

# EXECUTIVE COUNCIL

## PUBLIC

**Title:** Management Code Review – Chapters 5 & 8

**Paper Number:** 139/19

**Date:** 25<sup>th</sup> September 2019

**Responsible Director:** Director Human Resources

**Report Author:** Senior Human Resources Advisor

**Portfolio Holder:** MLA Roger Spink

**Reason for paper:** This paper is submitted to Executive Council:  
For policy decision (including budgetary policy)

**Publication:** Yes

**Previous papers:** 157/18, 28/19

**List of Documents:** Draft Employee Performance, Learning and Development Policy  
Draft Employee Performance and Development Procedure  
Draft Attendance Policy  
Draft Attendance and Leave Procedure

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### 1. Recommendations

Honourable Members are recommended to:

- (a) **Approve** the implementation of the following documents comprising the formal policies and procedures within Chapter 5 and Chapter 8 of the Management Code:

**Chapter 5:**

- Draft Employee Performance, Learning and Development Policy
- Draft Employee Performance and Development Procedure

**Chapter 8:**

- Draft Attendance Policy
- Draft Attendance & Leave Procedure

- (b) Authorise the Director of Human Resources to correct typographical errors, formatting and non-substantive drafting errors found in the documents prior to formal implementation.

## **2. Additional Budgetary Implications**

None

## **3. Executive Summary**

- 3.1 This paper seeks ExCo approval for the policies and procedures comprising Chapter 5 of the Management Code (formerly known as “Training and Development” and in future to be referred to as “Performance, Learning and Development”) and Chapter 8 of the Management Code (formerly known as “Hours, Holiday, Leave and Attendance” and in future to be referred to as “Attendance Management”).

## **4. Background**

- 4.1 Under the Islands Plan, Honourable Members have committed to a vision for ‘Population and Workforce’ that will ‘ensure that everyone employed within the Falkland Islands enjoys decent and fair terms and conditions’. The revision of the FIG Management Code supports this vision, ensuring that FIG HR practices are fit for purpose and reflect fair and safe working practices.
- 4.2 The Management Code Review project also supports FIG’s aim to be an ‘Employer of Choice’, demonstrating commitment to good governance and employee relations through an updated and modern Management Code.
- 4.3 The Management Code Review project has been ongoing since May 2018, with the new Chapter 4 and Chapter 2 receiving prior approval in Nov 2018 (157-18) and February 2019 (28-19) and with the subsequent implementation of these new policies and procedures in July 2019. Work has continued on drafting the remaining chapters in scope and this paper represents the next milestone in the Management Code Review project.

### **Chapter 5 – Performance, Learning and Development**

- 4.4 Reviewing and consulting on the existing Chapter 5, Training and Development indicated that most of the content related to training and development provisions had already fallen out of use or been replaced by more up-to-date policy owned by the Education Department (e.g. provisions related to CDS). The new policies and procedures reflect the realities of training and development provision in FIG, where departments hold their own budgets and are responsible for identifying learning needs and sourcing solutions to these, rather than the mixture of arrangements set out in the existing Code. Consultation also highlighted the need for learning and development to be available to all FIG employees, regardless of their long-term career ambitions, to ensure they have the skills and training to competently carry out their roles and maintain their professional status.
- 4.5 Feedback during consultation suggested that employee performance management practices in FIG were inconsistent, poorly understood and in many departments, no longer in effect. To address this, guidance on performance management and appraisals was issued to Heads of Service by the former Director of HR, Stuart Hampson in September 2018, but in practice, this has not been widely disseminated or followed. It

is recognised that the revised Management Code presents an opportunity to reiterate the importance of employee performance management and development and to reinstate good management practice.

- 4.6 The new Performance, Learning and Development documents establish the principles for employee performance management and development, setting out the core steps managers and team members must follow in order to effectively manage and develop staff as a whole. The new process aims to instil consistently good people management practice across FIG, with some departmental discretion to flex the arrangements to meet their own needs. The key messages include the need for managers to offer regular feedback and coaching to their team members throughout the year, not just at appraisal, reinforcing the idea that all employees should be supported to learn, develop and grow their skills and competencies within FIG. Managers will be expected to identify and discuss any performance concerns in a timely manner to encourage resolution.
- 4.7 The primary changes introduced via the new Performance, Learning and Development arrangements include:
  - 4.7.1 Re-instatement of compulsory employee performance management for all FIG employees, including minimum requirements to meet at the start of each year to agree objectives and to evaluate performance through a mid-year and end-year review. The process is supported by informal one-to-one meetings to encourage coaching and performance improvements throughout the year.
  - 4.7.2 The new arrangements emphasise that Heads of Service are responsible for identifying, budgeting for and procuring appropriate training and development opportunities for all members of their teams. Managers will be expected to identify development needs and plan developmental activities as part of the performance management process, enabling them to identify appropriate learning and development opportunities to support their teams.
  - 4.7.3 Emphasis that feedback must be fair, honest reasonable and timely to allow performance concerns to be addressed as close to the source as possible, with a focus on informal resolution. Where issues persist, managers are referred to the approved Capability procedure for resolution.

## Chapter 8 – Attendance Management

- 4.8 Feedback received during consultation on the existing Chapter 8, Hours, Holiday, Leave and Attendance policies and procedures suggested that employees found the very long document difficult to navigate and use. A primary concern was that the various categories of leave were often inflexible, leaving employees feeling obliged to store up annual leave to cover all eventualities, and managers unsure what leave they could approve when a team member's personal situation did not fit neatly into the existing arrangements. Many of the practices outlined were no longer consistently adhered to, with discretion provided in some departments and not in others, leading to unfair and inconsistent management decisions.

