



Kilgannon & Partners

Giving practical,
prompt and
professional legal
advice is at the
heart of what we do.

Training Courses

Establishing good and fair employee relationships can have a direct impact on your business' commercial growth and success, provide a positive working experience for employees, generate employee loyalty and avoid legal liability.



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Training

Training is key to everyone in your organisation. Our training is designed to be suitable to three distinct groups:

Employees

need to be aware of the role they play in contributing to a respectful and inclusive workplace free from bullying, harassment and discrimination.

Managers

need to be aware of the responsibilities they have for handling workplace conflict, managing performance or capability issues and calling out or responding to unacceptable behaviour at work.

HR personnel

co-ordinate their business' compliance with employment law best practice and procedure and provide support to line managers. Therefore, they need to keep up to date with employment law changes and best practices.

As a CIPD report published in 2020 found, "managing people is a demanding job which typically comes with a host of other responsibilities...; performing these on top of one's operational role can be challenging. *Failure to provide managers with on-going support, expertise and guidance makes the task even more daunting*".



As a firm, we are passionate about working with businesses to create positive employee relationships that are genuinely inclusive, where conflict is nipped in the bud, complaints are handled properly, and unacceptable conduct or performance is dealt with quickly, informally (where appropriate) and sensitively and to ensure managers are part of the solution and not the problem.

Through our dedicated training experts, we provide engaging, informative and constructive training tailored for employees, managers and HR personnel for businesses of all sizes. We encourage discussion and debate in our interactive sessions as well as providing information and guidance on employment law essentials so that delegates leave our sessions with a practical tool-kit and the confidence to manage effectively, handle conflicts and build better workplace relationships.

We prepare and deliver bespoke training courses in consultation with your business needs and objectives. We can talk to you about a 'pick and mix' of any topics to create a course to meet your needs or we have a number of sessions we are regularly asked to provide.

Training can be run virtually if required and sessions typically range from two hours, half a day to a full day. For maximum effectiveness, we usually recommend that the training is limited to 12 delegates.

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Managing within the Law

A course for managers/HR covering the key elements of:

- Discrimination
- Disciplinary, grievances and workplace investigations
- Dismissal
- Family friendly rights

This course provides managers with the information about how to be an effective manager and offers practical solutions and guidance for managers to begin applying immediately back in the workplace.

By gaining high level employment law understanding about their obligations and expectations, this course gives managers the knowledge and confidence to understand how and when to deal with workplace issues informally, how formal processes should be followed, when to ask for support or more information and what steps to take to avoid or be best prepared for challenges or litigation.

The course uses a number of case studies based on common problem scenarios at work to generate group discussion and provide a space for managers to apply their knowledge, ask questions, learn from each other and discuss the legal, practical and commercial implications involved.

This course can be tailored for senior and second-tier level managers.

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Discrimination in the workplace

A course covering:

- Key elements of the Equality Act:
 - o The nine protected characteristics
 - o Direct and indirect discrimination
 - o Harassment
 - o Victimisation
 - o Reasonable adjustments
 - o Discrimination arising from disability
- How to avoid discrimination in the workplace
- How to respond to allegations of discrimination

Those attending this course will be made aware of the essential elements of the Equality Act 2010 and how these relate to the workplace. The course gives practical examples of how discrimination may arise and how it can be avoided from recruitment through to termination of employment.

Delegates will understand their obligations under the law and how best to handle any concerns or complaints. Recent case law has made employers aware of the need to ensure regular training in this area is given to all employees.

Undertaking this training will not only help eradicate / reduce discrimination in the workplace, but is an essential step in offering greater opportunities to defend claims of discrimination.

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Equality, diversity and inclusion

A course for all employees covering:

- Key elements of the Equality Act:
 - o The nine protected characteristics
 - o Direct and indirect discrimination
 - o Harassment
 - o Victimisation
 - o Reasonable adjustments
 - o Discrimination arising from disability
- Creating a diverse and inclusive workplace
- Unconscious bias and conscious inclusion
- Recruitment
- Handling complaints in the workplace

The Black Lives Matter, #MeToo movements and gender pay gap reporting have shone a spotlight on how, despite decades of equalities laws, we are still not getting it right. Our EDI courses are tailored each for leaders, managers and employees to create awareness of when and how discrimination might occur, how this can be avoided and what to do in the event of a complaint.

The course provides opportunity for discussion, debate and questions often around sensitive issues, but in a safe environment and offers practical suggestions to individuals and managers to take away and implement to help create an equal, diverse and inclusive workforce and working environment. It also considers how our unconscious bias may mean we are unwittingly discriminating. The benefits of recruiting a diverse workforce, and the importance of embracing diversity and making sure all employees feel included.

