HIGH LIFE HIGHLAND AGENDA ITEM 13
REPORT TO BOARD OF DIRECTORS REPORT No HLH/ /25
8 December 2025

HR UPDATE – Report by Chief Executive

Recommendation

This report provides an overview of the charity's Human Resources performance.

It is recommended that Directors:

i. note the HR performance information in **Appendix A**;
ii. approve the Gender Pay Gap report for publication, in **Appendix B**;
iii. consider and approve the changes to the Grievance and Disciplinary processes, in **Appendices C1 and C2**;
iv. establish a Grievance and Disciplinary Panel and a Grievance and Disciplinary Appeals Panel and appoint six Directors to serve on the two panels;
v. note the new statutory guidance for Neonatal Care and Leave in **Appendix D**.

1. Strategy Contribution

1.1 High Life Highland's (HLH) purpose is Making Life Better. The HLH Strategy 2025-2030 contains five strategic objectives which support the delivery of this purpose, and this report supports the following highlighted objectives:

1. Delivery of affordable, accessible and inclusive services across the region.
2. Maximise and grow income to reinvest across services.
3. Ensure a consistent high value of delivery across HLH services.
4. Commit to the net zero and sustainability agenda.
5. **Efficient and effective service delivery through our people and processes.**

2. Background

2.1 Improving staff satisfaction levels has been identified by the HLH Board as key to delivering the HLH Strategy 2025-2030. This is measured through the staff survey and other performance information which is collected throughout the year, such as absence and attendance rates and turnover.

3. HR Performance Information

3.1 HR performance information can be seen in **Appendix A**. This section of the report highlights key points.

3.2. Staffing establishment

3.2.1 The graph in **Appendix A** primarily reflects the creation of new posts for the Inverness Castle Experience showing an upturn in the establishment. The staffing establishment change between quarter one 2025/26 and quarter two 2025/26 was as follows:

- Quarter 1 establishment = 820.47 FTE
- Quarter 2 establishment = 821.85 FTE

3.2.2 This is a change of 1.38 FTE. Within that the following changes were made:

- Leisure - Create 1 FTE - Assistant Manager (temporary)
- Leisure – Delete 0.8 FTE – Various amendments to existing establishment
- Community Venues & Engagement – Create 0.68 FTE – Visitor Service Assistant
- Museums – Create 0.5 FTE – Museum Assistant IMAG (temporary)

3.2.3 Recruitment controls remain effective with the changes to the establishment considered by an officer group and permanent changes approved by the executive team at its weekly business meeting.

3.3 Staff Turnover

3.3.1 Staff turnover saw a slight increase over quarter two but no unusual trends or cause for concern were identified. Traditionally, there has been an increase in resignations in summer as students leave school and get permanent jobs or leave the area for further education.

3.3.2 The number of resignations as a percentage of posts (number in brackets denotes the number of individual resignations) during the quarter was:

- July = 1.3% (13)
- August = 1% (10)
- September = 1.7% (17)

3.4 Absence

3.4.1 The overall absence rate for quarter two shows a small decrease over the quarter of 0.9% compared to quarter one and is 0.59% below the Office for National Statistics benchmark and 0.05% above the mean absence rate for HLH.

3.4.2 There was a spike in short term absences in September, mainly attributed to viral illnesses. In October this returned to the mean level for the year.

3.4.3 The focussed work by HR and service managers continues, ensuring that absences are monitored and addressed in a timely and supportive manner.

3.4.4 In addition to providing support through OH referrals, Counselling and access to a 24/7 online support system (Togetherall), the Senior HR Adviser hosts a monthly online Women's Wellbeing Café to support colleagues experiencing perimenopause and menopause.

4. Case Work

4.1 Monitoring and reporting of case work (use of formal processes and ACAS claims) provides the Board and management team with an indicator of workforce relations as well as ensuring that the Board is aware of any matters which might have legal, financial or reputational implications.

4.2 **Internal resolution (grievance) -** There were no internal resolutions during quarter two.

4.3 **Disciplinary -** There were three disciplinary investigations during quarter two. All are complete and the outcomes have not been appealed.

4.4 **Conciliation and Tribunal Claims -** There were no conciliation claims during quarter two.

5. Industrial Relations

5.1 HLH recognises the following Trades Unions which normally meet quarterly as a Joint Consultation Forum (JCF) for communication and consultation:

- EIS
- GMB
- UNISON
- Unite the Union

5.2 The JCF meeting due to take place on 18 September 2025 was cancelled due to availability of union representatives. The next meeting will take place on 11 December 2025. Relationships continue to remain positive.

6. Gender Pay Gap 2025

6.1 Under The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 it is a legal requirement for organisations with 250 or more employees to publish a gender pay gap report by April each year.

6.2 The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings. Directors are asked to note that the gender pay gap is not the difference in salaries paid to male and female staff, all HLH staff (regardless of gender) are paid on the same salary scales.

6.3 Employers must publish their gender pay gap data and a written statement on their public website and report their data to government online.

6.4 The data required is:

i. mean (average) gender pay gap in hourly pay;
ii. median (midpoint) gender pay gap in hourly pay;
iii. mean bonus gender pay gap;
iv. median bonus gender pay gap;
v. proportion of males and females receiving a bonus payment; and
vi. proportion of males and females in each pay quartile.

6.5 HLH's detailed results are provided in the draft Gender Pay Gap Report at **Appendix B.**

6.6 The table below provides a comparison of the Gender Pay Gap results from 2023, 2024 and 2025:

	Difference between male and female hourly fixed pay	
	Mean (average) Pay Gap	**Median (midpoint) Pay Gap**
2023	9.9%	17.0%
2024	9.4%	14.8%
2025	10.8%	17.8%

6.7 There has been no significant change in the overall male to female ratio (1:2) over the past year and a small increase of 1.4% to the mean pay gap. However there has been a more significant increase in the median pay gap of 3% in 2025. This is because there has been an increase in the proportion of females to males in the lowest paid posts, resulting in an increased gap between female and male median hourly rates. In 2024 the gap was £2.03 per hour whereas in 2025 the gap is £2.87.

6.8 Whilst the proposed restructuring and re-evaluation of HLH's lowest paid posts will go some way to addressing the gender pay gap in the lowest paid roles, until there is any movement in the gender balance of the most senior posts within HLH it is unlikely there will be any significant change in the overall gender pay gap.

6.9 Steps have been taken to promote the employment policies which HLH has in place and this is provided on the recruitment page on the HLH web site and is provided in the application pack for all posts and can be seen at this link: HLH-Staff-Benefits.pdf

6.10 If approved, the report will be published on the High Life Highland website and forwarded for publication, as legally required, on the UK Government website.

7. Policy Review

7.1 Grievance & Disciplinary Procedures

7.1.1 The Grievance and Disciplinary procedures have been reviewed and updated **(Appendices C1 and C2)** to clarify how the two procedures would apply should there be a grievance or disciplinary matter involving the Chief Executive or an Executive Director.

7.1.2 Should the procedures be approved it is recommended that the HLH Board establish two standing panels to consider matters relating to the Chief Executive or Executive Directors as follows:

- Grievance and Disciplinary Panel (three HLH Board Directors who could be called on should the need arise)
- Grievance and Disciplinary Appeals Panel (three HLH Board Directors who could be called on should the need arise)

7.1.3 The current complaints procedure refers to complaints against the Chief Executive and says "Complaints about the Chief Executive will be escalated to the Chair of the HLH Board, who will investigate in their role as the Chief Executive's line manager." If the above is approved, the complaints procedure will be updated to align with the

grievance procedure with complaints being escalated to the Vice Chair so that the Chair can maintain their support role as the Chief Executive's line manager in that circumstance.

7.2 Neonatal Care Leave and Guidance

7.2.1 The Neonatal Care (leave and pay) Act 2023 is a UK law that came into effect on 6 April 2025, providing a day-one right to take leave for parents of a baby in neonatal care. This allows eligible parents to take up to twelve weeks of leave and claim pay, in addition to other parental leave entitlements.

7.2.2 The Neonatal Care Leave and Guidance at **Appendix D** will sit within HLH's Maternity, Paternity and Adoption suite of guidance and provides details of the provision and application of this statutory right.

8. Implications

8.1 Resource Implications – there are no new resource implications arising from this report.

8.2 Legal Implications – there are no new legal implications arising from this report.

8.3 Impact Assessment - All policies, strategies, or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken. This is a monitoring report and an impact assessment is, therefore, not required.

8.4 Risk Implications – there are no new risk implications arising from this report.

Recommendation

It is recommended that Directors:

i. note HR performance information in **Appendix A**;
ii. approve the Gender Pay Gap report for publication, in **Appendix B**;
iii. consider and approve the changes to the Grievance and Disciplinary processes, in **Appendices C1 and C2**;
iv. establish a Grievance and Disciplinary Panel and a Grievance and Disciplinary Appeals Panel and appoint six Directors to serve on the two panels;
v. note the new statutory guidance for Neonatal Care and Leave in **Appendix D**.

