carry the following information:

The Portsmouth Roman Catholic Diocesan Trust
A registered charity number 246871
Diocesan Office, St Edmund House, Bishop Crispian Way, Portsmouth PO1 3QA
www.portsmouthdiocese.org.uk

Disclaimer

This email and any attachments are confidential, privileged and protected by copyright. If you are not the intended recipient, dissemination or copying of this email is prohibited. If you have received this in error, please notify the sender by replying by email and then delete the email completely from your system.

Where the content of this email is personal or otherwise unconnected with The Portsmouth Diocese or its affiliated charities and companies, the Diocese and its affiliated charities and companies accept no responsibility or liability for such content. No contracts shall be concluded by means of this email.

Internet email may be susceptible to data corruption, interception and unauthorised amendment over which we have no control. Whilst sweeping all outgoing email for viruses, we do not accept liability for the presence of any computer viruses in this email or any losses caused as a result of viruses. The Portsmouth Diocese and its affiliated charities and companies reserve the right to access and disclose all messages sent over its email system.

REDUNDANCY POLICY

1. Introduction

We aim to create as secure an employment environment as possible by means of effective work and manpower planning. However, we also have to ensure the continued viability of the work of the Diocesan Trustees, within the financial constraints of a charitable trust and may need to consider a reduction or change in manpower as a result of organisational or other changes.

In the event that we require redundancies to be made, we aim to honour our obligations as an employer under collective redundancies legislation and Transfer of Undertakings (Protection of Employment) Regulations 2006 by consulting, where appropriate, with representatives of any appropriate recognised trade union or elected representatives of the employees. We will fulfil any statutory consultation obligations we might have.

We will also try to minimise the effect of redundancies where possible through the allowance of sufficient time and effort to find alternative employment for staff who are at risk of redundancy.

Neither this policy nor any part of it is intended to have contractual effect (even to the extent that such of its provisions are a requirement of statute).

2. Long term principles

Should it become necessary to effect changes in manpower the following procedures will operate:

- Use of 'natural wastage' to reduce numbers
- Review of the employment of temporary or contract workers;
- Redeployment or retraining, where practicable, of existing employees;

3. Procedure

In the event of a situation arising which may lead to redundancies, the Secretary to the Diocesan Trustees must be informed before any further action is taken. The Secretary to the Diocesan Trustees will ensure that appropriate advice and guidance is provided to the Co-ordinating Pastor/Parish Priest/Head of Department considering such action.

4. Redeployment

In all cases of redundancy we will make every reasonable effort to find employees a suitable alternative job for which they are suitably qualified. In considering this, regard will be had to both the wishes of the employee and the future needs of our work. If an employee accepts an offer of alternative employment following confirmation of redundancy, there will be a trial period of four weeks. If the employee reasonably resigns during the trial period or is dismissed for factors that are reasonable in relation to the alternative work, the employee may still be entitled to a redundancy payment dependent on circumstances. If an employee unreasonably refuses an offer of suitable alternative employment within the meaning of the Employment Rights Act 1996, the entitlement to statutory redundancy payment may be jeopardised.

5. Volunteers

The Diocesan Trustees will consider any applications from employees volunteering to be made redundant, but the Diocesan Trustees reserve the right to refuse such applications.

6. Selection

If compulsory redundancies are necessary, the primary basis of selection for redundancy will be:

- Where a sole position occupied by a single employee is redundant no selection arises and that employee will be at risk of redundancy;
- Where all the positions in a particular working group or category are to be redundant the question of selection does not arise and all those employees in that group will be at risk;
- Where only some of a particular group or categories of employee are affected by redundancy, the basis for selection will be based on the future needs of the Diocesan Trustees. This may be based on qualifications, skills, experience relevant to the job or diocesan requirements, performance and aptitude of the employee, or other criteria considered relevant in the context of the needs of the Diocesan Trustees at that time. Disciplinary and sickness records may also be considered. In carrying out the selection every effort will be made to ensure that employees are considered in fair and objective manner.

7. Redundancy payments

Redundancy payments will be calculated in accordance with the statutory redundancy pay provisions in force at the time.

8. Appeal

Employees under notice of dismissal for redundancy may appeal once against their redundancy at any time during their notice and up to 5 days after the date of termination of their employment. Appeals should be in writing and should state the reasons for the appeal and should be made to the Co-ordinating Pastor/Parish Priest/Head of Department or appropriate Vicar General as applicable. Appeals will wherever possible be heard by a more senior Co-ordinating Pastor/Parish Priest/Head of Department who has not previously been involved in the selection.

At the appeal the appellant has the right to be accompanied by a work colleague or trade union official.

DISCIPLINARY PROCEDURE

1. Purpose

- 1.1 This Disciplinary Procedure (“the procedure”) encompasses the procedures that will be followed when the Portsmouth Roman Catholic Diocesan Trustees Registered as trustees of the Portsmouth Diocesan Trust (“the Diocesan Trustees”) have to consider dismissing an employee or taking other action short of dismissal (as set out in paragraph 3 of Schedule 2) in respect of disciplinary matters. It has been written to ensure that the ACAS Code of Practice on Disciplinary and Grievance Procedures is adhered to where possible.
- 1.2 There are a number of situations where dismissal is not a disciplinary sanction but a consequence of other circumstances. Obvious examples of this are:
- 1.2.1 Ill-health
 - 1.2.2 Redundancy
 - 1.2.3 Non-renewal of a fixed term contract
 - 1.2.4 Other substantial reasons relating to the operation of the Diocesan Trust
 - 1.2.5 Retirement

This procedure does not relate to circumstances such as these, for which a different procedure may be used.

- 1.3 The procedure has also been written to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance through a clear disciplinary process. The Diocesan Trustees will consider whether matters can be dealt with on an informal basis, but where formal action is considered appropriate, this procedure will apply. The Procedure includes disciplinary situations where:
- 1.3.1 dismissal is contemplated as a potential disciplinary sanction if allegations are upheld; and
 - 1.3.2 dismissal is not contemplated at that stage, but another disciplinary sanction may be applied if allegations are upheld.

The aim is to ensure consistent and fair treatment for all.

- 1.4 Where dismissal is being contemplated by the Diocesan Trustees, or where the Diocesan Trustees consider that dismissal may be the potential outcome of a disciplinary process, the Diocesan Trustees will notify you of this at the earliest appropriate stage. If the Diocesan Trustees consider that your conduct may amount to gross misconduct, it is reasonable to conclude that dismissal is a sanction being contemplated by the Diocesan Trustees. Please refer to Schedule 1 of the procedure.
- 1.5 Throughout the procedure the principle applies that the Diocesan Trustees and their employees should act consistently, should raise and deal with issues promptly, and should not unreasonably delay meetings, decisions, or confirmation of those decisions.
- 1.6 If, during the course of a disciplinary process, a grievance is raised which relates to the disciplinary process or disciplinary action, or constitutes an appeal against a disciplinary decision, this will usually be dealt with concurrently in the context of the disciplinary proceedings or appeal. In some exceptional cases the disciplinary process may be temporarily suspended in order to deal with the grievance.
- 1.7 This procedure is referred to in your contract of employment, but is not contractual.

2. Investigation

- 2.1 In most cases, an investigation will be the first step taken by the Diocesan Trustees. Where investigation is appropriate, no meeting to consider disciplinary action or dismissal will take place until the circumstances have been fully investigated to the extent necessary by the Diocesan Trustees. You may be asked to assist in that investigation. Where practicable, in misconduct cases, different people will carry out the investigation and disciplinary meetings. An investigation may conclude that no further action is required or that the matter can be satisfactorily resolved informally.
- 2.2 The Diocesan Trustees reserve the right where appropriate to suspend you on your basic salary while investigations and this procedure are completed, for such period as it considers appropriate. However the Diocesan Trustees will endeavour to keep this period as brief as possible and will keep the suspension under review. Suspension in these circumstances is not a disciplinary sanction.

3. Letter Inviting Employee to a Meeting

- 3.1 Where it has been decided that a disciplinary meeting or a meeting to consider dismissal or action short of dismissal is justified, the Diocesan Trustees will provide a letter informing you of the nature of your alleged conduct or characteristics or other circumstances which have led the Diocesan Trustees to contemplate the disciplinary action, dismissal or action short of dismissal. You

will also be informed of what the basis for this is. Where any documents or other evidence are to be referred to or are considered relevant, you will be given copies of those documents or details of the evidence in advance of the meeting. In most circumstances, the Diocesan Trustees will not ask witnesses who have provided a written statement to attend the meeting. However, if the Diocesan Trustees consider it necessary for a relevant witness to attend the meeting, you will be notified in advance. If dismissal is a potential outcome of the procedure, this will be confirmed to you in writing.