- 4.9 The primary changes introduced via the new Attendance and Leave arrangements include:
- 4.9.1 Integration of multiple types of discretionary leave (e.g. bereavement, voluntary duties leave, study leave etc.) under a single category of “Special Leave”, providing more discretion for managers to approve appropriate paid or unpaid leave where deemed necessary.
  - 4.9.2 With the health and welfare of all staff in mind, a minimum expected amount of annual leave to be taken each year (15 days) has been introduced. This will ensure that employees receive sufficient rest, enabling the identification of resourcing issues and discouraging the build-up of large carry-over balances that are a potential financial liability for FIG. Maximum annual carry over remains 30 days.
  - 4.9.3 Equalisation of adoption leave entitlements with arrangements provided for maternity/paternity leave.
- 4.10 Further procedures setting out more detailed arrangements for Sickness Management and Attendance Concerns are currently being consulted on and will be submitted for approval in due course.
- 4.11 These policies and procedures follow the same overall structure and design as the other new Chapters. Additional guidance documents will be developed to supplement the core requirements set out in these documents. These arrangements also support the move towards transferring management responsibility for decision-making to those in possession of the relevant facts. It is hoped that this will prevent the need for employment matters to be escalated up the chain of command where it is not necessary or practical to do so.
- 4.12 Training will be provided to all staff in line management positions to ensure that the content of the policies and procedures are understood, particularly any elements which have changed. Training will also focus on ensuring that all managers understand their responsibilities to provide consistent and proactive management to FIG staff.

## **5. Options and Reasons for Recommending Relevant Option**

- 5.1 **Option One (preferred option):** Accept the recommendations as detailed above.

This will enable the launch of Chapter 5 and Chapter 8 of the Management Code and the development of a corresponding training programme. This will also enable the HR Department to progress with the development of appropriate supporting guidance, communications and training to enable the implementation of these policies and procedures as soon as possible, allowing the Management Code Review project to move towards the overall aim of developing HR policies and procedures that will enable FIG to be an employer of choice.

- 5.2 **Option Two:** Reject the recommendations detailed above.

The rejection of these documents would represent a significant set-back in the work plan for the Management Code Review project and could result in the failure of this work to be completed within the desired timescales.

### 5.3 **Option Three:** Approve Chapter 5, Reject Chapter 8

Honourable Members may consider approving Chapter 5, Performance, Learning and Development, whilst requesting further revisions to the documents comprising Chapter 8.

Whilst this would allow the HR Department to move forward with the implementation of a key Chapter within the new Management Code, the intention was for these changes to hang together. The training for Chapter 5 is expected to build upon the skills used when understanding Chapter 8. This aims to develop line managers that are able to manage both attendance and performance effectively and have the confidence to discuss these matters with their teams.

A clear direction on the required changes would also be necessary, as these documents have passed through significant consultation stages. Any departure from the intended approach would require further discussion.

### 5.4 **Option Four:** Approve Chapter 8, Reject Chapter 5

Similar to Option Three, approving one chapter, whilst rejecting the other would have a knock on impact on the remaining work programme for this project.

## 6. **Resource Implications**

### 6.1 Financial Implications

There are no financial implications arising from this report.

### 6.2 Human Resource Implications

The implementation of these policies and procedures will enable good HR and people management practice around the management of employee performance, learning, attendance and absence in FIG, ensuring that employment terms and conditions are fair and reasonable and supporting the aim for FIG to become an 'employer of choice'.

The officer leading the Management Code Review project is currently employed on a two year fixed-term contract until May 2020. Delays in approving the draft policies and procedures may leave the HR Department without the necessary capacity to complete this project. In particular, this will limit its ability to provide adequate training and guidance to support the implementation of the new processes.

### 6.3 Other Resource Implications

There are no additional resource implications arising from this report.

## **7. Legal Implications**

- 7.1 The draft Attendance policies and procedures comply with the requirements of the Employment Protection Ordinance 1989 in relation to the dismissal of employees and the provision of statutory leave requirements (e.g. maternity leave or time off for public duties).
- 7.2 With regard to implementing the revised chapters of the Management Code, provided that the requirements and procedures set out in the Constitution regarding the discipline and removal of public officers are followed, there should be no legal implications arising from this proposed action.

## **8. Environmental & Sustainability Implications**

There are no environmental and sustainability implications arising from this report.

## **9. Significant Risks**

- 9.1 A failure of FIG to have in place a robust and modern set of HR policies and procedures for the governance of staff undermines FIG's ability to effectively manage its workforce and to attract, develop and retain staff, thereby potentially compromising service delivery. The Management Code Review project is designed to mitigate this risk, ensuring a comprehensive suite of HR policies and procedures are implemented that are fit for purpose, more easily maintained and better understood by managers and team members alike.
- 9.2 An outdated Management Code has led to inconsistent management practice across FIG Directorates. Lack of consistency in management practice is known to demotivate and disengage the workforce. If left unaddressed, this has the potential to undermine principles of fair treatment, transparency and accountability which are fundamental to the good governance and operational efficiency of FIG.

## **10. Consultation**

- 10.1 A workshop focused on Attendance Management was held with the Management Code Consultation Group members on 12<sup>th</sup> April 2019 and another on Performance Management and Development was held on 13<sup>th</sup> May. Feedback received at these meetings was taken into consideration during the development of these policies and procedures.
- 10.2 A follow-up workshop was held with Consultation Group members on 29<sup>th</sup> August 2019 to review feedback previously received on both Chapters 5 and 8 and updating the group on the developments to the policies and procedures since the initial discussion.
- 10.3 Draft copies of the Chapter 8 policies and procedures were discussed and circulated to all CMT members on 23<sup>rd</sup> July 2019. Feedback has been incorporated into the revised drafts. Further discussion took place at the CMT meeting on 5<sup>th</sup> August 2019 following additional revisions. Draft copies of the Chapter 5 policies and procedures were circulated to CMT following meetings on 19<sup>th</sup> August 2019 and 2<sup>nd</sup> September 2019.

10.4 The HR Department continues to meet with the Management Code Consultation Group to seek input into further chapter development, with drafting progressing across Chapters 1 and 9.


## **11. Communication**

11.1 Once the draft documents are approved, an appropriate date for implementation will be identified. This will allow suitable guidance to be developed and distributed to all staff. All-staff communication will be developed which will highlight changes made to existing policies.