Designation: Chief Executive

Date: 27 November 2025

Authors: Morven MacLeod, Head of Human Resources

High Life Highland Board – Human Resources Report

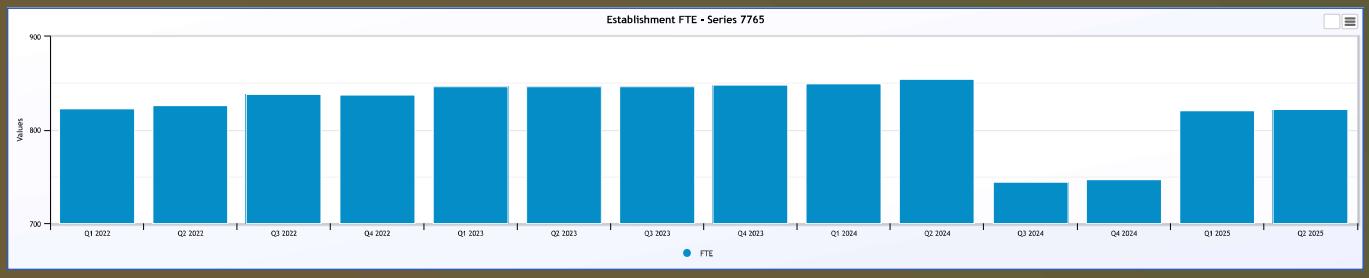
Appendix A - HLH Board Human Resources Report

Improving Staff Satisfaction Levels

High staff satisfaction levels have been identified by the HLH Board as key to delivering it strategy 2025-2030. This is measured through the staff survey and other performance information which is collected throughout the year such as absence and attendance rates, and turnover. This appendix shows information relating to the human resources report.

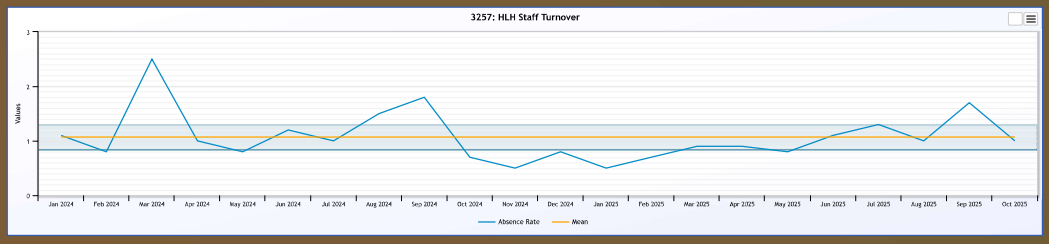
Establishment

To operate efficiently and effectively we need to ensure that we have the correct staff levels to deliver our services and we monitor overall staff levels though our establishment list. This graph tracks the number of full-time equivalent posts that we have. At the end of 2024/25 we had 746.68 FTE posts. At the end of Q2 2025/26 we had 821.85 FTE. That is a change of **+75.17** and a percentage change of **+10.07%**.



4.1 Staff Turnover

This graph shows the turnover figures as a percentage of the posts in the organisation along with, mean and standard deviation from the mean lines. This is used to flag when there might be issues which the organisation might need to address.

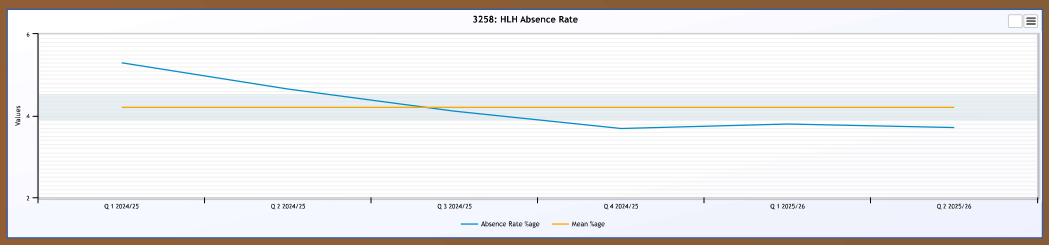


RAG Rating

green - within or below standard deviation, red - above standard deviation

Staff Absence Rates - Quarterly

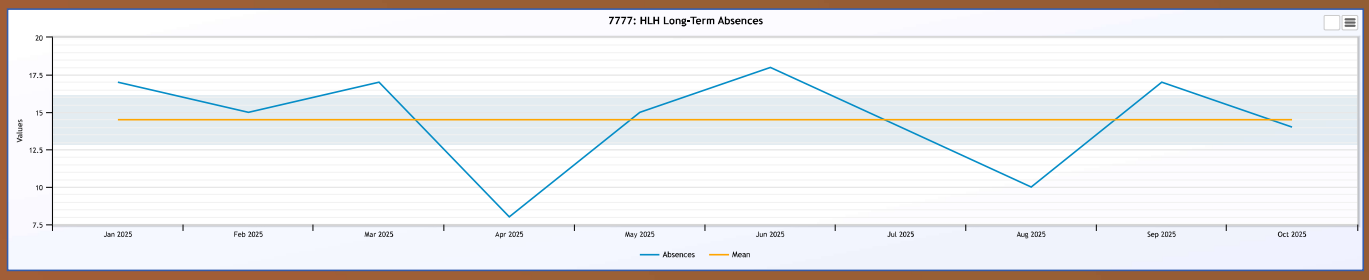
As a benchmark, we use the office for National Statistics (ONS) absence rate for Caring Leisure and Other Service Occupations which is 4.3% with the aim being to maintain the mean absence rate at or below that level. The current mean figure for HLH is 4.21% with the current absence rate being 3.71%. The RAG rating is based on the ONS figure and assesses performance during the most recent quarter.



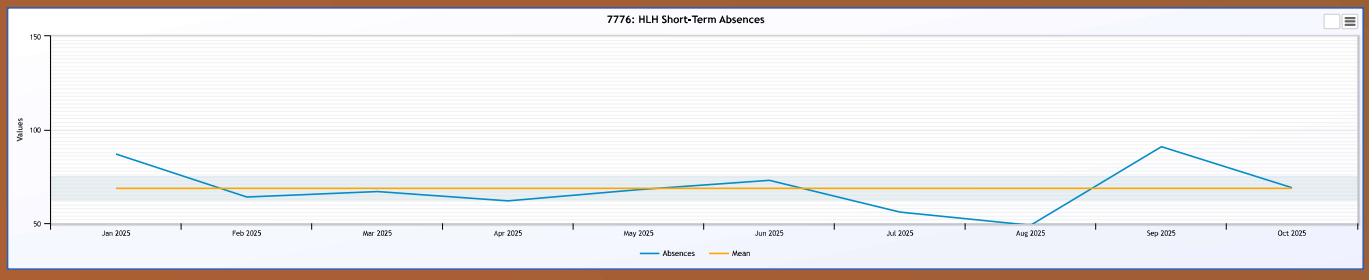
RAG Rating

green – absence rate of 4.3% or lower, amber – absence rate of 4.4 to 4.6%, red absence rate greater than 4.6%

Long Term Absences



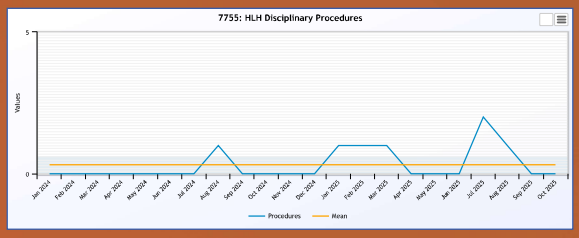
Short Term Absences



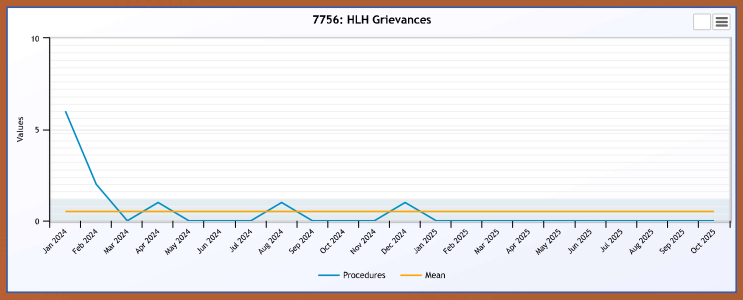
Case Work

Monitoring and reporting of case work (use of formal processes and ACAS claims) provides an indicator of workforce relations as well as ensuring that there is a systematic way of ensuring that there is awareness of staffing matters which might have a legal, financial or reputational implications. The following two graphs show the number of cases where disciplinary and internal resolution (grievance) procedures have been used.

Disciplinary Procedures



Grievances



Gender Pay Gap Report 2025

High Life Highland is a charity registered in Scotland, formed on 1 October 2011 by The Highland Council. Its purpose is **Making Life Better** so that it can reach its **vision** of affordable access to health and wellbeing, learning and culture for everyone in the Highlands, by being/having **values:** Integrity; Community; Accountability; Respect; and Example, contributing to our **High Level Outcome:** making a positive impact across the Highlands by improving physical, mental and social health and wellbeing.

The Gender Pay Gap data supplied is correct for all employees in post with High Life Highland on 31 March 2025.

On that date there were 796 relevant and full-pay relevant employees, 282 (35%) males and 514 females (65%).

The figures set out below have been calculated using the standard calculations used in the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017.

