



*Rhagoriaeth i bawb - Excellence for all*

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

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## 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 Human Resources.

## 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 purpose, 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 Director of Corporate Services 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 Director of Corporate Services 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 Director of Corporate Services 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 Director of Corporate Services 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; or
  - 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 Director of Corporate Services 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 Director of Corporate Services 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 Director of Corporate Services accordingly so that other colleagues may deal with any work involving that private interest; and
- 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; and
  - d) you must seek permission from Her Majesty's Chief Inspector of Education and Training (HMCI) for any activities involving the following:
    - i. participation in any media broadcast, activities or making a public statement which might involve the disclosure of official information or draw upon experience gained in your official capacity;
    - ii. dissemination of any information to any journalist for publication, broadcast or other public discussion relating to Estyn or any other government department that draws upon official information or experience;
    - iii. publication or broadcasting of personal memoirs reflecting your experience in Estyn or any other government department after leaving the Civil Service;
    - iv. 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;

- v. 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); and
- vi. 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.

### **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) any sensitive documents marked "OFFICIAL" must be kept under lock and key;
- e) do not communicate sensitive information to anyone other than those who need to know that information;
- f) do not discuss any sensitive information in public places;
- g) do not discuss sensitive matters over a telephone or Skype that you do not know is secure;
- h) keep offices tidy, operate a clear desk policy and ensure that protectively marked material does not get confused with other non-marked material;
- i) comply with any instructions given regarding transmission of protectively marked material or information;
- j) if you have to take 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; and
- k) report the loss of any official documents, property or keys to any container containing security materials to the Director of Corporate Services 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 [Data Protection and Freedom of Information Policy](#). The policy sets out the arrangements that Estyn has in place to ensure compliance with the Data Protection Act and the Freedom of Information Act.

It is concerned with the management of personal data and providing access to information held by Estyn.

## **Outside occupations and appointments**

### **Outside occupations and secondary employment**

- 35 Employees are not prevented from taking up secondary or additional employment whilst working in Estyn.
- 36 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.
- 37 Without the approval of the Director of Corporate Services (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; or
  - 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.
- 38 Employees taking up secondary or additional employment should inform the Human Resources 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**

- 39 You must seek consent from the Director of Corporate Services 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; or
  - c) serve on any education or training body.

## Participation in political activities

### General

- 40 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

- 41 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; and
- 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; and
- v. canvassing on behalf of candidates for election to local authorities or a local political organisation.

### Politically Restricted Employees

- 42 Members of the Senior Civil Service and civil servants at Grades 6 and 7 are politically restricted.
- 43 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

- 44 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

- 45 Permission to participate in political activities can be withdrawn at any time and without prior notice if there is a change in relevant circumstances.
- 46 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; and
  - 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.
- 47 If you are given permission to take part in local political activities you must tell Estyn if you are elected to a local authority.
- 48 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.
- 49 Civil servants do not need permission to take part in activities arranged by their trade unions.

## Health and Safety at Work

- 50 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.
- 51 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.
- 52 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.

- 53 The Health, Safety and Wellbeing Committee 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](#)
- [Health, Safety and Wellbeing FAQs](#)

### **Reporting medical conditions, injury, diseases, and dangerous occurrences.**

- 54 If you have a medical condition which could require assistance from others, such as epilepsy or you wear a medical ID band, then it could be wise to tell your line manager, the Estyn first aiders and the lead officer for health and safety, so that a risk assessment can be carried out if necessary.
- 55 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 in Estyn's Accident Book/Incident Record.

## **Pay, Pensions and Travel and Subsistence**

### **Pay**

#### **Rate of pay**

- 56 Your salary is agreed with you before joining Estyn. Details are noted in the appointment letter and in the Statement of Particulars accompanying it.
- 57 Under the current pay arrangements, you will receive an annual increment on the anniversary of your appointment, subject to satisfactory performance, until you reach the maximum of the pay scale for your grade.
- 58 Responsibility for Senior Civil Service pay is not delegated to Estyn. The overall pay framework is laid down by the Cabinet Office.

#### **Frequency of payment**

- 59 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.