- 3.2 You will be invited to a meeting to discuss the circumstances at an appropriate time and location. This meeting will be arranged at a time which gives you a reasonable opportunity to consider and prepare your response to the written information you have received. As general guidance this will normally be no less than 2 working days and no more than 5 working days. You and your companion (see paragraph 4 below) should make every effort to attend the meeting. You should inform those dealing with the matter of any difficulties in respect of attendance as soon as possible. If you are persistently unable or unwilling to attend a disciplinary meeting without good cause the Diocesan Trustees reserve the right to make a decision in your absence on the evidence available.
- 3.3 If you feel that there is a relevant witness who has not provided a written statement you should inform those dealing with the matter immediately and list the information you consider the witness would be able to comment on. The Diocesan Trustees will usually interview that person and obtain a written statement from them before the meeting takes place. If you feel there is a good reason why a relevant witness should attend the meeting in person you should notify the Diocesan Trustees in advance.

4. Right to be accompanied

- 4.1 You have the right to be accompanied at any dismissal or disciplinary meeting (which includes any hearing or appeal hearing) by a companion of your choice (unless the request is unreasonable) who is either:
 - 4.1.1 A work colleague; or
 - 4.1.2 A full time official employed by a trade union; or
 - 4.1.3 A lay official, provided they have been certified in writing by their union as having experience of, or as having received training in, acting as a worker's companion at disciplinary or grievance hearings.
- 4.2 Your companion has the right to explain and sum up your case, and to respond to any views expressed on your behalf at the meeting. You may also confer with your companion during the meeting. Your companion may not answer questions on your behalf or prevent the Diocesan Trustees from explaining its case or any other person at the meeting from making their contribution.

- 4.3 You will need to inform the Diocesan Trustees in advance who your chosen companion is. If your companion cannot attend on the date the Diocesan Trustees have set for the meeting, then the Diocesan Trustees can postpone the meeting for up to five days and may (at their discretion) postpone it for longer.

5. Meeting and Outcome

- 5.1 At the meeting you and your companion will be given the opportunity to state your case, answer the allegations where applicable, ask questions, present evidence and make representations as to all matters under consideration. Usually there will be an adjournment before a decision is made concerning the outcome of the meeting.
- 5.2 Where it is decided that further action will be taken, this may include:
- 5.2.1 Dismissal; or
 - 5.2.2 Action short of dismissal usually entailing a change in your working arrangements (please see paragraph 3 of Schedule 2 below); or
 - 5.2.3 Any type of disciplinary sanction in disciplinary cases (please see paragraph 1 of Schedule 2 below). General principles for disciplinary matters are set out in paragraph 2 of Schedule 2 below.
- 5.3 After the meeting you will be informed in writing of the outcome of the meeting and notified of your right to appeal against that decision. If the decision is dismissal, you will be informed of the reasons, the date on which your employment contract will end, and the period of notice applicable.

6. Appeals – for actions short of dismissal

- 6.1 You may appeal against any decision to take action short of dismissal by informing the Secretary to the Diocesan Trustees in writing within 5 working days of the outcome of the meeting being confirmed to you in writing.
- 6.2 All appeals must set out in writing the grounds on which you are making the appeal.
- 6.3 You will be invited to an appeal hearing and will be notified that you have the right to be accompanied at that meeting (please refer to paragraph 4). The Diocesan Trustees will wherever possible appoint someone to hear the appeal who is more senior than the person who took the disciplinary decision, and if possible someone who was not involved in the original meeting or decision. The person appointed by the Diocesan Trustees will endeavour to hear any appeal within 7 days where reasonably practicable. The appeal hearing will reconsider the original decision. You or your companion will have the opportunity to put forward, should you so wish, the following:

- 6.3.1 New evidence which was not available during the first meeting; and/or
 - 6.3.2 Criticisms of or challenges to the original decision-making process e.g. alleged failure to follow procedures or alleged failure to give you a fair hearing.
- 6.4 The outcome of any appeal will be confirmed to you in writing and will take one of three forms:
- 6.4.1 The original decision may be upheld, in which case any action short of dismissal or other disciplinary sanction will be confirmed;
 - 6.4.2 The original decision may be overruled, in which case any action short of dismissal, or other disciplinary sanction will be rescinded;
 - 6.4.3 The original decision may be substantially confirmed, but an alternative outcome substituted for that originally imposed. For example, a Final Written Warning may be reduced to a Written Warning. Any disciplinary sanction cannot be increased.
- 6.5 The decision of the person appointed by the Diocesan Trustees to hear the appeal is final. There is no further internal right of appeal.

7. Appeals – dismissal

- 7.1 You may appeal against a decision to dismiss you by informing the Secretary to the Diocesan Trustees in writing within 5 working days of the outcome of the meeting being confirmed to you in writing. The Secretary to the Trustees will pass your letter to the relevant Vicar General for action.
- 7.2 All appeals must set out in writing the grounds on which you are making the appeal.
- 7.3 On receipt of your appeal, the appropriate Vicar General will, as soon as reasonably practicable, report in writing to the Personnel Committee of the Diocesan Trustees, copying with the report your notice of appeal.
- 7.4 You will be invited to an appeal hearing by the Chair of the Personnel Committee who will appoint a panel of at least two members of the Personnel Committee who have not previously been involved in the matter, to hear the appeal. You will be notified that you have the right to be accompanied at that meeting (please refer to paragraph 4, Page 63). The meeting to hear the appeal will be convened within 14 days of receipt of the Vicar General's report where reasonably practicable. The appeal hearing will reconsider the original decision. You or your companion will have the opportunity to put forward, should you so wish, the following:

- 7.4.1 New evidence which was not available during the first meeting; and/or
 - 7.4.2 Criticisms of or challenges to the original decision-making process e.g. alleged failure to follow procedures or alleged failure to give you a fair hearing.
- 7.5 The conduct of the meeting will rest with the Chairman of the meeting whose final decisions with respect to procedure and points of order will be final.
- 7.6 The outcome of any appeal will be confirmed to you in writing and will take one of two forms:
- 7.6.1 The original decision may be upheld, in which case any dismissal will be confirmed;
 - 7.6.2 The original decision may be overruled, in which case any dismissal will be rescinded;
- 7.7 The decision of the Personnel Committee will be final. There is no further internal right of appeal.

SCHEDULE 1

Gross Misconduct

- 1.1 The following list provides examples of conduct which is usually regarded as gross misconduct. This list is given by way of example and is not exhaustive:
 - 1.1.1 Theft, fraud, dishonesty, deliberate falsification of records
 - 1.1.2 Fighting, assault on another person, bullying, harassment, victimisation or discrimination
 - 1.1.3 Deliberate damage to parish or diocesan property
 - 1.1.4 Unauthorised absence
 - 1.1.5 Attending work under the influence of alcohol or non-medically prescribed drugs
 - 1.1.6 Serious negligence which causes unacceptable loss, damage or injury
 - 1.1.7 Deliberately accessing internet sites containing pornographic, offensive or obscene material
 - 1.1.8 Serious insubordination
 - 1.1.9 Unauthorised use or disclosure of confidential information
 - 1.1.10 Breach of statutory or regulatory requirements or health and safety rules, which endangers the health and safety of others
 - 1.1.11 Conviction for any serious criminal offence or one which may affect the performance of your job while an employee of the Portsmouth Diocesan Trust
 - 1.1.12 Bringing the Portsmouth Diocesan Trust into serious disrepute

SCHEDULE 2

Guidance On Sanctions And Outcomes

1. Disciplinary Sanctions

- 1.1 Minor faults will usually be dealt with informally but where the matter is more serious the following procedure and sanctions will usually apply.
- 1.2 **Stage one – Written warning:** If your conduct or performance does not meet acceptable standards, you will be given a formal written warning, together with the reason for it. It will warn that action under stage two will be considered, and could ultimately lead to dismissal, if there is further misconduct or no satisfactory improvement during the following 12 months (unless there are exceptional reasons for making this period longer than 12 months). This will be placed on your personnel file and will usually remain current for disciplinary purposes for a period of 12 months.
- 1.3 **Stage two – Final written warning:** If there is a further offence, or a continuing failure to improve conduct or performance within the set period, or if the conduct or unsatisfactory performance is sufficiently serious, you will usually be given a final written warning, together with the reason for it. It will warn that dismissal will result if there is a continued failure to comply with the request for improved conduct or performance during the following 12 months (unless there are exceptional reasons for making this period longer than 12 months). This will be placed on your personnel file and will usually remain current for disciplinary purposes for a period of 12 months (in exceptional cases the period may be longer).
- 1.4 **Stage three – Dismissal:** In the event of any further misconduct or failure to achieve satisfactory standards within the set period, or if the conduct is sufficiently serious, dismissal will usually result. As soon as reasonably practicable after the disciplinary meeting, you will be provided with written reasons for the dismissal and the date on which your employment will terminate.
- 1.5 **Summary Dismissal for Gross Misconduct:** If on completion of the procedure the Diocesan Trustees are satisfied that your conduct has amounted to gross misconduct, you will usually be dismissed without notice or payment in lieu of notice.
- 1.6 You may appeal against any of these sanctions. Please refer to paragraph 6 of the Procedure (Page 64).