Pay and Bonus Gap

Difference between male and female		
	Mean	Median
Hourly fixed pay	10.8%	17.8%
Bonus paid	0%	0%

- The table above shows High Life Highland's mean and median gender pay gap based on hourly rates of pay.
- There were no bonuses paid to any staff in the year up to 31 March 2025.
- Of the 15448 employers reporting in 2024/25 the mean gender pay gap for all employees was 11.2% and the median gender pay gap 12.8%[1]
- High Life Highland's mean pay gap of 10.8% is less than the national average by 0.4%.
- With a 17.8% median pay gap, High Life Highland is 5% above the national average for 2024/25.

[1] https://gender-pay-gap.service.gov.uk Employers with 250 or more employees who have published their figures comparing men and women's average pay across the organisation.

Pay Quartiles by Gender

Quartile	Males	Females	Description
1	30%	70%	Includes all High Life Highland employees whose standard hourly rate places them in the 1st and lowest pay quartile.
2	29%	71%	Includes all High Life Highland employees whose standard hourly rate places them below the median pay in the 2nd pay quartile.
3	35%	65%	Includes all High Life Highland employees whose standard hourly rate places them above the median pay in the 3rd pay quartile.
4	47%	53%	Includes all High Life Highland employees whose standard hourly rate places them in the 4th and therefore highest pay quartile.

- The table above sets out the gender distribution at High Life Highland across four equally sized quartiles, each containing 199 employees.
- High Life Highland has an overall gender split of 35% male to 65% female. Quartiles 1 and 2 show the greatest disparity in gender distribution with higher percentages of females compared to males in these lowest paid quartiles. However, Quartile 4 shows a more evenly distributed gender mix with 47% male to 53% female.

High Life Highland is committed to the promotion of equality of opportunity in its employment practices. It is committed to offering roles on flexible working patterns, with a range of options such as part-time working, alternative working hours, home working and shared parental leave.

The Charity's Equal Opportunities policy states that it intends that no job applicant or employee shall receive less favourable treatment because of sex, marital or family status, age, ethnic origin, disability, race, colour, nationality, religion, belief, sexual orientation, gender reassignment or any other non-job related factor.

High Life Highland is also confident that males and females are paid the same rate for the job regardless of gender (or any other difference). Employees are remunerated according to set pay scales and terms and conditions which are negotiated nationally, through The Highland Council, by the Scottish Joint Council for Local Government Employees.

High Life Highland remains committed to monitoring and reducing the gap wherever possible, whilst also recognising that it has no direct control over the gender of applicants for particular job types or an individual's career choices.

I confirm the data reported is accurate.

Steve Walsh
Chief Executive

TITLE	**Disciplinary Procedure**
CATEGORY	Guidance
REFERENCE	HR08-G01
VERSION	6
DATE	November 2025

1. Introduction

1.1 High Life Highland (HLH), in conjunction with the Trade Unions, recognises that a formal disciplinary procedure will help to promote fairness and equity in the treatment of employees and in the conduct of employee relations. Where possible it aims to encourage improvement in individual conduct and/or performance.

1.2 Where an employee's performance or conduct is such as to give rise to serious concern, disciplinary action may be taken by the authority in accordance with the following disciplinary procedures. As the aim of the disciplinary process is to seek improvement in performance or conduct, assistance to enable improvement to occur is essential. All pro forma letters are provided within the Forms-Letters folder.

1.3 The procedure applies to all HLH employees.* The term employee includes "workers", i.e. those people who work under a contract of employment, or any other contract to do or perform personally any work or services for the Charity, e.g. temporary workers, agency workers.

*see section 9. below for procedures relating to the Chief Executive and Executive Directors.

2. Principles

2.1 Disciplinary rules and procedures are necessary for promoting good employment relations as well as fairness and consistency in the treatment of individuals. They enable organisations to influence the conduct of employees and deal with problems of poor performance and attendance thereby assisting organisations to operate effectively. Rules set standards of conduct and performance at work procedures help ensure that the standards are adhered to and also provide a fair method of dealing with alleged failures to observe them.

2.2 All employees should be made aware of the standards of conduct and performance expected of them. In particular, they will be made aware of what constitutes gross misconduct. All problems involving minor misconduct and poor performance will be dealt with, at least in the early stages, through the use of informal advice, guidance and counselling. All problems of this nature will be fully discussed and support will be provided with the objective of encouraging and helping employees to improve. Employees will be made aware that support is available at all times even where it has been necessary to take disciplinary action under the Charity's procedures.

2.3 Where concerns relate to the performance of an individual, the procedures will comply with the Charity's guidance on Managing Staff Performance.

2.4 If disciplinary actions/sanctions are initiated these will normally be accompanied by appropriate support mechanisms.

2.5 No disciplinary action will be taken until the matter has been fully investigated and any decision, thereafter, to impose a disciplinary sanction will not be taken by the person who conducted the initial investigation. In addition any appeal will not be heard by the same person who issued the disciplinary sanction.

2.6 Apart from gross misconduct, no employee will be dismissed for the first breach of discipline.

2.7 There is a right of appeal against all formal disciplinary sanctions.

2.8 No disciplinary action will be initiated against a trade union representative until the matter has been discussed with a full-time official of the trade union concerned.

2.9 Where an employee is asked to attend any stage of the disciplinary process, including investigatory meetings, he/she will have the right to be represented.

3. Stages in the Procedure

3.1 Counselling

In order to reduce the possibility of serious disciplinary problems arising, it is essential that any incidence of misconduct or failure in performance is dealt with promptly and appropriately.

It may be sufficient at this stage for the line manager to offer counselling to the employee in an attempt to avoid repetition of the problem. This would not be appropriate for serious breaches of discipline, or where there has been a repeated recurrence of a problem within a short period i.e. less than 6 months.

3.2 The Investigatory Stage

3.2.1 In situations where either a complaint has been received or where an employee's conduct or performance has given cause for concern, then in consultation with the Head of HR, the employee's Manager or Head of Service will appoint an investigating officer (IO). There may be cases the IO does not work in the same service as the individual(s) under investigation. At the same time the Head of HR will appoint a Designated Officer (DO) in case the matter progresses to a formal disciplinary process. Prior to the appointment there will have been an initial, informal, inquiry sufficient to decide if a formal investigation is required. If an investigation is deemed necessary/appropriate then an appropriate representative from HLH will meet directly with the employee to advise them that the disciplinary process is commencing. The employee will be advised of the purpose of the investigation in writing, detailing the specific allegations being made, within two working days following the initial meeting.

3.2.2 The investigating officer will, if possible, interview all of the parties involved (including the employee in question) and, if appropriate, prepare signed and dated statements from all of these witnesses. The investigating officer will then produce a report for the DO which will enable them to decide whether the matter will be further progressed through the formal disciplinary process. The investigating officer will not have any role to play in deciding if the matter progresses to the formal disciplinary process. The IO will also have no function at a future disciplinary meeting other than presenting the facts of the investigation to that meeting. The employee involved will be advised at an early stage, including confirmation

in writing, that a complaint or concern has been lodged, of the nature of any complaint, of the process which will be followed and of the right to be represented.

3.2.3 The investigatory process will be conducted as speedily as possible consistent with the principles of fairness and natural justice.

3.2.4 The employee will be entitled to be represented at all meeting as part of the disciplinary process including investigatory meetings but excluding investigatory interviews with other individuals. In addition, the employee whose conduct or performance has given rise to the investigation will normally be interviewed and must be given a clear indication of the nature and purpose of the investigation in writing and the procedures that will be followed at the interview at least 24 hours in advance of any meeting with the investigating officer.

3.2.5 Once the investigation is completed the employee will be advised as to the outcome. This may be indicated verbally by the IO but will also be confirmed in writing to the employee and remain on file. Where following an investigation no further action is to be taken in terms of the disciplinary process then all references and documentation directly generated as a result of the investigation will be removed from the employee's personal file and destroyed.

3.3 Suspension

3.3.1 On occasion, 'precautionary suspension' will be necessary. Where it is necessary the following principles will apply:

- A precautionary suspension is not disciplinary nor should it be inferred in any way as being punitive and will be on full pay.

- Precautionary suspensions will only be used in the following circumstances: the most serious cases of misconduct or poor performance or where the employee's presence at the normal place of work could prejudice the investigation or to protect the employee from further allegations against them during an ongoing investigation or where an employee refuses to carry out a lawful and reasonable instruction issued by an authorised person. Consideration may be given to a temporary transfer pending the conclusion of the investigation and any subsequent disciplinary process.

- During precautionary suspension the employee must make themselves available to attend meetings/work during their normal rostered work pattern.

- If an investigatory interview or disciplinary hearing is not possible to be arranged within 10 working days of the precautionary suspension, the employee will be contacted and the situation explained to the employee and thereafter on a two-weekly basis until a disciplinary meeting is convened or the precautionary suspension is lifted.

- There is no right of appeal against precautionary suspension. At the time of the precautionary suspension the employee will surrender any items which relate to their work with HLH, for example, laptop, keys, ID cards. They should not attempt to attend their place of work or log in to HLH systems from home without the express permission of the IO and in some cases the employee may also be prevented from attending any HLH building as a customer.

