



# **NEWARK TOWN COUNCIL**

**Town Hall, Newark, Nottinghamshire, NG24 1DU**

## **STAFF POLICY & PROCEDURE HANDBOOK**

**APRIL 2026**

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## Contents

<b>1.</b>	<b>General Terms and Conditions of Employment with the Council</b>	<b>Page 5</b>
	Including	
	1.1 Continuous Service	Page 5
	1.2 Declaration of other Employment	Page 5
	1.3 Payment Arrangements: inc, deductions from pay	Page 5
	1.4 Car Allowance	Page 6
	1.5 Pension Entitlements	Page 6
	1.6 Public Duties	Page 6
	1.7 Holiday Entitlement	Page 6
	1.8 Illness and Sick Pay	Page 8
	1.9 Parental Leave	Page 9
	1.10 Time off for Dependants; inc bereavement leave.	Page 9
	1.11 Redundancy	Page 10
	1.12 Termination; notice periods	Page 11
	1.13 Health and Safety	Page 11
	1.14 Insurance	Page 11
	1.15 Death in Service	Page 12
<b>2.</b>	<b>Recruitment &amp; Selection Process</b>	<b>Page 13</b>
	2.1 Core Principles	Page 13
	2.2 Recruitment and Selection Process	Page 13
	2.3 Attracting Applicants	Page 14
	2.4 Short listing	Page 15
	2.5 Selection interview	Page 15
	2.6 Letter of Appointment	Page 16
	2.7 Records	Page 16
	2.8 Retention and Development	Page 16
	2.9 Monitoring	Page 16
<b>3.</b>	<b>Reference Process</b>	<b>Page 17</b>
<b>4.</b>	<b>Equal Opportunities Process</b>	<b>Page 18</b>
	4.1 Policy Aims	Page 18
	4.2 Employers Responsibility	Page 19
<b>5.</b>	<b>Training Policy</b>	<b>Page 20</b>
	5.1 Procedure	Page 20
	5.2 Financial support	Page 21
	5.3 Practical expenses	Page 21

<b>6.</b>	Appraisal System Policy	Page 21
	6.1 Procedure	Page 22
<b>7.</b>	Managing Stress in the Workplace	Page 24
<b>8.</b>	Sickness Absence Policy	Page 25
	8.1 Reporting Sickness	Page 25
	8.2 Notifications and Certification of Sickness	Page 26
	8.3 Fit Note	Page 27
	8.4 Non-reporting of Sickness	Page 28
	8.5 Maintaining Contact	Page 28
	8.6 Return to Work Interviews	Page 28
	8.7 Disability	Page 29
	8.8 Withholding Sick Pay	Page 29
	8.9 Grounds for Formal Discipline	Page 30
	8.10 Managing Absenteeism	Page 30
<b>9.</b>	Capability Procedure	Page 34
	9.1 Managing Performance Investigation	Page 34
	9.2 Appeals	Page 35
	9.3 Managing Attendance	Page 36
<b>10.</b>	Protocol on Councillor/Officer Relationships Policy	Page 38
<b>11.</b>	Smoking Free Policy	Page 40
<b>12.</b>	Drug & Alcohol Abuse Policy	Page 41
<b>13.</b>	Mobile Phone Policy	Page 45
<b>14.</b>	IT & Internet Policy & Procedure	Page 46
<b>15.</b>	Flexible Working Time Requests	Page 49
<b>16.</b>	Whistle Blowing Policy & Procedure	Page 52
<b>17.</b>	Lone Working Policy & Procedure	Page 54
<b>18.</b>	Bullying & Harassment Policy & Procedure	Page 55
<b>19.</b>	Maternity Leave	Page 57
<b>20.</b>	Adoption Leave	Page 57
<b>21.</b>	Breastfeeding / Expressing Milk Policy	Page 57
<b>22.</b>	Paternity Leave	Page 58
<b>23.</b>	Shared Parental Leave	Page 58
<b>24.</b>	Grievance & Disciplinary Procedure	Page 59
	24.1 Informal Grievance	Page 59
	24.2 Managing Attendance	Page 59
	24.3 Mediation	Page 60
	24.4 Formal Grievance	Page 60

24.5 Formal Discipline	Page 60
24.6 Gross Misconduct	Page 61
24.7 Appeals Process	Page 62

## **1. GENERAL TERMS AND CONDITIONS OF EMPLOYMENT WITH THE COUNCIL**

**(Please note that the contents of this section form part of the Employees' terms and conditions of employment with the Council. In signing the Acknowledgement of Receipt notice on p64, Employees are accepting the terms and conditions of the Handbook)**

### **1.1. Continuous Service**

1.1.1. For the purposes of entitlements regarding Annual Leave, the Occupational Sickness Scheme and the Occupational Maternity Scheme continuous service will include continuous previous service with any public authority to which the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 applies.

1.1.2. Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants he or she will be entitled to have previous service considered in respect of the sickness and maternity schemes provided that the break in service does not exceed eight years and that no permanent paid full-time employment has intervened. For the purpose of the calculation of entitlement to annual leave, the eight years' time limit does not apply provided that no permanent full-time employment has intervened.

1.1.3. When an employee is transferred to an organisation not covered by the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999, continuity of service is protected under the TUPE Regulations where there is a TUPE transfer. However, if that employee returns voluntarily to local government service continuity is broken. Where an employee returns in such circumstances, without a break between employments, all previous continuous service will be recognised for the purposes of calculation of entitlements to annual leave, occupational maternity leave/pay and occupational sick pay. This is subject to the return to service being within the five years of the original transfer.

### **1.2. Declaration of Other Employment**

It is a condition of your employment that you inform the Council of any alternative employment you undertake, in order to ensure that no Tax or Insurance liabilities will accrue to the Council. The Council also reserves the right to require that any other employment that you undertake does not conflict with the role or standards required to be undertaken or met in the public office.

### **1.3. Payment Arrangements**

Wages are paid by BACS Transfer on a monthly basis.

Subject to satisfactory performance, your salary will be reviewed annually in December with any change implemented from January 1<sup>st</sup> of the following year. The Council may withhold an increment if it is considered that performance fell below the level expected, following an annual review, or award an additional increment for exemplary performance if it chooses to do so.

The Council reserves the right to make deductions from wages and / or final salary for the following items: -

- Failure to return uniform or equipment, which is the property of the Council, on termination of employment.
- Loss or damage to Council property and/or vehicles/equipment up to the value of the insurance excess, due to neglect or careless actions by the Employee.
- To recover payment made by mistake to Employees including overpayment of wages and expenses.
- To recover any money owed to the Council.
- To recover the cost of personal calls/texts made on any Council telephones.

In accepting this contract Employees agree to comply with this clause. If you are aware of any discrepancy in your payslip, you must inform both the Council's payroll provider and the HR Committee as soon as possible. Failure to do so may be considered to be an act of theft.

#### **1.4. Car Allowances**

Where an employing authority authorises an employee to use a private car on official business, the employee will receive an allowance in accordance with the provision set out. Employees using their own vehicle for official business must ensure that the insurance policy for their vehicle specifies "Business Use".

#### **1.5. Pension Entitlements**

The Council is a member of the Local Government Pension scheme, which operates a contributory Pension scheme, which you are entitled to join. Details are in a separate booklet, which is available from the Town Clerk or Chair of the Personnel Sub Committee.

#### **1.6. Public Duties**

Paid leave of absence will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing authority. Please see the relevant policy.

#### **1.7. Holiday Entitlement**

Full time staff are entitled to 23 days paid leave per annum, increasing to 26 days after five years continuous employment, plus 8 Bank Holidays (Spring Bank Holiday, Good Friday, Easter Monday, May Day, August Bank Holiday, Christmas Day, Boxing Day and New Year's Day). If staff are required to work on a Bank Holiday, they will be entitled to Time Off in Lieu.

- a) Part time staff entitlements are pro-rata those of full-time staff.
- b) For hourly paid staff, all holidays will be based on average weekly earnings.
- c) For salaried staff, all holiday payments will be based on the salary detailed.

All holiday requests will be considered by the Line Manager depending upon:

- a) How many other Employees have already requested leave during the same period.
- b) No more than a maximum of two weeks are requested at any one time.
- c) The request is made with a minimum of two weeks prior notice.

The Council's holiday year runs from 1<sup>st</sup> April to 31<sup>st</sup> March each year. In the event that an Employee has been prevented from using their full holiday entitlement because of reasons outside of their control, they need to discuss their concerns with the Town Clerk.

Employees who leave or join the Company during the holiday year are entitled to a pro-rata holiday allowance, based on how much of the year they work for the Company.

Employees who leave and have not fully used their pro rata entitlement will be reimbursed by payment in lieu. Similarly, those Employees who have exceeded their pro rata holiday entitlement when they leave will have the appropriate amount deducted from their leaving pay.

#### **Extra Statutory Holidays**

Employees shall have an entitlement to two extra statutory days holiday, the timing of which shall be determined by the authority in consultation with the recognised Trade Unions with a view to reaching agreement or added to annual leave by local agreement.

#### **Holiday Pay**

Holiday pay is calculated based on an Employee's average earnings over a 52-week period. Employees are required to take 6.6/7.2 weeks paid leave per annum, during which they will be paid holiday pay based on their average weekly earnings for the 52 weeks leading up to the start of their leave.

**Please note** Employees are required to take 5.6 weeks paid leave during the year, however they will receive no holiday pay for their time off, as that has already been paid to them in their weekly wage.

**1.8. Illness and Sick Pay**

Employees should report all illness immediately, or as soon as possible, ~~their~~ Line Manager or whoever is deputising in their absence.

In the event of time off due to illness:

- a) Notification should be given as soon as possible during the first day of incapacity.
- b) Employees need to complete a Council Sickness Self-Certification Form after one day of sickness absence.
- c) A GP's Statement of illness is required after seven consecutive days' absence.
- d) Unacceptable absenteeism will be addressed through disciplinary procedure.

**Please** note that failure to comply with the sickness reporting requirements may result in the Employee losing their sick pay for the period in question.

Employees are entitled to Council Sick Pay paid at the following rates:

Length of continuous Employment	Council Sick Pay Entitlement	
	Full Pay	Half Pay
Up to 12 months	SSP	SSP
12 months but less than 2 years	1 month	1 month
2 years but less than 3 years	2 months	2 months
3 years but less than 4 years	3 months	3 months
4 years but less than 5 years	4 months	4 months
5 years but less than 6 years	5 months	5 months
6 years' service or more	6 months	6 months

These payments include Statutory Sick Pay for those Employees whose weekly wage exceeds the National Insurance Lower Earnings Limit.

Employees whose weekly wage exceeds the National Insurance Lower Earnings Limit are entitled to claim Statutory Sick Pay (SSP).

For those Employees in the first 12 months of service whose weekly wage exceeds the National Insurance Lower Earnings Limit (NILEL) are entitled to claim Statutory Sick Pay (SSP) only. Those earning below the NILEL receive 80% of their average weekly wage as sick pay.