11.2 Training will be developed and delivered to managers and any other staff with a role to play in administering these policies. This preparation will ensure that all employees are equipped and have time to plan for the new arrangements.

11.3 As per the other new Management Code documents, the approved versions will be communicated via the Intranet, on the dedicated Management Code page: <http://intranet/Directorates/Human-Resources/SitePages/Management%20Code.aspx>.

11.4 The HR Department will continue to provide ongoing advisory support to managers and their team members to ensure the revised arrangements are effectively and consistently implemented.

 <b>Employee Performance, Learning &amp; Development Policy</b>	Document Type	<b>Policy</b>	
	Version	<b>0.7 [DRAFT]</b>	
	Owner	<b>Director of HR</b>	
Document ID:	<b>C5 – 01 – POL – Perform</b>	Author	<b>Senior HR Advisor</b>

## Contents

1. Policy Statement .....	1
2. Scope.....	1
3. Principles.....	1
4. Key Roles & Responsibilities .....	2
4.1. Chief Executive.....	2
4.2. Director of Human Resources .....	2
4.3. Directors, Heads of Service & Managers .....	3
4.4. All Employees.....	3
5. Review Schedule .....	4
6. Change History .....	4

### 1. Policy Statement

The Falkland Islands Government (FIG) aims to promote a positive performance, learning and development culture, where all employees are clear on the expectations for their performance, understand how their performance will be measured and evaluated, are empowered and supported by their manager to meet or exceed performance expectations and are able to develop their skills and competencies to pursue their career ambitions.

This policy and associated procedures set out the principles for managing and developing employee performance and should be read in conjunction with the Capability Policy and Procedure, which will be used for managing cases where performance is not meeting the required standard, along with the approved Induction and Probation Procedure, which will be used to guide and support employees who are new to their roles.

### 2. Scope

- 2.1. This policy and associated procedure applies to all FIG employees on a standard employment contract.
- 2.2. The performance and development of agency workers, external contractors and consultants should be managed under the commercial arrangements for those contracts and any concerns should be raised with the external organisation responsible for these workers.

### 3. Principles

- 3.1. The performance management process is a positive and ongoing activity for all FIG employees, where managers and employees work effectively together to improve performance and identify opportunities to develop, grow and learn.
- 3.2. All employees will be given a clear understanding of the requirements of their role and how it contributes to the delivery of the service, supporting the objectives of FIG and the wider Islands Plan.
- 3.3. Managers will provide fair, timely and constructive feedback to ensure employees understand how their performance is progressing and to identify opportunities for development.
- 3.4. FIG will provide appropriate training, resources, advice and support to enable employees to perform their roles to the required standard.
- 3.5. All employees are expected to uphold the necessary standards of behaviour and conduct required of a public officer.
- 3.6. Where performance does not meet the required standards and informal measures fail to address any concerns, the matter will normally be handled under the provisions of the Capability policy and procedure.

## 4. Key Roles & Responsibilities

### 4.1. Chief Executive

The Chief Executive has overall accountability for:

- Ensuring FIG's workplace culture supports all employees to develop and achieve their potential and that appropriate performance management processes are in place to encourage good performance from all staff and ensure an appropriate level of professional competence.

### 4.2. Director of Human Resources

The Director of Human Resources has delegated responsibility for:

- Ensuring suitable policies and procedures are in place to enable employee performance and development to be measured and managed in a fair, timely and reasonable manner.
- Ensuring that appropriate training and guidance is available to all employees to allow them to understand and carry out their responsibilities in relation to performance management, learning and development.
- Ensuring that support and advice is available to all employees when issues arise in relation to performance and to assist managers and employees in identifying solutions or supporting actions that may help to resolve concerns or support learning and career development.

- Co-ordinating cross-governmental efforts to identify and address FIG performance, learning and development needs on a corporate basis.
- Assisting managers to develop and implement appropriate succession and developmental plans to address the future skills and talents needs of the Falkland Islands Government.

### **4.3. Directors, Heads of Service & Managers**

Directors, Heads of Service and Managers are responsible for:

- Helping employees to understand how this policy and associated procedures apply to them with regards to the management of performance.
- Ensuring employees are aware of the expected standards of performance within their role and communicating these expectations clearly both verbally and in writing.
- Having regular meetings with their direct reports to discuss their performance and development in the workplace and to fair, timely and appropriate feedback.
- Demonstrating consistent and fair behaviour when managing the performance and development of their employees.
- Keeping accurate performance management records, including meeting notes where feedback has been given.
- Recognising good performance, assisting employees with their learning and development aims and proactively dealing with performance concerns and capability issues, as they arise.
- Identifying any mandatory training or qualifications that are necessary to ensure compliance with the law and to uphold professional competence and safe working within their service areas.
- Working with employees to identify learning and development needs and facilitate provision of appropriate learning and development opportunities.
- Securing budget and resources to allow for provision of necessary training or professional development within their service areas.
- Working with appropriate colleagues to develop workforce plans which identify future skills gaps and talent needs and using the appropriate policies and procedures, such as succession planning and trainee positions to meet these anticipated workforce needs.
- Seeking advice from the HR team to help resolve performance issues or identify appropriate learning and development solutions.

### **4.4. All Employees**

All employees are responsible for:


- Familiarising themselves with this policy and associated procedure, their job description and other relevant areas of the Management Code to understand the performance expectations of their role and how performance will be managed, assessed and developed.
- Working with their manager throughout the year to ensure there is effective two-way communication on matters relating to performance, learning and development.
- Advising their manager as soon as possible of any issues which might be preventing them from meeting the required performance standards of their role.
- Working with their manager to identify any areas for development that may help to improve performance, develop skills and knowledge or support the realisation of their career ambitions.
- Participating in appropriate learning and development opportunities in order to address any identified development needs including completing any mandatory training or qualifications to ensure compliance with the law or uphold appropriate professional standards, where appropriate in their role.
- Seeking advice from the HR team to understand how performance may be evaluated or for assistance with identifying opportunities for career development.

## 5. Review Schedule

This policy will be reviewed periodically to respond to any legislative or advisory changes and will be updated or re-validated at least every three years.