3.4 The Disciplinary Hearing Stage

3.4.1 A decision to proceed with a disciplinary hearing will be taken by the DO in consultation with the Head of HR based on the evidence and information gathered during the investigatory stage.

3.4.2 Once a decision has been taken to proceed to a disciplinary hearing, the employee will be informed, in writing, about:

- specific details of the allegations
- the date for the hearing
- the procedures to be followed at the hearing
- his/her rights under the disciplinary procedure, and
- provided with copies of the evidence that will be used during the disciplinary hearing, including any written evidence.

3.4.3 The employee will also be supplied with the names of any witnesses that will be called. The employee will also provide HLH with similar written evidence that will be led in his or her defence and the names of any witnesses who will be called within a reasonable time before any meeting, and at least 48 hours before the date of the hearing. Neither the employee nor the Charity can compel a witness to attend a disciplinary meeting to offer evidence.

3.4.3 The Head of HR , or his/her representative, must be consulted by the designated officer, who will conduct the hearing, prior to any hearing being arranged. An HR representative, where appropriate, will be present at a disciplinary hearing and will act purely as an adviser to the designated officer in terms of process and procedure. The final outcome decision as to any appropriate action/sanctions will rest with the DO.

The Head of HR or his/her representative must be present at all meetings where the employee is being investigated under an allegation of gross misconduct.

3.4.4 A record of the disciplinary hearing must be made. This need not be a full minute of the meeting but must include notes of all the important issues.

3.4.5 The designated officer conducting the disciplinary hearing will not be the person who carried out the initial investigation. At any time during the hearing the designated officer or either party may ask for a recess in the proceedings in order to consider privately any matters raised. The procedure for hearings can be found within a separate Guidance note.

3.4.6 The officer(s) who carried out the initial investigation will present the facts of the investigation, including the presentation of any written reports/statements and the calling of any witnesses.

3.4.7 The employee (and/or representative) must be given every opportunity to present his/her case, to provide additional documents in line with 3.4.2 for the hearing, to call and question witnesses and to sum up his/her case.

3.4.8 Once the IO and employee have presented their respective cases and all parties have been given the opportunity to ask question of the other (the DO should ensure fairness and parity in the questioning from the opposing party(s) and that questioning is conducted in a professional and sensitive manner). The designated officer will conclude the proceedings and adjourn the hearing in order to reach a decision.

3.4.9 Once a decision has been reached, the DO will reconvene the hearing with the IO and employee/representative in order to advise of any outcomes/sanctions. The decision will also be communicated in writing within the agreed time limits (see 6.1 below) including the right of appeal against the decision.

3.4.10 If it is decided that no disciplinary action is to be taken, all references to the case will be removed from the employee's personal file and destroyed, unless the employee requests otherwise.

4. Disciplinary Sanctions

4.1 It should be noted that the designated officer is not obliged to issue sanctions in the following order and may decide to issue a higher sanction.

4.2 All disciplinary sanctions will be recorded in writing and will remain in the employee's personal file during the period of currency of the warning (see 6.2 below). In being advised of the disciplinary sanction which is being applied, the employee will be advised also of the improvements which will be expected of them and the availability of appropriate support to allow them to achieve and maintain the improvement.

4.3 The following disciplinary sanctions are available:

(a) Verbal Warning
This sanction relates to minor breaches of discipline, misconduct or continued poor performance. The verbal warning will be confirmed in writing and this written confirmation must include reference to the fact that any further breach of any kind may render the employee open to further disciplinary action.

(b) Written Warning
This sanction relates to more serious breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a formal verbal warning. The employee will be informed that a further breach may result in further disciplinary action.

(c) Final Written Warning
This sanction relates to serious breaches of discipline, misconduct or continued poor performance or a failure to improve conduct or performance following receipt of a written warning. The employee will be informed that any further breach of any kind may result in dismissal.

(d) Dismissal

(i) The dismissal sanction relates to serious repeated misconduct or poor performance during the currency of a final written warning or for gross misconduct for which no previous warning exists. The employee will be informed in writing as to the effective date of dismissal and whether the dismissal is summary (in the case of gross misconduct) or with notice (in the case of repeated misconduct or poor performance).

(e) Additional actions that can be used with punitive warnings

(i) The following punitive sanctions are available in conjunction with any warning, demotion, (including a reduction in salary), workplace/departmental/service transfer or suspension of a salary increment. Table 1 details the circumstances in which additional actions can be applied.

(ii) In some cases the actions relating to demotion, transfer or suspension of an increment could be applied where, for mitigating circumstances, fall just short of dismissal. In this situation where an employee does not agree to the application of the punitive sanction then the Charity will have no alternative but to dismiss the employee.

Table 1

SANCTION	ADDITIONAL PUNITIVE ACTION
Verbal warning	Transfer to another post/location
Written warning	As above Plus - demotion
Final written warning	As above Plus – withhold increment
Dismissal	All above

4.4 Gross Misconduct

Gross misconduct is defined as behaviour of such a nature that HLH is unable to tolerate the continued employment of the employee. The employee's actions have in fact made any further working relationship with the Charity impossible.

The following list shows examples of actions which would be considered as gross misconduct but the list should not be considered as exhaustive:

- serious breaches of the Charity's policy on the Acceptable Use of Information Systems and Technology;
- theft of property belonging to the Charity;
- theft of property left on Charity premises;
- serious breaches of HLH's Code of Conduct for Employees;
- wilful damage to Charity property;
- physical assault or threatening behaviour to another employee or to a member of the public while engaged on Charity business or outwith normal working hours where this may impact upon the employee's ability to undertake his/her job;
- non-disclosure of criminal convictions which were required to be declared on the application form prior to being employed by the Charity;
- fraud which would involve falsification of expense claims, time sheets (including flexible working hours recording), or any other financial record relating to the Charity's finance;
- gross breach of Health and Safety Regulations;
- failure to disclose details of relevant medical information requested before being employed by the Charity;
- serious acts of discrimination which breach the Charity's Equal Opportunities Policy.

4.5 Notification of Punitive Action

A letter confirming the punitive action will detail why the action has been taken and the employee's right of appeal. In cases other than dismissal the letter must advise the employee of the consequences of any other breach of discipline.

4.6 In cases involving performance issues the Charity's guidance of Managing Staff Performance will be followed at all times. Before taking action for dismissal, the DO will ensure that the Code has been followed.

5. Designated Officers and Appeals

5.1 Employees have the right of appeal against all formal disciplinary sanctions imposed by HLH.

5.2 A list of designated post holders able to apply different sanctions and hear appeals will be held by the HR

5.3 Appeals against Verbal, Written and Final Written Warnings

An employee has the right of appeal against a sanction where they have felt it unduly severe or inconsistent. If exercising this right the employee should submit their appeal in writing to the HR Manager within 10 working days of receipt of the confirmation of the issue of the sanction. The letter **must** detail the reasons for the appeal. If the appeal does not include this information it may not be accepted by the Head of HR

The person making the appeal should note the appeal hearing is not a re-run of the previous disciplinary hearing, but a hearing convened to allow them to outline their reasons as to why they believe sanctions against them to be unduly severe or inconsistent.

The Appeal Officer (AO) will be appointed by the Head of HR or designated representative and may be from another service. The Appeal Officer will be someone that has not been involved in any way in the original investigation of decision. Where the sanction has been issued by a Director of Service the AO will be another Director of Service/Chief Executive.

The Appeal Officer will advise the person making the appeal in writing of the date of the appeal, normally giving notice of at least 5 working.

Appeals against verbal, written and final written warnings will end here.

5.4 Appeals against Punitive Disciplinary Action which may include dismissal

The appeal shall be heard by a Director of Service or Chief Executive and the appeal shall end at this level within the Charity.

5.5 Representation

At an appeal hearing the person making the appeal is entitled to be accompanied by a trade union representative or work colleague of his/her choosing.

5.6 Appeals Decision

The designated officer or Chief Executive may confirm, withdraw or amend disciplinary action but cannot impose a more serious form of action than the one originally given.

Following an appeal, if any disciplinary action is withdrawn or modified, references to the matter in the employee's personal file will be deleted or amended as previously outlined in this procedure.

5.7 New information coming to light at appeal

The AO may not increase the sanction at appeal, but where new information or evidence comes to light during the appeal process then the AO may adjourn the appeal hearing and instruct further investigations into the new allegations. Where allegations are found to be substantiated then a new disciplinary process will be convened with new timescales.

6. Procedural Timescales

6.1 It is good practice to ensure that all actions are carried out in good time. Except where there are mitigating circumstances, it is expected that the following timescales will apply.