The Personnel Sub Committee may ask Employees who have been absent for six weeks or more through sickness, or whose health is a cause for concern for the Council, to attend a consultation with a doctor appointed by the Council. The Employee will be asked to give their consent to this request; however, failure to provide consent may be seen as a deliberate act to prevent a reasonable investigation by the Council's Management.

If the period of sickness exceeds the above entitlements, the Employee will be required to claim Incapacity Benefit.

**Medical Appointments:** Staff are required to make GP and Dentist appointments outside of normal working hours, wherever possible. Staff attending hospital appointments are required to show an appointment card to their Line Manager prior to attending the appointment.

### **1.9. Parental Leave**

Employees who are parents of children aged under 18 years old are entitled to 18 weeks unpaid leave; pro rata for part time staff. This entitlement can be taken as a minimum of one week per annum, up to a maximum of four weeks per annum.

When taking Parental Leave, the Council needs to be given the same period of notice as for holidays, and informed that it is specifically Parental Leave that you are taking.

### **1.10. Time off for Dependents**

Employees are entitled to reasonable unpaid time off where:

1. A dependent is ill
2. Death of a dependant
3. Disruption occurs to the care of a dependent
4. Unexpected occurrences to your child

The Council's Management recognises a dependent as: an employee's children, partner, parent, or other member of their immediate family. Should an Employee care for other dependents who do not fall within this definition, they should discuss the matter with their Line Manager.

The Council recognises that most of these events can occur without a great deal of warning; however, we request that Employees provide as much notice as possible in the event of taking time off for dependants.

### **Bereavement Leave**

Employees are entitled to up to two weeks Bereavement Leave in the event of the death of a dependent child aged up to 18 years, or immediate family members.

Payment will be equal to that of Statutory Maternity Pay.

### **Carers Leave**

Employees are entitled to up to 1 week's unpaid leave per annum to care for a Dependent with long term care needs.

Requests can be for the whole week at one time as well as individual or half days.

Requests to take this leave must be made in writing, giving the Council at least twice as much notice as the amount of leave requested.

If the Council is unable to accommodate the dates requested, the Employee will be informed before it was due to begin, and it will be rescheduled by mutual agreement within one month of the initial Employee request.

The Council recognises a dependent for the purposes of this leave as an employee's child, partner, parent of other member of the immediate family who has long term care needs.

### **1.11. Redundancy**

It is the aim of the Council to avoid making Employees redundant wherever possible. Ideally, this will be achieved through finding an alternative position within the Council.

Should redundancy be unavoidable, the Council will follow the following procedure:

1. Issue a Notice of Threat of Redundancy; this will include notice of a period of Consultation, and the date Consultation will begin.
2. Provide those individuals affected with a period of Consultation. During this period the Council will discuss with the affected Employees:
  - Finding alternative work within the Council.
  - Reasons for the redundancy.
  - Calculating the amount of redundancy compensation Employees with two or more years continuous employment is entitled to, based on the Statutory Formula.

<b>Statutory Formula:</b>	
Employees Aged 18 – 21 years old	½ week's pay for every year employed under the age of 22
Employees Aged 22 – 40 years old	1 week's pay for every year employed over the age of 21
Employees Aged 41 + years old	1 ½ weeks' pay for every year employed over the age of 40
Maximum weekly wage limit - £700	Up to a maximum of twenty years

3. After the period of Consultation, a Formal Meeting will be arranged to discuss the outcome of the Consultation. Individuals will be invited by letter to this meeting and informed of their right to be accompanied.
4. Conduct an Appeal against the Formal Decision, should the affected Employee wish to do so. Appeals must be submitted in writing within 7 days of the Formal Meeting.
5. Employees on or returning from Maternity/Adoption leave will be given priority option of being appointed to any suitable alternative positions for up to 18 months following the birth/adoption of their child.

### **1.12. Termination of Employment**

#### **EMPLOYEE TERMINATION**

Should an Employee wish to terminate their contract of employment with Town Council, the Council requests that a period of:

under 1 month's service – nil

1 month up to successful completion of your probationary period - 1 month

On successful completion of your probationary period - 1 month

Senior Management post holders are required to provide three months' notice.

Please note that Employees who fail to work their notice period without good cause, will be paid for the hours worked.

#### **COUNCIL TERMINATION**

In the event of Town Council needing to terminate an Employees Contract, or alter its Terms and Conditions, the Council will provide the affected Employee(s) with a notice period equal to that of their Statutory notice period, i.e.: -  
One week for each year of continuous employment, up to a maximum entitlement of twelve weeks' notice.

Please see your Contract of Employment for further details

### **1.13. Health & Safety**

All Employees must ensure they are fully aware of all Council Health and Safety policies and procedures. Failure to comply with these policies and procedures will result in a disciplinary investigation and may be deemed to constitute gross misconduct.

In accordance with the Health & Safety at Work Act 1974 all Employees are responsible for taking reasonable care to avoid hurting themselves and others by their work activities, and reporting anything untoward to their Line Manager

Please consult the Health and Safety Policy for further information

### **1.14. Insurance**

#### **Personal Accident and Assault**

As a responsible Employer, the Council is anxious to minimise the risk to its Employees of personal accident or assault whilst performing their duties. The Council will therefore insure staff against death or permanent disablement arising from and in the course of their duties.

#### **Fidelity Guarantee-**

To securing the Council against the loss of money or other property under the control of its Employees, or in accordance with the requirements of legislation, the Council will maintain adequate insurances to cover such losses.

### **Any Other Points**

The Council fully conforms with all current Employment and other relevant legislation concerning:

- The Working Time Directive
- Equal Opportunities Employment
- Minimum Wage Requirements

### **1.15. Death in Service**

In the event of an employee's death in service, any salary, pension, or gratuities due to the Employee will be paid to the nominated next of kin.

## **2. RECRUITMENT & SELECTION POLICY**

The intention of the recruitment policy is to ensure that the Council can attract and retain high caliber Employees into its job vacancies. The Council will take positive steps to advise minority groups of all vacancies and of its Equal Opportunity Policy.

The selection process is of importance in this policy and must be conducted according to objective, job-related criteria. The Council will ensure that, with appropriate training, people making selection decisions will not discriminate, either consciously or unconsciously, in making these selection decisions.

### **2.1 Core Principles of the Recruitment and Selection Policy**

The Council reserves the right under current legislation to advertise posts internally only, where this is appropriate and necessary. The Town Clerk is responsible for Employee recruitment in conjunction with the Members. The Personnel Sub Committee is responsible for the recruitment of the Clerk in conjunction with other Elected Members.

The Recruitment and Selection Policy will be implemented at all stages following the Equal Opportunities Policy, the Equality Act 2010 and subsequent legislation.

All stages of the selection process will focus on the needs of the job and the skills needed to perform effectively.

The Clerk and Elected Members will ensure that questions they ask job applicants are not discriminatory or unnecessarily intrusive. All candidates with a disability that meet the minimum selection criteria will be invited to an interview.

It is the Council's practice to seek the successful applicant's consent to two written references and to ask for documentary proof of qualifications.

### **2.2. Recruitment and Selection Process**

The Clerk should have recruitment authority from the Council, an updated job description and an accurate person specification. Advertisements will be placed appropriately to allow maximum exposure to all sectors of the community. The Personnel Sub Committee needs to be given delegated authority by Full Council to conduct the Clerk's recruitment. The Committee will make its recommendations to the Full Council about the process to be followed for this recruitment exercise and will recommend to the Council which documents are to be used.

Candidates invited to interview will be given at least one week's notice, where possible. All letters sent to unsuccessful candidates will be issued as soon as possible after the decision has been made. Reserve candidates may be kept 'on hold' for a period of time and should be notified of the delay in finalising the outcome of their application.

### **Job Description**

- Each job will have an up-to-date job description that accurately reflects the job requirements.
- Job descriptions should be written in a clear and concise manner.
- Job descriptions should be reviewed and discussed prior to the commencement of the recruitment action.
- Where appropriate the equal rights dimension of service provision should be included

### **Person Specification**

- A person specification will be prepared for every job description reflecting the skills and qualities required to undertake the job.
- Personnel specifications should be reviewed prior to the recruitment action. A standard format together with guidance on usage will be issued separately.
- Criteria contained in the specification should be strictly relevant to the requirements of the job. The criteria should not be unnecessarily restrictive to exclude particular disadvantaged groups, since this may be viewed as indirect discrimination.
- All stated requirements must be clearly justifiable in terms of the principal function of the job vacancy, literacy, numeracy, qualifications, age, and educational level achieved.
- If the job is to collaborate directly with members of ethnic minorities in promoting their welfare or providing personal services, it may be considered a genuine occupational qualification for a post.

### **2.3 Attracting Applicants**

- Publicity material must reflect the Equal Opportunity Policy
- Advertisements should be approved by the Council prior to being circulated in the public domain.
- Publicity material should, where thought desirable, be translated into ethnic minority languages.
- Where necessary, use should be made of the ethnic minority press.
- Advertisements must be clear and unambiguous, so that applicants will be able to determine their suitability.

### **Application Forms**

- Only Council application forms should be used for recruitment purposes which should include a section on equality monitoring.
- Assistance should be offered to candidates to complete any sections of the form if required.
- Information on application forms must be transferred to the recruitment monitoring forms.

## **2.4 Short listing**

- Short listing must only be based on the information contained in the application form and any covering letter using the job specification and the job description elements as the criteria.
- The criteria for short listings must be consistently applied to all applicants.
- The application form should not be used as a test of literacy unless a high standard of literacy is required as a genuine requirement of the job.
- If academic qualifications are one of the criteria for initial selection, they should not be unnecessarily high for the job. Assumptions must not be made about the standard of overseas qualifications.
- There should be no unnecessary or unreasonable restrictions on the numbers to be short-listed.
- Any disabled applicant that meets the minimum requirements for the job should be short-listed.
- Reasons for not meeting the shortlist must be recorded for monitoring process.
- Original copies of educational/academic/qualification certificates or documents should be brought to interview.
- Short listing for Clerk will be conducted by the Personnel Sub-Committee

## **2.5 Selection Interview**

- All people responsible for short listing and interviewing should receive training which should include the equal opportunities dimension. No selection interview shall take place without someone that has received such training and is aware of the relevant legislation in attendance.
- At least three people should sit on an interview panel. Interviews for the post of Clerk will be conducted by Leader of the Council, as well as the Chair of the Personnel Sub-Committee. Should any of these Members be unavailable the Council will resolve on who from within the Council should replace them. Interviews may also be attended by the Council's HR Adviser, purely for the purpose of advising Members on procedural and legal matters.
- Interviewers must keep adequate notes of the interview to be able to make a fair comparison between candidates.
- In determining whether a candidate is to be progressed to the next stage, interviewers may only consider factors relevant to the job requirements. If for any reason a candidate does not possess a certain requirement for a job, but is nevertheless short listed for interview, the candidate should not be subsequently declined solely on the grounds of not possessing that requirement. Reasons for unsuccessful candidates should be recorded for incorporation into the recruitment monitoring process.
- All application forms and interview notes should be kept for six months after the end of recruitment action. Monitoring forms should be kept indefinitely.
- If any member of an interview panel feels that discrimination has occurred in the selection process, the matter must be reported immediately to the Chair of the Committee/Council. No selection decision should be made until the issue is resolved.
- Candidates of all ethnicities/ethnic backgrounds should not be asked questions that could be seen as directly or indirectly discriminatory, e.g., questions which evaluate their understanding of 'U.K. Customs.' Neither should

their fluency in the English language be used as a selection criterion unless it is a bona fide requirement of the job

- Selection decisions must not be influenced either by the traditional racial or sexual profile of the previous post-holder.
- Informal interviews must not take place unless they are clearly part of the approved or agreed selection process for all short-listed candidates.