## 6. Change History

Version	Date Actioned	Description of Change	Actioned by	Approved by	Date Reviewed
0.7	September 2019	Final draft version prepared for ExCo approval	LC-S	RC	September 2019

 <b>Employee Performance &amp; Development Procedure</b>	Document Type	<b>Procedure</b>	
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Document ID:	<b>C5 – 01 – PRO – Perform</b>	Author	<b>Senior HR Advisor</b>

## Contents

1. Introduction .....	1
2. Process Steps & Key Considerations .....	1
2.1. Communicate Expectations & Agree Objectives .....	1
2.2. Discuss Progress & Provide Feedback.....	3
2.3. Mid-Year Review .....	4
2.4. End-of-Year Review .....	4
2.5. Resolving Performance Issues.....	5
3. Key Definitions .....	5
3.1. Performance Management.....	5
3.2. Objectives.....	6
3.3. Appraisal .....	6
4. Review Schedule .....	6
5. Change History .....	6

## 1. Introduction

This procedure outlines out the main steps of FIG’s employee performance management and development process. This includes the requirement to communicate and agree performance expectations and objectives, have regular one-to-ones to discuss progress and feedback, and summarise and capture this assessment of performance and development in writing. The process should also enable the identification of appropriate learning and development opportunities.

Any managers or employees seeking further guidance on how performance and development will be managed and supported should contact the HR department for advice.

## 2. Process Steps & Key Considerations

### 2.1. Communicate Expectations & Agree Objectives

A key requirement in any employee performance management process is for managers to clearly communicate performance expectations to their employees. No employee should ever be in doubt about the expectations of their role or how their performance is progressing. Managers must explain the standards of service, performance and behaviours expected of employees.

Employees should be clear on what is expected of them in their role, how this should be achieved and how their performance will be evaluated. This stage is supported by the process of setting annual objectives for performance. This should occur when someone is new in post, as well as on an annual basis for existing employees.

#### **2.1.1. Taking up a new role**

Where an employee is new in post, it is especially important for expectations to be discussed from the start, so that the employee is aware of the requirements of their new role and is clear on what they need to do and the standards expected of them, as well as any support that will be provided to help them to achieve these expectations.

Managers should meet with the new employee to agree and discuss appropriate objectives (see step: 2.1.2. Agreeing Objectives) within the first month of employment in any new role. The timeframes for completion of objectives during a probation period may be shorter than those expected in the annual performance cycle.

Further details on the Induction and Probation process are available from the HR department.

#### **2.1.2. Agreeing Objectives & Planning Development**

The job description outlines the main responsibilities and functions an employee is expected to perform within a role. Objectives provide a more detailed description of the expected standards, actions and outputs that an employee must achieve in order to effectively deliver these responsibilities over a given period.

Objectives should reflect the overall purpose and aims of the employee's job role and be linked to the department's service requirements. This will enable the employee to fully understand how their own individual performance contributes not only to their team, but also the wider department, FIG and the Islands Plan.

To be effective, it is important that the employee and line manager are both involved in identifying and agreeing suitable objectives for the year ahead.

Managers and employees should meet at the start of the new performance year to discuss appropriate objectives and identify developmental activities that will support the achievement of these objectives or contribute to the employee's personal career ambitions.

The agreed objectives and development should be documented in a Performance Development Plan, which must include the following information:

- 5-8 main objectives, setting out the high-level goals and overall tasks to be achieved, the outputs expected, and the anticipated deadlines or measures of achievement that will be used to monitor the progress of each objective.
- Any agreed support, resources or development needs that may be required to help the employee achieve these objectives.

- Outline of any personal development goals the employee wishes to pursue to support their career ambitions over the coming year and beyond.
- Dated signatures from both the employee and manager to confirm agreement of the plan.

A suggested template for this form will be provided, but departments may adapt this to their own needs or use existing established performance management forms, where the minimum requirements outlined above are included.

If an employee or manager would like assistance in drafting such a form or identifying development needs, please contact the HR department.

## **2.2. Discuss Progress & Provide Feedback**

Reviewing performance and progress against objectives should be an ongoing process and is a key part of every manager's responsibilities.

In addition to providing informal feedback to employees as part of day-to-day operations, employees and managers are expected to meet regularly to discuss performance and development. These do not have to be formal in depth reviews, but having an open and constructive dialogue between employee and their line manager about progress against objectives and identified development needs it is a crucial activity for every employee.

Employees should be in no doubt about how their performance is viewed at any time during the performance year. Regular one-to-ones help to encourage effective communication, provides opportunities for coaching and performance improvement and ensures employees receive feedback in a timely manner.

### **2.2.1. One-to-One Meetings**

One-to-one meetings should take place at least once per quarter, but managers and employees may often find it beneficial to meet more regularly.

The guiding principles for these meetings are as follows:

- One-to-ones should not be rushed or treated as unimportant – plan the meeting in advance and allow adequate time and notice to avoid interruptions or cancellations.
- Conduct the meetings face-to-face, where possible, in a location that offers privacy and confidentiality.
- Both managers and employees should be properly prepared and have an agenda that should be shared with the employee in advance.
- There should be a two-way, open, constructive and balanced discussion about the employee's performance and development.
- Employees should proactively assess their own performance and progress against their objectives, identify where support may be required to help them to achieve

their objectives and share feedback on their work experiences more generally, as well as their career ambitions and personal development.

- Managers should provide feedback that objectively assesses performance and identifies any areas for development or improvement, coaching the employee to achieve their objectives and career development goals.
- Feedback offered should be honest, timely and specific, based upon facts, documented evidence or observed actions or behaviours.
- Where objectives need to be changed to reflect shifting priorities or expectations, this must be discussed and agreed between the manager and employee so that the necessary adjustments can be made before the end of the performance year.
- A written record of the meeting must be taken and shared between the employee and manager to provide an overview of progress and performance throughout the year.

Managers seeking advice on holding effective one-to-one meetings should look for associated guidance or contact the HR department.

