



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Staff Employment Guide

Information sheet

Information box

For further advice contact: Human Resources

Date of publication: November 2018

Planned review date: November 2020

Version control

| Version | Author | Date | Changes |
|---------|--------------|---------------|--|
| 1.0 | Jenny Wagner | April 2014 | Original |
| 1.1 | Jenny Wagner | November 2014 | Changes to Business Appointment Rules |
| 1.2 | Beth Rees | January 2016 | Added information regarding disciplinary in cases of serious fraud |
| 2.1 | Beth Rees | August 2016 | Review of Guide |
| 2.2 | Beth Rees | November 2017 | Added information regarding media handling protocol |
| 3.1 | Vicky Price | November 2018 | Review of Guide |

FOREWORD FROM MEILYR ROWLANDS

Welcome to Estyn.

I am very proud to lead an organisation that strives to be an exemplary employer.

This Employment Guide provides the key information you need to know in relation to your employment with Estyn. The Guide, your appointment letter, statement of particulars and corresponding policies, which can be found here, form your contract of Employment with Estyn.

The Guide includes an overview of your terms and conditions and provides details of what you can expect from Estyn, as your employer, and what we expect from you, as a staff member.

We work in challenging times. I will continue to work with colleagues to provide the best possible workplace environment and culture so that we are able to maintain our high levels of engagement. As an organisation, we will also continue to support and develop our staff so that they are prepared to deal with all challenges that lie ahead.

I hope you find this Guide useful. If you have any queries then please discuss with your line manager or contact the Human Resources team.

Meilyr Rowlands
Her Majesty's Chief Inspector

Contents

| | |
|---|-----------|
| Introduction | 1 |
| Mission, vision and values | 1 |
| Equal opportunities | 1 |
| Duties, responsibilities and standards of conduct for Civil Servants | 2 |
| The Civil Service Code | 2 |
| Propriety | 2 |
| Confidentiality and Official Information | 5 |
| Outside occupations and appointments | 7 |
| Participation in political activities | 8 |
| Health and Safety at Work | 10 |
| Pay, pensions and travel and subsistence | 11 |
| Pay | 11 |
| Pensions | 12 |
| Retirement age | 13 |
| Travel and subsistence | 13 |
| Discipline and grievance | 14 |
| Attendance, performance and internal recruitment | 14 |
| Sickness absence | 14 |
| Performance | 15 |
| Internal promotion and lateral transfers | 16 |
| Emergencies and major disruption to travel | 16 |
| Hours of work, flexible working, holidays, family friendly policies | |
| Hours of work | 16 |
| Flexible working | 17 |
| Excess working hours (overtime) | 17 |
| Holidays | 18 |
| Family friendly policies | 20 |
| Staff movement and redeployment | 21 |
| Trade Union membership | 21 |

| | |
|---|-----------|
| Leaving Estyn | 21 |
| Notice periods | 21 |
| Action before leaving Estyn | 22 |
| Eligibility to tender for, and undertake contracted inspection work for Estyn | 23 |
| Acceptance of outside appointments | 23 |
| Pay issues when leaving mid-month | 24 |
| References | 24 |
| Pre-retirement course | 24 |
| Further information | 24 |

Introduction

- 1 Estyn's Staff Employment Guide (the "Guide") sets out in broad terms the employment rules that apply to all permanent and fixed term staff who work in Estyn. Where there are differences between the rules for Senior Civil Servants (SCS), these are clearly noted. This Guide should be read in conjunction with your appointment letter, the statement of particulars issued to you on appointment; any subsequent amendments to those particulars; and any policies and procedures that are published on SharePoint.
- 2 The Guide also sets out the conduct expected of all Estyn employees to assist in fulfilling the duties, obligations and responsibilities you all have in your individual roles within the Civil Service. Estyn's Staff Handbook sets out our Mission, Vision, Purpose and Values and should be read in conjunction with this Guide. The Staff Handbook contains information on Estyn's key outputs, working principles and culture, structure, characteristics and key responsibility areas.
- 3 Estyn reserves the right to make changes to the guide at any time where changes are made to the [Civil Service Management Code](#) and to reflect changes to Estyn's policies and procedures. Any amendments or variations to the Guide will be communicated to staff. Further information about the policies and procedures that supplement and give effect to the Guide can be found on the Human Resources area on SharePoint.
- 4 You should read and familiarise yourself with this Guide. If there is anything in this Guide that you do not understand, or you would wish further clarification about, you should speak to your line manager in the first instance or the HR team.

Mission, vision and values

- 5 All staff have a responsibility in supporting Estyn to achieve its mission to achieve excellence for all learners in Wales through providing an independent, high quality inspection and advice service.
- 6 Within the overarching framework outlined in our mission and vision, our staff are expected to operate within the parameters of the [Civil Service Code](#), and our own values set out in the Staff Handbook.

Equal Opportunities

- 7 Estyn is an equal opportunities employer, committed to ensuring that our organisation is free from any form of unlawful or unfair discrimination, victimisation, bullying or harassment. Our [Equal Opportunities Policy](#) sets out in detail our approach to ensuring we satisfy this commitment and our [Strategic Equality Plan](#) sets out Estyn's equality objectives and how Estyn will continue to mainstream equality and human rights in every aspect of our work.

- 8 All staff are expected to act in accordance with our equal opportunities policy. An employee found to have acted in breach of our [Equal Opportunities Policy](#) may face disciplinary action.

Duties, responsibilities and standards of conduct for Civil Servants

- 9 Civil servants are servants of the Crown and owe a duty of loyal service to the Crown as their employer. This section deals with the duties, responsibilities and standards of conduct applicable to all Estyn employees, particularly those arising from your status as a civil servant. Failure to abide by the standards of conduct at all times, or to follow the rules and procedures set out in this and other parts of the Guide and associated policies, handbooks etc may result in disciplinary action, possibly leading to dismissal and in certain circumstances criminal proceedings being brought against you.