## **2.6 Letters of Appointment**

- The Letter of Appointment should also be accompanied by a copy, which the applicant is required to sign and return to indicate acceptance of the job offered, and which is retained in the personal record. This should include the following: "I have read and understood the Council's Equal Opportunity Policy and acknowledge that the offer of employment is made subject to my agreement actively to pursue that policy during the course of my employment and to undergo any training associated with this."
- Unsuccessful candidate letters should indicate to candidates the name and telephone number of the person to contact if further information or feedback is required.
- Reasons for non-selection should be given to candidates if requested. The reasons will be those stated on the recruitment monitoring form.
- All appointments will be subject to receiving two satisfactory references, one of which must be from the most recent Employer or educational institution. If satisfactory references are not received, the Council may terminate the employment relationship.
- Appointment letters should contain the following statement: "As an Employee of the Council you will be required actively to pursue the Council's policies on Equal Opportunities and Race Relations and to undergo any training associated with this."

## **2.7 Records**

All records of job applicants and interview notes should be kept for a minimum of 12 months. These must be held in accordance with current Data Protection legislation, which requires records to be accurate and stored confidentially.

## **2.8 Retention and Development**

Every individual who decides to leave the Council will receive an exit interview. The results of the interview can be used as feedback into the business to enhance staff retention.

## **2.9 Monitoring**

The Town Clerk is accountable for the Recruitment and Selection Policy. The Town Clerk will monitor the implementation and effectiveness of the policy.

### **3. REFERENCE POLICY & PROCEDURE**

#### **References**

Employment is subject to satisfactory References and Disclosure and Barring Service disclosure checks as appropriate.

#### **Employment References**

- Please note the Council is under no statutory, or other form, of obligation to provide a reference to any current or ex-Employee of the Council.
- If a reference is provided, it is the Council's duty to ensure that the Council provides honest, true, and factual Employment References, given in an objective, impartial, and unbiased manner.
- Whilst every effort is made to ensure that a reference is provided in an objective, factual and accurate manner, the Council does not accept liability for a perceived omissions, faults or inaccuracies which an Employee may feel are contained within a reference concerning themselves, which has been provided by the Council.
- Employees who request a reference from the Council's Management can also request to view the response before it is sent to any third party, to ensure that inaccuracies can be corrected. This does not however, entitle the Employee to request that the information contained within a reference is altered or amended to create what is believed by the Management, to be a false and misleading reference. Should the Council and the Employee disagree on the contents of a reference, the Council reserves the right to withhold providing the reference.
- The Council will only respond to References requested in writing and will only respond following confirmation with the Employee concerned. All References will be treated with confidentiality.
- The Council will comply with all its statutory obligations under current Data Protection legislation, and all other relevant legislation concerned with the storage, processing and distribution of personal data concerning any current or previous Employee. Personal Data will only be released following receipt of written confirmation from an Employee that they are happy and willing to waiver their statutory rights under current Data Protection legislation, to allow the Council to provide personal data to third parties.
- Information regarding attendance, sickness record, disciplinary record, domestic arrangements, or interpersonal skills of an individual will not be provided in a reference, unless specifically requested by the individual to whom such data concerns.
- The Council does not supply open References for departing Employees or give any References by telephone.

#### **4. EQUAL OPPORTUNITIES POLICY STATEMENT & PROCEDURE**

The Equal Opportunities Policy is the responsibility of the Council, and everybody working for the Council.

All Employees and applicants will be given Equal Opportunities in employment regardless of gender, age, race, disabilities, caring responsibilities, marital status, ethnic origin, sexual orientation, religious beliefs and / or trade union membership.

All persons will be treated with dignity and respect in an environment free from discrimination, harassment and victimisation. Any complaints of this nature will be fully investigated and treated with the strictest confidence.

Any individual found to be responsible for such behaviour, following a thorough investigation, will be subject to disciplinary action.

All Employees, job applicants and contractors working for the Council will be made aware of this policy.

The policy will be regularly reviewed and updated to ensure it conforms to all relevant legislation.

##### **4.1 Policy Aims**

To select, recruit, develop and promote the very best people through objective assessment based solely upon suitability for the job. Ensure that all Employees and job applicants receive fair and Equal treatment. Create a balanced work force, reflecting the diversity of the local working population. Cultivating a working environment that is free from harassment.

##### **Definitions**

<b>Direct Discrimination: -</b>	To treat someone less favourably based on race, gender or disability, i.e. Not to recruit	Refuse Opportunities Discipline Dismissal Provide less favourable terms and conditions.
<b>Indirect Discrimination</b>	Fewer females / ethnic minorities / disabled persons are able to fulfil a requirement of a job than other members of society, and the requirement cannot be justified.	
<b>Harassment</b>	Creating a threatening, hostile or intimidating environment based upon sex or race of the victim. The decision as to whether actions constitute harassment lies with the person who is being subject to this behaviour and one single incident is sufficient to constitute a charge.	

## **4.2 The Employer's Responsibility**

The Council is directly responsible for the actions of all its Employees and agents of the Council, as well as for their protection from harassment and discrimination. As such, the Council takes an active role in protecting those for whom it is responsible.

### **Implementing The Policy**

#### **Recruitment and Selection**

All positions are open to all individuals who have the required level of skill, knowledge and / or experience.

All job adverts are to be Council approved and placed in publications which have a diverse circulation, except where the Council has resolved to conduct an internal recruitment process.

All job applicants should receive a copy of the Equal policy and procedures, as well as a full job description to enable them to assess their suitability for the position.

#### **Training**

Appropriate training, on and off the job, will be accessible to all Employees. All Employees will be encouraged to take advantage of all relevant training opportunities.

Where an individual is returning to a job following a prolonged absence, additional training and support will be offered.

Where a position changes due to technology and / or reorganisation, appropriate training and support will be offered to the affected individuals.

All induction trainees will be made aware of the Council's Equal Opportunities policy and procedure.

#### **Health and Safety**

Discrimination, intimidation and harassment can seriously compromise the Health and Safety of the work environment. As such it is the responsibility of all Employees who are aware of such activity to bring it to the attention of the Council's Management, quickly and discreetly (although the Council accepts that this may not always be easy for the victim). All reported incidents will be treated in confidence by Management.

Management will work with disabled Employees to ensure their Health and Safety in the workplace, through conducting through objective assessments of the safety of their working environment and where appropriate offering alterations / adaptations to the position or examining the possibility of alternative work.

#### **Development and Promotion.**

Ability, motivation, commitment, experience and qualifications are the qualities used to determine an individual's promotion potential.

Development and training will be offered to all suitably motivated individuals where opportunities exist.

Length of service will not determine suitability for promotion as it can indirectly discriminate against those who may have had long term illnesses or career breaks or are employed on a fixed term basis.

### **Terms and Conditions**

All individuals within a post will receive the same terms and conditions.

### **Redundancy**

The Council will select individuals for redundancy based on a points scheme, whose criteria will be determined with affected staff during the redundancy consultation period.

### **Discipline and Termination of Employment**

Race, gender, age and disability will have no bearing upon any disciplinary actions taken by the Council.

### **How The Procedure Works**

If you have a grievance relating to Equal Opportunities your Employment Contract explains how to make a Formal Complaint to the Council's Management.

If you are accused of behaviour which is in breach of the Council's Equal Opportunities policy and procedure, a relevant line Manager will initially conduct an informal investigation to determine if there is a case worth investigating. Should the initial, informal investigation find that action needs to be taken, the Council will act in accordance with its formal disciplinary procedure, as detailed in your Employment Contract.

## **5. TRAINING POLICY FOR EMPLOYEES**

Appropriate training on and off the job will be accessible to all employees. They will be encouraged to take advantage of all relevant training opportunities. Where an individual is returning to the Council following a prolonged absence, additional training and support will be offered. Where a position changes due to technology and / or re-organisation, appropriate training and support will be offered to the affected individuals.

### **5.1 Procedure**

The following terms and conditions apply to all Employees of the Council.

- Full Health and Safety induction training will be provided at the start of employment and completed within the Probation Period.
- You are required to attend all courses that you are enrolled on, if necessary to sit examinations set on these courses, and to attend all examinations that you have entered.
- If you encounter difficulties with the studies, you must discuss the problem as soon as possible with the Clerk or Chair of the Council so that the problem can be resolved. The Council may require you to defer an examination attempt if a satisfactory standard is not maintained.
- Following an unsuccessful attempt at an examination, you are required to discuss the results and your performance with the Council, prior to agreeing when the next attempt should be made.

## **5.2 Financial support**

The Council reserves the right to recover from you all costs and fees incurred.

### a) Examination/Exemption Fees

The Council will pay the examination entry fee for a first attempt at an examination paper. You will pay the examination entry fee for any subsequent attempts at an examination paper.

### b) Course fees/college fees/books/study materials

- i. All reasonable approved course fees/college fees/books/study materials in respect of your first attempt at an examination paper will be paid for by the Council.
- ii. You will pay the reasonable approved course fees/college fees/books/study materials for your second attempt at the examination paper.
- iii. The Council may, at its absolute discretion, pay all reasonable approved course fees/college fees/books/study materials in respect of a subsequent attempt at an examination paper, and the said costs will be considered at your next salary review.

### c) Travel and accommodation costs

The Council will pay all reasonable approved travel costs, including attending the approved courses and examinations associated with your first attempt at an examination paper, only to the extent that the cost exceeds the normal costs of travelling between home and your place of work.

### d) General

During any academic year, you are entitled to a maximum of £3000 financial support.

## **5.3 Practical experience and training records**

The Council will ensure that you obtain practical experience covering a wide range of situations. This will introduce you to do a variety of tasks and enable you to use appropriate processes and procedures. The Council will maintain detailed training records.

## **6. APPRAISAL SYSTEM**

The Council undertakes appraisals with all staff on a regular basis. The purpose of appraisals is to monitor and evaluate staff performance and development at an individual level as part of the Council's normal managerial function. The review enables the Council to:

- Consistently measure individual performance against departmental/organisational objectives
- Focus staff performance on organisational objectives
- Encourage continuous improvement

The Council's policy is that each member of staff will attend a 6 / 12 monthly review meeting to evaluate their performance and development, based on an exchange of views between the individual and their Immediate Manager. At the end of the review meeting, staff should have an agreed individual action plan (with targets and timescales), and where appropriate an individual training plan (with objectives and resources). The plans will be referred to as working documents throughout the year and will be updated accordingly.