2. Principles for Disciplinary matters

- 2.1 You will not usually be dismissed for a first breach of discipline except in the case of gross misconduct when the sanction will be dismissal without notice or payment in lieu of notice.

- 2.2 Any of the disciplinary sanctions outlined in paragraph 1 above may be imposed by the Diocesan Trustees at any stage if your alleged misconduct or performance warrants such action, and the Diocesan Trustees are not bound to impose disciplinary sanctions in any sequential order.
- 2.3 The steps you are required to take to remedy any unsatisfactory behaviour or performance, together with a time period for improvement, will be clearly set out to you. Where appropriate the Diocesan Trustees will consider providing additional training to achieve this.
- 2.4 If your standard of work or conduct is unsatisfactory and, after warnings, remains below the level which is acceptable, you may be dismissed.
- 2.5 Warnings will cease to be current after the specified period of satisfactory conduct or performance, and will usually then be disregarded for disciplinary purposes. In exceptional circumstances, however, the Diocesan Trustees may take into account an employee's "expired" warning where there is evidence of abuse (such as unsatisfactory conduct or performance soon after the expiry of a warning) or a pattern emerges. In such exceptional cases the expired warning will not be treated as if it were still current, but may be borne in mind for example when determining the length of a subsequent warning, or in deciding not to impose a lesser disciplinary sanction for subsequent offences.
- 2.6 Periods of absence while a warning is current will not usually count towards the length of a warning. In other words, the warning will be effectively extended by the length of any absence which occurs while it is still current.

3. Action other than dismissal or warnings which may also be considered

- 3.1 Depending on the nature of the case, the Diocesan Trustees reserve the right to take action in addition to or as an alternative to warnings, or as an alternative to dismissal, both in disciplinary cases and in cases not involving disciplinary matters. This will normally be a change in working arrangements. Examples of action which may be taken in appropriate cases are:
 - 3.1.1 Reallocation of duties
 - 3.1.2 Transfer to a different type of work or department
 - 3.1.3 Change in working hours
 - 3.1.4 Demotion
- 3.2 These may either be temporary or (where appropriate) permanent changes depending on the overall circumstances under consideration.
- 3.3 You may appeal against any such action. Please refer to paragraph 6 of the Procedure (Page 64).

GRIEVANCE PROCEDURE

1. Principles

- 1.1 The Diocesan Trustees recognise that from time to time employees may wish to seek redress for grievances relating to their employment. In this respect, the grievance procedure exists to encourage free communication between employees, the parish and the Diocesan Trustees to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned. It is also designed to ensure that the ACAS Code of Practice on Disciplinary and Grievance Procedures is adhered to where possible.
- 1.2 Unless agreed otherwise, details of grievances will be kept confidential as far as possible.
- 1.3 The following procedure should be adopted where you have a grievance arising from your employment, except where the matter relates to disciplinary action or constitutes an appeal against a disciplinary decision. In these cases, the grievance should be raised in the context of the Diocesan Trustees' separate disciplinary procedure. If a grievance is raised by you during a disciplinary meeting, the grievance can in most circumstances be dealt with at any subsequent disciplinary appeal hearing. In these circumstances there is no need for the Diocesan Trustees or you to follow this grievance procedure.
- 1.4 In some circumstances the Diocesan Trustees may consider whether it is appropriate for the matter to be dealt with by a third party mediator. Mediation can only be undertaken if the Diocesan Trustees, where applicable the Parish and the employee agree to that course of action. The Diocesan Trustees emphasise that mediation can only proceed if there is an agreement for that course of action to be taken. Any mediation procedure will be confidential to the parties with the expenses of an agreed mediator met by the Diocesan Trustees. Ongoing internal procedures will be postponed for the purpose of the mediation. This will mean that if mediation fails to achieve a satisfactory resolution between the parties then the postponed internal procedures will be resumed after the completion of the mediation.
- 1.5 Throughout the procedure the principle applies that both the Diocesan Trustees, where applicable the parish and their employees should act consistently, should raise and deal with issues promptly, and should not unreasonably delay meetings, decisions, or confirmation of those decisions.
- 1.6 This procedure is referred to in your contract of employment, but is not contractual.

2. Procedure

- 2.1 Where you have a grievance arising from your employment, you should initially raise the matter informally with your Co-ordinating Pastor/Parish Priest/Head of Department, who will record details of the grievance and attempt to resolve it with you.
- 2.2 Should you be dissatisfied with the result, or if the grievance cannot be resolved informally, you should raise the grievance formally without unreasonable delay, by writing to the Moderator for the Curia or the appropriate Vicar General for parishes' employees setting out the nature of the grievance.
- 2.3 The relevant Co-ordinating Pastor/Parish Priest/Head of Department will invite you to attend a meeting without unreasonable delay to discuss the grievance at which you may be accompanied as specified in paragraph 3 below. You and your companion should make every effort to attend the meeting. You should notify those dealing with the matter of any difficulties in respect of attendance as soon as possible.
- 2.4 Prior to the meeting please make sure that the relevant Co-ordinating Pastor/Parish Priest/Head of Department has all the information he/she needs to carry out any investigation relating to the grievance and to have a reasonable opportunity to consider the information in advance of the meeting. Sometimes further investigation will be necessary after the meeting. If the matter was raised informally, the relevant Co-ordinating Pastor/Parish Priest/Head of Department will obtain the manager's record of the grievance, will record any additional information and will reconsider the matter following the meeting.

3. Right to be Accompanied

- 3.1 You have the right to be accompanied at any formal grievance meeting (which includes any appeal meeting) by a companion of your choice (unless the request is unreasonable) who is either:
 - 3.1.1 A work colleague; or
 - 3.1.2 A full time official employed by a trade union; or
 - 3.1.3 A lay official of a trade union, provided they have been certified in writing by their union as having experience of, or as having received training in, acting as a worker's companion at disciplinary or grievance hearings.
- 3.2 Your companion has the right to explain and sum up your case, and to respond on your behalf to any views expressed at the meeting. You may also confer with your companion during the meeting. Your companion may not answer questions on your behalf or prevent the Diocesan Trustees from explaining their case or any other person at the meeting from making their contribution.

3.3 You will need to inform the Diocesan Trustees in advance who your chosen companion is. If your companion cannot attend on the date the Diocesan Trustees have set for the meeting, then the Diocesan Trustees can postpone the meeting for up to five days and may (at their discretion) postpone it for longer.

4. Meeting and outcome

4.1 During the meeting, you will be allowed to explain your grievance and how you think it should be resolved.

4.2 After the meeting, a decision will be given to you in writing, if possible within five working days of the meeting. You will be informed of your right to appeal the decision.

5. Appeals

5.1 You may appeal against the decision by referring the matter in writing within 5 working days of receiving confirmation of the outcome of the grievance to the Secretary to the Diocesan Trustees. The Secretary to the Diocesan Trustees will arrange for the grievance appeal to be heard wherever possible by someone who is more senior than the person who took the grievance decision, and if possible someone who was not involved in the original meeting or decision if possible within 10 working days of the referral. All appeals must set out in writing the grounds on which you are making the appeal.

5.2 You will be invited to the appeal meeting and informed of your right to be accompanied as specified in paragraph 3 above. You and your companion should make every effort to attend this meeting. You should notify those dealing with the matter of any difficulties in respect of attendance as soon as possible.