### **2.3. Mid-Year Review**

Half-way through the performance year is a good point to review progress in a more formal manner and ensure the employee's objectives and planned development is progressing as expected.

This Mid-Year Review may replace one of the informal quarterly one-to-one meetings, and should be conducted under the same principles. However, the outcomes of this discussion must be documented in the Performance Development Plan and signed and dated by both the employee and the manager.

It is not unusual for objectives and priorities to shift during the year and it is important that any changes are identified and agreed at the mid-point stage to give the employee time to adjust to meet any new expectations. Where changes to the agreed objectives are required, these must be reflected in the Performance Development Plan.

### **2.4. End-of-Year Review**

At the end of each year, managers and employees must meet to recap on progress against the objectives set at the beginning of the performance year and assess and evaluate the employee's performance and development across the previous twelve months.

As a minimum, all End-of-Year Review discussions should cover the following information:

- An overall assessment of the employee's performance over the reporting cycle against the agreed objectives.

- A review of what has worked well, what may have not worked so well or could have been done differently across the year, if anything, and some potential development areas for the following year.
- Recap of any learning and development completed during the past year and its impact on the employee's performance or achievement of their career goals.

The principles outlined for effective one-to-one meetings also apply to End-of-Year Reviews.

The End-of-Year Review discussion should be documented in the annual Performance Development Plan and be signed and dated by both the employee and manager.

As noted previously, a suggested template for this form will be made available on the Intranet, but departments may adapt this to their own needs or use existing established performance management forms, where the minimum requirements outlined above have been included.

Completed forms must be collated at a departmental level and submitted to the HR department on an annual basis to be placed on the employee's personal file.

## 2.5. Resolving Performance Issues

If there are clear disciplinary or capability issues identified through the course of the performance management process that cannot be resolved informally, these should be addressed through the relevant disciplinary or capability procedure. Serious issues should never be left until the mid-year or end-of-year review before being raised.

Where disagreement arises between an employee and their line manager about the content of any Performance and Development Plan or feedback offered, then this should be raised and addressed during the one-to-one meeting.

Where an employee is unwilling to sign the Performance Development Plan or disagrees with any written record of a one-to-one meeting or formal review, they should discuss their concerns with their line manager and try to reach a mutually agreeable record.

If an employee believes the final review decision has not been reached in a fair and reasonable manner or the content of any performance management record is inaccurate and this matter cannot be resolved informally, then the employee may consider raising their concerns by following the current grievance procedure.

## 3. Key Definitions

### 3.1. Performance Management

Performance Management is a business process designed to ensure the successful achievement of goals.

Usually there are three main stages – setting the goals to work towards, coaching to improve and adjust progress against those goals, and appraisal, which involves evaluating and measuring the achievement of these goals.

The process can be applied to many different settings, from overall organisational or business performance through to the achievement of an individual's personal development or career goals.

### 3.1.1. Employee Performance Management

In the context of this procedure, 'performance management' is being used to describe the process of supporting and developing employees to achieve goals or objectives that reflect the expectations of each individual's role.

### 3.1.2. Corporate Performance Management

Corporate Performance Management refers to the setting, achievement and measurement of organisational targets or Key Performance Indicators (KPIs) for FIG services and is managed at an organisational and departmental level.

## 3.2. Objectives

Objectives are the detailed goals or targets that individuals are expected to work towards achieving as part of the performance management process. These are agreed at the start of the performance management process.

## 3.3. Appraisal


In the context of this procedure, 'appraisal' refers to the final stage of the performance management process, where the achievement of goals is evaluated and measured. In FIG, this is the End-of-Year Review.

## 4. Review Schedule

This procedure will be reviewed periodically to respond to any legislative or advisory changes and will be updated at least every three years.

## 5. Change History

Version	Date Actioned	Description of Change	Actioned by	Approved by	Date Reviewed
0.8	September 2019	Final draft version prepared for ExCo approval	LC-S	RC	September 2019

 <b>Attendance Management Policy</b>	Document Type	<b>Policy</b>	
	Version	<b>0.8 [DRAFT]</b>	
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## Contents

1. Policy Statement .....	1
2. Scope.....	1
3. Principles.....	1
4. Key Roles & Responsibilities .....	2
4.1. Chief Executive.....	2
4.2. Director of Human Resources .....	2
4.3. Directors, Heads of Service & Managers .....	3
4.4. All Employees.....	3
5. Review Schedule .....	3
6. Change History .....	3

### 1. Policy Statement

The Falkland Islands Government (FIG) expects employees to give full and timely attendance, whilst recognising that there are occasions when employees may need time away from the workplace for a range of legitimate reasons.

This policy sets out the principles for managing leave and attendance and should be read in conjunction with the employment contract and associated procedures and guidance.

Operational requirements or service needs will inevitably dictate attendance requirements and this policy and associated procedures provides guidelines for managers and employees in relation to appropriately balancing the overarching needs of the service with those of the individual.

### 2. Scope

- 2.1. This policy and the associated procedures apply to all FIG employees on standard FIG employment contracts.
- 2.2. This policy does not apply to those employed on non-standard terms and conditions (e.g. those appointed on casual contracts) or workers engaged through external providers (e.g. agency staff, locums, sub-contractors).

### 3. Principles

- 3.1. The Falkland Islands Government (FIG) aims to promote a positive attendance culture, expecting employees to maintain full and timely attendance at work by taking a fair and

reasonable approach to leave, appropriately balancing the needs and circumstances of the individual, with the requirements to deliver FIG services.

- 3.2. Managers must ensure employees are treated fairly, reasonably and consistently when considering any decisions related to attendance and leave.
- 3.3. FIG is aware of its legal responsibilities regarding statutory entitlements to leave and aims to offer leave provisions that meet or exceed the minimum expected by the relevant Falkland Islands legislation.
- 3.4. FIG recognises that employees may, on occasion, require leave from the workplace for a range of legitimate reasons. Where appropriate, staff should be afforded reasonable time off, either with or without pay, depending on the circumstances.
- 3.5. FIG will take misuse of the leave arrangements seriously and any employee found to be absent from the workplace without a legitimate reason, appropriate notice and/or manager approval, will be subject to action under the provisions of the Conduct and Disciplinary policy.