**The Appraisal System has been designed to meet the following specific objectives:**

- To ensure all job descriptions are current and accurate and that they align to the Council’s objectives.
- To ensure staff have clear targets aligned to the objectives, which are time bound, and such targets can be revised/updated as required.
- To ensure that staff can know what performance is expected of them at an individual level and to receive feedback.
- To ensure that staff can discuss training, development and support within their role, in order to fulfil their maximum potential.
- To assist staff in understanding the contribution their role makes in meeting the Council’s overall objectives.
- To assist staff in their involvement and participation in the Council’s commitment to continuous improvement.

**6.1 Procedure**

You will be notified when your Appraisal will take place. Appraisals follow a standard format, and a report is produced to reflect an accurate summary of the discussion.

New members of staff will be briefed on the Appraisal System as part of their Induction. The Clerk will agree the timings with you for Appraisal meetings and ensure that an interim action plan and a training plan are completed during your probationary period.

At Appraisal meetings, a standard reporting format is followed as the basis for discussion. The duties within your job description will be thoroughly assessed, and potential areas for development may be identified and addressed through training and/or supervision. Your training needs will be identified and agreed and included in your individual ‘Training Plan’. Training undertaken in the 6/12 months prior to each review meeting, as detailed in your ‘Training Record’ will be evaluated to ascertain effectiveness and value.

The Appraisal will highlight the Council’s objectives along with your team objectives and therefore provides the opportunity to agree your individual objectives on a short term and long-term basis.

Immediately after the meeting, the Clerk will produce the summary report, and you will receive a copy of the document to agree and sign. A copy will also be kept on your personnel file for reference and future review meetings.

**Checklist for conducting a performance appraisal**

A constructive performance appraisal is an important part of internal management of employees’ performance. When conducting the appraisal meeting, the following points should be considered:

- Ensure the appraisal can take place without any disruption or distractions.
- Ensure the line manager is comfortable with assessing job-related performance and understands the process to be followed.
- Have a copy of the performance appraisal form to guide the structure of the meeting. The form can be worked through, asking the employee for their comments.

- Ensure that notes of discussions are accurately recorded, whether on the performance appraisal form or in a separate document.
- Approach the performance appraisal in a positive, constructive and sensitive manner.
- Be an engaged listener and ensure body language is welcoming and positive.
- Focus on asking open-ended questions to encourage the employee to be open and honest in their answers.
- Avoid making promises that cannot be kept. For any matters which cannot be confirmed during the appraisal, ensure you take further action and feedback to the employee later.
- Begin the appraisal by putting the employee at ease and state the purpose of the process. This is a two-way conversation about past, and future, performance within the organisation.
- Discuss the job situation and aspirations of the employee within the business.
- Give praise for effective work and positive feedback on achievements and results.
- Where no major performance issues are noted, limit criticism to constructive feedback on two or three points.
- Invite and encourage the employee to engage in the appraisal, including by providing self-criticism, comments and questions.
- Invite the employee to feedback on any obstacles to improvement and make suggestions on such obstacles. Discuss how these obstacles can be positively tackled, including whether additional organisational support can achieve this.
- Discuss objectives for the previous performance period. Discuss and confirm whether objectives have been met. If not, discuss any next steps such as the commencement of a formal management process or the extension of deadlines.
- Discuss and agree future performance objectives and the performance period. Agree periodic review dates to ensure these objectives are on track.
- Complete the performance appraisal form and action plan, outlining the confirmed future objectives. Ensure this is signed and dated by the manager carrying out the appraisal.
- Provide the completed appraisal documents to the employee, allowing them to note any comments and sign the documents to confirm their agreement.

Ensure periodic performance reviews are scheduled in advance. This supports the performance management process and underlines the importance of good performance to the employee.

## **7. MANAGING STRESS IN THE WORKPLACE POLICY**

The Health & Safety Executive definition of stress is “*the adverse reaction people have to excessive pressure or other types of demand placed on them*”. Whilst some people thrive on pressure and a fast-working environment, others can find this to be very stressful, especially when coupled with external stressors such as births, deaths and moving house etc. The purpose of this policy is to identify who is responsible and what they must do, to minimise any exposure to situations that may result in stress.

### **Clerk/Council Responsibilities:**

- The Council must ensure that, in the work areas for which they have responsibility, stress is avoided, so far as is reasonably practicable. Where it cannot be avoided, they must assess the level of risk, which may involve carrying out a risk assessment.
- The Council must monitor workloads and working hours to ensure that Employees are not overworking. Also, they should monitor holidays to ensure that Employees are taking their full entitlement.
- The Council must ensure good communication between Management and Employees so that if there are organisational changes, Employees feel they are kept fully informed.
- All Employees must be fully trained to carry out their duties and have the appropriate Management support.
- The Council must ensure that bullying/harassment is not tolerated within the work area.
- The Council must look out for changes in the behaviour of Employees, as this may be an indication that they are suffering from stress.
- The Council should be supportive and treat any Employee who says they are suffering from stress compassionately.
- Additional support will be offered, whenever necessary.

### **Employee Responsibilities:**

- You must inform your Line Manager if you feel you may be suffering from workplace stress. Be as open as possible so that they have the full facts. Work with Management to agree realistic and workable solutions.
- You must co-operate with your Line Manager when she/he carries out any risk assessments. Take an active part in any discussions when the risk assessment is carried out, so that you feel involved in any decisions made.
- Read/listen carefully to all communications from Management to make sure you fully understand the reasons for any change. If you do not understand or would like to discuss any concerns, please ask.
- To provide consent, if asked, to be referred to an Independent Occupational Health Doctor to fully assess the problems, and to provide the Council with advice as to how to address it.
- You should consider attending any counselling or stress management courses your Employer may suggest.

## **8. SICKNESS ABSENCE POLICY (INCLUDING GUIDANCE FOR MANAGERS)**

This policy applies to sickness and unplanned absences. The Council recognises that there are occasions when an Employee will need support and guidance to help with their reasons for absence. The Council also needs to ensure that the high-quality service to the Town is not affected by absence, and it will therefore manage absence to ensure fair and equal treatment to all Employees.

### **Scope**

This policy applies to all Employees of the Council.

### **Purpose**

Our sickness absence control procedure is there to provide a fair and consistent framework for handling staff sickness. It makes the Employees' responsibilities clear and gives guidance to Members.

These are our core principles:

- To ensure that all Employees appreciate the effect of sickness and unplanned absence on the Council, in terms of efficiency and additional pressure placed on Colleagues
- To ensure that all Employees are aware of their sickness entitlements
- All Employees have a responsibility to attend work and to keep unplanned absence to a minimum
- Members/Line Managers and the Clerk are responsible for monitoring absence levels amongst staff, including welfare support, and are the first and key point of contact on attendance issues
- To encourage open and honest communication between Members, Employees and the Council.
- To support and encourage people with disabilities to comply with the requirements of the Equality Act 2010.

### **Absence Definition**

This policy refers to sickness absence that may or may not be paid. Sickness can be defined as:

*Incapacity to carry out the duties and responsibilities which the Employee is contractually obliged to do because of their own illness or accident.*

#### **8.1 Reporting Sickness**

The general procedure for reporting sickness is:

The Employee must notify their Line Manager that they are absent due to sickness and that they are unable to get to work.

Do not use email or text. If Employees must leave a message on the answer machine, their Line Manager may contact them to discuss expected return dates.

When contacting the Council Employees must provide the following information:

- When you became ill
- The broad nature of your illness (e.g. sickness, diarrhoea, Chest infection)
- Whether the illness is due to an accident or injury at work

- Whether you will be seeking medical attention
- The likely date of return (if known)

The Employee should always report sickness themselves. Reporting by other people does not allow the Line Manager to discuss when the sickness started, the nature of the illness, work to be covered and how long the sickness is expected to last. It is only acceptable for others to notify on the Employees behalf if they cannot get to a phone themselves.

If an Employee is off work due to sickness, they are expected to provide or give an indication of work that needs to be covered via email or over the phone.

The Employee should remain in regular contact during their illness so that the Council knows what is going on – and can plan accordingly. Should the reason for the Employee’s sickness absence change or they expect to be absent longer than originally expected the Employee will need to inform their Line Manager and the Town Clerk as soon as possible. Regular contact will vary in individual circumstances but would normally be at least weekly.

After the Employee has notified the Council of the absence, the Line Manager will record the Employee’s absence in their personnel file.

On the Employee’s return from sickness of less than seven days a Self-Certification Form must be completed, signed by their Line Manager as soon as practically possible. If the Employee’s sickness exceeds seven days a Fit Note must be provided no later than the eighth day of absence. If subsequent fit notes are required these should be with continuous dates and forwarded to Management no later than the previous fit note expired otherwise pay may be affected.

Please note that failure to comply with the sickness reporting requirements may result in the Employee losing their Sick pay for the period in question.

## **8.2 Notification and Certification of Sickness Absence**

An Employee returning to work after a period of sickness absence of four days or longer, is required to complete a Self-Certification form, giving the reasons for the absence. Failure to complete a Self-Certification form may result in reduction or loss of sick pay.

The Self-Certification Form must contain detail of reason for absence with precise descriptions of illness. Stating sick, not well or ill is not acceptable and the Self-Certification form will be returned for further completion.

For periods of sickness that exceed seven calendar days (including weekends and Bank Holidays) a Fit Note completed by a qualified medical practitioner must be submitted to your Line Manager.

### **8.3 Fit Notes**

Fit notes are about removing the challenges to returning to work. This involves both the Council and the Employee working together, being open and honest to find suitable arrangements that provides benefits to both.

If the Fit Note advises that the Employee is 'not fit for work', this means they have a health condition that prevents them from working between the dates specified.

If the Fit Note advises that the Employee 'may be fit for work' a meeting between the Line Manager ~~the Clerk~~ and Employee will be held to discuss the information by the Doctor in the way of a phased return to work, amended duties, altered hours, workplace adaptations, support available and realistic timescales. If the Council cannot make the adaptations or adjustments indicated by the Doctor to help a return to work an explanation as to the reasons will be given and the fit note will be used as if the doctor had advised 'not fit for work'.

Subsequent Fit Notes must be submitted if the absence continues beyond the period covered by the initial statement and forwarded to the Line Manager no later than the day after which the previous certificate expired. If this is not possible for any reason, the member of staff must contact their Line Manager to provide an update of the situation.

An Employee who goes into hospital or other similar institutions is required to submit a doctor's statement on discharge.

If an Employee is absent from work due to sickness, they must not work for any other organisation at the same time, unless that other work could be considered therapeutic, for example in cases such as stress and depression.

If an Employee arrives at work and must leave due to sickness, a day's absence will be recorded unless half or more of the normal hours have been worked in which case only half day will be recorded.

Misleading or false statements may be dealt with under the Council's disciplinary procedure.

Where the Council requires an Employee to obtain a doctor's statement solely for the purpose of qualifying for sick pay under the sickness leave scheme, the Council will normally refund any charge made for such a statement.

The Council may require an Employee who is unable to work for an extended period of time as a consequence of illness, or whose health is a cause for concern to the Council's management, to submit to examination by a medical practitioner nominated by the Council, or by the Occupational Health Doctor used by the Council. In such cases, the provisions of the Access to Medical Reports Act 1988 will apply. Any costs incurred in connection with such an examination will be met by the Council. The Employee will be asked to give their consent to this examination. The Employee is not obliged to consent, however failure to provide it may be treated as a deliberate attempt to frustrate the Council's investigation into the problem. Failure to give consent may also result in the withdrawal of the Statutory Sick Pay element of the Employee's Sick Pay, as allowed under HMRC Rules.