The Civil Service Code

- 10 As a civil servant, you should familiarise yourself with the [Civil Service Code](#) and act in accordance with it at all times.
- 11 Civil Servants need to be, and to be seen to be, honest and impartial in the exercise of their duties. They must not allow their judgement or integrity to be compromised in fact or by reasonable implication. The Civil Service Code is incorporated in Estyn's conditions of employment and will provide protection to you from claims of inappropriate conduct or behaviour, providing you act in accordance with it.
- 12 If you experience something in the workplace which you consider to be in conflict with the Civil Service Code and/or perceived to be wrongdoing, illegal or endangers others within Estyn or the public, it is important that the concern is raised straight away using Estyn's [Whistleblowing policy and procedure](#).

Propriety

Arrest or conviction on civil or criminal charges

- 13 If you are arrested, refused bail or convicted of any criminal offence you should inform your line manager as soon as it is reasonably practicable to do so. This does not apply to a traffic offence unless the penalty includes imprisonment or disqualification from driving or involves either a hire car or your own car while driving on official business.

Bankruptcy and insolvency

- 14 If you are bankrupt, declared bankrupt or insolvent, you should inform the Corporate Services Director as soon as is reasonably practicable after the declaration. You will not be allowed to engage in duties which involve handling public funds.

Acceptance of gifts, rewards, awards, decorations and hospitality

- 15 You should not accept gifts, hospitality, or benefits of any kind from a third party which may reasonably give rise to suspicion of a conflict of interest with your official duties, or may reasonably be seen to compromise your personal judgement or integrity in any way. To do so would be in breach of the Civil Service Code. This may also include gifts, benefits or hospitality offered to members of your family. Tea, coffee, biscuits etc offered at meetings and working lunches do not count as hospitality in the context of this guide. Failure to abide by this may result in disciplinary action against you.
- 16 Under the Bribery Act 2010, it is a criminal offence when you are working in your official capacity for you to accept any gift or consideration as an inducement or reward for doing or refraining from doing anything; or showing favour or disfavour to any person. Any money, gift or consideration you receive from a person or organisation holding or seeking to obtain a government contract will be deemed by the courts to have been received corruptly unless there is any proof to the contrary.
- 17 If you are offered a gift, benefit, award, decoration or hospitality which may or may be seen to compromise your official position, you should refuse to accept it or seek your line managers assent to accepting it before doing so. If the benefit is accepted, it should be recorded on the Hospitality/Gift Declaration Form and sent to Secretariat to record the acceptance of gifts in the Estyn Gifts and Hospitality Register, where disclosure is required.
- 18 Guidance on the acceptance of gifts, hospitality and entertainment and examples of gifts or hospitality that may be accepted without disclosure are available in Appendix A, Section 13 of the Finance Manual.
- 19 Offers of gifts or hospitality from overseas governments and organisations may need to be handled with care so as not to cause unnecessary offence, in which case special considerations may apply.

Interest in contracts

- 20 Unless you fully disclose the extent of your interest in a contract, and the Corporate Services Director has given permission for the contract to be let, no contracts will be let to: you; any partnership of which you are a member; or any company of which you are a director.
- 21 You should report any relevant business interests to the Corporate Services Director and record them in the register of interests on your SharePoint staff profile in order to allow Estyn to verify that such interests do not conflict with your work in Estyn.

Competition for monetary reward

- 22 Before entering into competitions for monetary reward which may be connected with the work of Estyn and which are open to others besides civil servants, you should consult your line manager and seek the approval of the Corporate Services Director before entering.

Sale of surplus government property

- 23 You cannot purchase surplus government property in circumstances where:
- a) you have special knowledge about the condition of the goods because of your official duties
 - b) you have been officially associated with the disposal arrangements
 - c) where the property is sold at a discount that would not have been available to a member of the public.

Receipt of fees

- 24 If you receive payment from an outside source for services which form part of your official duties, you should inform the Corporate Services Director and refund the payment to Estyn. Where all or part of the work involves private as well as official time, or if you make up the official time, you can apply to the Corporate Services Director for permission to retain all or part of the fee as appropriate.

Borrowing and lending money

- 25 You should not borrow or attempt to borrow money from a member of the public with whom you have contact during the course of your official duties.
- 26 You should not conduct or represent a money lending business or lend money to another member of staff at interest. In principle the borrowing or lending of money by members of staff among themselves should be avoided.

Betting and gambling

- 27 Any betting or gambling on Estyn's official premises is strictly prohibited.

Investment in shareholdings and other securities

- 28 Save for certain restrictions which are set out below, you may invest in such shareholdings and other securities as you wish:
- a) you should not deal, nor encourage anyone else to deal, in securities that you have information about which was gained because of your role in Estyn
 - b) you must declare any relevant business interests (including directorships) or holding of shares or other securities which you or members of your immediate family (spouse, including partner where relevant, and children) hold on your Register of Interests form and comply with any subsequent instructions from Estyn regarding the retention, disposal or management of such business interests. "Relevant" interests are generally any investment or business that might be related to the work of Estyn. If you are in any doubt about whether an investment or business is relevant, please contact Secretariat
 - c) in circumstances where the business interest is specific, for example knowledge of a particular company's affairs, you are advised to avoid any dealings with the

company on behalf of Estyn and to advise the Corporate Services Director accordingly so that other colleagues may deal with any work involving that private interest

- d) where a conflict of interest may occur between management of investments and your official duties, you should consider using a third party to manage financial investments on a day-to-day basis.

Confidentiality and Official Information

Scope

- 29 Mis-use of confidential information, breach of the duties of confidentiality owed to Estyn and to the Crown, and dissemination of inaccurate or misleading information may lead to prosecution under the Official Secrets Act, further criminal proceedings and/or disciplinary proceedings under Estyn's [discipline policy](#).