## **Temporary Duties Allowance (TDA)**

- 60 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 or bicycles**

- 61 An advance of salary may be made for buying season tickets or bicycles.
- 62 Evidence that the advance was used solely for the stated purpose must be provided to Human Resources within one month of the advance. If the evidence is not produced the advance will be reclaimed in full from the next available salary.
- 63 The advance of salary to purchase a bicycle must be repaid over twelve months by deduction from salary and can be used to purchase essential equipment, but not clothing. If the bicycle is stolen the loan must still be repaid.
- 64 The advance of salary to purchase a bicycle is solely for Estyn employees and cannot be used to purchase a bicycle for family members.
- 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 Human Resources.

## **Deductions from pay**

- 67 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**

- 68 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

- 69 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.
- 70 Around the time of your appointment, you will receive a pack which will detail the pension options open to you. Further information about the Civil Service Pension Scheme is available online.
- 71 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](http://www.civilservice.gov.uk/pensions).

### Recovery of losses to public funds: forfeiture of superannuation benefits

- 72 Estyn can withhold some of your salary to set off any loss to public funds caused by an offence you committed.
- 73 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 superannuation benefits.

## Retirement age

- 74 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.
- 75 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.
- 76 Further information about leaving early is available from 'Scheme guides' and the 'Leaving early' section of the pension scheme you belong to (classic, classic plus, partnership, premium or nuvos).

## Travel and Subsistence

- 77 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.

- 78 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.
- 79 Estyn reserves the right to allocate a notional 'office' base for the purposes of reimbursement of travel and subsistence.
- 80 Claims must be submitted as soon as possible after the end of the month.

## Discipline and grievance

### Discipline

- 81 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.
- 82 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.

### Grievance

- 83 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.
- 84 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](#).
- 85 Complaints must be raised without unreasonable delay and within three months of the issue or incident which forms the basis of the complaint.
- 86 All complaints will be dealt with promptly, transparently, fairly and consistently.

## Attendance, performance and internal recruitment

### Sickness absence

- 87 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.
- 88 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](#).
- 89 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.
- 90 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.
- 91 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

- 92 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.
- 93 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.
- 94 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.
- 95 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.

- 96 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:  
[www.civilservice.gov.uk/recruitment/working/pay-and-reward/scs-pay](http://www.civilservice.gov.uk/recruitment/working/pay-and-reward/scs-pay).
- 97 When you join Estyn, or are promoted internally, you are required to serve a probationary period of:
- six months (Corporate Services staff); or
  - one year (Inspection staff).
- 98 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.
- 99 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**

- 100 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.
- 101 Internal recruitment procedures reflect the requirements of the Civil Service Commission's Recruitment Principles.
- 102 Your most recent Continuous Performance Management form will be used in the process to assess your suitability for the role.

#### **Emergencies and major disruption to travel**

- 103 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.
- 104 A framework for dealing with disruption to travel is set out in Estyn's [\*Major Disruption to Travel Policy\*](#).
- 105 In emergency situations, you have a duty to carry out whatever Estyn or other Civil Service work is reasonably required of you.

106 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; or
- d) consider volunteering for other work in connection with the emergency.

## **Hours of work, Flexible Working, Holidays, Family friendly policies**

### **Hours of work**

- 107 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.
- 108 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.
- 109 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**

- 110 Under Estyn's [Flexible Working Policy](#) you can apply to vary your working hours, working pattern or place of work.
- 111 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.
- 112 At Estyn's discretion, Corporate Services staff are entitled to participate in Estyn's Flexible Working Hours Scheme.

### **Holidays**

#### **Annual leave entitlement for non-SCS staff**

- 113 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.

- 114 Your leave year begins on your start date in Estyn (unless otherwise agreed). Annual leave should be taken during the leave year in which it is earned.
- 115 If you change your working pattern during your leave year, your annual leave allowance will be adjusted to reflect your new working pattern. Human Resources will calculate the annual leave entitlement before the new working arrangements are put in place.

### **Annual leave entitlement for SCS staff**

- 116 Annual leave for SCS staff varies depending on your length of service and the terms on which you were appointed.
- 117 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.
- 118 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 119.
- 119 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 117.

<b>Length of Service</b>	<b>Annual leave entitlement</b>
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

- 120 If recruited from outside the Civil Service, you may be granted more annual leave than is shown in the table in paragraph 119, 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.
- 121 The amount of annual leave you will receive is detailed in your statement of particulars.

### **Accrual of annual leave (all staff)**

- 122 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; and
- iv. during periods of paid special leave.