Every absence must be certified and recorded to ensure correct payment of sick pay and to ensure that accurate records are maintained. Failure to comply with the certification and reporting procedures may result in loss of sick pay.

#### **8.4 Non-reporting of Sickness Absence**

If the Employee fails to comply with the notification and certification requirements, the Line Manager will be responsible for contacting them at home. Firstly, to check on the Employees well-being and secondly to remind them of the correct procedures for reporting absence.

If the Employees fit note runs out but they continue to be ill, they must report this to the Line Manager and indicate a likely return. The Employee will need to continue to obtain further fit notes which must run consecutively otherwise this will affect their pay.

If the Employee fails to attend work on a second consecutive day the Line Manager will contact the Employee asking them to contact the Council within 48 hours. Failure to comply may lead to disciplinary action for unauthorised absence.

Failure to notify the Line Manager of the absence could result in disciplinary action being taken against the Employee, and/or loss of Sick Pay.

#### **8.5 Maintaining Contact**

When an Employee is absent from work due to sickness it is important that regular contact is maintained between the Line Manager and Employee to ensure that the Employee does not feel isolated, vulnerable or out of touch. The Line Manager may contact the Employee by phone to find out about work allocations and request information to ensure that service delivery is maintained.

The form of the contact will be agreed with the Employee as appropriate.

The Employee should keep the Line Manager informed throughout the period of absence, initially daily unless their expected date of return is known.

In cases of long-term sickness absence, review meetings will be arranged to visit the Employee at home, or in another location in agreement with the Employee.

In exceptional circumstances it may be necessary for the Line Manager to make an unannounced visit to an absent Employee in which case no prior arrangements will be made. Such visits would only occur in situations where circumstances had indicated a necessity for the Council to authenticate a claim for absence or confirm the whereabouts of the Employee when all other attempts of contact have failed.

#### **8.6 Return to Work Interviews**

Best practice in absence management shows that return to work interviews is a crucial part of supporting Employees back to work and dealing with repeat absences.

The Council's Management will arrange a return-to-work interview with an Employee exceeding 2 days sick leave to investigate whether the problem is likely to recur, and whether steps can be taken to improve the situation. These interviews are to monitor absence levels and where an employee's absence reaches the trigger points for either short term or long-term sickness as defined within the policy. This is to be recorded on the reverse of the Self-Certification form for future reference.

If the Employee appears to have a health problem, the Council may ask for the Employee's permission to obtain a medical report from their GP or specialist, or to arrange a consultation with an Occupational Health Consultant. If there is no identifiable reason for so many absences, the Employee will be advised that disciplinary procedure may result if attendance does not improve.

### **8.7 Disability**

If an Employee has become disabled, the Council will consider all reasonable adjustments which could be made to where and how the Employee works (please see section below on Access to Work). The Council would need a report from the GP (with consent) to confirm that these adjustments are necessary.

The definition of disability under the Equality Act 2010 is "if you have a physical or mental impairment, which has a substantial long-term impact on your day-to-day activities".

### **Access to Work**

Access to Work can help the Employees if health or disability affects the way they do their job. It gives the Employee and the Council advice and support with extra costs which may arise because of the disability.

If an Employee feels that the type of work done is affected by a disability or health condition that is likely to last for 12 months or more, the Employee should contact the regional Access to Work contact centre to check eligibility.

### **8.8 Withholding Sick Pay**

If the Council's Management has legitimate doubts about whether or not an Employee is genuinely off work due to sickness, a decision may be taken to suspend or stop Sick Pay altogether.

Reasons which would give rise to such doubts could include, but are not limited to:

- An Employee refusing to give their consent to either attending a medical examination or allowing the Council to contact their doctor to get a medical report.
- Evidence of the Employee working elsewhere whilst on sick leave
- Evidence that the Employee is not unable to work.

Should an Employee have their Sick Pay either suspended or stopped, they are entitled to ask HMRC for a formal decision regarding the Council's actions.

## **8.9 Grounds for Formal Disciplinary Action**

The following will be addressed as potential misconduct and addressed through the formal disciplinary procedure:

- Providing false and misleading information to the Council's Management regarding sick leave.
- Unauthorised absence
- Unacceptable levels of sick leave for reasons not associated with a chronic health problem, and which are higher than the average number of sick days for other staff.

Any member of staff who is accused of one or more of the above will:

- Have an informal meeting with a member of the management team, during which they will be given an opportunity to provide their account of the alleged misconduct.
- If the Manager feels that the allegation needs to be pursued further, the Employee will be invited to a formal disciplinary hearing.
- The invitation letter will provide details of the allegation, the evidence to be used to support it, and inform the Employee of their right to be accompanied by a colleague or Union Representative. The letter will also provide a minimum of two days prior notice.
- During the Disciplinary Hearing, the Employee will be given an opportunity to respond in full to the allegation and provide any witnesses or other evidence they feel may help their defence.
- If the Manager conducting the Hearing believes that the allegation is proven against the Employee, they may issue a Formal Written Warning as a first course of action.
- If the Employee's misconduct continues or fails to improve during the live period of the Written Warning, further disciplinary action may be taken which could result in a Final Written Warning and ultimately dismissal.

## **8.10 Managing Absenteeism and Sickness**

Managing sickness and attendance is one of the biggest management problems for the Council. We are committed to supporting all our Employees with health problems. This includes conducting detailed and discrete investigations, with the Employee's cooperation, into what adjustments we can provide to help accommodate people with health problems.

However, unnecessary and unmerited absenteeism, unrelated to long term health problems, causes disruption, affects staff ratios and damages morale. We may also need to address unacceptable and unexplained absenteeism through Formal Disciplinary action.

### **Overall Strategy**

Advice from organisations such as ACAS and the DWP is:

Objectively assess and measure Employees' levels of attendance.  
Conduct a reasonable investigation into those Employees whose absenteeism stands out, usually as above the average for the workforce.  
Have a formal procedure to address the problem.



### **Objectively assess and measure employees' levels of attendance**

It is the Council's intention to investigate all absenteeism which exceeds 9 days in a rolling twelve-month period. In addition, Employees whose health is a cause for concern will also be investigated.



### **Investigate those Employees whose absenteeism stands out**

Employees whose sickness exceeds the 9-day threshold will attend a "Return to Work" interview, after the period of absence which took them over 9 days in a twelve-month period.

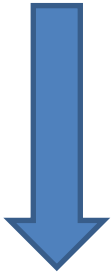
The purpose of this interview is to discuss:

- 1 What difficulties the Employee is suffering. Do they have a health problem? Are personal circumstances the cause of the problem? Alternatively, are there no good reasons for the number of absences?
- 2 If the Employee informs their manager that they do have a genuine physical or mental health problem affecting their ability to work, we will seek professional medical advice and ask the Employee for their consent to request a medical report.



*If the Employee doesn't have any health problems -*

But their absenteeism figures don't improve, management can take formal disciplinary action, based on the Employee's unacceptable attendance. This can include Formal / Final Written Warnings, and ultimately Dismissal



*If the Employee says they do have a health problem –*  
We will ask for their consent to get a doctor's report. A report can come from the Employee's own GP, or a doctor selected by the Council. The purpose of this report would be to answer questions such as:

- What is the diagnosis and is the problem likely to last for a period of twelve or more months?
- Does it affect their ability to do their job?
- What reasonable support and assistance can the Council provide to help them attend work?
- What is the long-term prognosis, with regards their ability to do their job?



*If the doctor confirms that the Employee does have a genuine health problem -*

We will use the medical report to investigate how to make reasonable adjustments to help accommodate the Employee at work.

This would typically involve conducting a follow up meeting with the Employee after receiving the Doctor's report. The purpose of this meeting would be to investigate the following options:

- Alternative work which the Employee is able to do.
- Adapting the Employee's job to remove areas which are not compatible with their health.
- Adjusting the Employee's working environment to help them attend work.

If the adjustments involve reducing hours of work, position within the Council, or some other action which would justify reducing the Employee's terms and conditions of employment, the medical advice must be followed as soon as possible, if it is reasonable for the Council to accommodate this change.

The Employee's terms and conditions such as pay, would be adjusted to match the new post following a notice period of one week for every year of employment with the Council, or their contractual notice period, whichever is longer.



If, following a detailed investigation involving medical advice, and potentially outside agencies such as Access to Work and the Job Centre's Disability Employment Adviser, that:

- There are no adjustments that can be made to accommodate the Employee
- The costs and / or disruption required to accommodate the Employee are unreasonable, and not realistically possible for the Council to comply with.

We may consider terminating the Employee's contract on capability grounds.

## **9 CAPABILITY PROCEDURE**

The Council recognises that from time-to-time staff may experience difficulties, which impact on their ability to carry out their work. Poor job performance due to incapability cannot be treated as a disciplinary offence.

There can be reasons for poor job performance other than misconduct. In the interests of dealing with such problems fairly and consistently, the Council has set out the following procedures, which are not part of the disciplinary procedures that apply to misconduct. The Council recognises its responsibilities for Employees and duties under the Health and Safety at Work Act 1974 and the Equality Act 2010, to manage issues relating to staff capability sensitively, in so far as is reasonable and able to do so. Such systems should assist the Employee in making a return to work, in so far as it is practicable.

Capability is dealt with under 2 headings:

- Managing Performance
- Managing Attendance – long-term sickness absences

### **Procedures**

#### **9.1 Managing Performance - Investigation**

The procedure for managing performance will apply where an Employee is clearly making every effort to fulfil the requirements of the post, but is unable to do so due to reasons such as, changes in the role; loss of skills, ability and/or knowledge, impact of physical or mental impairment.

The cause of poor performance will be investigated and established by the Council. The Employee will be asked to provide an explanation as to the reasons for poor performance.

Incapacity/poor performance will arise where the Employee has been set realistic targets and objectives and cannot achieve them. (An example of capability is failure due to medical conditions).

If realistic targets and objectives have been set out but the Employee fails to take action of which they are capable, poor performance may be treated as misconduct under the Disciplinary Procedure.

At any interview or an appeal meeting, there will be the opportunity for the Employee to state their case. There is the right to be accompanied by a work colleague, or recognised Trade Union Representative. Legal representation will not be permitted; the Council Capability Procedure is an internal process and will be conducted as such.

All warnings will be confirmed in writing.

#### **Stage One: Training and Supervision**

Where the reason for poor performance is lack of capability, the Employee will be invited to comment and to contribute to a discussion about steps to assist in reaching the required standards. These may include:

- Appropriate training in-house and/or externally sourced, if this has not already been done.
- More frequent supervision and support

- Assessment of the post to ensure the role is suitable

Arrangements will be made to carry out any remedial measures and to review progress and performance at the end of an appropriate period of time. Failure to meet the specified standard of improvement will result in the next stage of the procedure being implemented.