Confidentiality

- 30 All employees owe a general duty of confidentiality to Estyn and therefore to the Crown and are bound by the provisions of criminal and civil law, including the Official Secrets Act. The duty of confidentiality continues to apply after you leave Crown employment.
- 31 You should observe the following general rules concerning confidentiality:
- a) you must not disclose any confidential official information or official information which has been communicated in confidence within Government or received in confidence from others without the relevant authorisation
 - b) you must not seek to frustrate the policies or decisions of Ministers by the use or disclosure outside the Government of any information to which you have had access as a Civil Servant
 - c) you may not make any adverse, derogatory or objectionable comments regarding any individual or organisation; or participate in any activities which conflict with the interests of Estyn or bring the name of Estyn or the civil service in general into disrepute
 - d) you must seek permission from Her Majesty's Chief Inspector of Education and Training (HMCI) for any activities involving the following:
 - i. publication or broadcasting of personal memoirs reflecting your experience in Estyn or any other government department after leaving the Civil Service
 - ii. participation in any surveys or research projects in your official capacity, even unattributably, relating to attitudes or opinions on political matters or matters of policy. This does not apply to elected trade union officials or branch representatives who are requested to publicise union views on an official matter unless their official duties are directly concerned with the matter in question

- iii. any arrangements regarding the publication of articles or materials which have been produced by staff members as part of their official duties (copyright of which will be owned by the Crown)
 - iv. the utilisation of any official information or experience gained during the course of official duties in order to create an invention or to publish details of an invention, whether made in the course of duty or otherwise and which may be subject to a patent pursuant to the Patents Act 1977.
- e) you must seek consent from HMCI and liaise with the Stakeholder Engagement Manager to act as a spokesperson for Estyn to the media or for any media activities on matters concerning Estyn's business, the services it provides, the disclosure of official information or that draws upon experience gained in your official capacity
- f) before speaking to the media in a personal capacity employees should ensure that this will not conflict with their Estyn role and their impartial status as a civil servant. In line with the Civil Service Code, employees should 'always act in a way that is professional and that deserves and retains the confidence of all those with whom you have dealings'. If in any doubt seek advice from your line manager.

General security responsibilities

- 32 General principles relating to security are set out below and you are expected to follow these general principles at all times:
- a) do not leave official documents or property unattended on your desk, printer or photocopiers, in cars, trains or other means of public transport
 - b) any protectively marked documents removed from Estyn's premises must be kept in a locked briefcase and should always remain in your personal custody
 - c) any documents carrying a protective marking to indicate that it contains sensitive or personal information e.g. "OFFICIAL – PERSONAL" must be locked away each night (or whenever a section or room is unattended) in an appropriate security container
 - d) do not communicate sensitive information to anyone other than those who need to know that information
 - e) do not discuss any sensitive information in public places
 - f) do not discuss sensitive matters over a telephone or Skype that you do not know is secure
 - g) keep offices tidy, operate a clear desk policy and ensure that protectively marked material does not get confused with other non-marked material
 - h) comply with any instructions given regarding transmission of protectively marked material or information

- i) when taking papers home, ensure that you comply with Estyn's security measures and guidance on homeworking whilst they are in transit to your home and when they are stored at home
 - j) report the loss of any official documents, property or keys to any container containing security materials to the Corporate Services Director or the Data Protection Officer as soon as is reasonably practicable after the loss has been identified
- 33 For further information on the classification of information, protective marking and secure handing see Estyn's [information assurance policy](#).

Data Protection and Freedom of Information

- 34 You should familiarise yourself with Estyn's [access to information policy](#). The policy sets out the arrangements that Estyn has in place to ensure compliance with the Data Protection Act, General Data Protection Regulations and the Freedom of Information Act. It is concerned with the management of personal data and providing access to information held by Estyn.
- 35 Personal data collected during the course of your employment will be processed in accordance with the Estyn's [access to information policy](#) and [Privacy Notice](#). The Privacy Notice explains what personal data we hold about you, how we collect it, and how we will use and may share information about you.

Outside occupations and appointments

Outside occupations and secondary employment

- 36 Employees are not prevented from taking up secondary or additional employment whilst working in Estyn where the employment does not affect your ability to undertake the full range of your duties in Estyn, or where the employment might result in a conflict of interest.
- 37 Before accepting any outside employment which might affect your ability to undertake the full range of your duties in Estyn (either directly or indirectly), or which might result in a conflict of interest, you should discuss the matter with, your line manager. If you, or your line manager, are in any doubt about whether a conflict exists you should speak to the HR team before applying for such employment.
- 38 Without the approval of the Corporate Services Director (as Principal HR Officer), you may not engage in any private activity, occupation, or outside employment:
- a) which would require your attendance during working hours or in any way impair your usefulness as a civil servant, unless you have been given permission to do so
 - b) which might in any way conflict with the interests of Estyn or be inconsistent with your position as a civil servant

- c) involving the use of experience or knowledge acquired during the course of official duties or involving payment from another government department
 - d) hold a directorship, undertake executive work in a private company, firm or other organisation or engage in consulting work which has a connection with your official duties or is on behalf of a firm or concern which is in a contractual or other special relationship with Estyn.
- 39 Employees taking up secondary or additional employment should inform the HR team if the amount of combined hours averages more than 48 hours a week. This enables Estyn to satisfy its duties under the Working Time Directive to ensure the health and well-being of its employees by monitoring the total number of hours worked. If you wish to work more than 48 hours a week you can choose to opt out of the 48 hour limit. Please contact HR for further information.

Appointments to public boards and service as a Justice of the Peace

- 40 You must seek consent from the Corporate Services Director before accepting an appointment:
- a) to any public board or body financed wholly or in part from public funds
 - b) for service as a Justice of the Peace
 - c) serve on any education or training body

Participation in political activities

General

- 41 The aim of the rules set out below is to allow civil servants the greatest possible freedom to participate in public affairs without losing the confidence of the public in relation to their integrity and impartiality. They should be read alongside the [Civil Service Code](#).