Aspects of Disciplinary Procedure	Suggested Time Limit (Working Days)
Precautionary suspension	10 working days until and between each review and contact with employee
Notification of decision to proceed to disciplinary hearing (including notice of date of hearing)	10 working days' notice (minimum) but could be shorter by agreement in individual cases. The disciplinary hearing should be held within one month of the issue being raised. Any extension to this must be agreed with the HR Manager.
Notification of decision following conclusion of disciplinary hearing	5 working days (maximum)
Time limit to lodge appeal	10 working days (maximum) from date of notification of decision of disciplinary hearing
Date of notification of appeal hearing	No later than 20 working days from receipt of notice of appeal
Notification of outcome of appeal hearing	5 working days (maximum)

6.2 The Head of HR will monitor the above time schedules throughout any disciplinary process. Where the above time limits are not being adhered to/excessively exceeded then the Head of HR shall inform the Director of Corporate Performance

7 Duration of warnings:

Level of Warning	Time Limit (Months)
Verbal warning	3 - 6 months
Written warning	6 - 12 months
Final written warning	12 - 18 months

7.1 After the appropriate time limit has been reached the warning file will be removed from the employee's record and destroyed. HLH will record the date that the file was removed and destroyed in the employee's personal file. The employee will be advised in writing that the file has been removed from their personal file. In some circumstances this notification may refer to ongoing training or support being received by the employee as a result of the disciplinary sanction.

7.2 If an appeal is successful and the original disciplinary sanction withdrawn, any written reference will be deleted from the employee's personal file and the person making the appeal will be notified accordingly.

7.3 Any disciplinary sanction which has been imposed and which relates to a breach of the Charity's Child Protection Policy; Financial Regulations; Equalities or Bullying/Harassment Policies can remain on an employee's file for a longer period of time than defined in 7. above. This would be in exceptional circumstances, which would be considered with the job holder and his/her representative and would require the final approval of the Director of Corporate Performance

7.4 The Charity reserves the right to issue an employee concurrent warnings for differing categories of misconduct.

8. General Information

8.1 Criminal Offences

An employee will not be automatically dismissed or otherwise disciplined as a result of being charged or convicted of a criminal offence.

However, where it is thought that the employee's action may warrant disciplinary action being taken, an appropriate officer will fully investigate the facts as far as possible.

If the investigation indicates that prompt attention can be given to the matter, the designated officer need not await the outcome of criminal investigation or prosecution before taking a fair and reasonable decision on the matter. However, the matter must first be discussed with the Director of Corporate Performance or his/her representative.

8.2 Alcohol and Drug Abuse

The chronic abuse of alcohol is recognised as an area of health and social concern which can definitely and repeatedly interfere with an employee's health, conduct and work performance. Where any disciplinary action is being considered, and there is an indication that the underlying cause of a particular situation may be the regular abuse of alcohol, the Charity's policy on alcohol abuse must be adhered to. Where the regular abuse of drugs is a factor, the principles of the Charity's policy on Substance Misuse will be followed.

8.3 Trade Union Officials

No disciplinary action will be taken against an employee holding trade union office until the circumstances of the case have been discussed with a full-time trade union official of the trade union involved, through the Director of Corporate Performance or his/her representative.

Where disciplinary action is proposed against such an employee the designated officer must contact the Head of HR prior to commencing any formal disciplinary processes.

8.4 Obligation to inform other agencies

Where an employee is carrying out 'regulated work' i.e. any work involving contact with children or vulnerable adults, and is dismissed (or leaves before they would have been dismissed) as a result of any harmful behaviour that might affect whether they are allowed to work with children or protected adults, HLH has a duty, by law, to inform Disclosure Scotland. This is called a referral and applies whether the person is a member of the PVG Scheme or not.

8.5 Representation

An employee has the right to be accompanied at any meetings by someone who may speak on their behalf. While it is the responsibility of the employee to arrange the attendance of a representative, they must be reminded of this right.

The chosen companion may be a fellow worker, a trade union representative, or an official employed by a trade union. To exercise the statutory right to be accompanied, workers must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice any of the investigatory or disciplinary processes nor would it be reasonable for a worker to ask to be accompanied by a companion from a remote geographical location if someone suitable was available on site nor would it be reasonable to insist on a being accompanied by a companion who is unavailable to attend the meeting(s) for a period deemed as excessive by the IO/DO Officer. In these circumstances the HLH representative reserves the right to refuse the employees request and seek alternatives.

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

In recognising the confidentiality of any disciplinary process HLH shall not release information relating to the employee to any third party (e.g. union representative) without the employee's express permission in writing. Once this permission has been granted all information sent to the employee will by default be copy circulated to the nominated third party until otherwise advised by the employee.

8.6 Appeal to an Employment Tribunal

This disciplinary procedure does not impinge on an employee's statutory rights to appeal to an employment tribunal in appropriate circumstances.

8.7 Confidentiality of Records

High Life Highland will treat records arising from the disciplinary process as confidential, though copies of such records, e.g. investigating officer's request, witness statements, will be made available to the employee concerned, and to officers or members involved in the disciplinary and appeals process until the process has been exhausted.

9. Matters Involving Executive Directors or the Chief Executive

9.1 Matters relating to the Chief Executive and Executive Directors, should they arise, could require the involvement of members of the HLH Board of Directors. The following standing panels shall be established for matters relating to the Chief Executive and Executive Directors, as detailed in **Appendix A**:

- Grievance and Disciplinary Panel
- Grievance and Disciplinary Appeals Panel

9.2 Where an allegation of misconduct is against an Executive Director, initial consideration will be given by the Chief Executive in consultation with the Head of HR to determine whether the matter should be formally investigated and whether suspension is appropriate. Where suspension is appropriate, the standard suspension process will apply.

9.3 If an investigation is required, this would normally be carried out by another Executive Director and if this leads to a disciplinary hearing the Chief Executive will be the Designated Officer.

9.4 Should the Executive Director choose to appeal the outcome of any hearing, then this will be heard by the Grievance and Disciplinary Panel.

9.5 Where an allegation of misconduct is against the Chief Executive, initial consideration will be given to the allegation to determine whether the matter should be formally investigated and whether suspension is appropriate. The allegation will be discussed between the Director responsible for corporate services (or an alternative member of the Executive Team), the Head of HR and the Vice Chair of the HLH Board with the Chair being informed.

9.6 If an investigation is required, the Vice Chair of the HLH Board will appoint the Head of HR and one Director from the Executive Team to carry out a joint investigation and if a hearing is subsequently required, the Vice Chair will convene the Grievance and Disciplinary Panel. In this case, the Panel would normally be supported by the Head of HR and the Charity's appointed legal adviser.

9.7 Should the Chief Executive choose to appeal the outcome of any hearing; this will be heard by Grievance and Disciplinary Appeals Panel supported by the Charity's appointed legal adviser.

Appendix A

Standing Panels for matters relating to the Chief Executive and Executive Directors

- Two panels will be established to consider any grievance and disciplinary matters against the Chief Executive or an Executive Director, as described in the Internal Resolution and Disciplinary Procedures:
    - Grievance and Disciplinary Panel
    - Grievance and Disciplinary Appeals Panel

- The membership of the panels will be considered as part of the membership of HLH Committees with Board Directors being nominated/approved by the HLH Board as part of the normal cycle of appointments or when vacancies arise.

- The Panels will comprise three HLH Board Directors made up of the Chair/Vice Chair plus two other Directors. To allow for situations where Panel members might not be available at the time that a Panel is convened, three Directors who could be called on to make up the panel will be identified as a standing panel and the Chair/Vice Chair will have the ability to invite any Directors to sit on a panel should the appointed Directors not be available.

  Grievance and Disciplinary Panel*

    - Chair or Vice Chair**
    - Two HLH Board Directors
    - One reserve HLH Board Director

  Grievance and Disciplinary Appeals Panel*

    - Chair or Vice Chair**
    - Two HLH Board Directors
    - One reserve HLH Board Director

* Where matters involve the Chief Executive, it is important that they have a nominated point of contact/support within the organisation as welfare liaison. For this reason, disciplinary and grievance panels would be led by the Chair/Vice Chair with the other providing support.

** Where the Appeals Panel is required, it is important that it is made up of three different Directors from those who heard the initial case, this includes the Chair/Vice Chair.

If convened, both Panels shall be supported by the Head of HR. For Matters relating to the Chief Executive the Panels shall be supported by the Head of HR plus the Charity's appointed legal adviser.

Version history

Version	Title	Status*	Date	Notes
1	Disciplinary Procedure	C	December 2011	
2		U	April 2013	
3		U	June 2015	
4		U	September 2018	
5		U	April 2025	
6		U	November 2025	Additional statement relating to disciplinary against Chief Executive and/or Executive Director

***Status Key**
Created = a new policy
Updated = previous version retained with amendments/additions
Reviewed = existing version considered to need no amendments/additions
Archived = No longer required

TITLE	**Internal resolution**
CATEGORY	Guidance
REFERENCE	HR25-G01
VERSION	1
DATE	February 2022

Introduction

High Life Highland is committed to promoting a positive culture of mutual trust and respect, ensuring that every person deemed to be delivering a service on behalf of or to the Charity is treated with fairness and parity.

However, on occasions work-related situation may occur whereby an employee or volunteer feels unhappy or have problems (grievance) and wishes the matter to be considered through the grievance process.

The process outlined below provides a mechanism whereby direct or indirect issues associated with an individual's engagement with HLH; the working environment or working relationships can be raised and addressed.

This guidance cannot predict every eventuality and/or likelihood; therefore, a common-sense approach should be adopted in its application in terms of the most appropriate individuals to be involved in any part of the process.

For all internal resolutions sought (informal and formal) the employee should use the **Internal Resolution Electronic Form (IReF)**.