### **Applying for annual leave**

- 123 Applications for annual leave should be made in advance to your line manager and approval should be recorded on your annual leave form. Approval of leave is subject to operational requirements and the necessity to maintain reasonable staffing levels to ensure the effective running of the organisation.
- 124 For inspection staff, annual leave requests should normally be restricted to time allocated as “down time”. However, if an 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.
- 125 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**

- 126 Staff may carry over up to twelve 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.
- 127 Any request to carry over more than twelve 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.
- 128 If a carry-over of more than twelve 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**

- 129 Staff can anticipate up to 7 days annual leave from their next year’s annual leave allowance during the last month of their current leave year.

<p>For example: a member of staff’s leave year runs from 1 August to 31 July. During July 2014, the staff member can utilise up to 7 days annual leave from their 2014/15 leave year.</p>
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### **Public and privilege holidays**

130 You will be notified each year when the bank / privilege holidays fall. Non-SCS full-time employees are entitled to 8 Public Holidays and 2 Privilege Holidays each year. Part-time employees are entitled to a proportion of this allowance, pro-rated according to their working patterns:

- a. where staff have an agreed specific working time commitment spread throughout the working year (e.g. 75% of a full time employee), they will be allocated  $75\% \times 10 \text{ days} = 7.5 \text{ days}$  public and privilege holidays (the figure should be rounded up to the nearest half day); and
- b. where part time employees work fixed days each week, they will receive their normal working day flexi credit for bank / privilege holidays that fall on their normal working day and no flexi credit for bank / privilege holidays that fall on days they don't work. For example: Somebody working Monday – Wednesday 8 hours per day will credit themselves with eight hours flexi credit for Easter Monday, but no flexi credit for Good Friday.

131 Members of the SCS are entitled to 8 Public Holidays and 1 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**

132 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. Human Resources will calculate the annual leave entitlement on receipt of your notice.

133 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**

134 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.

<b>Family friendly policies</b>
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### **Maternity, Paternity, Adoption and Parental Leave**

135 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 Human Resources.

### **Special Leave**

- 136 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**

- 137 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.

### **Career breaks**

- 138 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**

- 139 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.
- 140 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 138 above applies.

## **Trade Union Membership**

- 141 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.

## **Leaving Estyn**

### **Notice periods**

- 142 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.

- 143 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; and
  - b) SEO and below – 4 weeks.
- 144 If you wish to resign, you should write to the Human Resources 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 superannuation 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.
- 145 Although you are obliged to provide the period of notice as set out in your employment contract, it could take up to twelve weeks to sort out your superannuation arrangements. You may wish to consider the length of time it takes to arrange payment of superannuation 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.
- 146 The Human Resources team will acknowledge your resignation within 5 working days, put into effect the procedures for arranging payment of your superannuation benefits (where applicable) and offer you an exit interview with a member of the Human Resources team.
- 147 Where an employee is dismissed for gross misconduct their right to notice from Estyn is forfeited.

<b>Action before leaving Estyn</b>
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- 148 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;
  - consent is required from Estyn before any memoirs relating to your work at Estyn can be published or broadcast;

- there are restrictions on the appointments that can be accepted within 2 years of leaving the Civil Service (see *Acceptance of outside appointments* below);
- arrangements should be made with the Office Services team for returning any equipment you have been provided with to support home working;
- you should hand in all Estyn equipment (including mobile phones, computer equipment, mobile phone, security passes, business cards and your identity card) before or on your last day of service;
- your Estyn broadband line will be disconnected (if applicable);
- any standing imprest should be repaid; and
- 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**

- 149 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.
- 150 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**

- 151 You should obtain Estyn's agreement before accepting within two years of leaving Estyn 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; or
  - f) in semi-public organisations brought into being by the Government or Parliament.
- 152 Permission must similarly be sought if you wish to accept an appointment in the service of a foreign government.
- 153 There are Civil Service-wide rules governing the acceptance of appointments in outside bodies by civil servants. These rules are incorporated into Estyn's policies and procedures.

### **Pay issues when leaving mid-month**

- 154 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

- 155 Requests for employment references should be made to Human Resources – nobody outside the Human Resources 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

- 156 If you wish to attend a pre-retirement course before you leave Estyn you should complete a Training and Development Request form. If you want information on the availability of such courses and the optimum timing for attending them, contact Human Resources.

### Further information

- 157 To access information relating to your employment, including policies, please visit the [Human Resources area](#) on SharePoint.