Restrictions

- 42 Certain employees may be subject to restrictions with regard to political activities in which they may become involved in order to preserve a civil servant's impartiality in the conduct of their duties to the Crown. The restrictions may be applied as follows:
- a) At national level within Wales and the rest of the UK:
 - i holding, in a party political organisation, an office which impinges wholly or mainly on the party politics in a field of the Assembly, Parliament or the European Parliament
 - ii speaking on public matters of national political controversy
 - iii expressing views on such matters in letters to the press, or in books, articles or leaflets
 - iv being announced publicly as a candidate for the Assembly, Parliament or the European Parliament

- v canvassing on behalf of a candidate for the Assembly, Parliament or the European Parliament or on behalf of a political party

b) At local level:

- i candidature for, or co-option to, local authorities
- ii holding in a party political organisation, office impinging wholly or mainly on party politics in the local field
- iii speaking in public on matters of local political controversy
- iv expressing views on such matters in letters to the press, or in books, articles or leaflets
- v canvassing on behalf of candidates for election to local authorities or a local political organisation

Politically restricted employees

- 43 Members of the Senior Civil Service and civil servants at Grades 6 and 7 are politically restricted.
- 44 Employees falling within the politically restricted category are prohibited from taking part in national political activities (see 41a above) and must seek permission from HMCI to take part in any local political activities and to comply with any conditions laid down by Estyn in relation to participation in such local activities.

Politically free employees

- 45 Other employees are free to take part in all political activities but must abide by the rules that apply to all employees which are set out below.

General rules applicable to all employees

- 46 Permission to participate in political activities can be withdrawn at any time and without prior notice if there is a change in relevant circumstances.
- 47 Irrespective of whether permission is required to participate in political activity, the following rules apply to all staff members:
 - a) you must not take part in any political activity whilst on duty, or on official premises
 - b) you must not attend in your official capacity outside conferences or functions convened by or under the auspices of a party political organisation
 - c) care must be taken to avoid any embarrassment to ministers or Estyn by employees which could result, inadvertently or not, from bringing themselves prominently to public notice as civil servants, in party political controversy

- d) all employees other than those in the politically free category must ensure that their personal political views are expressed with moderation so as not to inhibit or appear to inhibit loyal and effective service to ministers of another party
- 48 If you are given permission to take part in local political activities you must tell Estyn if you are elected to a local authority.
- 49 If you are given permission to take part in political activities you must give up those activities if you are moved to a post where permission cannot be granted.
- 50 Civil servants do not need permission to take part in activities arranged by their trade unions.

Health and Safety at Work

- 51 Estyn recognises its legal duty to create and maintain a safe and healthy working environment to protect the safety and welfare of all employees (and others who work for us), as well as contractors and members of the public visiting Estyn buildings or those who may be affected by Estyn's operations.
- 52 You have a responsibility to take reasonable care for your own safety and for that of others who may be affected by their acts or omissions. Full details of your responsibilities are set out in the [health and safety policy arrangements](#) document.
- 53 You should read and comply with the provisions of Estyn's [health and safety policy arrangements](#), including acting on instructions given by management in relation to health and safety issues.
- 54 The Health, Safety, Employee Wellbeing and Engagement Group provide advice on all matters related to health and safety. It plays a key role in promoting employee wellbeing and incorporating it within Estyn's processes. It provides a focus for employee participation, and co-operation between Estyn and employees in health and safety matters.

Related policies:

- [Health and wellbeing policy](#)
- [Policy to combat bullying and harassment at work](#)
- [Policy and guidance for managing stress and wellbeing in the workplace](#)
- [Lone working policy](#)
- [Policy for driving as part of official duties](#)
- Security at Anchor Court information booklet

Reporting medical conditions, injury, diseases, and dangerous occurrences

- 55 If you have a medical condition which could require assistance from others, such as epilepsy or you wear a medical ID band, we suggest you share this information with your line manager, the Estyn first aiders and the lead officer or deputy lead officer for

health, safety and wellbeing, so that a risk assessment can be carried out if necessary.

- 56 All accidents (incidents resulting in injury, ill health or damage) and near-misses/ incidents (any unplanned event with the potential to cause injury or damage) should be reported to the lead officer or deputy lead officer for health, safety and wellbeing and recorded in Estyn's Accident Book/Near-miss Record.

Pay, pensions and travel and subsistence

Pay

Rate of pay

- 57 Your salary is agreed with you before joining Estyn. Details are noted in the appointment letter and in the Statement of Particulars accompanying it.
- 58 Under the current pay arrangements, you will receive an annual increment, subject to satisfactory performance, until you reach the maximum of the pay scale for your grade. The annual increment is paid as follows:
- Those starting/promoted between 1 July and 31 December will receive an increment each July
 - Those starting/promoted between 1 January and 30 June will receive an increment each January
- 59 Responsibility for Senior Civil Service pay is not delegated to Estyn. The overall pay framework is laid down by the Cabinet Office.
- 60 Your salary will be paid in twelve equal instalments on the last working day of the month directly into your bank or building society account.

I-payview

- 61 You must check your pay to ensure that it has been paid correctly, using i-payview. This includes checking that any pay awards of which you have been notified, or any changes to your working hours or allowances, have been correctly applied. Any suspected under or over payment should be notified immediately to the HR team who will investigate.

Temporary Duties Allowance (TDA)

- 62 Temporary Duties Allowance (TDA) may be paid where there is a business need for an individual to take on the full duties of another post at a higher grade which is temporarily vacant, and there would be a significant risk to business continuity if the duties were not covered. For full details see Temporary Duties Allowance (TDA) Guidance Document.