The Internal Resolution Electronic Form (IReF) e-form offers the employee three options:

1. Seeking an informal resolution to an issue or problem;
2. Submit a Formal Grievance; or
3. Submit a Formal Grievance Appeal.

Understanding the options

Where an individual has a problem at work, that can't be resolved simply, it should first be raised **informally** using the Option 1 on the IReF. In this process, this will be referred to as "seeking an informal resolution". However, it should be noted that although the matter may be raised informally, any discussions or meetings **must** be noted and shared with both parties.

At this stage, any of the parties involved can request mediation in order to reach some level of mutual agreement. Any employee can request the use of mediation by contacting HR. This can be done using the Internal Resolution Submission e-form or any other communication method with which the individual feels comfortable. All requests for mediation will be treated confidentially.

If attempts to resolve matters at informal resolution stage do not yield an acceptable outcome for the parties involved, then the employee can formalise the matter. In this process, this will be referred to as a "formal grievance".

An individual can raise a formal grievance if:

- they feel raising the issue(s) informally has not worked;
- they do not want the issue(s) dealt with informally; and/or
- it is a very serious issue, for example, those covered within the Charity's Dignity at Work Policy.

Dealing with the grievance

High Life Highland is committed to following a full and fair grievance procedure thus:

- HLH will ensure all grievances are dealt with fairly and consistently;
- All circumstances will be considered on a case-by-case basis. Some situations may move immediately to formal investigation, however in most it will be sufficient to undertake a review of the situation/behaviours to obtain as much information as possible, N.B – this need only be a fact-finding process and not a formal investigation;
- allow the employee to be accompanied by a Trade Union representative or a work colleague to any meetings (the work colleague must not be a subject within the issue(s) raised, for example, as a witness or a joint grievance);
- give **all parties** the chance to contribute to the process before any "outcome" decisions are reached;
- act and reach decisions as soon as reasonably practicable;
- allow the employee to appeal against **any** grievance decision;
- individual and group grievances will be dealt with using the same process;

Principles of the process

The following process is for all staff and volunteers.

This process **does not** apply to former employees. In exceptional circumstances a former employee may raise an issue or complaint regarding their employment (that hasn't been raised through the employee's Exit Survey) within a period of 10 working days from their employment termination date. Such a complaint should be raised in writing to the Director of Corporate Services.

Although every HLH employee reserves the right to follow the Internal Resolution process, it is not envisaged that this procedure will be used by a Manager/Supervisor to address issues/difficulties with a subordinate member of staff. In such circumstances, the Manager/Supervisor should seek advice from HR and use other processes, procedures and resources available to them to resolve matters (for example: disciplinary, performance management, counselling, mediation etc.).

In certain circumstances, **mediation** between parties may be appropriate. Details of this process is included with in the Charity's Fairness at Work guidance.

Issues that will not be covered by the process

The following issues **will not** be covered by the grievance process and will be covered by other Charity procedures.

- ✗ disciplinary matters;
- ✗ issues not related to the individual's employment;
- ✗ taxation, national insurance and pension matters;
- ✗ collective disputes[1];
- ✗ appeals against job evaluation reviews[2]

[1] Generally defined under the Trade Unions and Labour Relations (Consolidation) Act 1992
[2] Unless there has been demonstrable unfair treatment used during the evaluation process

The formal "two-stage" grievance process

The following details the process and timescales that all parties must follow in the submission of a formal grievance which will be undertaken using the Internal Resolution Electronic Form (IReF) e-form.

Conducting the process – virtual and on-site meetings

High Life Highland covers a large geographic area and this process sets out to enable a grievance to be heard "out of service" as far as possible.

In submitting a formal grievance, the individual – and their representative – accept that the process is likely to be undertaken virtually using MS Teams. Where an individual does not have access to the necessary technology hardware, then HLH will assist to identify a local site whereby a virtual meeting could take place.

The Officer involved at each stage can undertake on-site meetings where deemed more appropriate.

Procedural timescales

It is good practice to ensure all actions are carried out as quickly as possible, whilst being fair to all parties involved. Except for situations where there are clearly demonstrable mitigating circumstances, the following timescales will apply.

Aspects of Grievance Procedure	**Time Limit (Working Days)[3]**
Initial grievance meeting – the start of Stage 1	10 working days from receipt of the written statement of grievance (or otherwise by mutual agreement).
Final grievance meeting (if subsequent investigations are required)	One month from receipt of the written statement of grievance. Any extension to this must be agreed with the HR Manager.
Notification of decision following conclusion of Stage 1 Meeting	Five working days (maximum)
Time limit for appeal by individual to be lodged – the start of Stage 2	By close of business on the tenth business day following the notification of decision.
Date of notification of appeal meeting	No later than 20 working days from receipt of notice of appeal
Notification of outcome of appeal meeting	Five working days (maximum)

[3] In exceptional circumstances, these time limits may be extended with the written approval of the HR Manager, the details of which will be given to the individual raising the grievance.

Pre-formal grievance – informal resolution

Before moving to the formal grievance stage 1, staff are reminded that they can utilise the informal process in the Internal Resolution Form by selecting Option 1 on the electronic form.

Stage 1 – the grievance

1. the individual should submit their written grievance using Option 2 on the IReF. The form will prompt the individual to complete the various sections required for the matter to be progressed in line with the above.;
2. the grievance must be submitted within three calendar months[4] minus one day from the date of the most recent issue around which the grievance is being raised[5];
3. submitting the electronic form will automatically generate a grievance submission that will be received by the charity's HR section. Once the individual has submitted the electronic grievance, the matter will become **formal**, and will remain so unless the individual officially withdraws the grievance (which must be done in writing). A copy of the grievance submission will also be sent to the employee;
4. on receipt, HR will check the form and assess whether the matter can be resolved informally, this may be through mediation. If mediation is agreed, then the formal process will be placed in abeyance, pending the outcome of the mediation;
    a. if informal intervention or mediation resolves the process then the matter can be closed, and the individual would be expected to formally withdraw the grievance;
    b. if informal intervention or mediation does not resolve the process, then the formal process will be reinstated.
5. If the matter is unable to be resolved informally through intervention or mediation and then progresses to a formal grievance, then HR will appoint a Grievance Officer to consider the submission by the individual. (The Grievance Officer will, where possible, be "out of service".) Please see below for procedures relating to Chief Executive and Executive Directors.

The Grievance Officer will:

- ✓ consider the formal submission;
- ✓ hold a meeting with the individual submitting the grievance within the timescales set out in table1 below;
- ✓ interview the other party(s) against whom the grievance has been submitted;
- ✓ interview any other party(s) or witnesses deemed to be able to make a valid contribution to the submission;
- ✓ allow the individual to be accompanied at any meetings by a companion who must be a work colleague, or Trade Union representative;
- ✓ arrange for an interpreter if it would be better for the individual that the interview(s) are conducted in their first language (if this is not English);

[4] Where the grievance is around a protected characteristic, then the period will be six months minus one day

[5] The Director of Corporate Services has an Executive Waiver on timescales for grievances citing the Dignity at Work Policy and associated guidance. This waiver should only be executed in exceptional circumstances.

- ✓ consider any reasonable adjustments required to accommodate an individual who has a disability or will be accompanied by someone with a disability.

The grievance meeting

The meeting is the chance for the person who has submitted the grievance form to further explain the grievance and present any evidence they have to support the grievance.

At the meeting the Grievance Officer will:

- ✓ generally, be accompanied by a colleague (note-taker);
- ✓ remain impartial;
- ✓ go through the submission/evidence;
- ✓ seek more information and clarification;
- ✓ discuss how the matter can be resolved;
- ✓ consider whether the meeting requires to be adjourned for further information to be sought;
- ✓ sum up the discussions during the meeting;
- ✓ offer an indication as to when a decision will be given.

- ✗ not pre-judge the situation;
- ✗ not be entitled to short-circuit the process;
- ✗ not take any decisions until the process has been concluded;
- ✗ not respond to questions that attempt to pre-empt any outcome(s).

The individual submitting the grievance will be able to:

- ✓ explain their side;
- ✓ express how they feel;
- ✓ ask questions;
- ✓ present evidence;
- ✓ provide details of witnesses to support their grievance.

The companion will:

- ✓ be allowed to take notes;
- ✓ set out the case for the individual submitting the grievance;
- ✓ speak on the individual's behalf (other than below);
- ✓ talk/consult with the individual during the meeting;
- ✓ ask for an adjournment;

- ✗ not answers questions on behalf of the individual submitting the grievance;
- ✗ not present "hearsay" or "gossip" information, all information must be supported by relevant evidence;
- ✗ not unreasonably prevent others at the meeting presenting information or speaking.

Meeting notes should be typed up and a copy of which should be supplied to the individual and their companion (if approval to do so has been received). All parties involved in any such meeting will have the chance to comment on the notes of the meeting, including making their

own additions if something has been omitted. The member of staff will be asked to sign them off as an accurate record. The documents will be returned within five working days.

Investigation, follow-up and decision

The Grievance Officer may wish to meet with other witnesses to obtain further information.

If there are delays in the process, the individual should be advised.