### **Stage Two: First Written Warning**

If, despite following the agreed measures and at the end of the review period, the required improvement in performance is not forthcoming, the Employee will be given a First Written Warning. This will state

- The reason for the warning
- The level and improvements in performance required
- A realistic time limit for achieving that performance
- The form in which monitoring will take place
- That the consequence of failure to achieve and maintain the improvement would result in a final written warning being given
- The duration of the warning held on your personnel file

First written warnings will have a time limit of 6 or 12 months.

### **Stage Three: Final Written Warning**

If there is no improvement or not sufficient improvement or it is not maintained for the period stated, the Employee will be given a Final Written Warning setting out the details, as above, with a written warning that failure to improve may result in dismissal. Final written warnings will have a time limit of 12 months.

### **Stage Four: Dismissal**

If there is still no improvement or not sufficient improvement or it has not been maintained for the period stated above, the Employee may be dismissed with notice.

## **9.2 Appeals**

There is a right to appeal against stages 2,3 or 4. Any appeal must be made to the Council. The Employee must put the request in writing, setting out the grounds of Appeal, within 7 working days of the decision being communicated to them. The Appeal will be heard by an Appeal Panel made up from the Council. The Appeal hearing will be conducted within a reasonable period of the Appeal being lodged. The outcome will be either:

- a) to reject the appeal and confirm the original disciplinary action, or
- b) to uphold the appeal and reduce or revoke the original disciplinary action.

The result of the appeal will be confirmed in writing within 10 working days of the hearing. The decision at the Appeal stage is final of this internal policy.

### **9.3 Managing Attendance**

The Council should ensure that they have taken into consideration the following aspects before coming to a decision on the management of sickness absence:

- The nature of the illness
- The likelihood of it recurring or some other illness arising
- The length of the absences and the periods of good health between them
- The need for the work done by the Employee
- The impact of the absence on other workers
- The policy and how well it has been carried out, in particular the need for medical assessment when considering dismissal
- The extent to which the difficulty of the situation and the position of the Council has been made clear to the Employee, so that the Employee realises the full implications of action being considered.

In the application of the following procedure, the Council should ensure:

- Reasonable adjustments have been considered throughout the process
- Where there is a difference of opinion regarding the medical advice received, an independent assessment is sought.
- Advice is sought and other specialist resources are appropriately involved.
- Following each stage, a letter is sent to the Employee confirming the key points and actions.
- All correspondence should be marked 'confidential' when writing to the Employee

#### **Short Term Sickness Absence**

Where the sickness record shows that there has been a series of short term absences, from 1 to 5 days, frequent in nature and in excess of those for either their team or the Council as a whole, when assessed over a period of 3, 6 and 12 months, the Council will arrange to review the matter under the 'Return to Work Meeting' procedure.

#### **Long Term Sickness Absences**

Where the sickness absence is in excess of 30 days and the nature of the sickness either indicates that there is an underlying problem or is one which suggests it may be long term, the Council will consider the following the process, to the extent that is reasonably practicable:

- The need to make reasonable adjustments and look at alternative work arrangements.
- The need to initiate support, counselling or rehabilitation.

It is recognised that all long-term sickness cases are different therefore the reason for the absence will determine the action to be taken.

**Stage One:**

The Council will:

- a) Ensure they are aware of the reason for the absence
- b) Maintain regular contact, including home visits if appropriate
- c) Try to determine the likelihood of your return to work

**Stage Two:**

If the reason for the absence indicates that a return to work is highly probable, e.g. a broken limb or a minor back injury, the Council will maintain contact and establish a return-to-work date. It may not be necessary to seek medical advice during the absence.

If the reason for the absence is unclear as to a likely return to work, medical advice must be sought.

The Council will:

- a) Write to the Employee to seek your written consent for the Council to obtain a medical report from their doctor, or alternatively to refer the Employee to an independent Occupational Health Practitioner for a medical examination and report. This will be done in line with the rights under the 'Access to Medical Reports Act, 1988'.
- b) Agree to review the progress, either following the receipt of appropriate advice, or earlier, where this is appropriate.

The medical advice will indicate whether or not the Employee is fit to return to full duties, or alternative duties, and the prospect for the future.

Note: Where an Employee refuses to give their consent as outlined in a) above, the Council will base their decisions on the facts available.

**Stage Three:**

The Council will:

- a) Obtain all the necessary internal and external advice
- b) Review any medical reports
- c) Look at all available options
- d) Establish a way forward

At each stage, in conjunction with the Employee and having established the appropriate level of support required, the Council will assist them in making a return to work.

**Stage Four:**

If the medical advice indicates the Employee is not yet fit enough to return to full duties but could undertake light/alternative duties in the meantime, every effort should be made to accommodate this.

If the medical advice indicates that the Employee cannot return to full duties in the future, but could undertake alternative duties, this should be considered (but cannot be guaranteed). If this is possible, full discussions will take place. If this is not possible, the Employee may be informed that their employment will be terminated with notice.

If the medical advice indicates that you are not able to return to work in the future, including alternative duties, or are unable to return within a time span which is operationally acceptable, provided all aspects, including your needs, have been considered, you will be informed that your employment will be terminated with notice.

**10. PROTOCOL ON COUNCILLOR/OFFICER RELATIONSHIPS**

An effective working relationship between Councillors and Employees is vital to the successful operation of the Council. The main aim of the Council is to deliver efficient and effective services to the residents. It is important that both Councillors and Employees work together to achieve this aim and maintain confidence in the workings of the Council.

- Councillors are responsible to the Electorate as a whole, whilst Employees are responsible to the Council. The role of Employees is to give advice to Councillors and help them carry out work under direction of the Council and its committees.
- Council business will be conducted more effectively if there are mutual respect and courtesy in all meetings and contacts, both formal and informal, between Councillors and Employees. Where Councillors have concerns about individual Employees, or Employees have concerns relating to individual Councillors, these should be pursued with the Clerk and/or Chair of the Council, only.
- Any formal disciplinary action will only be initiated by the Town Clerk. No individual Elected Member can unilaterally initiate formal disciplinary action.
- Employee concerns regarding their employment with the Council should either be raised with the Town Clerk. This should initially be done on an informal basis, however if that does not achieve a mutually acceptable result, the Employee must use the Council's Formal Grievance procedure.
- Councillors and Employees of the Council have a duty to conduct themselves in a professional and impartial manner, in accordance with the stated aims and requirements of the Council.
- No individual should conduct themselves in a manner which is unfavourable to the stated interests of the Council or could be interpreted as favouring individual interests against those of the Council.
- Councillors' concerns regarding procedural matters relating to any Council business should be taken up, in the first instance, with the Clerk. Employees concerns may be taken up through the Town Clerk.
- Employees are employed by the Council as a whole, and are directed by the Full Council, committees and working groups alone, not by individual Councillors.

- Employees shall take the necessary action to implement resolutions made at meetings or the Clerk acting under delegated powers. No Employee shall act upon the instruction of an individual Councillor. If an Employee has a grievance or wishes to comment on Council policy so far as it affects him or her as an Employee, he or she will take the matter up with his or her immediate line Manager.
- Should an Elected Member be called upon to discuss or debate any aspects of an Employee's employment with the Council, and they genuinely believe that they have an interest in that Employee, such as an involvement with them outside of the Council, they should declare the matter in accordance with the Council's Standing Orders.
- All Councillors have a right of access to the Clerk, during normal working hours. Where a member requires information, it will be provided if it is readily available. The Clerk is free to give advice on a confidential basis about procedural matters to any Councillor. In doubtful cases the Clerk may seek advice and instruction from the Chair or other appropriate Councillor before responding.
- Councillors should not raise matters relating to the conduct or capability of Employees at meetings held in public or before the Press, as Employees have no means of responding to the same in public, and such conduct could breach the trust and confidence the Employee is entitled to expect from the Council as their Employer.
- If any Councillor feels that he/she has not been treated with the proper mutual trust, respect or courtesy or has any concerns about the conduct or capability of an Employee, he/she should raise the matter, in private, with the Town Clerk. Should the Employee in question be the Town Clerk, the matter should be confidentially brought to the attention of the Leader of the Council.
- Councillors should be aware that Employees are constrained in the response they may make to public comment from Councillors and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. In meetings, individual Chairmen should be aware of discussions which may become abusive towards an Employee and must protect that Employee
- Councillors and Employees should work together in a healthy environment for engendering mutual trust, openness, honesty, fairness, transparency, respect or courtesy.

### **Conclusion**

It is the duty of the Town Clerk to arrange matters so that Employees properly understand the roles of Councillors, and the Council's required approaches to the relations between them.

They are also entitled to expect Councillors to respect the level of responsibility of Employees with who they have dealings, and the fact that whilst those Employees owe duties to the Council as their Employer, such duties do not relate to any individual Councillor.

The intention of this code is to provide a framework within which relationships can be continued in a proper manner with respect for different roles of the participants, as well as recognising the statutory requirements and the constitution of the Council.

## **11. SMOKE FREE POLICY**

### **Purpose**

This policy has been written in conjunction with the legal requirements contained in the Health Act 2006 and aims to protect all Council individuals from exposure to second hand smoke. This policy applies to all employees, contractors, consultants, temporary workers, customers, members, visitors or volunteers.

### **Policy**

Second hand smoke exposure increases the risk of serious illnesses such as cancer and heart disease.

The Council mandates that all workplaces are smoke-free, including Council vehicles and all enclosed workspaces.

Dangerous exposure is not prevented by the separation of smokers and non-smokers or by the deployment of ventilation or air conditioning.

### **Implementation**

All staff are obliged to adhere to and support the implementation of the policy. All new members of staff will be provided with a copy of this policy as part of their induction process and training will be carried out as necessary.

At all entrances to the building, within the building and in all Council vehicles, appropriate signage indicating “no smoking” will be displayed.

Employees or third parties with concerns about possible breaches should contact the Clerk.

### **Policy review**

Ultimate responsibility for the implementation of this policy is held by the Clerk, who will inform all employees and third parties of their role in the implementation and monitoring of the policy.

The Personnel Sub-Committee ~~HR~~ Committee holds responsibility for reviewing the policy.

### **Non-compliance**

Employees may also face disciplinary action for breaching this policy, including potential Gross Misconduct if an individual’s smoking has created an unacceptable fire risk.

### **NHS support**

Employees who need help to stop smoking can access support through the NHS at:

- [gosmokefree.co.uk](http://gosmokefree.co.uk)
- NHS Smoking Helpline: 0800 169 0169
- Text ‘GIVE UP’ + your postcode to 88088

## **12. DRUG & ALCOHOL ABUSE POLICY**

### **Introduction**

The Council recognises that alcohol and drug abuse related problems are an area of health and social concern. It also recognises that a member of staff with such problems needs help and support from his/her Employer. The Council recognises that alcohol and drug abuse problems can have a detrimental effect on work performance and behaviour. The Council has a responsibility to its Employees to ensure that this risk is minimised. Accordingly, Council policy involves two approaches:

1. Providing reasonable assistance to the member of staff with an alcohol or drug abuse problem who is willing to co-operate in treatment for that problem; and
2. Disciplinary rules, enforced through disciplinary procedures, where use of alcohol or drugs (other than on prescription) affects performance or behaviour at work, and where either (1) an alcohol or drug dependency problem does not exist, or (2) where treatment is not possible or has not succeeded.