Advance of salary for buying season tickets

- 63 An advance of salary may be made for buying season tickets.
- 64 Evidence that the advance was used solely for the stated purpose must be provided to the HR team within one month of the advance. If the evidence is not produced the advance will be reclaimed in full from the next available salary.
- 65 The advance of salary to purchase a season ticket must be repaid by equal deductions from salary over the period that is represented by the life of the season ticket. Advances of salary will not be made for the purchase of a car parking season ticket.
- 66 Applications for an advance of salary should be made in writing to the HR team

Cycle to work scheme

- 67 Estyn operates a cycle to work scheme currently via Halfords.
- 68 You can purchase a bicycle up to a value of £1,000 and pay for this via salary sacrifice over a 12-month period.
- 69 The scheme is open to all employees and should be used to purchase a bicycle for the employee and cannot be used to purchase a bicycle for family members or friends.
- 70 The scheme opens twice per year, in the spring and autumn term and scheme dates will be communicated via email by the HR team

Deductions from pay

- 71 Above and beyond deductions in respect of income tax, national insurance and pension scheme contributions, Estyn can make other deductions from your salary in certain circumstances. For example if you have taken more annual leave than you were entitled to at the time of leaving, an equivalent amount of salary will be deducted from your final salary.

Recovery of losses to public funds: forfeiture of salary, wages

- 72 On dismissal for an offence involving loss to public funds, any sums unpaid, for example in respect of salary or wages up to the last day of duty, or of income tax overpaid on salary may be withheld as a set-off against the loss. Similar set-offs will be made if someone who would have been dismissed for an offence resigns before the dismissal can be put into effect. You may appeal against a decision to withhold payment of salary or wages.

Pensions

Scheme membership

- 73 The Pensions Act 2011 requires Estyn to automatically enrol all employees into the Civil Service pension scheme. Estyn is required to re-enrol all employees who are

not in (or have opted out of), the Civil Service pension scheme periodically (typically every three years). All those enrolled into the Civil Service pension scheme, whether as new entrants or through automatic enrolment, have a right to opt out of the scheme.

- 74 It is important that you keep your death benefit nomination(s) up to date. This helps to ensure that benefits can be paid without delay. You should consider changing your death benefit nomination if your wishes or personal circumstances change. Death benefit nomination and revocation forms are available under 'Forms' on the Civil Service pensions website: www.civilservice.gov.uk/pensions.

Recovery of losses to public funds: forfeiture of pension benefits

- 75 Estyn can withhold some of your salary to set off any loss to public funds caused by an offence you committed.
- 76 If you are convicted of treason or certain offences under the Official Secrets Act, you may automatically lose your pension rights. You may appeal against a decision to withhold payment of pension benefits.

Retirement age

- 77 Estyn does not have a mandatory retirement age. Subject to continued satisfactory performance, conduct and attendance you can continue working in Estyn beyond the earliest date your pension can come into payment.
- 78 You can retire and take your pension before scheme pension age (this is determined by the pension scheme you belong to) once you reach the minimum age specified in your pension scheme. However, as your benefits are worked out using the scheme pension age your pension will be reduced because of early payment. This reduction to your pension is permanent.
- 79 Further information about leaving early is available on the [Civil Service Pensions website](#) under 'Scheme guides' and the 'Leaving early' section of the pension scheme you belong to (classic, classic plus, partnership, premium, nuvos or alpha).

Travel and subsistence

- 80 Estyn will reimburse actual and necessarily incurred costs in relation to travel undertaken in the course of your official duties in accordance with Estyn's travel and subsistence policy. To ensure value for taxpayers' money, you should ensure that the journey is necessary and the purpose can't be achieved by other more cost-effective means e.g. meeting by video conference or Skype.
- 81 If the journey is necessary you should ensure that you use the most efficient and cost effective means of travel; and, an overnight stay must be justifiable.
- 82 Estyn reserves the right to allocate a notional 'office' base for the purposes of reimbursement of travel and subsistence.
- 83 Claims must be submitted as soon as possible after the end of the month.

Discipline and grievance

Discipline

- 84 You are expected to maintain high standards of conduct, and are bound by Estyn's rules relating to conduct as set out in this Guide, the [Civil Service Code](#), Staff Handbook, and any other policies, rules and procedures you are notified of from time to time.
- 85 Estyn's [discipline policy and procedure](#) may be applied in circumstances where staff fail to meet acceptable standards of behaviour or conduct in any way. Where misconduct is proven, a range of penalties may be imposed, up to and including dismissal. Examples of unsatisfactory behaviour can be found in the How to assess the level of misconduct guide.
- 86 Decisions not to proceed with disciplinary action in cases of serious fraud, other than where the individual is being prosecuted must be taken by HMCI after consultation with Welsh Government.

Grievance

- 87 Estyn recognises that from time to time, you may have a problem or concern about your work, working environment or working relationships that you may wish to raise and have addressed. This will include complaints of bullying, harassment and discrimination.
- 88 Whilst many problems and concerns can be sorted out informally with line managers, you are free to raise work related grievances in accordance with Estyn's [grievance policy and procedure](#).
- 89 Complaints must be raised without unreasonable delay and within three months of the issue or incident which forms the basis of the complaint.
- 90 All complaints will be dealt with promptly, transparently, fairly and consistently.

Attendance, performance and internal recruitment

Sickness absence

- 91 Estyn has a duty of care to each member of staff. It has a particular duty to support those who are away from the office due to sickness or injury, but it also has a duty to those staff who are in the office, and who may be covering for colleagues work whilst they are away.
- 92 Absence from work will be dealt with in a fair, consistent and non-discriminatory manner and to help minimise the impact of ill-health on attendance in line with Estyn's [attendance management policy and procedure](#).