It should be noted that, in reaching a decision, the outcome adopted by Grievance Officer will be evidence based to ensure any decisions are as valid and reliable as reasonably practicable. Whilst this document can offer a clear process to the Grievance Officer, it is not possible to prescribe outcomes – as each case must be taken on a case-by-case basis.

Therefore, having followed a fair procedure, as outlined in this document, which is based on ACAS guidelines, the Grievance Officer will consider what they deem to be the best outcome based on:

- the findings from the meetings and investigations;
- what is deemed to be fair and reasonable for all parties;
- any precedent set by the Charity that may be relevant to the situation, which may be obtained through discussions with HR.

The outcome options open to the Grievance Officer will **only** be:

- Fully uphold the grievance;
- Partially uphold the grievance;
- Not uphold the grievance.

The Grievance Officer will compile a conclusion report that will be shared with the member of staff submitting the grievance as well as with the person against whom the grievance was taken.

The Grievance Officer will advise the individual as soon as possible and in writing giving reasons for their decision which will be based on the information obtained during the preceding process and contained in the above report.

If the grievance is not upheld, then the Grievance Officer should have a discussion with the individual that submitted to the grievance to further explain the reasoning behind the decision.

Stage 2 – the grievance appeal

Regardless of the outcome in Stage 1, every individual submitting a grievance will have the right to appeal. The individual may do this if they feel the outcome did not resolve the problem or if they feel that any part of Stage 1 was unfair or conducted incorrectly. The appeal must be submitted within 10 working days from receipt of the Stage 1 decision and should state the grounds for the appeal.

In such circumstances, HR will appoint a Grievance Appeal Officer.

An individual should use Option 3 of the IReF to submit any Grievance Appeal.

The IReF will ask the individual to set out the following:

- Why they felt that the outcome was incorrect or unfair; and
- What the individual would like the Grievance Appeal Officer to do (generally this must be more than simply asking for the case to be reheard, for example, it could be to speak to further witnesses or consider new evidence that has been identified)

The Grievance Appeal Officer will generally undertake an initial **desk-based** review of the Grievance Appeal submitted through the IReF, this will be considered alongside all information from Stage 1.

The Grievance Appeal Officer will invite the individual to a meeting where they will be given the chance to present the basis of their appeal, as outlined above. The individual will be entitled to be accompanied at this meeting by a work colleague or Trade Union representative.

At the appeal meeting the individual will be able to:

- ✓ explain the basis of the appeal and why they think the outcome from Stage 1 is unfair or wrong;
- ✓ detail where they feel the procedure was unfair;
- ✓ highlight why they feel the procedure was unfair;
- ✓ present new evidence that may have come to light since their original grievance and in support of their appeal;
- ✓ Request information on whether any other situations decided on by HLH might set any precedent for their situation.

The Grievance Appeal Officer will:

- ✓ listen to the representations being made by or on behalf of the individual;
- ✓ ask questions around the appeal;
- ✓ consider any new evidence presented.

Furthermore, the Grievance Appeal Officer will then consider if:

- the stage 1 process was undertaken in a fair way;
- the original outcome was fair, reasonable and proportionate;

- the original outcome requires to be changed in light of the submissions/representations by the person submitting the appeal;
- whether any further investigation is required to enable a decision to be made.

Further investigation

If the Grievance Appeal Officer deems it necessary to carry out further investigation they will be entitled to:

- ✓ review the process undertaken in stage 1;
- ✓ re-consider any evidence found in stage 1;
- ✓ consider the outcome in line with previous similar situations in the charity;
- ✓ reserve the right to undertake any interviews deemed necessary as part of the appeal process (this may include re-interviewing staff previously interviewed).

Appeal decision

It should be noted that, in reaching a decision, the outcome adopted by Grievance Appeal Officer will be evidence based to ensure any decisions are as valid and reliable as reasonably practicable.. Whilst this document can offer a clear process to the Grievance Appeal Officer, it is not possible to prescribe outcomes – as each case must be taken on a case-by-case basis.

Therefore, having followed a fair procedure, as outlined in this document, which is based on ACAS guidelines, the Grievance Appeal Officer will consider what they deem to be the best outcome and will present the individual with the appeal outcome in writing and giving reasons for their decision as soon as possible, and within five working days after the meeting.

The Grievance Appeal Officer will have the following options available to them:

- Fully uphold the Stage 1 outcome;
- Partially uphold the Stage 1 outcome;
- Not uphold the Stage 1 outcome.

High Life Highland's internal formal grievance process **shall end at this point**.

If the grievance appeal is not upheld, then the Grievance Appeal Officer shouldhave a discussion with the individual that submitted to the grievance to further explain the reasoning behind the decision.

Other areas to be considered

The following section outlines general detail around the grievance process and should be considered by all parties in applying the above.

Confidentiality

In applying this process, all parties must be committed to observing full confidentiality around the grievance and/or the circumstances which led to its submission. Any records associated with the grievance will be treated as confidential and made available to the individual(s) concerned and to their representative as well as to Officers associated with Stage 1 and/or Stage 2 of the process. Prior to finalising any documentation/reports, written consent will be sought from witnesses for any statements that are to be included; making clear how the statement is to be used and who is likely to have access to it.

In recognising the confidentiality of this process HLH shall not release information relating to the individual to any third party (e.g. union representative) without the individual's express permission in writing. Once this permission has been granted all information sent to the employee will by default be copy circulated to the nominated third party until otherwise advised by the individual.

Any resultant documentation will be treated as private and confidential and should not be shared or further circulated without the written permission of the HR Manager.

Overlapping grievance and disciplinary cases

Where an employee raises a grievance during a disciplinary process the disciplinary process **need not** be suspended in order to deal with the grievance. In such a circumstance, advice should be sought from HR.

However, as a guide, the following should be considered:

1. If the grievance **is not** related to the disciplinary case, then there is no need to stop the disciplinary process;

2. If the grievance **is** related to the disciplinary case, then it may be appropriate to defer the disciplinary process, consider and conclude the grievance before recommencing the disciplinary process;

3. If the grievance **is** related to the disciplinary case, then it is likely that it would be appropriate to deal with both matters concurrently. If this option is adopted, then it essential that both procedures (grievance and disciplinary) are still followed. It is also important to advise the individual – and their representative – exactly what is happening and allow them time to prepare.

4. Be prepared to adjust dates and timings within both processes. (If recommended timescales are not being met due to a concurrent process – then HR must be kept up to date.);

5. Keep records of all processes and ensure the individual is informed of the process throughout.

Changes to status quo

Where a grievance is being submitted due to a change in existing terms and conditions of employment or working practices; then the proposed changes **will not** be made until the internal two-stage grievance process has been concluded. In circumstances where the grievance is not upheld, then HLH reserves the right to backdate any changes to the point at which the changes would originally have been implemented.

Withdrawal

The individual may at any stage withdraw from these proceedings by giving notice in writing. In these circumstances, the individual will have been deemed to have "abandoned" the grievance.

It should be noted that abandonment does not mean that information obtained during a grievance investigation will not still be acted upon under different processes.

Grievances against the Chief Executive or an Executive Director

Where a grievance is submitted against an Executive Director, the Chief Executive will be appointed as Grievance Officer. Any appeal against the outcome of the grievance will be heard by the Panel referred to in the Disciplinary Procedure. The Panel will be supported by the Head of HR. An Executive Director will be appointed as the welfare officer for the time during which the grievance is being considered.

Where a grievance is submitted against the Chief Executive, the Vice Chair will normally be appointed as Grievance Officer who will hear the grievance along with two other non-executive Directors (the Panel referred to in the Disciplinary Procedure). This will allow the Chair to retain the normal welfare role as line manager of the Chief Executive. The Panel will be supported by the Head of HR or the Charity's appointed legal adviser. Any appeal against the outcome of the Grievance will be heard by a panel of three alternative members of the HLH Board (the Appeals Panel referred to in the Disciplinary Procedure) supported by the Head of HR and/or Charity's appointed legal adviser.

Version history

Version	Title	Status*	Date	Notes
1	Internal Resolution	C	February 2022	Included as part of independent review
2		U	November 2025	Additional statement relating to grievance against Chief Executive and/or Executive Director

***Status Key**
Created = a new policy
Updated = previous version retained with amendments/additions
Reviewed = existing version considered to need no amendments/additions
Archived = No longer required

Neonatal Care Leave and Pay Guidance

MAKING LIFE BETTER

highlife highland
na gàidhealtachd

Contents

Introduction

High Life Highland recognises that being the new parent of a premature or unwell infant requiring neonatal care can be an extremely stressful experience. There may also be occasions when full-term babies are born unwell and need to spend time in the neonatal unit to treat and support serious health conditions.

The aim of this guidance is to provide relevant information and summarise the entitlement to Neonatal Care Leave and Pay in relation to pre and full-term births where the infant is sick and needing hospital care. The information provided allows new parents to focus on their new family without worrying about their job.

Neonatal care leave has been introduced to enable employees to preserve their other family leave entitlements. The intention is that any accrued neonatal care leave can be added to the end of a period of maternity or paternity leave, allowing employees to recoup any time they spent with their infant in hospital following the birth.