5.3 The person appointed to deal with the grievance appeal will hear representations from you and your chosen companion (if any) before giving a decision. This decision will be final and will be confirmed to you in writing without unreasonable delay. There is no further internal right of appeal.

Please note that if you have already left the Diocesan Trustees' employment then a different procedure may apply.

MATERNITY POLICY AND PROCEDURE

It is the Diocesan Trustees' intention to comply with both the letter and spirit of the law on maternity rights. To this end the aim is to inform all employees of their rights and to ensure that those rights are understood by employees who qualify. Neither this policy nor any part of it is intended to have contractual effect. The purpose of this policy is:

- To ensure fair and consistent treatment of all employees.
- To encourage employees to return to work after the birth of a child, enabling them to continue with their career and for the Diocesan Trustees to retain staff.

1. Work arrangements prior to and during Maternity Leave

The statutory requirements for notifying the Diocesan Trustees about your pregnancy to enable you to take maternity leave are set out below. However, the Diocesan Trustees encourage all employees who have become pregnant to inform their Co-ordinating Pastor/Parish Priest/Head of Department as soon as they feel able, so that the Diocesan Trustees can be aware of any health and safety issues and/or difficulties which might arise for pregnant employees. When notifying the Diocesan Trustees of your pregnancy you should do so in writing, confirming the fact that you are pregnant and stating your expected week of childbirth.

As soon as practicable after the notification of your pregnancy, arrangements will be made for you to meet with your Co-ordinating Pastor/Parish Priest/Head of Department. This will be an informal interview to ensure that you are aware of your right to Ordinary Maternity Leave and Additional Maternity Leave, and to payments during maternity leave as well as the requirement for you to give appropriate notices. This is also an opportunity for any possible health and safety concerns to be raised.

We recognise that orderly arrangements for cover during the period of maternity and extended 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 maternity 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. As far as possible, such arrangements will be finalised in consultation with you.

In addition staff on maternity leave will usually remain on circulation lists for internal memoranda and other documents and will be included in invitations to work-related social events as though they were still at work. You are encouraged to maintain your input where you wish to, for example in relation to key meetings. However, you are not required or expected to attend.

Regulations provide for “Keeping in Touch” days (KIT days) where the employee during maternity leave is allowed to carry out work, or, for example, training, under the contract of employment without forfeiting her right to SMP. You may work a maximum of 10 days and what you would do together with the amount of payment for these days’ work would be agreed between you and the Diocesan Trustees. If the Diocesan Trustees feel that such KIT days would be useful, this will be discussed with you. However, you have no right to such KIT days, nor are you under any obligation to work these KIT days.

At least 2 weeks before you are due to return to work, you will be invited for an informal meeting with your Co-ordinating Pastor/Parish Priest/Head of Department in order to provide an opportunity for discussion of any material points concerning your return to work. For many reasons retraining needs may arise, and you are encouraged to discuss those with your Co-ordinating Pastor/Parish Priest/Head of Department so that they may be addressed. It is our aim to ensure that an employee’s maternity leave does not put her at a disadvantage in relation to skills or other training needs. The interview will also provide an opportunity to discuss and explain any necessary and unavoidable changes to your work.

2. Time Off For Ante-Natal Care

You have the right to paid time off to attend ante-natal appointments recommended by your medical practitioner, midwife or health visitor. An Absence Notification form should be completed for each ante-natal appointment lasting half a day and over, and an appointment card should be produced when presenting the form for authorisation. You must produce evidence of ante-natal appointments if requested by your Co-ordinating Pastor/Parish Priest/Head of Department and you may be asked to rearrange any appointments which conflict with working arrangements.

3. Maternity Leave

3.1 Ordinary Maternity Leave – 26 Weeks

All new mothers have the right to take up to 26 weeks Ordinary Maternity Leave regardless of their length of service or contracted hours, provided the Diocesan Trustees have been properly notified (see the section *Notification Requirements below*).

Maternity leave cannot begin before the 11th week before the Expected Week of Childbirth (EWC) and the latest it may begin is the date of childbirth itself. The EWC is the week beginning with Sunday during which you expect your baby to be born.

Maternity leave is triggered automatically if you are absent from work because of the pregnancy after the beginning of the fourth week before the EWC, or if the baby is born.

3.2 Additional Maternity Leave – 26 Weeks

In addition, all new mothers are entitled to take 26 weeks Additional Maternity Leave immediately following Ordinary Maternity Leave, The 26 weeks runs from the day after the last day of Ordinary Maternity Leave.

Therefore the total leave allowed is a maximum of 52 weeks.

3.3 Notification Requirements

Your right to Ordinary and Additional Maternity Leave and to return to work depends on you complying with various notification requirements. These are as follows:

Prior to taking maternity leave you must notify the Diocesan Trustees in writing in or before the 15th week before your EWC (or if that is not reasonably practicable as much notice as is reasonably practicable) of:

- The fact that you are pregnant, by producing a MAT B1 Certificate from a registered medical practitioner, or a registered midwife stating the EWC or, if childbirth has already occurred, the date of birth.
- The date on which you intend your Ordinary Maternity Leave to begin. (This date cannot be earlier than the 11th week before the EWC).
- Whether or not you believe you are entitled to Statutory Maternity Pay.

You can notify the Diocesan Trustees of all these matters using a form which you can obtain from your Co-ordinating Pastor/Parish Priest/Head of Department.

The Diocesan Trustees will then respond in writing to you within 28 days of receiving your notification. This response will state your expected date of return to work, and will assume that you intend to take the maximum amount of leave (Ordinary and Additional) to which you are entitled.

If you would like to return to work before your expected date of return you are required to give the Diocesan Trustees notice in writing at least 8 weeks before you wish to return. If you do not give such written notice, the

Diocesan Trustees are entitled to postpone your return until the expiry of 8 weeks after you notified the Diocesan Trustees of your intention to return early (or the original end date of your maternity leave if that is sooner).

You are not permitted to return to work until at least two weeks after the date of childbirth.

3.4 Right to Return to Work

At the end of Ordinary Maternity Leave, you have the right to return to the same job on the same terms and conditions as before. If you decide to return during or at the end of Additional Maternity Leave, and the Diocesan Trustees find it impracticable for you to return to the same job, you have the right to return to a similar job on terms and conditions which are not less favourable than those which would have been applicable to you had you not been absent from work.

3.5 Terms and Conditions During Ordinary and Additional Maternity Leave

Your contract of employment continues during Ordinary Maternity Leave and Additional Maternity Leave, and you will be treated in all respects as if you had not been absent, both in terms of the benefits to which you are entitled and the obligations you owe the Diocesan Trustees. The only exception is that you are not entitled to receive remuneration (other than Statutory Maternity Pay SMP).

Whether or not pension contributions are payable during maternity leave will depend on the rules of the pension scheme from time to time in force., For further information please contact Co-ordinating Pastor/Parish Priest/Head of Department.

4. Additional Paternity Leave

For babies with an EWC on or after 3 April 2011, fathers or eligible partners (but not both) may be entitled to take Additional Paternity Leave (APL) once you have returned to work. The father or partner may also be entitled to Additional Statutory Paternity Pay (ASPP) from their employer if you have not exhausted your full entitlement to SMP (see further "Maternity Pay" below).

There are a number of conditions that the father or partner must comply with and they need to consult their own employer's paternity policy. One of the conditions is that, as the child's mother, you must be entitled to one or more of Maternity Leave, Statutory Maternity Pay (SMP) or Maternity Allowance (MA) and have returned, or be treated as having returned, to work. You will also be required to complete a Mother's Declaration, details of which should be requested from the father/partner's employer.

If the father/partner fulfils the requirements for APL, he will be entitled to a minimum of 2 weeks and a maximum of 26 weeks' APL. Provided at least 8 weeks' notice is given, it can be taken at any time, in one continuous block of complete weeks, within the period which begins at least 20 weeks after the child's date of birth and ends not later than 12 months after the date of birth.

For further information on the statutory paternity provisions, please speak to your Co-ordinating Pastor/Parish Priest/Head of Department.