- 93 Managers will support employees in achieving a satisfactory level of attendance by helping them to remain at work when they experience ill-health, or return to work as soon as possible following a period of sickness absence.
- 94 Estyn uses monitoring arrangements which trigger management action when a sick absence level becomes cause for concern. Where levels of sickness absence cause concern, managers will take appropriate steps to improve attendance, which may include formal action, including Written Improvement Warnings. Action will be taken when health and well-being are at risk or when absence levels are unsatisfactory.
- 95 Equally, you have a legal duty to take appropriate care of your health and not put yourself or others at risk. This includes taking adequate medical advice and treatment to overcome any health difficulties and not to do anything that may make your illness worse.

Performance

- 96 Performance in Estyn is proactively managed with a focus on continuous improvement and individual development and managing poor performance in order to facilitate efficient business delivery in line with Estyn and Civil Service values.
- 97 Estyn's performance management policy and procedure provides a framework for managing performance in a fair and transparent way as part of a continuous process aimed at developing staff.
- 98 You are expected to maintain a satisfactory standard of work and behaviour with equal weighting. Estyn will provide appropriate support to enable you to perform effectively, but where performance remains at an unacceptable level the managing poor performance policy and procedure may apply.
- 99 Should your performance not reach acceptable standards, Estyn will do all it can to support and train you to improve performance. However, formal managing poor performance procedures leading up to dismissal may apply when performance has failed to improve following informal and formal warnings.
- 100 The performance of all members of the Senior Civil Service (SCS) is managed by Estyn within a central framework determined by the Cabinet Office. *Performance Management guidance for SCS staff* and the *Managing Poor Performance Policy and Procedures* for the SCS are available from:
<https://www.gov.uk/government/publications/senior-civil-service-performance-management>
- 101 When you join Estyn, or are promoted internally, you are required to serve a probationary period of:
- six months (Corporate Services staff)
 - one year (Inspection staff).
- 102 Satisfactory completion of probation will result in confirmation of appointment, whereas unsatisfactory completion of probation or unsatisfactory performance during your probation could result in your appointment being terminated or your probation extended.

- 103 Estyn reserves the right to terminate your employment without any official warnings at any time throughout (including the last day of) your probationary period should you not provide satisfactory performance, conduct or attendance.

Internal promotion and lateral transfers

- 104 Internal promotions and lateral transfers in Estyn follow from a considered and objective decision as the most suitably qualified person (on the merit of their knowledge/skills/experience/aptitudes/qualification), to undertake the duties of the post. This may be through recruitment, or expressions of interest exercise or a direct appointment.
- 105 Internal recruitment procedures reflect the requirements of the Civil Service Commission's Recruitment Principles.
- 106 You're most recent Continuous Performance Management form may be used in the process to assess your suitability for the role.

Emergencies and major disruption to travel

- 107 When Estyn has determined that an emergency exists or disruption severely affects public transport or roads (including severe weather conditions, other natural disasters, national travel strikes, or other major incidents), you should report for duty as normal and make every effort to attend work unless your line manager agrees that you do otherwise following joint consideration of the potential health and safety risks, the nature of the disruption and your personal circumstances.
- 108 A framework for dealing with disruption to travel is set out in Estyn's [major disruption to travel policy](#).
- 109 In emergency situations, you have a duty to carry out whatever Estyn or other Civil Service work is reasonably required of you.
- 110 If you are given approval not to report for duty as normal, or there is forewarning of an emergency, Estyn will issue instructions which may include provisions that employees should:
- a) work from home
 - b) take annual / flexi leave
 - c) report to another Government office nearer your home
 - d) consider volunteering for other work in connection with the emergency

Hours of work, flexible working, holidays, family friendly policies

Hours of work

- 111 Estyn's standard hours of work for full-time staff are a minimum of 42 hours per week, including daily meal breaks of one hour.

- 112 The number of hours that you are contracted to work is detailed in the statement of particulars that accompanied your appointment letter, as amended by any agreed variations. Any change to your contracted hours must be agreed by you and your line manager and will constitute a variation by agreement to your employment contract.
- 113 You may be required to work such additional extra hours as may from time to time be reasonable and necessary for the efficient performance of your duties.

Flexible working

- 114 Under Estyn's [flexible working policy](#) you can apply to vary your working hours, working pattern or place of work.
- 115 There is no guarantee that an application to work flexibly (including to partially retire) will be approved, but Estyn will consider each request to work flexibly individually, taking into account the impact agreeing to such a change would have on Estyn's business.
- 116 At Estyn's discretion, Corporate Services staff are entitled to participate in Estyn's Flexible Working Hours Scheme.

Excess working hours (overtime)

- 117 Estyn have the discretion to determine:
- the circumstances in which staff may be required to work excess hours or at weekends or on public or privilege holidays
 - the recompense for such work or for the liability to undertake it

Grades AO – EO

- 118 Staff at these grades will receive hourly overtime payment at the rate of time and a half, subject to the maximum hourly plain time right.

Grades HEO – Grade 6

- 119 Staff at these grades will receive an hourly overtime payment at plain time rate, subject to the maximum plain time hourly rate.
- 120 When staff in overtime grades are required to work overtime on a Saturday they are eligible for a premium payment of half plain time in addition to the overtime payments.
- 121 Hours worked on a Sunday or public holiday are paid at double time. Attendance on a privilege holiday attracts payment at plain time. Alternatively staff can receive payment at plain time plus time off in lieu by agreement with line management.

| |
|-----------------|
| Holidays |
|-----------------|

Annual leave entitlement for non-SCS staff

- 122 Non-SCS full time employees are entitled to 31 days annual leave on appointment. Part-time employees are entitled to a proportion of this allowance, pro-rated according to their working pattern. The amount of annual leave you will receive is detailed in your statement of particulars.
- 123 For Corporate Services staff, your leave year begins on the first day of the month you join Estyn. For inspection staff, your leave year begins on 1 September. Annual leave should be taken during the leave year in which it is earned.
- 124 If you change your working pattern during your leave year, your annual leave allowance will be adjusted to reflect your new working pattern. The HR team will calculate the annual leave entitlement before the new working arrangements are put in place.