## 4. Key Roles & Responsibilities

### 4.1. Chief Executive

The Chief Executive has overall accountability for:

- Ensuring FIG develops a workplace culture that promotes good attendance, whilst enabling employees to take leave when appropriate.

### 4.2. Director of Human Resources

The Director of Human Resources has delegated responsibility for:

- Ensuring suitable policies and procedures are in place to promote and manage attendance and allow employees to take reasonable leave, where appropriate.
- Ensuring appropriate training and guidance is provided so that managers and employees are aware of their leave and attendance requirements and any concerns about attendance are managed fairly and reasonably.
- Providing support and advice to employees and their managers in situations where challenges arise in relation to leave or attendance and identifying solutions or supporting actions that may help to resolve the concerns.
- Agreeing with Directors and Heads of Service where any variations to standard attendance practices may be appropriate to meet the specific needs of a service.
- Ensuring that attendance monitoring systems are in place and managers are reviewing absence data and responding effectively to any unusual and concerning patterns of attendance and investigating possible causes.

### 4.3. Directors, Heads of Service & Managers

Directors, Heads of Service and Managers are responsible for:

- Creating a work environment where employees are encouraged to give full and timely attendance.
- Identifying the working arrangements required for the efficient delivery of the service, whilst recognising the need for employees to get sufficient rest and recuperation, and communicating these needs to employees.
- Making fair, reasonable and consistent decisions when considering any request to approve leave and where requests cannot be accommodated, communicating clearly the reasons why this is the case.
- Addressing any concerns about an employee's attendance in a fair, timely and reasonable manner, ensuring the employee understands the nature of the concern and the possible consequences if attendance does not meet required expectations.
- Providing appropriate and reasonable support to employees with attendance issues which may be outside of their control.

### 4.4. All Employees

All employees are responsible for:

- Attending work, on time, during their expected working hours, unless unable to do so for a legitimate reason (e.g. sickness).
- Familiarising themselves with this policy, associated procedures and their employment contract to understand attendance and leave expectations.
- Seeking prior approval for any planned leave and providing appropriate notice to ensure that operational requirements are not unduly affected by the leave.
- Alerting their manager as soon as possible if there is a legitimate reason they will not be able to attend work as planned, by following the approved process for reporting the absence and recording it upon their return.
- Working with their manager to identify any reasonable supporting actions that might help to address any attendance issues they may face.


## 5. Review Schedule

This policy will be reviewed periodically to respond to any legislative or advisory changes and will be updated or re-validated at least every three years.

## 6. Change History

Version	Date Actioned	Description of Change	Actioned by	Approved by	Date Reviewed
0.8	September 2019	Final draft version prepared for ExCo approval.	LC-S		

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## Contents

1.	Introduction .....	1
2.	Hours of Attendance .....	1
2.1.	Standard Working Week .....	1
2.2.	Variations to Working Patterns.....	2
3.	Authorised Leave Types .....	3
3.1.	Annual Leave .....	4
3.2.	Public & Government Holidays .....	4
3.3.	Parental Leave (Maternity, Paternity & Adoption) .....	5
3.4.	Sick Leave .....	5
3.5.	Special Leave .....	6
4.	Administration of Authorised Leave .....	7
4.1.	Requesting Leave .....	7
4.2.	Considering Leave Approvals .....	8
4.3.	Recording Leave .....	9
5.	Review Schedule .....	9
6.	Change History .....	9

## 1. Introduction

The Attendance and Leave Procedure outlines FIG’s expected attendance requirements and arrangements for authorised leave. This document defines the different types of leave and outlines the steps to be taken by employees and managers to request and authorise planned leave.

## 2. Hours of Attendance

### 2.1. Standard Working Week

Unless stated otherwise in their contracts of employment, employees will normally work a 37.5 hour week. Across the overall week, the actual days worked and starting and finishing times may vary depending on operational needs.

Whatever the contracted hours or working pattern, all employees are expected to attend on time and fit to work.

## 2.2. Variations to Working Patterns

Any variations to contractual working hours are approved at the discretion of the relevant Head of Service or Director.

Within specific roles or departments, the number of hours worked and days or times of attendance may vary depending on the needs of the service:

- Employees should be notified of any alternative hours or shift patterns applicable to a particular post during recruitment into the post.
- Any necessary changes to working hours should be discussed with the post-holder with reasonable notice in advance of any change.
- Officers may be required to work additional hours, should the needs of the role demand it. Depending on the grade and nature of the role, time off in lieu or overtime payments may be granted in compensation for these additional hours worked.

Further details on specific arrangements for alternative working patterns are outlined below:

### 2.2.1. Flexi-Time Scheme

Some departments operate a non-contractual flexi-time scheme, which allows employees limited discretion to vary their normal hours of attendance. Eligibility for participation in the scheme is subject to agreement by Heads of Service or above.

Participants in such schemes must record their hours accurately and are required to log any time that is not engaged in work activity. Any abuse of the scheme will be investigated under FIG's Disciplinary policy and procedure.

Flexi-time schemes will be subject to periodic review and may be withdrawn, subject to reasonable notice being given to employees of at least one month.

Any manager who wishes to introduce or withdraw Flexi-time in their department should seek advice from the HR department before proceeding.

More information on such schemes is included in the associated Flexi-Time Guidance.

### 2.2.2. Time-off-in-Lieu (TOIL) and Overtime Payments

**Time-off-in-Lieu (TOIL)** is discretionary time off granted to eligible employees in compensation for pre-approved additional hours worked over and above an employee's contracted hours.

**Overtime** is a payment that may be granted by Line Managers to employees in Grades I to D in compensation for any pre-approved hours worked over and above FIG's standard 37.5 hours per week. Your employment contract will include details of any overtime pay rates and how they are calculated.

Eligible employees may be granted either TOIL or Overtime, but cannot claim both forms of compensation for the same hours worked.