5. Maternity Pay

5.1 Entitlement to Pay

Your entitlement to Maternity Pay will depend on a number of factors, including your length of service with the Diocesan Trustees and your average earnings at 15 weeks before the EWC. You will be entitled to Statutory Maternity Pay (SMP) if:

- 5.1.1. You have completed 26 weeks continuous employment with the Diocesan Trustees at the end of the 15th week before your EWC and
- 5.1.2. You have average weekly earnings of £102 (figure correct as at 6 April 2011) for the period of 8 weeks ending with the 14th week before your EWC and
- 5.1.3. You have notified the Diocesan Trustees of your entitlement to SMP (see *Notification Requirements* above).

If you are not entitled to SMP from Diocesan Trustees, you may be entitled to SMP from a previous employer or Maternity Allowance from the Department for Work and Pensions.

5.2 What you will be paid and when

If you are entitled, you will be paid SMP for the duration of your Ordinary Maternity Leave and for the following 13 weeks of Additional Maternity Leave as follows:

- 5.2.1. For the first 6 weeks of maternity leave, you will be paid 90% of your usual salary (that is your average earnings in the 8 weeks ending with the 14th week before your EWC).
- 5.2.2. For up to the following 33 weeks of maternity leave, you will be paid either 90% of your usual earning (as above) or £128.73 per week (figure correct as at 3 April 2011), whichever is the lower.

- 5.2.3. You cannot receive SMP for any week or part of a week in which you do any work, except where you are using Keeping in Touch days as described.
- 5.2.4. All earnings are subject to statutory deductions (for Income Tax and National Insurance) if they apply.
- 5.2.5. If you return to work before the end of your leave entitlement, any entitlement to SMP ends. However if the child's father or your partner takes APL, they may be entitled to ASPP from their employer for the unexpired period of your SMP, if they fulfil certain requirements.
- 5.2.6. Your SMP will be paid in the same way on the same day as your normal salary or pay.

6. Additional Statutory Paternity Pay (ASPP)

For a father or partner who takes Additional Paternity Leave, any entitlement they may have to ASPP from their employer is dependant, amongst other criteria, on your having at least two weeks' left of your entitlement to SMP or MA when you return to work. You will also have to complete a Mother's Declaration, details of which should be requested from the father/partner's employer.

7. Accrued Holidays

During Ordinary Maternity Leave and Additional Maternity Leave, you will continue to accrue holiday entitlement as normal.

You will need to arrange to take any holiday which has accrued during your maternity leave in the same holiday year in which it accrued, either before the start of or after the end of your maternity leave. You should agree this with your Co-ordinating Pastor/Parish Priest/Head of Department.

8. Premature Birth or Still Birth

The full provisions of the maternity policy will apply if the baby is born before the 11th week before the EWC; or dies or is still born after 24 weeks of pregnancy. Where this occurs sympathetic consideration will be given to your circumstances by your Co-ordinating Pastor/Parish Priest/Head of Department according to your needs and medical opinion.

PATERNITY POLICY AND PROCEDURE

1. Purpose

- a. It is the Diocesan Trustees intention to comply with both the letter and spirit of the law on paternity rights. To this end the aim is to inform all employees of their rights and to ensure that those rights are understood by employees who qualify. Neither this policy nor any part of it is intended to have contractual effect.
- b. The purpose of this policy is:
 - i. To ensure fair and consistent treatment of all employees.
 - ii. To encourage employees to spend time caring for their family after the birth or adoption of a child and subsequently to return to work, enabling them to continue with their career and for the Diocesan Trustees to retain staff.
- c. Despite its name, this policy may apply to women as well as men in certain circumstances (see below).
- d. In this policy “primary adopter” will be used to refer to the person who is taking adoption leave in respect of an adopted child. This Paternity Policy and Procedure will apply to Diocesan Trustee employees who are the spouse, civil partner or partner of the person taking adoption leave, where the child is being adopted from within the UK. If the child is being adopted from overseas, slightly different provisions apply and you should contact your Co-ordinating Pastor/Parish Priest/Head of Department for further details.

2. Ordinary Paternity Leave

- 2.1 The purpose of Ordinary Paternity Leave (OPL) is to enable you to care for the child or support the mother or primary adopter of the child. You are entitled to OPL if:
 - 2.2.1 You have been continuously employed by the Diocesan Trustees for a period of not less than 26 weeks ending with the week immediately preceding the 14th week before the mother’s Expected Week of Childbirth (EWC), or the week in which you (or the child’s primary adopter) are notified of being matched with the child
 - 2.2.2 You have or expect to have responsibility for the upbringing of the child and you are:
 - (a) The biological father of the child or are married to, the civil partner of, or the partner of the child’s mother or

- (b) Married to, the civil partner of, or the partner of the child's primary adopter;
- 2.2.3 You comply with any request by the Diocesan Trustees that you produce evidence of your entitlement; and
- 2.2.4 You satisfy the notification requirements set out in paragraph 3 below.
- 2.3 If you fulfil these requirements you will be entitled to a maximum of two weeks OPL in a single block of either one week or two weeks. You must take OPL within 56 days of the birth or adoption of the child, or, if the child is born before its EWC, within 56 days of the first day of the EWC.

3. Notification of Ordinary Paternity Leave

- 3.1 If you wish to take OPL, you must give the Diocesan Trustees written notice either in or before the 15th week before the mother's EWC or in the case of adoption, no more than seven days after the date on which notification of the match with the child was given (or, in either case, where this is not reasonably practicable, as soon as is reasonably practicable). Your notice must include:
- 3.1.1 the EWC or, in the case of adoption, the date on which the notification of the adoption match was given together with the date the child is expected to be placed for adoption;
 - 3.1.2 the length of OPL that you wish to take;
 - 3.1.3 the date on which you want your period of leave to begin, which can be the date the child is born or adopted (which in the case of childbirth means you do not have to specify the exact date at the time of notification) or any day after this, but within the 56 day period.

You may also be asked to confirm your entitlement to OPL and evidence of this.

- 3.2 You may vary the length of OPL and the start date before OPL begins provided you give the Diocesan Trustees 28 days' notice of the variation.
- 3.3 You must inform the Diocesan Trustees, as soon as is reasonably practicable, of the actual date of the child's birth or adoption placement.

4. Ordinary Statutory Paternity Pay

- 4.1 You will be entitled to Ordinary Statutory Paternity Pay (OSPP) if:

- 4.1.1 You fulfil the requirements for OPL in paragraphs 2 and 3 above,
 - 4.1.2 You have average weekly earnings of £102 (figure correct as at 6 April 2011) for the period of 8 weeks ending with the week immediately preceding the 14th week before the mother's EWC or the week in which you (or the child's primary adopter) are notified of the adoption match, and
 - 4.1.3 You give such other information or declarations as the Diocesan Trustees may request.
- 4.2 If you are entitled to OSPP you will be paid it for the duration of OPL at a rate of either 90% of your usual earnings (as above) or £128.73 per week (figure correct as at 3 April 2011), whichever is the lower.

5. Additional Paternity Leave

- 5.1 For babies with an EWC beginning on or after 3 April 2011, or for adoption matches notified on or after that date, fathers or eligible partners may be able to take Additional Paternity Leave (APL) once the mother or primary adopter has returned to work.
- 5.2 Subject to the introduction dates above, you are entitled to APL for the purpose of caring for a child if:
- 5.2.1 You have been continuously employed by the Diocesan Trustees for a period of not less than 26 weeks ending:
 - (a) in the case of childbirth, with the week immediately preceding the 14th week before the mother's Expected Week of Childbirth (EWC), or
 - (b) in the case of adoption, with the week in which you are notified of being matched with the child.
 - 5.2.2 You remain in continuous employment with the Diocesan Trustees until the week before your APL starts.
 - 5.2.3 You
 - (a) in the case of childbirth, have or expect to have (along with the child's mother) the main responsibility for the child's upbringing, and you are either the biological father of the child, or are married to or the partner or civil partner of the child's mother, or
 - (b) in the case of adoption, are married to, the civil partner of, or the partner of the child's primary adopter and you have been matched for adoption with the child.