Annual leave entitlement for SCS staff

- 125 Annual leave for SCS staff varies depending on your length of service and the terms on which you were appointed.
- 126 For new entrants to the SCS (including on promotion) the annual leave entitlement starts at 25 days a year. A business case is required to support an appointment with an annual leave entitlement of up to 30 days a year.
- 127 Staff who were members of the Senior Civil Service on the day before 1 July 2013 retain their existing contractual annual leave of 31.5 days. However, when staff are promoted into or within the SCS on or after 1 July 2013 their annual leave allowance will be as set out in the table in paragraph 128.
- 128 The annual leave allowance for members of the SCS is based on your period of continuous employment in the Civil Service (including non-SCS service), as shown in the table below, subject to any variation granted in accordance with paragraph 124.

| Length of service | Annual leave entitlement |
|--------------------------|---------------------------------|
| Up to 1 year | 25 days |
| 1 year - up to 2 years | 26 days |
| 2 years - up to 3 years | 27 days |
| 3 years - up to 4 years | 28 days |
| 4 years - up to 5 years | 29 days |
| 5 years or more | 30 days |

- 129 If recruited from outside the Civil Service, you may be granted more annual leave than is shown in the table in paragraph 128, up to a maximum of 30 days. This will be on an exceptional basis based on a robust business case and each exception must be specifically determined in accordance with Estyn’s internal exceptions process for earned entitlement to annual leave.

130 The amount of annual leave you will receive is detailed in your statement of particulars.

Accrual of annual leave (all staff)

131 Annual leave will accrue in the following circumstances:

- i during periods of paid sickness absence (at the full rate of annual leave while absent on full pay, or at the statutory rate when on reduced or nil pay)
- ii during maternity, paternity, and adoption leave
- iii during periods of secondment
- iv during periods of paid special leave

Applying for annual leave

132 Applications for annual leave should be made in advance to your line manager via an annual leave request on Tensor. Approval of leave is subject to operational requirements and the necessity to maintain reasonable staffing levels to ensure the effective running of the organisation.

133 For inspection staff, annual leave requests should normally be restricted to time allocated as “down time”. However, if a HMI requests annual leave in prime time for a day or two leave before or after half term or other holidays etc, which does not impinge on inspection / remit work or have a knock on effect into the work programme, annual leave may be granted at the line manager’s discretion.

134 Staff in Corporate Services will be able to book or take leave during prime time if their line managers are satisfied that their absence will not have any adverse impact on the progressing of Estyn’s work during the busy prime time period. In exceptional circumstances you may be asked to take annual leave at Estyn’s request.

Carry forward of leave

135 Staff may carry over up to 12 days annual leave into the following leave year without the need to seek any approval from line managers. Part-time employees are entitled to a proportion of this carry forward, pro-rated according to their working patterns.

136 Any request to carry over more than 12 days annual leave (or pro-rated limit) should provide sufficient information about the reasons for the request to enable your line manager to consider it. Each request will be considered on its merits taking account of the reasons for the request and Estyn’s business needs. For monitoring purposes and to ensure consistency in application, line managers should discuss requests with the HR team.

137 If a carry-over of more than 12 days (or pro-rated limit) is approved, the carry over into the third year must not exceed twelve days (or pro-rated limit).

Anticipation of annual leave

138 Staff can anticipate up to seven days annual leave from their next year’s annual leave allowance during the last month of their current leave year.

For example: a member of staff's leave year runs from 1 August to 31 July. During July 2017, the staff member can utilise up to seven days annual leave from their 2017/18 leave year.

Public and privilege holidays

- 139 Non-SCS full-time employees are entitled to eight Public Holidays and two Privilege Holidays each year. Part-time employees are entitled to a proportion of this allowance, pro-rated according to their working patterns as detailed in your statement of particulars.
- 140 Members of the SCS are entitled to eight Public Holidays and one Privilege Holiday a year for the Queen's Official Birthday. If you are required to work on Public Holidays or on the Privilege Day, you are entitled to time off in lieu.

Leaving Estyn part way through your leave year

- 141 Should you leave Estyn part way through your leave year, your annual leave allowance will be proportionate to your length of service in that year. The HR team will calculate the annual leave entitlement on receipt of your notice.
- 142 Normally, your leaving date is known well in advance and you should ensure that you take your recalculated leave allowance before leaving. In very exceptional circumstances you will be paid for any untaken annual leave when you leave Estyn. If, following the recalculation of your leave allowance, more leave has been taken than has been accrued, Estyn will reclaim the value of the excess leave taken from your last monthly salary.

Forfeiture of annual leave

- 143 Any employee dismissed for gross misconduct will forfeit their entitlement to contractual annual leave but will still be permitted to be paid in lieu of any accrued but untaken statutory leave at the time of dismissal.

Family friendly policies

Maternity, Paternity, Adoption and Parental Leave

- 144 In addition to statutory entitlements Estyn offers enhanced maternity, paternity, adoption, and parental leave to eligible employees. Full details are available in the [family friendly policy](#) or from the HR team.

Special leave

- 145 Except where there is a statutory right to special leave for certain purposes, special leave is a discretionary benefit. Employees may be granted special leave, with or without pay at Estyn's discretion. Special leave will not be granted where other forms of leave such as annual leave and/or flexi are more appropriate. See [special leave policy and procedures](#) for full details.

Childcare salary sacrifice scheme

- 146 Estyn's Childcare salary sacrifice scheme is designed to help working parents pay for registered childcare. You can opt to receive part of your monthly salary in childcare vouchers, which are free from tax and National Insurance contributions.
- 147 The government has introduced a [tax-free childcare scheme](#), which replaces Estyn's childcare salary sacrifice scheme from October 2018. However, staff who join Estyn's childcare salary sacrifice scheme before October 2018 are able to remain in the scheme.