TOIL or Overtime should only be granted in exceptional circumstances when employees are required to work more than their contracted hours in order to manage increased or unexpected operational needs of the department.

A frequent need for employees to work additional hours may indicate a resourcing issue and managers have a responsibility to address any staffing concerns to minimise the amount of additional hours worked.

Any additional hours must be approved in advance by an appropriate manager and the method of compensation available to eligible employees for these hours (i.e. TOIL or Overtime) should be agreed prior to them being worked.

Managers have a responsibility to ensure that additional hours are accurately recorded and overtime payments must be detailed in departmental payroll returns.

More information on this process is included in the associated TOIL and Overtime Guidance.

### **2.2.3. Part-Time Working & Job Sharing**

Some employees may be employed on part-time contracts. In these circumstances, pay and benefits, including leave allowances are calculated on a pro-rated basis and will be set out within the employee's contract.

Job-sharing is a specific form of part-time working whereby two people share the responsibilities of a full-time role receiving pay and benefits in proportion to the hours that each partner works. The details of any job-share arrangement will be set out in each employee's contract outlining the way the hours and responsibilities will be split between the job-share partners and any specific arrangements to enable the delivery of the service, such as provisions for covering each other's absences.

All employees may request a change in terms and conditions to part-time hours by writing to their line manager explaining the reasons for this request and how they believe this could be accommodated by the department.

Any decision to approve part-time working will be taken on a case-by-case basis, in discussion between the Head of Service and the Director of HR, taking into consideration the operational needs of the department. There is no obligation on FIG to approve such a request.

More details about Job Share arrangements will be outlined in the associated Job Share Guidance.

## **3. Authorised Leave Types**

This procedure sets out arrangements for authorised leave, with unplanned leave and sickness absence managed through the associated procedure: Sickness and Unplanned Absence Procedure.

### 3.1. Annual Leave

Annual Leave is planned paid time away from the workplace. An employee's annual leave entitlement is outlined in their employment contract.

Leave is accrued on a monthly basis (ie. annual entitlement divided by 12). Where an employee starts or leaves work part-way through a month, that month's leave entitlement is pro-rated to reflect the actual days worked in the month.

Employees should not normally take leave before it is accrued, but to enable flexibility around planning and scheduling leave, managers may allow employees to anticipate a reasonable amount of leave.

All annual leave is subject to approval by an appropriate manager or supervisor and must be planned with sufficient notice to enable the continued delivery of the service in an employee's absence.

In exceptional circumstances, approved leave may be cancelled or postponed if it is necessary for an employee to return to duty for pressing operational reasons.

To ensure they receive sufficient rest to be effective in the workplace, all employees are expected to take at least 15 days annual leave per year.

Employees may carry over a maximum of 30 days annual leave into the following leave year. Any excess leave carried over must be taken in the following 12 months or it will be forfeited.

The process for requesting leave is outlined below under section: 4. Administration of Authorised Leave.

### 3.2. Public & Government Holidays

Employees are typically entitled to paid leave for public and government holidays, as listed below:

- New Year's Day (1st January)
- Good Friday
- Her Majesty the Queen's Birthday (21st April)
- Liberation Day (14th June)
- Peat Cutting Monday (First Monday in October)
- Battle Day (8th December)
- Christmas Day (25th December)
- Boxing Day (26th December)
- Christmas Sports Holiday (27th December)
- 2 Government Holidays (usually the two working days following the Christmas Sports Holiday)

Where a public holiday falls on a Saturday or Sunday, the holiday will be taken on the following Monday.

Part-time employees receive a pro-rata leave allowance for all public and Government holidays, added to their basic annual leave entitlement.

For employees in departments where public holidays have been re-designated as normal working days (e.g. FIGAS), employees may not be entitled to leave on these days and instead receive compensation by way of salary adjustment. The details of any such adjustment will be outlined in the employee's contract of employment.

In other departments (e.g. Health and Social Services), employees may be required to work public holidays. They will usually receive unsocial hours' payments in compensation for working on a Public or Government holiday.

### 3.3. Parental Leave (Maternity, Paternity & Adoption)

Employees that are expecting a baby or due to adopt a child may plan to take parental leave at or around the time of childbirth or adoption. Falkland Islands Government supports parents in their need to take leave at this crucial time.

There are three primary types of parental leave:

- **Maternity Leave** allows an expectant mother time off before and after the birth of their child.
  - Falkland Islands Government offers both maternity leave and maternity pay arrangements above the statutory requirement.
  - Full entitlements to leave and maternity pay are outlined in the employee's contract of employment.
- **Paternity Leave** is leave for the secondary care giver of a baby or adoptive child (e.g. father or partner) which can be taken before or after the birth or adoption of a child.
  - Falkland Islands Government offers up to 10 days paid paternity leave.
- **Adoption Leave** is leave for the primary care giver of an adopted child, allowing the parent and child time to bond and adjust to their new family life.
  - Adoption Leave will be offered to adoptive parents on terms equivalent to Maternity leave and Paternity Leave.
  - The primary care giver may receive Adoption Leave and the secondary care giver will receive Paternity leave. The employees may choose which parent receives each type of leave.

Further information on the administration and approval for Parental Leave is outlined in the associated Parental Leave Guidance.

### 3.4. Sick Leave

Employees that become unwell and are unable to carry out their duties due to illness or injury may require sick leave to facilitate their recovery or to prevent the spread of infectious conditions to other employees or service users.

Sick leave will be authorised whenever an employee has a genuine illness and follows the current approved procedure for reporting this absence.

If sickness absence is the result of an injury sustained at work, the employee must make this clear from the outset or as soon as they become aware of any work-related cause. The appropriate accident reporting form must also be completed.

Guidelines for managing sickness and unplanned absence are set out in the associated procedure: Sickness and Unplanned Absence Procedure.

Sick leave may be granted either with or without pay depending on the circumstances. Eligibility for sick pay will be set out in the contract of employment. Employees should not use other forms of leave to mask genuine sickness absence.

Short periods of time away from the workplace to attend medical or dental appointments is not treated as sick leave, but instead should be agreed under the Special Leave arrangements (see below), as a statutory entitlement to time off for these reasons applies.