- 5.2.4 The child's mother or primary adopter is entitled to one or more of Maternity or Adoption Leave, Statutory Maternity or Adoption Pay, or Maternity Allowance and has returned, or is treated as having returned to work.
 - 5.2.5 You comply with any request by the Diocesan Trustees that you produce evidence of your entitlement, and
 - 5.2.6 You give the Diocesan Trustees, at least 8 weeks before your APL is due to start, the relevant notice and evidential requirements set out in paragraph 6 below.
- 5.3 If you fulfil these requirements you will be entitled to a minimum of 2 weeks and a maximum of 26 weeks' APL. It can be taken at any time, in one continuous block of complete weeks, within the period which:
- 5.3.1 begins at least 8 weeks after the date of giving the notification of APL under paragraph 6 below, and
 - 5.3.2 begins at least 20 weeks after the child's date of birth or adoption placement, and
 - 5.3.3 ends not later than 12 months after the child's date of birth or adoption placement.
- 5.4 Special provisions apply where a child dies, an adoption placement is disrupted, or the child's mother or primary adopter dies before or during APL.

6. Notification of Additional Paternity Leave

- 6.1 Because the legislation requires certain specified information both from employees who wish to take APL and from the child's mother or primary adopter, the Diocesan Trustees have designed forms to comply with the statutory requirements. The forms also request the information required from employees and the child's mother or primary adopter in respect of Additional Statutory Paternity Pay (ASPP) where relevant (see paragraph 8 below). These forms appear at Appendices 1 and 2 or can be obtained from your Co-ordinating Pastor/Parish Priest/Head of Department. At least eight weeks before APL is due to start, you must give both of the following completed forms to your Co-ordinating Pastor/Parish Priest/Head of Department:
- 6.1.1 Additional Paternity Leave and Pay Notice and Employee Declaration
 - 6.1.2 Additional Paternity Leave and Pay Mother/Adopter Declaration.

- 6.2 You may cancel or vary the dates of APL provided you give the Diocesan Trustees written notice at least 6 weeks before either the date you wish to cancel/vary or the new date, whichever comes first (unless that is not reasonably practicable). If you do not give the required 6 weeks' notice, the Diocesan Trustees may still require you to take or continue a short period of APL, or start your APL on the original date, if it is not reasonably practicable to accommodate the change.
- 6.3 Within 28 days of receiving the forms in paragraph 6.1 or a notice of variation, the Diocesan Trustees will confirm to you the dates of your APL in writing. The Diocesan Trustees may also, within 28 days ask you to provide evidence of childbirth or adoption, or further details regarding the mother or primary adopter's employer or business address. If so, you must comply within 28 days of the request.
- 6.4 If you no longer satisfy the conditions set out in paragraph 5.2.3(a) or (b) above, or if the mother or primary adopter no longer satisfies the condition set out in paragraph 5.2.4 above, you must give the Diocesan Trustees written notice of that fact as soon as reasonably practicable. If that happens, in certain circumstances the Diocesan Trustees may still require you to take a short period of APL if it is not reasonably practicable to accommodate the change.

7. Additional Statutory Paternity Pay

- 7.1 If you are entitled to Additional Statutory Paternity Pay (ASPP) during APL will depend on whether the child's mother or primary adopter has exhausted her right, if applicable, to Statutory Maternity or Adoption Pay or Maternity Allowance. It will also depend on your length of service with the Diocesan Trustees and your average earnings.
- 7.2 You will be entitled to ASPP during APL if:
- 7.2.1 The child's mother or primary adopter is entitled to Statutory Maternity or Adoption Pay, or Maternity Allowance and had at least two weeks left of that entitlement when she or he returned to work.
- 7.2.2 You have normal weekly earnings of at least £102 (figure correct as at 6 April 2011) for the period of 8 weeks ending:
- (a) in the case of childbirth, with the week immediately preceding the 14th week before the mother's Expected Week of Childbirth (EWC), or
 - (b) in the case of adoption, with the week in which you are notified of being matched with the child.

7.2.3 You intend to care for the child during the ASPP period, and

7.2.4 You and the mother or primary adopter has complied with the notification requirements and relevant declarations in respect of ASPP (see paragraph 8 below).

7.3 If you are entitled to ASPP you will be paid it at a rate of either 90% of your usual earnings (as above) or £128.73 per week (figure correct as at 3 April 2011), whichever is the lower. You will normally be paid ASPP for the period beginning when APL starts and ending when the mother or primary adopter's entitlement to Statutory Maternity Pay, Statutory Adoption Pay, or Maternity Allowance would have come to an end if she or he had not returned to work.

8. Notification requirements for Additional Statutory Paternity Pay

8.1 If you have given the Diocesan Trustees the completed forms specified in paragraph 6.1 above you should have complied with the notification requirements for ASPP. Within 28 days of receiving the forms, the Diocesan Trustees may ask you to provide evidence of childbirth or adoption, or further details regarding the mother or primary adopter's employer or business address. If so, you must comply with 28 days of the request.

8.2 Within 28 days of receiving the forms in paragraph 6.1 (Page 82) or the further information requested in paragraph 8.1 above, the Diocesan Trustees will confirm to you the dates of your ASPP in writing.

8.3 If you no longer satisfy the conditions set out in paragraph 5.2.3(a) or (b) above, or if the mother or primary adopter does not return or no longer intends to return to work, you must give the Diocesan Trustees written notice of that fact as soon as reasonably practicable.

9. Additional Paternity Leave Keeping in Touch Days

9.1 During APL you are allowed to carry out a maximum of 10 days' work, or, for example, training, without forfeiting your right to APL or where applicable ASPP. These are known as "Keeping In Touch" days (KIT days)". Any work carried out on a day counts as a whole KIT day. What you should do, together with what you would be paid for these days, is entirely a matter for agreement between the Diocesan Trustees and you, as and when the matter arises.

9.2 Either you or the Diocesan Trustees may suggest making use of such "KIT" days but you should note that you have no right to KIT days and nor are you under any obligation to work KIT days if the Diocesan Trustees suggests it.

9.3 The Diocesan Trustees is entitled to make reasonable contact with you, and vice versa, during your period of APL.

10 Terms and Conditions During Ordinary and Additional Paternity Leave

- 10.1 Your contract of employment continues during both OPL and APL and you will be treated in all respects as if you had not been absent, both in terms of the benefits to which you are entitled and the obligations you owe the Diocesan Trustees. The only exception is that you are not entitled to receive remuneration (other than statutory paternity pay where applicable).
- 10.2 OSPP and ASPP are subject to the following conditions:
- 10.2.1 You cannot receive OSPP or ASPP for any week or part of a week in which you do any work (with the exception of KIT days for ASPP).
- 10.2.2 All earnings are subject to statutory deductions (for Income Tax and National Insurance) if they apply.
- 10.2.3 If you return to work before the end of your OPL or APL, any entitlement to OSPP and ASPP respectively, will end.
- 10.2.4 OSPP and ASPP will normally be paid in the same way on the same day as your normal salary or pay.

11. Right to Return to Work

- 11.1 At the end of both OPL and APL you will be entitled to return to the same job as you had before starting the leave, on terms and conditions which are not less favourable than they would have been if you had not been absent. The exception to this is where paternity leave is combined with parental leave which lasts for more than 4 weeks or with certain other types of statutory leave. In that case, if it is not reasonably practicable for you to return to your previous job, the Diocesan Trustees may provide you with another job which is suitable and appropriate in the circumstances.

12. Still birth, death of a child or disrupted adoption placement

Statutory provisions cover the situation where, before or during paternity leave, the child dies, is still born after 24 weeks of pregnancy, or an adopted child is returned to the adoption agency. Where this occurs sympathetic consideration will be given to your circumstances by your Co-ordinating Pastor/Parish Priest/Head of Department according to your needs.

Appendix 1

Additional Paternity Leave and Pay: Notice and Employee declaration

Roman Catholic Diocese of Portsmouth: Additional Paternity Leave and Pay Form

This Notice and Declaration must be completed by the employee who wishes to take Additional Paternity Leave (APL). APL is dependent on the mother or primary adopter of the child being entitled to one or more of:

- Maternity or Adoption Leave
- Statutory Maternity or Adoption Pay
- Maternity Allowance

And returning to work, meaning that or those entitlements are brought to an end.

You may also be entitled to Additional Statutory Paternity Pay (ASPP) in certain circumstances. Additional information is requested below for this purpose, but it does not automatically mean you are entitled to ASPP. You should fill out the information requested where possible and the Diocesan Trustees will inform you whether or not you are entitled to ASPP.

In this form “primary adopter” refers to the person who has chosen to take Adoption Leave in respect of the child. Please ensure that you complete and sign the declaration, and give it to your Co-ordinating Pastor/Parish Priest/Head of Department not less than eight weeks before APL is due to start.

Name:

Address:

.....

.....