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Bullying and harassment

A course covering:

- What is bullying
- What is harassment
- The effect of bullying and harassment in the workplace
- Claims arising from bullying or harassment
- How to deal with allegations of bullying or harassment

From team banter to harassment this course is designed to ensure delegates understand how to spot such behaviours and also understand what constitutes bullying and what constitutes harassment and what the implications are from a well-being and legal point of view.

Key elements of the Equality Act are discussed as are practical suggestions for avoiding and handling bullying or harassment allegations.

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Unconscious bias

A course covering:

- What unconscious bias is
- How our unconscious bias can affect our decisions and actions in the workplace
- Unconscious bias and indirect discrimination
- Practical tips for identifying biases
- Helpful hints in overcoming biases
- Challenging biases in the workplace

This course is a great eye-opener into how our brain uses shortcuts to make snap decisions which can very often be incorrect or unreasonable based on life experiences which affect our beliefs and views about other people without us even realising it.

Delegates have the option to undertake a confidential online Implicit Awareness Training test to discover what biases they have. The course looks at how unconscious bias can lead to discrimination in the workplace and tips to stay aware of biases, challenging them and ensuring they are not detrimental to behaviour or decision making at work.

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Recruitment

A course covering:

- The importance of the recruitment process
- The Equality Act and how discrimination may arise during the recruitment process
- The benefits of a diverse workforce
- Job adverts, sifting applications and the dos and don'ts when interviewing candidates
- Unconscious bias awareness
- How to avoid discrimination claims
- Offering the job – conditional offers, acceptance of the job, references, right to work checks
- Offer letters – what to put in and what to leave out

Recruitment can be a costly and time-consuming process therefore it is important for everyone involved in the process to be given training and support to ensure that the best candidate is selected for the job. Not only is this good for business but those recruiting have a legal obligation to ensure that discrimination does not occur in accordance with the provisions of the Equality Act.

Evidence shows that businesses with a diverse workforce perform better and this course looks at how to recruit without discrimination and to improve upon employee diversity. It also looks at the employer's obligations around the new recruit's right to work in the UK and considers the legal and practical implications involved in offering and accepting a job, whether to make the offer conditional, references and what to include and leave out of the offer letter.

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Disciplinaries, grievances and dismissals

A course covering:

- Understanding your company's disciplinary and grievance procedures and what they are used for
- ACAS Code of Practice
- When is an informal approach appropriate
- Key elements of Unfair Dismissal and Constructive Dismissal and how to avoid these claims
- When to suspend an employee
- Carrying out an investigation
- What is the role of the hearing officer
- What is the purpose of an appeal and who hears it
- Acting fairly and reasonably
- Confidentiality
- Common pitfalls and obstacles and how to avoid or handle them

This course is designed primarily for managers to understand the background as to why the procedures are important, what their obligations as managers are and giving them the knowledge and understanding to feel confident in participating in a disciplinary or grievance process.

As well as considering the key legal aspects the course gives managers practical advice and suggestions which they can use immediately when back in the workplace.

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Carrying out workplace investigations

A course covering:

- When and why investigations are required
- What is the role of the investigating officer and how this is different to a hearing officer
- ACAS Code of Practice on disciplinary and grievance procedures
- How to carry out an investigation
- Dealing with witnesses during an investigation
- The investigation report

This course will highlight to those involved in workplace investigations the many pitfalls that are ever-present with undertaking an investigation and how to deal with, or, better still, avoid those pitfalls.

This course will show managers the lengths to which investigators need to go to be fair, highlight the proper process to follow and how their own management style/recording keeping can assist future investigations.

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Poor performance

A course for managers/HR covering the key elements of:

- How to properly manage issues of poor performance, including the use of informal stages
- The impact of failing to properly manage performance
- The difference (and overlap) between issues of capability (poor performance) and misconduct (disciplinary)
- Subjective vs objective performance failings and how to handle both
- Issues of ill health and stress and the impact on procedures

Managing poor performance is often a very time-consuming exercise and can be extremely difficult, especially if the performance failings are subjective, they overlap with disciplinary / misconduct issues and/or the employee is unwell, suffering from a disability or going through personal problems.

The impact of poor performers is significant, especially, towards colleagues who invariably have to work harder to make up for the performance failings or who will become disgruntled if they do not believe you take such issues seriously.

In order to give your organisation the best possible chances of properly handling poor performance issues, all managers should attend this training so they can all act and manage in a consistent fashion and they are all aware of the processes to follow and the pitfalls to avoid.

Those who attend this training session will have confidence to effectively deal with poor performance and will do so in a way that protects your business.