### **3.5. Special Leave**

FIG recognises there may be a number of legitimate reasons that require an employee to take time away from the workplace and often, personal circumstances do not always fit neatly into other leave categories.

The special leave arrangements are designed to cover other forms of authorised leave, whether planned or unplanned. Special Leave incorporates statutory provisions for leave covered by Falkland Islands legislation, as well as discretionary leave for other legitimate reasons.

Further details on the administration and eligibility for Special Leave are outlined in the associated Special Leave Guidance.

#### **3.5.1. Statutory Leave**

Statutory reasons for leave are those where a legal right to time off applies, as per Falkland Islands legislation. This entitlement to leave may be with or without pay. The following list outlines current statutory reasons for leave:

- Carrying out Trade Union duties or activities,
- Public duties (jury service or sitting as a magistrate),
- Membership of Statutory Corporations, Boards, or Committees,
- Attendance at a court,
- Seeking medical and dental attention,

- Ante-natal care.

The details relating to the eligibility and payment terms for each of the above categories can be found in the associated guidance on the HR department's Intranet page.

### 3.5.2. Discretionary Leave

'Discretionary' reasons for leave are those which may be granted at the discretion of FIG, i.e. no legal entitlement exists. Again, such leave may be granted with or without pay.

- Voluntary duties (FIDF, Fire and Rescue Service or Police Reserve),
- Compassionate leave (bereavement or serious illness of a close family member),
- Time off to care for dependents,
- Study leave,
- Any other reasonable reason, as outlined in guidance, that time off may be authorised.

The details relating to the eligibility and payment terms for each of the above categories can also be found in the associated guidance on the HR department's Intranet page.

### 3.5.3. Unpaid Leave

'Unpaid' Leave may be granted to employees depending on the individual circumstances. Managers should be mindful to ensure decisions regarding unpaid leave are applied fairly and consistently.

Employees must request Unpaid Leave from their line manager, but all decisions will be subject to further approval by a Head of Service or above.

Unpaid Leave will not be pensionable or reckonable as qualifying service for the purposes of:

- Completing a probationary period,
- Completing a period of training,
- Entitlement to annual leave, sick leave, parental leave or carers leave,
- Entitlement to a formal career break,
- Entitlement to a redundancy payment.

Where unpaid leave is granted, the line manager should inform HR as soon as possible, to ensure the necessary steps can be taken for payroll purposes.

## 4. Administration of Authorised Leave

### 4.1. Requesting Leave

Where an employee becomes aware of a need for authorised leave or wishes to book their annual leave, they should discuss this with their manager, as soon as possible, to determine whether this could be accommodated.

Once a request has been discussed with their manager, the employee should complete a leave form for the appropriate type of leave, outlining their request for formal approval in writing. Employees must submit their formal request in line with the expected guidelines for notice for the type of leave requested.

#### **4.1.1. Notice required for leave**

For annual leave, employees are expected to give notice of at least double the length of leave required. For example, an employee wishing to take 10 working days' leave should give at least 20 working days' notice.

In some departments, additional notice may be required for leave or there may be restrictions on when leave may be taken (for example, most Education employees may not take leave during term time, except in exceptional circumstances). These expectations will be clearly set out to employees in their employment contract.

For maternity leave, employees must give at least 21 days' notice (where practical) and leave cannot commence any earlier than 11 weeks before the expected date of confinement.

For other types of authorised leave, employees should give reasonable notice of their requirement for leave, taking into consideration the circumstances.

Managers may approve leave with less notice than required where there is a reasonable reason for the short-notice request or the leave can be reasonably accommodated.

## **4.2. Considering Leave Approvals**

When considering a request to approve any authorised leave, managers should take into consideration the reasonableness of the request, alongside balancing both the needs of the individual with the requirement to deliver a service.

Factors to consider when making a decision regarding leave include:

- The reasons for the leave and whether there is a legitimate need or entitlement,
- Who else may have already planned and booked leave at the time,
- The ability of the department to deliver a service without this employee,
- The level of notice given and if this is reasonable for the type of leave,
- Whether the employee is entitled to this type of leave with or without pay,
- Consistency of decisions taken previously.

This section sets out the basic steps for managers in approving or rejecting leave requests. Further guidance for managers on considering leave requests for different types of leave will be provided in the relevant guidance document.

#### 4.2.1. Approving leave requests

When approving a leave request, the manager should confirm the arrangements for the leave in writing and keep a copy of the leave request form on file.

The confirmation should make clear the type of leave which has been approved and whether this leave will be granted with or without pay.

#### 4.2.2. Rejecting requests for leave or postponing/cancelling planned leave

Managers should never unreasonably deny a request for leave, but where approval of leave might put the delivery of the service at risk, managers may need to consider rejecting the request or in exceptional cases, postponing or cancelling another staff member's planned leave.

If a request for leave cannot be approved or in exceptional circumstances, if there is a requirement to postpone or cancel an employee's leave, managers must communicate clearly the reason for this decision, both verbally and in writing on the leave request form. The manager should also consider any reasonable suggestions from the employee to otherwise accommodate their needs, e.g. a change in dates.

#### 4.2.3. Unauthorised leave

Should an employee take unauthorised leave of absence their pay will cease immediately and the matter will be investigated under the Disciplinary Procedure.

### 4.3. Recording Leave

All absences from work, whether planned or unplanned must be properly recorded for monitoring purposes and to facilitate payroll administration, where the leave granted would affect pay.

Employees have a duty to ensure their own attendance and leave information is accurate, but ultimately managers are accountable for ensuring that leave records for their department are maintained, up-to-date, and that payroll is informed of any leave which will impact on an employee's pay in a timely manner.

## 5. Review Schedule

This procedure will be reviewed periodically to respond to any legislative or advisory changes and will be updated at least every three years.

## 6. Change History

Version	Date Actioned	Description of Change	Actioned by	Approved by	Date Reviewed
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0.11	September 2019	Final draft version prepared for ExCo approval.	LC-S	RC	September 2019
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