I wish to take Additional Paternity Leave. I hereby declare that I am:

Please delete the conditions which do not apply:

- The father of the child
- The spouse of the child’s mother*/primary adopter*
- The civil partner of the child’s mother*/primary adopter*
- The partner of the child’s mother*/primary adopter* (whom I live with, and with the child, in an enduring family relationship, but who is not my relative)

and that:

For childbirth: *I have or expect to have the main responsibility, along with the child's mother, for the upbringing of the child. The child was expected on (date)..... and was born on (date).....

For adoption: *I have been matched with the child for adoption and was notified of the adoption match on (date)..... The child was placed with me on (date).....

(*delete as appropriate)

I declare that the purpose of this leave will be to care for the specified child.

I understand that if any of the conditions above cease to apply to me, or if the mother or primary adopter ceases to be entitled to Maternity or Adoption Leave, Statutory Maternity or Adoption Pay or Maternity Allowance (other than by returning to work), or does not return to work, I must inform the Diocesan Trustees as soon as reasonably practicable. I also agree to inform the Diocesan Trustees if there are any changes to the information given in this notice and declaration or the Mother/Primary Adopter's Declaration.

I wish my leave to start on (date)..... And finish on (date)..... *(Please note that this must be at least 8 weeks after the date of this notice and declaration, and at least 20 weeks after the child's date of birth or adoption placement. It must end within 12 months of the birth or placement date. It must also be for a complete number of weeks in a continuous period of between 2 and 26 weeks).*

Additional Information where you are also applying for Additional Statutory Paternity Pay (ASPP)

I believe I am*/am not* entitled to Additional Statutory Paternity Pay (ASPP). If I am entitled to ASPP, I expect the Diocesan Trustees' liability to pay my ASPP to start on (date)..... and to end on (date).....

I intend to care for the child during the period of my entitlement to ASPP if any.

I declare that the information given above is correct to the best of my knowledge and belief.

Signed:

Dated:

Appendix 2
Additional Paternity Leave and Pay: Mother/Primary adopter declaration

Roman Catholic Diocese of Portsmouth: Mother/Primary Adopter Declaration Form

Where an employee wishes to take Additional Paternity Leave, this declaration must be completed by the mother or primary adopter of the child who is entitled to one or more of:

- Maternity or Adoption Leave
- Statutory Maternity or Adoption Pay
- Maternity Allowance

And who will have returned to work, bringing an end to that or those entitlements.

The employee requesting to take Additional Paternity Leave (APL) may also be entitled to Additional Statutory Paternity Pay (ASPP) in certain circumstances. Additional information is requested below for this purpose, but it does not automatically mean they are entitled to ASPP. You should fill out the additional information requested where possible and the Diocesan Trustees will inform the person applying for ASPP whether or not they are entitled.

In this form “primary adopter” refers to the person who has chosen to take Adoption Leave in respect of the child. Please ensure that this declaration is completed and signed by the mother or primary adopter of the child, and is given to your Co-ordinating Pastor/Parish Priest/Head of Department not less than eight weeks before APL is due to start.

To be completed by the child’s mother or primary adopter:

I make this declaration in respect of a request for Additional Paternity Leave, and, where applicable Additional Statutory Paternity Pay (ASPP) by

(Name of person requesting additional paternity leave):

.....

My Name:

My Address:

.....

.....

I intend to return to work on *(date)*..... which will bring to an end my period of Maternity or Adoption Leave and, where applicable, my entitlement to Statutory Maternity or Adoption Pay or Maternity Allowance.

My National Insurance number is

Please complete A or B below:

A. Childbirth

I declare that I am the mother of the child and that *(name of person requesting APL)* is:

Please delete the conditions which do not apply:

- The father of the child
- My spouse
- My civil partner
- My partner (who lives with me and with the child in an enduring family relationship, but who is not my relative).

and that he/she has or expects to have the main responsibility, along with me, for the upbringing of the child.

I also declare that he/she is to my knowledge the only person exercising the entitlement to Additional Paternity Leave in respect of the child.

B. Adoption

I declare that I am the primary adopter taking Adoption Leave in respect of the child and that *(name of person requesting APL)* is:

Please delete the conditions which do not apply:

- My spouse
- My civil partner
- My partner (who lives with me and with the child in an enduring family relationship, but who is not my relative)

Please note that in the case of both childbirth and adoption the Diocesan Trustees will normally ask you to provide the name and address of your employer or your business address if you are self-employed. The person requesting APL will have to provide this information within 28 days of the Diocesan Trustees requesting it. If you would like to provide this information now please do so below.

Name of my employer (*or specify if self-employed*)

.....

Address of my employer*/my business address* (**delete as appropriate*)

.....

.....

Additional Information where the person requesting APL is also applying for Additional Statutory Paternity Pay (ASPP)

I declare that I am entitled to:

Please delete the conditions which do not apply:

- Statutory Maternity Pay
- Statutory Adoption Pay
- Maternity Allowance

My entitlement to the above commenced on (*date*)..... and I have given notice to my employer that I am returning to work.

I also declare that (*name of person applying for ASPP*)

.....

is to my knowledge the only person applying for Additional Statutory Paternity Pay in respect of the child.

I declare that the information given above is correct to the best of my knowledge and belief.

I consent to the Diocesan Trustees processing the information contained in this declaration, and information about me which is provided to the Diocesan Trustees by the person requesting APL or ASPP.

Signed:

Date:

PARENTAL LEAVE POLICY

It is the Diocesan Trustees' intention to comply with both the letter and spirit of the law on parental leave. To this end its aim is to inform all employees of their rights and to ensure that those rights are understood by employees who qualify. Neither this policy nor any part of it is intended to have contractual effect.

You will be entitled to unpaid parental leave for the purpose of caring for a child if:

- You have been continuously employed by the Diocesan's Trustees for at least 1 year;

and either:

- You have, or expect to have, responsibility for a child born after 15th December 1999 or who was born before that date but whose first birthday was or is on or after the 15th December 1999; or
- You have, or expect to have responsibility for a child under 18 who has been placed with you for adoption on or after 15th December 1999.

Having responsibility for the child means either having "parental responsibility" or being officially registered as the child's father. Where a child's parents are married to each other at the time of the child's birth, both have "parental responsibility" for that child. In most other circumstances, the mother will have parental responsibility and the father may do so. If you are unsure whether or not you meet these requirements, you should speak to your Co-ordinating Pastor/Parish Priest/Head of Department.

If you qualify for parental leave you are entitled to a total of 13 weeks unpaid leave in respect of each individual child. Therefore, if you have twins or triplets, you are entitled to 13 weeks leave per child. If you work part time, your period of leave is reduced in proportion to your reduced working hours.

The right to parental leave is a right to take up to 13 weeks per child in total and not 13 weeks during successive contracts with different employers. You may apply to take parental leave in blocks of 1 week (or, if your child is disabled, in blocks of 1 day) up to a maximum of 4 weeks for any individual child in any 1 year. For this purpose, a "year" is each successive period of 12 months, starting on the date you are first eligible to take parental leave.

Leave cannot be taken after the child's 5th birthday or, if your child is adopted, after the 5th anniversary of the date on which the child was placed with you for adoption, or the child's 18th birthday, if earlier. If your child was born before 15th December 1999, there is a restricted period in which you may take parental leave and further details can be obtained from your Co-ordinating Pastor/Parish Priest/Head of Department. Special rules may apply if your child is disabled. If your child is

disabled you may take leave any time up to the child's 18th birthday and you may be entitled to more than a total of 13 weeks' parental leave depending on the legislation in force at the time.

You must give at least 21 days' notice of when you want to take leave and confirm the proposed start and end dates. The first time you request parental leave for a child you must include with your application evidence of the following:

- Your responsibility for the child;
- The child's date of birth or, in the case of an adopted child the date on which the adoption began;
- In the case of a disabled child aged over 5, the child's entitlement to a disability living allowance.

You should also confirm whether or not you have previously take parental leave for that child during any period of employment (whether with the Diocesan Trustees or another employer) and, if so, when you took the leave and for how long.

The Diocesan Trustees will consider your request for parental leave in conjunction with the needs of the Trust. Such requests may be difficult to comply with at certain periods, and therefore any requested period of parental leave may be postponed to an alternative date at the discretion of the Diocesan Trustees. The postponement may be for a maximum of 6 months.