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Sickness absence

A course for managers/HR covering the key elements of:

- How to ensure proper reporting of sickness
- The benefit of self-certification
- How to deal with short-term and long-term sickness absences
- Return to work interviews and how to conduct them
- The Bradford factor and its usefulness/application
- Considering disabilities and the impact it has on managing sickness absence
- Dismissals and how and when they can be achieved.

According to the Office for National Statistics, the UK sickness absence rate has fallen in recent years (despite Covid), but it costs UK businesses billions of pounds each year.

Long-term sickness absence could mean that an employee has a disability, which will create additional risks and potential claims if not dealt with lawfully and fairly. Short-term sickness absence is often harder to manage and has greater impact on colleagues. If an employee is taking regular short-term absences, this places significant pressure on others to cover their work and can also lead to resentment if you fail to support them or address the issue.

By attending this course, all managers will understand the procedures to follow and have the tools to deal with short-term and long-term issues in a fair, lawful and compliant manor, minimising the risk of issues arising as well as the risk of claims.

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Redundancies

A course for managers/HR covering the key elements of:

- When redundancy applies
- How redundancy may be avoided with mobility clauses
- How to follow a fair process
- When the collective redundancy rules trigger and their implications
- How to fairly select staff for redundancy
- How and when to consult
- The enhanced protection given to those on maternity leave
- What amounts to 'suitable alternative employment'
- Common pitfalls to avoid
- Redundancy policies and their use/benefit

Dismissing staff is where the ultimate risk lies. If you are forced to make redundancies, you need to ensure you do so in a fair and reasonable way.

You must ensure you select fairly, consult properly, and reach reasonable decisions throughout the process. Failure to do so will leave you exposed to claims of unfair dismissal.

Selection is often key in redundancy situations, and its here claims of discrimination can creep in, so having robust and fair selection criteria is imperative. Ensure you minimise the risk of claims by training your managers on how to act when undertaking a restructure that might result in redundancies being made.

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Family-friendly rights

A course for managers/HR covering the key elements of:

- Parental bereavement leave
- Shared parental leave
- Compassionate leave
- Time off for dependants
- Flexible working
- Maternity rights
- Paternity rights
- Adoption rights
- Parental leave

Do you know your parental leave from your paternity leave? The rights of individuals to take time off for family related reasons are complex and this course will explain the different rights and when they apply. Each type of leave is different, so it is critical you and your managers know what the rights and obligations are in any given situation. Some of the leave entitlements overlap, so staff may seek multiple types of leave and pay, therefore knowing how they interact is also important.

By attending this course, all managers will understand the different types of leave, when they will apply and the procedures to follow. The course also reminds managers that employees remain employees when exercising these rights and how to treat the employees before, during and after any leave to ensure the employees are treated fairly and to avoid discrimination. Delegates will come away with the tools to deal with all family friendly rights in a fair, lawful and compliant manner; minimizing the issues you have and risk of claims.

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Employment law update

A course for managers/HR covering:

- Key recent developments from case-law
- An overview of changes in recent legislation
- Trends in where the key legal developments are heading
- A look forward to see what is on the horizon
- The practical effects of the changes on your business
- How to remain compliant with ever-changing laws.

This session looks back at some of the key employment law changes and developments that occurred during the last 12 months that you might have missed or not had time to properly consider.

It will be an opportunity to discuss, reflect and share thoughts about what we have learned from the last 12 months and what changes we might expect to see in the future.

The content of the course reflects the fast-paced changing landscape of employment law covering both cases of interest and legislation changes.

The session will also provide an opportunity to highlight forthcoming changes to ensure your business is prepared for what is on the horizon.

For a detailed summary of what our employment law update session will cover, please contact us.

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Worker status

A course for managers/HR covering the key elements of:

- The differences between:
 - workers
 - employees
 - self-employed
- What employment rights each status attracts
- The legal implications of incorrectly categorising individuals
- Contracts for service and contracts of employment
- Written statement of particulars of employment for workers and employees

The rise of the so-called gig economy has brought a new way of working for many individuals and businesses with many more individuals being engaged as workers. The area of law around employment status is complex and often unclear. The potential cost of incorrectly labelling/treating someone as a worker/self-employed when they are not can be significant; not just from the additional rights the individual may have but from HMRC if incorrect tax has been applied and/or the National Minimum Wage not met.

This course looks at the how employment status is determined, the rights individuals have depending on their status and what employers need to consider to be aware of those rights and what they are required to do under the law.

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Employment contracts

A course for HR covering the key elements of:

- How employment contracts can be made verbally and in writing
- The legal obligation to provide written particulars of employment
- What additional terms to consider including in your employment contracts
- Express and implied terms of the employment contract
- Making a conditional offer of employment
- Amending and varying employment contracts
- Breach of contract claims

This course is a good introduction to or reminder of the key legal principles that apply when drafting and offering employment contracts. It also looks at practical and useful suggestions and solutions to some common issues that arise around offers of employment, making conditional offers of employment and the content of the employment contract.