Career breaks

- 148 You may apply for a career break of between 3 months and up to a maximum of 2 years on an unpaid basis. Applications for career breaks will be considered on an individual basis and granted at Estyn's discretion. See the [flexible working policy](#) and associated guidance for further details.

Staff movement and redeployment

Mobility

- 149 Employees may be required to move between posts which are within reasonable daily travelling distance of their home and serve away from home for periods of detached duty. Those at the AO grade, and/or part time are in non-mobile roles, unless mobility is voluntarily agreed, further details can be found in your Statement of Particulars.
- 150 Full-time employees in the Senior Civil Service may be required to transfer to any post in the Senior Civil Service in the UK. For part-time employees, the minimum obligation defined in paragraph 149 above applies.

Trade Union membership

- 151 Estyn recognises two Trades Unions: The PCS and FDA. Information about how to join a union will be provided to you during your induction in Estyn.
- 152 The Civil Service attaches importance to effective consultation with staff and, if you decide to join a union, you are encouraged to play an active part and to make sure that your views are represented.

Leaving Estyn

Notice periods

- 153 An Estyn employee is a civil servant and, as such, does not have a right either by virtue of statute or contract to a period of notice on termination of employment.

However, Estyn will normally apply at least the minimum periods of notice set out under statute where these are deemed to be applicable unless employment is terminated by agreement. Estyn reserves the right to provide pay in lieu of any period of unexpired notice.

- 154 Should you wish to leave Estyn, you will need to resign providing the appropriate period of notice:
- a) Grade 7 and above (including SCS) – 3 calendar months
 - b) SEO and below – 4 weeks
- 155 If you wish to resign, you should write to the HR team indicating the date you want your resignation to be effective from, copying the note to your line manager. If age over 50, you should indicate in your resignation letter what you want to do with your pension benefits, i.e. have them paid immediately or preserve them for payment at the normal pension payment age. You do not have the right to withdraw your notice, but may do so in exceptional circumstances with Estyn's agreement.
- 156 Although you are obliged to provide the period of notice as set out in your employment contract, it could take up twelve weeks to sort out your pension arrangements. You may wish to consider the length of time it takes to arrange payment of pension benefits when determining how much notice you provide. If you are an SEO or below, and wish to draw your pension when you leave Estyn, you might want to provide up to three months' notice in order to allow time for the pension arrangements to be made.
- 157 The HR team will acknowledge your resignation within 5 working days, put into effect the procedures for arranging payment of your pension benefits (where applicable) and offer you an exit interview with a member of the HR team.
- 158 Where an employee is dismissed for gross misconduct their right to notice from Estyn is forfeited.

| |
|------------------------------------|
| Action before leaving Estyn |
|------------------------------------|

- 159 All employees who leave Estyn are reminded of the following:
- that the Official Secrets Acts and the duty of confidentiality to the Crown continue to apply to you after you leave Estyn
 - any papers and electronic documents that you have acquired in the course of your duties are the property of Estyn and guidance should be sought from the Data Protection Officer as to the status and appropriate destination of any such documents; you should ensure that any documentation is disposed of appropriately
 - any electronic files stored on your computer should be transferred across to the shared network on SharePoint there are restrictions on the appointments that can be accepted (see *Acceptance of outside appointments* below)
 - arrangements should be made with the Office Services team for returning any equipment you have been provided (including mobile phones, computer equipment, mobile phone, security passes, business cards and your identity card) before or on your last day of service

- any standing imprest should be repaid (if applicable)
- you should not attempt to log onto Estyn's systems after your last day of service

Eligibility to tender for, and undertake contracted inspection work for Estyn

- 160 Estyn reserves the right to place restrictions on an individual's eligibility to tender for, and undertake, contracted inspection work for Estyn once their Civil Service employment has ended.
- 161 Decisions about appropriate restrictions will be made on an individual case-by-case basis taking into consideration whether the individual had access to financial or other information that would give them a commercial advantage when tendering for contracts.

Acceptance of outside appointments

- 162 There are Civil Service-wide rules known as the Business Appointment Rules for Civil Servants governing the acceptance of appointments or employment in outside bodies by civil servants after they leave the Civil Service. These rules are set out in Section 4.3 Annex A of the Civil Service Management Code and are incorporated into Estyn's policies and procedures.
- 163 You should obtain Estyn's agreement using the Business Appointment Rules for Civil Servants form before accepting any offer of an appointment or employment in business and other bodies outside the Civil Service:
- a) which are in a contractual relationship with the Government
 - b) which are in receipt of subsidies or equivalent from the Government
 - c) in which the Government is a shareholder
 - d) which are in receipt of loans, guarantees or other forms of capital assistance from the Government
 - e) which are in a special relationship with services or departments or branches of the Government
 - f) in semi-public organisations brought into being by the Government or Parliament
- 164 For members of the Senior Civil Service, agreement should be sought for appointments/employment within two years after the last day of paid Civil Service employment.
- 165 For those below the Senior Civil Service, agreement should be sought for appointment/employment within one year after leaving the Civil Service, unless, exceptionally, the role has been designated as one where a longer period of up to two years will apply.
- 166 Permission must similarly be sought if you wish to accept an appointment in the service of a foreign government.
- 167 Retrospective applications will not normally be accepted.

Pay issues when leaving mid-month

- 168 If you leave in the middle of a month, pay is based on the number of days worked and the number of days in the month in which you leave, e.g. if you left on 15 July, you would receive $15/31 \times$ monthly salary.

References

- 169 Requests for employment references should be made to [Human Resources](#) – nobody outside the HR team may provide an official employment reference. Colleagues are free to provide personal references which make no mention of your work record or performance. Employment references will use information contained in your most recent Continuous Performance Management review form.

Pre-retirement course

- 170 If you wish to attend a pre-retirement course before you leave Estyn you should contact the HR team.

Further information

- 171 To access information relating to your employment, including policies, please visit the Human Resources area on SharePoint.