Parental leave is unpaid. This means that during any period of parental leave, you will not receive your salary and any other cash payments which would normally be paid to you while you are at work. In addition, you entitlement to all contractual benefits will cease. However, for all other purposes, your contract of employment remains in place and you will continue to be bound by your contractual obligations to the Diocesan Trustees. After parental leave of 4 weeks or less, you are entitled to return to the job you had before your leave.

DOP D5

EMPLOYMENT OF STAFF – OPERATION OF PAYE

Please Note – all employees are required to be on the Central Payroll, and on Diocesan Terms and Conditions of Employment (Employment Contract) by the end of the 2011/2012 Tax Year. DOP D5 will be rewritten at that time.

Introduction

- 5.1 All Co-ordinating Pastor/Parish Priest/Head of Department need the assistance of lay people to assist in carrying out the many and varied jobs which need to be done to make sure the parish operates successfully. In many cases, of course, these jobs are carried out voluntarily, and without payment.
- 5.2 Where parishes find it necessary to employ paid lay people these are employed by the Portsmouth Roman Catholic Diocesan Trustees Registered ("the Diocesan Trustees"). The Diocesan Trustees have established procedures for recruitment and appointment, and terms and conditions of employment, which all parishes are expected to follow. These are described in detail in DOPs D1 to D4.
- 5.3 In cases where payment for work is made, it does not automatically follow that the person being paid becomes an employee, since it can be considered that, under certain conditions; such persons are self-employed workers or self-employed persons in business for their own account. Note that neither the parish, nor the person concerned, can decide which status is correct. The key elements in deciding whether such persons are employed are the terms and conditions under which they are engaged.
- 5.4 Most difficulties in this area arise with "casual" non-permanent staffs, who are often retired, or who may be "unemployed", in the sense of having no other contractual employment. This DOP also seeks to assist in this difficult area.
- 5.5 Employment of permanent full-time, and part-time, staff in parishes is, usually, uncomplicated, provided that the well-established practices are followed. Please contact the Diocesan Department for Finance and Property if you would like the diocese to administer your parish's payroll. If you wish to run your own payroll all the PAYE/NIC procedures and the necessary working papers required can be obtained, from the local office of H M Revenue and Customs, in the form of "Employers' Packs" containing all necessary forms, working sheets and guidance notes. These are also available online at www.hmrc.gov.uk together with help and advice. H M Revenue and Customs run a series of workshops and presentations which are free of charge and are

designed for all employers but especially new employers. It is imperative that all statutory changes (i.e. changes in tax rates, code numbers etc.) are implemented at the correct time.

- 5.6 It should be remembered that, whilst there can be significant differences between permanent full-time and part-time employees and casual employees or self-employed workers or self-employed persons, in terms of tax, National Insurance, contractual obligations, etc., parishes must apply the same principles to all employees and workers in other matters, particularly health and safety.

Determination of Employment Status - Self Employed persons

- 5.7 Employment status is not a matter of choice. The parties cannot simply decide to treat working arrangements as either "self-employed" or "employment". The circumstances of the engagement will determine how it is to be treated.
- 5.8 There are certain key indicators which point towards one classification or the other. H M Revenue and Customs provide details of these online at www.hmrc.gov.uk. It is important that the definitions and rules, which H M Revenue and Customs applies, are followed by parishes in all cases.
- 5.9 In the case of self-employed persons, the parish must obtain from those concerned a declaration that a "self-employment" condition exists and why that condition is deemed to exist. This declaration must be kept in parish records, and must be available to H M Revenue and Customs if they desire to see it. Payments from the parish in such cases must be recorded by signed receipt from the person concerned, and are entered in the accounts in the appropriate Expenditure category - NOT in the "Staff" categories.
- 5.10 In all other cases where such conditions as described above do not apply, all persons who receive payment for work carried out are considered to be "employed", and the relevant diocesan employment procedures, and PAYE and National Insurance procedures must be followed.

Employed persons

Casual Employees

- 5.11 A casual employee is defined for tax purposes as an employee who is engaged for *one week or less in any tax year*. Where such a casual employee earns below the PAYE threshold and less than the lower earnings limit for NIC, the employer does not have to deduct tax or NIC or completed a Form P46 (see paragraph 5.13). The situation is different in the following scenarios:

- a) If an employee is engaged to work at intervals throughout the year, and the total time of engagement exceeds one week, that employee is NOT classified as a "casual" employee for tax purposes and tax and NIC should be deducted as normal, as well as Form P46 being completed as set out in paragraph 5.17 below.
- b) If an employee is engaged to work for one week or less in any tax year but earns more than the PAYE threshold and more than the lower earnings limit for NIC, tax and NIC should be deducted as normal and the employer must give the employee a P45 on completion of the week's work but there will be no requirement to complete a Form P46.

5.12 There are four considerations applying to the employment of casual labour:

- a) The employer must ensure that such persons are fully supervised, so far as is practical, whilst carrying out the duties for which they have been employed.
- b) Such persons must be appraised of the need to work safely.
- c) Before any payment is made, the work done must be inspected to ensure that it has been carried out to the satisfaction of the employer.
- d) Payments must be based on timesheets completed by the casual employee setting out the number of hours worked and which are countersigned by the [*insert title*].e) A receipt for payment, signed by the casual employee, must be obtained and kept in Parish records, together with details of the casual employee's name, address and the time they worked for the Parish.
- f) The employer does not have to issue a P45 for a casual employee except where a casual employee is employed and gives the employer a P45 from their previous employment. In this case, the Parish must complete a P45 for the casual employee once they have finished their week's work.

5.13 If a parish employs casual staff earning below the PAYE threshold and less than the lower earnings limit for NIC, there is **no** requirement to complete the "Employer's notice to the Tax Office" - **Form P46**.

All Other Employees

5.14 It is obligatory for **all** parishes to operate the correct PAYE/NIC procedures for **all** employees. Where a liability to tax and NIC arises on wages paid to an individual, HM Revenue & Customs have powers to recover that tax (and, potentially, interest and penalties) from the employer, as opposed to the employee.

- 5.15 Adherence to the regulations is extremely important. Please contact the Diocesan Department for Finance and Property if you have any doubts about the tax treatment of parish employees.
- 5.16 If a new employee is engaged, and gives the employer a **P45**, PAYE and NIC must be operated, in accordance with the instructions, on all payments made to that employee.
- 5.17 If a new employee does not provide a P45 **it is essential** that Form **P46** is completed and according to the level of pay either sent to H M Revenue and Customs or kept in parish files.
- 5.18 A quarterly payment option is available for small employers. If it is estimated that the average monthly payment of PAYE and NIC deductions is likely to be less than £1,500 in total, you can choose to pay H M Revenue and Customs Accounts Office on a quarterly rather than a monthly basis. The tax quarter days end on 5th July, 5th October, 5th January and 5th April, and payments are due within 14 days of these dates.
- 5.19 Non-permanent staff, such as bar staff, should be asked to complete time sheets which should be countersigned by the Co-ordinating Pastor/Parish Priest/Head of Department prior to payment of salary. The timesheets and details of payments made to the employee must be kept in Parish records, together with details of the employee's name, address and the time they worked for the Parish.

Accounting for employment costs

- 5.20 The parish annual return form includes a separate section for the analysis of staff costs - Lines 308 and 309 on Page 3.
- 5.21 Figures shown in these two lines must not include any costs associated with the Co-ordinating Pastor/Parish Priest/Head of Department. The priest's stipend must be shown in Line 301, and the National Insurance contributions paid by the parish in respect of the priest are shown in Line 303.
- 5.22 Line 308 must show the total **gross** wages paid to *all staff employees* in the year, no matter by what means they are paid (cash, cheque, BACS, etc.), or how often they are paid. The gross wage is the amount before deduction of PAYE and National Insurance. Do not include any wages which are due, but which have not been paid, at 31st August.
- 5.23 Line 309 must show the total amount paid to HM Revenue and Customs in respect of **Employer's National Insurance contributions** for *all staff employees* in the year. Do not include any amounts which are due for payment, but which have not been paid, at 31st August.
- 5.24 Lines 308 and 309 together therefore represent the total cost to the parish of all its employees.

DOP D6

SOLE WORKER OR LATE WORKER GUIDELINE

It is the Diocesan Trustees' policy that diocesan and parish offices are open from 8 am to 6 pm on Mondays to Fridays excluding bank holidays. Volunteers and diocesan and parish workers may only work in these offices outside these hours with the prior written consent of their supervisor.