Consideration is given to what additional terms should be included in the contract and whether a “one size fits all” approach is the right way for your business. The course also considers the legal challenges of varying or terminating employment contracts and how this process should be approached.

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Mental health

A course for managers/HR covering the key elements of:

- An employer's obligation to support their employees' mental health, safety and wellbeing
- Managing employee mental health
- Disability discrimination and mental health
- Stress at work
- Spotting possible signs of mental ill health
- How best to respond to mental health issues

This course looks at an employer's legal obligations towards employees suffering with mental ill-health and considers practical suggestions for those managing an employee with a mental health problem.

The course looks at how mental health issues at work can be identified, a manager's responsibilities towards the mental wellbeing of their team, how to support and help an employee suffering with mental ill health and how to do so if they are working remotely.

By attending this course managers will know more about how to spot, deal with and, hopefully, help prevent mental health issues in the workplace. This should make your working environment safer, happier and healthier ensuring maximum productivity and minimal issues.

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TUPE

A course for HR covering the key elements of:

- When the TUPE regulations apply
- Who transfers
- What are the legal obligations of the old and new employers
- What rights and liabilities transfer with the employees
- Information and consultation obligations
- Making redundancies on a TUPE transfer
- Varying or terminating employment contracts

This course looks at the rights and obligations that arise under TUPE in the event of a relevant business transfer or service provision change.

The TUPE processes and procedures are complex and this course breaks down the key legal requirements of the current employer and the new employer and looks at the rights of the employees affected by the TUPE transfer.

This course would benefit anyone who may be involved in key elements of handling employee related matters on a TUPE transfer. They will become aware of when and how TUPE will apply and understand the mechanisms/requirements from both the current and new employer.

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Whistleblowing

A course for managers/HR covering the key elements of:

- What is whistleblowing
- What amounts to a protected disclosure
- Who has rights under the whistleblowing legislation (Public Interest Disclosure Act)
- What protections does it give
- How to handle whistleblowing incidents
- Whistleblowing policy and procedure

With no minimum length of service to make a claim and no cap on compensation, whistleblowing claims can be attractive to make and expensive to defend.

This course considers when a disclosure amounts to a protected one, what steps should be taken if someone makes a protected disclosure and how a whistleblowing policy and procedure can help ensure a correct response and approach is taken towards a potential whistle-blower at work.

Those who attend this course will have a greater understanding of how to spot and deal with protected disclosures and the possible claims that can flow once an employee 'blows the whistle'. This vital knowledge will ensure your business' exposure is limited and the risk of expensive claims minimised.

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Social media

A course for managers/HR covering the key elements of:

- The use and misuse of social media and social networking in the workplace
- Social media policies and employee understanding and awareness
- Disciplinary and grievance issues arising from social media use
- Cyber bullying
- Boundaries between home and work
- Freedom of speech, monitoring and data protection rights

Social media is an essential means of conducting business for many organisations today. This course looks at how employers can protect their businesses and make employees aware of the appropriate use of social media in the workplace, the implications for those misusing social media or social networking sites and the issues that can arise where the boundaries between personal and work use become blurred.

Those who attend this session will gain a greater understanding of how your business can lawfully act to protect itself and what is/ is not possible to do. It will ensure you approach these issues from a position of strength rather than simply seeking to achieve impossible outcomes.

By getting the balance right, your business can benefit from proper engagement with your staff to ensure your business' on-line reputation is not going to be negatively affected by your staff mis-using social media while employed and, hopefully, adhering to proper processes once they leave.

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Meet the trainer - Kerry Scott-Patel

Kerry has over 15 years' experience of training HR professionals, senior leadership teams, managers and employees in all aspects of workplace law and best practice. Kerry's courses are informative, highly engaging and practical, providing opportunity for discussion, debate and discovery in a safe, non-judgemental space.

Kerry is passionate about creating understanding and confidence to build better, stronger and more inclusive working relationships as well as highlighting potential legal pitfalls and how to avoid or respond to them.

Kerry is a qualified solicitor (non-practising) with over 10 years' experience in employment law working in law firms in London and the Middle East. She now specialises as an employment law trainer, HR consultant and leadership Coach.



Comments from previous course attendees:

"Professional, informal yet comprehensive overview of latest employment law aspects"

"Kerry explains complex bits of law really well and is able to relate them to our organisation which is really helpful"

"Very effective trainer – knowledgeable, listed and easy to follow"

"Very engaging and enjoyable delivery of training with the ability for participants to provide an input on recent and relevant experience"

"Very useful, learned a lot even though I've attended very similar courses in the past"

"I became more knowledgeable in how to handle specific situations and where to look for support"

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