Guidance

Definitions

Adoptive parent(s) are the parents who are expected to have, or intended to have, responsibility for raising the infant.

Neonatal means newborn or within the first 28 days of life.

Neonatal care is the name given to care of a medical or palliative nature which lasts for at least 7 consecutive days, commencing within the first 28 days of the birth of an infant.

Neonatal care leave (NCL) is the time an employee takes away from work to care for their infant.

Neonatal leave Tier 1 (in hospital care) applies to parents who take leave while their infant is receiving neonatal care in hospital.

Neonatal leave Tier 2 (after leaving hospital care) is leave taken after Neonatal care ends.

Neonatal Care Pay (NCP) is the payment made to an employee when they take neonatal care leave.

Palliative or end of life care is specialised or holistic medical care provided in the period leading up to an infant passing away.

Partner is defined as a person who lives with the infant's mother or adopter and is in an enduring family relationship with them but is not a relative (parent, grandparent, grandchild, sibling, aunt, uncle, niece or nephew).

Premature or pre-term birth is when a baby is born before 37 weeks.

Relevant Week is the 15th week before the expected date of confinement (as stated on the Mat B1 form).

Statutory leave entitlement is a maximum of 12 weeks leave over both tiers.

Surrogacy is where a woman carries and gives birth to a baby for the intended parents.

What is Neonatal Care?

Neonatal care is when an infant receives any of the following 3 recognised categories of medical care:

- medical care received in hospital
- medical care received following discharge from a stay in hospital - this care must be under the direction of a consultant doctor and includes ongoing monitoring and visits to the infant by healthcare professionals
- palliative or end of life care.

Neonatal Care Leave

Statutory Neonatal Care Leave is a day one employment right for any parent who meets the qualification criteria below.

Neonatal care leave is available when an infant enters neonatal care within the first 28 days following birth and where the infant remains in neonatal care for 7 or more continuous days.

Where an infant does not require neonatal care in the first 28 days following birth but requires care (after 28-days), Neonatal Care Leave and Pay does not apply.

Neonatal care leave is in addition to any other statutory parental leave such as maternity and paternity leave and is accessible to both parents who will be able to take up to an additional 12 weeks of leave (depending on accrued entitlement).

Neonatal Care Leave (Tier 1)

NCL Tier 1 can be taken flexibly in non-continuous whole-week blocks and is designed to allow parents to leave work at short notice, so they can be with their infant in neonatal care.

After Neonatal Care Leave (Tier 2)

NCL Tier 2 is leave taken (from the 12-week entitlement) after the neonatal care period ends. This leave can only be taken in a single continuous block.

Tier 2 leave can be planned but it must be taken by the end of the 68-week period following the infant's actual birth (or date of placement if adopting).

Who can take Neonatal Care Leave?

At the birth of the infant (or date of placement if adopting), the employee must be one of the following:

- either parent who will have caring responsibilities for the infant
- adoptive parent(s) who will have caring responsibilities for the infant
- the intended parent(s) (applicable to surrogacy – surrogate mothers are not entitled to Neonatal Care Leave, only the intended parents as stated)
- partner to the infant's mother (who is unrelated and living with them in an enduring family relationship) with the expectation that they will have caring responsibilities for the infant.

How much NCL am I entitlement to?

NCL is one week of leave for every one uninterrupted week (7-day qualifying period) which the infant spends in neonatal care, up to a maximum of 12 weeks.

The first qualifying period of 7 days starts the day after the infant first receives neonatal care (days 2-8 of neonatal care). This means that neonatal leave cannot start until day 9.

When must NCL be taken?

NCL can be taken from the day after the first qualifying period (day 9). NCL must be taken:

- within 68 weeks of the infant's actual birth (or date of placement if adopting)
- to provide care for the infant

- in blocks of a week.

Where you are taking Maternity or Adoption leave, you can choose to take NCL as soon as Statutory Maternity/Adoption Pay ends at 39 weeks as it cannot be taken whilst on other Family Friendly leave.

Notice of intention to take leave

Tier 1

Notice should be given before an employee is due to start work on their first day of absence (or as soon as possible if this is not practicable).

Tier 2

Notice for a single week of Tier 2 leave, should be given no later than 15 days prior to commencing the neonatal care leave.

For 2 or more consecutive weeks, notice must be given no later than 28 days prior to commencing the neonatal care leave.

Overlap of NCL and pre-booked leave

Where an employee has pre-booked parental leave, such as Maternity, Paternity, Shared Parental or Adoption leave, the employee can delay taking their NCL to accommodate the other pre-booked leave (Tier 2).

NCL will often be added to the end of pre-booked leave as Maternity, Paternity and Adoption leave cannot be interrupted and restarted.

Keeping in Contact with Employees on NCL

It is recommended that managers maintain appropriate contact with the employee during NCL so that they can still feel part of the team, however the employee may not want any contact whilst their infant is receiving neonatal care.

Arranging a return to work after NCL

Managers should encourage open communication to address any challenges promptly to enable the employee to return to duties. Where a lengthy period of NCL has been taken, especially where it was taken following another period of family-related leave, the employee may require additional support during their return to work. Managers can signpost employees to the HR or the Togetherall website.

Neonatal Care Pay

How much NCP am I entitlement to?

Subject to eligibility criteria, employees taking neonatal care leave may be entitled to receive up to 12 weeks of Statutory Neonatal Care Pay (NCP). This is paid at the same rate as other family leave payments, such as statutory Maternity, Paternity or Adoption pay.

There are specific criteria to be met in order to qualify for NCP. The criteria are the same as the conditions required for statutory Maternity, Paternity, Adoption and Shared Parental pay, as follows:

- an employee must have been employed for a continuous period of at least 26 weeks at the end of the relevant week (the 15th week) before the week in which the infant is due
- an employee's average gross weekly earnings must be at least equal to the lower earnings limit for National Insurance purposes.

NCP is paid:

- at a flat rate per week or 90% of average weekly earnings, whichever is less
- for a maximum of 12 weeks
- within 68 weeks of the infant's actual birth (or date of placement if adopting)
- in blocks of a week.

Notification Form

A form to notify intention to take Neonatal Care Leave and apply for Neonatal Care Pay can be found on the Staff Website.

What Happens When?

I am already receiving Family Friendly Leave or Pay

Where an employee applies for Neonatal Care Leave (NCL) and is already receiving some form of Family Friendly Leave, NCL will often be taken at the end of this leave as Family Friendly Leave and Pay cannot be stopped and restarted.

An employee has returned to work and needs to take NCL

An employee can return to work from Family Friendly Leave (for example to complete a training course or handover etc.) and then take NCL at a later date, as long as it is within 68 weeks of the infant's date of birth.

Adoption is disrupted

Where an adoption is disrupted following the prospective adoptive parents caring for an infant in neonatal care, an employee will be entitled to take any accrued NCL and NCP entitlement within 68 weeks of the infant's birth.

The child is born before the relevant week

Where an infant is born before the relevant week (the 15th week before the week in which the infant is due), an employee will be treated as having been employed in the relevant week and will still therefore qualify for NCP providing the eligibility criteria for receiving NCP has been met. In this situation, the period for assessing your average earnings will be 8 weeks ending in the week immediately before the week the child is born.

An infant passes away

If an infant passes away following an eligible stay in neonatal care, the parent would be entitled to take any accrued NCL and NCP entitlement within 68 weeks of the infant's birth.

There are multiple births or multiple admissions (2 or more children)

Where there are multiple births, or where both infants are receiving neonatal care at the same time, or where there is an overlap in admission, you cannot claim for more than one infant, as the entitlement can only be attributed once, regardless of the number of infants receiving neonatal care at the same time.

For example, if you have twins and both receive care for a period of 4 weeks at the same time, you would only be entitled to 4 weeks of NCL.

Where there is no overlap in admission, the entitlement can be applied to 2 or more infants. NCL in respect of more than 1 infant can be accrued if both children receive neonatal care at different times, but this is still subject to a total maximum of 12 weeks.

For example, infant A is in neonatal care for 2 weeks from birth. After 2 weeks, infant A is able to go home without requiring any additional care. Infant B commences neonatal care on day 21. As there is no overlap in admission between infant A and infant B, the entitlement can be applied to both infants (up to 12 weeks).

An employee wishes to withdraw the notice

If the original notice was in respect of a single week beginning in the tier 2 period, a notice of withdrawal should be given no later than 15 days prior to commencing the neonatal care leave.

If the original notice was in respect of 2 or more consecutive weeks beginning in the tier 2 period, a notice of withdrawal should be given no later than 28 days prior to commencing the neonatal care leave.

Terms & Conditions

When an employee is on NCL their employment cannot be disrupted and they continue to benefit from the same terms and conditions, with the exception of pay. This includes contractual holiday entitlement. It will be unfair to dismiss an employee who exercises their right to take NCL. Any unpaid period of NCL will not accrue pension benefits. Employees who take unpaid NCL will have the opportunity to buy back pension for this period.

Additional Protection

Where an employee has taken at least 6 continuous weeks of NCL, they will be entitled to an extended period of protection against redundancy for a period of 18 months from the birth of the infant.

Legislation

Neonatal Care (Leave and Pay) Act 2023