The Council has not the internal resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by GPs, hospitals and other agencies. Through this policy the Council will seek both to assist a member of staff in obtaining such specialist help, and to protect his/her employment.

### **Assistance For a Member of Staff**

The Council will, where possible, provide the following assistance to a member of staff:

- Helping the member of staff to recognise the nature of the problem, through referral to a qualified diagnostic or counselling service.
- Support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in post or transfer to other work, depending upon what is appropriate in terms of the staff member's condition and needs of the Council,
- The opportunity to remain or return to work following the completion of a course of treatment, as far as is practicable, in either the Employee's own post or an alternative post.

The Council's assistance will depend upon the following conditions being met:

- A Council appointed Occupational Health Service provider or Council Approved Doctor diagnoses an alcohol or drug dependency related problem,
- The member of staff recognises that he/she is suffering from an alcohol or drug abuse problem and is prepared to co-operate fully in referral and treatment from appropriate sources.

The Council and its Employees must recognise the following limits to the assistance the Council can provide:

- Where a member of staff fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the Disciplinary Procedure.

- If the process of referral and treatment is completed but is not successful, and failure in work performance or behaviour occurs, these will be dealt with through the Disciplinary Procedure.
- A member of staff's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of the Council at that time.

### **Procedures**

The procedures define management responsibilities and provide guidelines on:

- Where assistance to a member of staff should be provided and the nature of and limits to such assistance; and
- The application of the Council's Disciplinary Procedure.

### **Use of External Agencies by the Council**

The Council where it deems appropriate may utilise the services of external agencies such as an Occupational Health Service provider or Approved Doctor, to provide the following:

- Advice and support to the Clerk and Members:
  - On whether an alcohol or drug related problem exists
  - Progress in treatment; and
  - Re-establishment or continuation at work of a member of staff or other appropriate arrangements.
- Assistance to members of staff with alcohol or drug abuse related problems.

This does not include directly providing treatment or specialist help, which is the responsibility of GPs, hospitals and other agencies working in the field. The Occupational Health Service provider / Council Approved Doctor, in close liaison with these persons and agencies, will assist staff referred in the following ways:

- Through counselling encourage them to come to a better understanding of their problem and the benefits of seeking treatment or help.
- Providing advice and direction regarding obtaining treatment and specialist help; and
- Assisting in continuing at or achieving a return to work.

### **Disciplinary Action**

In line with the Council's disciplinary rules, the following will be regarded as serious misconduct:

- Attending work and/or carrying out duties under the influence of alcohol or drugs; and
- Consumption of alcohol or drugs whilst on duty (other than where prescribed or approval has been given).

Breach of these rules will normally result in a formal disciplinary investigation into Gross Misconduct, (only in exceptional cases will either notice or the reduced disciplinary action of a final written warning be applied). Where a breach of these rules occurs, but it is established that an alcohol or drug abuse related problem exists, and the member of staff is willing to co-operate in referral to an appropriate service and subsequent treatment, the Council will suspend application of the Disciplinary Procedure and provide assistance as described above. Staff who do not comply with the

treatment suggested or continue to abuse alcohol or drugs will be subjected to the application of the Disciplinary Policy.

### **Situations Where Use of The Disciplinary Procedure Is Appropriate**

#### **Recognition of the existence of a possible alcohol or drug abuse problem**

Abuse of alcohol or drugs can affect performance and behaviour at work, i.e. either through serious misconduct at work, (where there is a direct and demonstrable breach of the disciplinary rules regarding alcohol or drug abuse at work), or where there is a falling off of standards of work performance or behaviour, and abuse of alcohol or drugs is a possible cause; also by other means, where a member of staff seeks or agrees to accept assistance on a voluntary basis.

The Town Clerk will be responsible for responding to such situations, carrying out either counselling or disciplinary investigations and interviews, supported as appropriate by the Elected Members. In such interviews the possible existence of an alcohol or drug abuse problem should be explored. The Town Clerk is not required to diagnose the existence of an alcohol or drug abuse problem, merely to assess whether such abuse is a possible factor. Any requirements of the Disciplinary Procedure regarding allowing the member of staff representation will be observed.

#### **Diagnosing the existence of an alcohol or drug abuse problem**

Should the interviews lead to the conclusion that an alcohol or drug abuse problem might exist and the member of staff accepts referral, the Town Clerk should refer the matter to Members, who may authorise contacting an Occupational Health Service provider or Council Approved Doctor, who will be responsible for establishing whether or not a diagnosis of alcoholism or drug dependence can be made.

The Employee must accept that attending work under the influence of Drugs and / or Alcohol, following their interview with the Town Clerk, they potentially render themselves liable for formal disciplinary action for Gross Misconduct.

However, under normal circumstances disciplinary action should be suspended until diagnostic advice is obtained.

Where appropriate, suspension arrangements in the Disciplinary Procedure should be followed. If the interview fails to lead to the conclusion that an alcohol or drug abuse problem exists, or the member of staff rejects, or fails to co-operate in referral, disciplinary action should be continued, where and as the situation justifies.

#### **Confirmation that an alcohol or drug abuse problem exists and treatment arrangements**

If a positive diagnosis of an alcohol or drug abuse problem is made, and the member of staff agrees to co-operate in treatment, treatment arrangements should commence. Where necessary, the Occupational Health Service provider / Council Approved Doctor will advise the member of staff regarding treatment and will be responsible for monitoring progress with treatment and advising the Council. This advice should be available at least monthly following commencement of treatment and thereafter as appropriate. (Disciplinary action should be discontinued unless the member of staff fails to co-operate on the treatment arranged.) Should a diagnosis of alcoholism or drug dependence not be confirmed or should the member of staff refuse to co-operate in treatment, disciplinary action should be continued.

The Occupational Health Service provider / Council Approved Doctor will advise on whether a situation has been reached where there is a lack of progress with treatment or lack of co-operation by the member of staff. Members must review the facts and consider whether there needs to be a return to the use of Disciplinary Procedures.

Where medical certificates are submitted, sick leave should be given. Should the Employee continue to be fit for work during the period of treatment, he/she should be permitted to continue in his/her post or alternative work unless such an arrangement would have an adverse effect on Council services. In such circumstances, annual or unpaid leave should be approved or, exceptionally, suspension arranged.

If a member of staff has been off work during the period of treatment, before returning to duty, he/she will be seen by the Occupational Health Service provider / Council Approved Doctor who will advise the Council regarding capability for continuation in his/her own post and whether any special supervision or other arrangements are required.

Every effort should be made to comply with the advice provided by the Occupational Health Service provider / Council Approved Doctor. If it is not reasonably practicable to do so, and as a result, the member of staff is not able to resume duty, employment may be terminated on the grounds of incapacity (ill health).

If a member of staff is again involved in disciplinary situations resulting from alcohol or drug abuse related problems, a second referral to the Occupational Health Service provider / Council Approved Doctor and suspension of the disciplinary procedure may be appropriate. If they advise positively on the possibilities of further treatment or help and the willingness of the member of staff to co-operate, the disciplinary procedure may be suspended again to permit treatment and help to be undertaken. This second referral will not apply if the further disciplinary problems involve serious misconduct. Third and subsequent referrals are not permissible.

#### **Situations where a Disciplinary Situation does not exist**

There may be situations where the possible existence of alcohol or drug abuse problems affecting a member of staff comes to the Council's attention, although there is, or has been, no discernible effect on work performance or behaviour. This could arise if a member of staff confides in the Clerk about an alcohol or drug abuse problem, or the Clerk could see a need to approach a member of staff after observing possible "indicators" of an alcohol or drug abuse problem, i.e. an absence pattern or information provided by the member of staff's colleagues etc. In such situations, the Council would wish staff to feel they could seek help from their Employer (in complete confidence) without worry that their job security would be in jeopardy. Accordingly, if the Town Clerk should be faced with a situation of this type they should:

- Counsel the member of staff and, if appropriate, arrange for the member of staff to be interviewed by the Occupational Health Service provider / Council Approved Doctor on the authority of the Council; and
- As in the procedure described above, the Occupational Health Service provider / Council Approved Doctor will play a facilitating role, i.e. seeking to establish whether a problem exists, advising and directing the member of staff towards appropriate forms of treatment and help.

These steps cannot be taken without the co-operation of the member of staff. If the member of staff does not wish to co-

operate, no further action should be taken. Should a member of staff take up the opportunity of assistance on this voluntary basis there need be no further formal involvement of Management in terms of action or the right to learn of progress with treatment. It may be however that the member of staff would wish, or agree to, further involvement of Management as a means of assisting progress with treatment.

Use of the disciplinary procedures and/or the application of the approach described above would only be appropriate if subsequently, the member of staff is involved in a breach of disciplinary rules. Should the problems of the member of staff develop to an extent that his/her continuation in post or employment became impossible, it may be necessary to identify alternative work or arrange for termination, on the same basis as the Council operates for staff with problems of incapacity due to ill health.

### **13. MOBILE PHONE POLICY**

Mobile telephones are often an essential part of the daily working lives of staff, particularly those workers who spend most of their day away from the office.

The guidelines in the policy are designed to help achieve a safe system of working for each employee/volunteer who uses a mobile telephone in connection with the business of the Council.

All staff are required to abide by these guidelines wherever possible as they minimise the risk to you when carrying out your daily duties.

Health and safety is a responsibility shared by the Council, the manager and the Employee and best practice in the use of mobile phones would be that it is applied to personal mobiles phones also.

This policy applies to all Employees of the Council.

#### **Responsibilities Under the Mobile Phone Policy**

Safety at work is a dual responsibility for both the Council and the Employee. If Employees ignore the Mobile Phone Policy and Procedure, they may be considered **personally** negligent should an incident occur and may also be subject to a criminal prosecution.

Line managers will be responsible for enforcing practical application of the policy. They must ensure that Employees have received sufficient information on the use of mobile phones to enable them to work without risk, so far as is reasonably practicable.

#### **Mobile Phone Procedures - Users**

Mobile phones may be provided to Employees for the purpose of conducting business for the Council and must be used solely by those Employees. Private use of a Council mobile phone is not permitted.

It is illegal to use a hand-held mobile telephone whilst driving.

**Do not** make a call, receive a call, send or look at a text message whilst driving a vehicle or operating any mechanical device.

**Do not** make or accept any telephone calls whilst driving (even when on hands-free).

**Do** find a safe place to pull over and switch off your car engine if you wish to make or receive a call, pick up messages or read and/or respond to text messages.

**Do** switch your phone off in sensitive areas or areas where you are asked to do so, i.e., hospitals, communications rooms etc.

**Do** make your manager aware if you are receiving unwelcome or persistent calls where this inhibits your ability to do your job or causes a health and safety risk to you.

If you are driving, then **do not** leave your mobile phone in the vehicle. If for any reason you have to, please ensure that it is out of sight.

**Do not** leave your mobile phone in any vehicle overnight.

**Do** be extremely careful when using your mobile phone in exposed or sensitive environments. It is advisable not to 'show' your phone in public places such as when walking along the street. Your safety is of paramount importance and so care must be taken to reduce the risk of physical personal attack as far as reasonably possible.

**Do** make sure that your mobile phone battery is sufficiently charged to enable full use at all times whilst on business for the Council.

#### **Mobile Phone Procedures –Office Based Staff / Line Managers**

**Do** ensure that the person to whom the phone has been allocated is aware of the safety procedures.

**Do** ask the person to whom you are making the call if it is convenient and safe for them to speak to you.

**Do** respond quickly to concerns from a member of staff about their safety when using their mobile.

#### **14. IT & INTERNET POLICY AND PROCEDURE**

The use of the Internet is an essential tool for most Employees. Those who use the internet have a responsibility to do so in a professional manner. To assist with this, you are asked to read the following guidelines and comply with them.

The Council reserves the right to access and monitor any or all areas of any computer and computer software systems which it owns (including email boxes and messages and telephone calls) for business reasons and training purposes. You should not therefore assume that any information held on a computer or similar piece of equipment owned by the Council is private and confidential to you.

#### **Email**

Your email address can receive emails from anyone connected to the Internet. Used correctly it is of assistance to Employees. Inappropriate use however may cause problems, including distractions, distress to others, time wasting and legal claims. This procedure sets out the Council's position on the correct use of the E-Mail and the Internet.

You should ensure that your correspondents know that they should not send you "humorous" or illegal attachments such as pictures or executable programs. Personal emails should be dealt with outside of normal office hours and all external non-work-related email messages should be deleted on receipt. Anyone found with offensive or pornographic material

on his or her computer will be subject to investigation, which could result in disciplinary action and possibly dismissal for gross misconduct.

If you receive an email from an unknown source, or “junk” email you should delete this from your system immediately without opening it as it may contain a virus.

Emails may contain file attachments. These should not be opened unless they are received from a trusted source, i.e. from another known Council, Employee or representative.

Emails to customers, suppliers and other business contacts should be restricted to Council business. Confidential information about or relating to the business of the Council, its customers, suppliers or contacts should not be transmitted outside the Council via email unless done so in the course of business. You should ensure there is no infringement of copyright when adding attachments to emails. Confidential information should not be left on display on an unattended workstation.

You should be aware that deleted emails will remain held on the system for some time and will be accessible from back up if required for investigation of complaints of systems abuse.

You must not distribute sensitive commercial data concerning the Council to competitive sources. Doing so may result in disciplinary action leading to dismissal without notice for gross misconduct.

#### **Guidance for appropriate use**

Email is a non-secure medium, and care should be taken when composing, sending and storing messages.

Email should be regarded in the same way as any other business communication and should be treated as a Council record. You should adopt a style and content for email, in particular those sent to external recipients that present a professional image. It is recommended that you adopt the same standards for email as for letters and memos, although the style may be more informal.

Confidential information about or relating to the business of the Council, its customers, prospects, suppliers or contacts should not be transmitted outside the Council via email unless done so in the course of business and sufficient steps are taken to safeguard security.

Employees must take reasonable steps to guard against unauthorised access to, alteration, accidental loss, disclosure or destruction of data.

### **Inappropriate use**

You must not send internally or externally or obtain material (whether in the form of text or images) which is libellous or defamatory, illegal, obscene, sexually explicit, bullying, discriminatory or disparaging of others particularly in respect of their race, national origins, sex, sexual orientation, age, disability, religious or political beliefs.

You are reminded that material that you find acceptable might be offensive to others. It is recommended that you take care and give sufficient thought to what you send. Messages can be misconstrued and should not become a substitute for "one to one" conversations. You should not send humorous material to business contacts. It can frequently be misunderstood or cause offence. In particular, the Council recommends that criticisms or complaints are not dealt with by email.

### **Examples of inappropriate use include, but are not limited to:**

1. Sending, receiving, downloading or displaying or disseminating material that insults causes offence or harasses others.
2. Accessing pornographic, racist or other inappropriate or unlawful material.
3. Engaging in on-line chat rooms, on-line gambling sites, social networking sites or blogging.
4. Forwarding electronic chain letters or similar material.
5. Downloading or disseminating copyright materials.
6. Transmitting confidential information about the Council or its customers externally and not in the course of the Council's business.
7. Downloading or playing computer games.
8. Copying or downloading software.

Serious instances of inappropriate use may be considered gross misconduct and may lead to dismissal.

### **Internet access**

Internet access is granted for business reasons only during working hours. Usage is limited to work related activities. The availability and variety of information on the Internet have meant that it can be used to obtain material considered to be offensive. Anyone found to have used the Internet to access and/or distribute any kind of offensive material, or non-related employment issues, are liable to disciplinary action which could lead to dismissal.

Under no circumstances must users download files without the consent of the Clerk.

If you wish to use the Internet out of office hours for personal purposes, please contact the Clerk who will be able to grant you access and explain how to use this facility, if appropriate.

Anyone believed to have been visiting pornographic sites, downloading or circulating pornographic material will be subject to disciplinary action. Offences of this nature may be considered gross misconduct and lead to dismissal, and if necessary, the police will be informed.

Please note that the main servers maintain a record of Internet access by user and these will be monitored as necessary and results forwarded to the Clerk and the police, if appropriate.

#### **Unauthorised Use of Internet, Email and Social Networking Sites**

- Unauthorised or inappropriate use of the Internet, Email and Social Networking Sites may result in formal disciplinary action which could include dismissal.
- The Council will not tolerate the use of E-Mail, Internet or any Social Networking Site by Employees for unofficial or inappropriate purposes, including: -
  - Any messages produced by Employees, either during or outside of normal working hours that could constitute bullying, harassment or other detriment to colleagues, our business or anyone associated with the business.
  - Personal use during working hours (e.g. social invitations, personal messages, jokes, cartoons, chain letters or other private matters)
  - On-line gambling.
  - Accessing or transmitting pornography.
  - Transmitting copyright information and/or any software available to the user.
  - Posting confidential information about other Employees, the Council or its customers or suppliers.
  - Posting any comments, opinions, views or remarks, either during or outside of normal working hours, which could be considered detrimental to the Council, its Employees, customers, suppliers or anyone else connected to the business, or bring the Council into disrepute.

**Please note, breaching these procedures will constitute an act of Gross Misconduct. Anyone who is accused of breaching these procedures will be subjected to a Formal Disciplinary Investigation and may be dismissed.**

#### **15. FLEXIBLE WORKING TIME REQUESTS**

The Council recognises the importance of helping its employees balance their work and home lives by offering flexible working arrangements. A degree of flexibility in working arrangements can be crucial in helping staff to respond to personal issues, such as caring commitments.

This policy sets out the ways in which flexible working can increase staff motivation, build better relationships with employees, increase the retention of staff, reduce absence, promote work-life balance and reduce employee stress. This will help to improve efficiency, productivity and competitiveness.

However, both management and employees need to be realistic and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas.

When a request for flexible working is received, a number of criteria need to be considered, including (but not limited to) the following:

- the cost of the proposed arrangement
- the effect of the proposed arrangement on other staff
- the level of supervision that the post-holder requires
- the structure of the department and staff resources
- other issues specific to the individual department
- an analysis of the tasks specific to the role, including their frequency and duration
- an analysis of the workload of the role.

#### **Eligibility to make a request**

Employees are able to request changes to their start and finish times, number of working hours each week and where they work from day one of their employment.

The Council will not be obliged to accept this request; however, refusal will be based on one or more of the following:

1. The additional costs to the Council.
2. Reduced ability to meet the needs of the Council, its members and the public.
3. Inability to share the person's workload amongst other staff.
4. Potentially damaging effects upon the quality of work produced.
5. Potentially damaging effects upon performance.
6. Inability to recruit extra staff to provide cover.

Employees are able to submit up to two requests within a rolling twelve-month period. Requests must be submitted to either the Clerk or Chair of the relevant Committee/Full Council. Requests to change working hours must be made in writing.

Upon receipt of a request the Council will initiate a two-to-three-week consultation period with the Employee to assess how their request impacts on the six points detailed above.

Should the outcome of the consultation process be to reject the Employee's request for one or more of the above six statutory reasons, the Employee is able to appeal to the Chair of the Full Council.

The process of addressing a request and providing a written response should take no more than two months.

### **Scope of a request**

Eligible employees can make a request for one, or a combination of, the following:

- job sharing
- part time working
- annualised hours
- compressed hours
- flexitime
- term time working
- swapping hours
- working from home
- flexible shift working.

Any agreement to a request for flexible working will take effect as a permanent variation to the employee's terms and conditions, unless it is mutually agreed that this will be a temporary variation.

### **Applying for flexible working**

The application must:

- be made in writing and state that it is an application for flexible working under the statutory right to make a request
- state whether a previous application for flexible working has been made under this procedure and, if so, when
- specify the change applied for and the proposed date for the change to become effective
- explain the effect the employee thinks the change will have on the Council and their colleagues and explain how any effect should be handled
- be signed and dated.

The application must also state whether the variation requested is made in pursuance of a reasonable adjustment under the disability discrimination provisions of the Equality Act 2010.

### **Procedure for handling an application**

A discussion regarding the application will be held between the employee and their line manager within 28 days of the application, unless the line manager notifies the employee in writing of their agreement to the variation. The time and place of the discussion will be convenient to both the line manager and the employee.

Once a decision has been reached, the employee will be informed as soon as possible of the discussion. If the decision is to agree to the application, the notice will specify the contract variation agreed to and state the date the variation will take effect.

If the decision is to refuse the application, the notice will state which of the specified grounds for refusal are considered to apply and contain an explanation of why this ground applies.

### **Procedure for handling an appeal**

An employee may appeal against the decision to refuse the application. The notice of appeal must be in writing, setting out the grounds for appeal and sent to the Chair of the Council.

The Chair will discuss the appeal with the employee as soon as possible after receipt of the appeal, unless they notify the employee in writing of the decision to overturn the original decision, and specifies the variation which is now agreed and the date on which it will take effect. If an appeal meeting is held, the time and place must be convenient to both the Chair and a panel of two additional Councillors, and the employee. As soon as possible after the date of the appeal discussion, the Appeal Panel will give the employee written notice of the appeal decision. Where the Panel upholds the appeal, the notice will specify the contract variation agreed to and state the date on which it is to take effect.

Where the decision is to dismiss the appeal, the notice will state the grounds for the decision and contain an explanation as to why those grounds apply. The notice will also state that there is no further right of appeal. An application for flexible working will be concluded within 3 months of the date of the application, unless an extension of time is mutually agreed.

### **Refusal of an application**

The employee will be informed of the refusal of their application in writing. The application may be refused on one or more of the following statutory grounds:

- a burden of additional cost
- a detrimental effect on the Council's ability to meet customer demand
- an inability to re-organise work among existing staff
- an inability to recruit additional staff
- a detrimental effect on quality
- a detrimental effect on performance
- insufficient levels of work during the periods of proposed work
- a planned structural change.

## **16. WHISTLE BLOWING POLICY & PROCEDURE**

All Councils face the risk of things going wrong or unknowingly harbouring malpractice. The Council has a duty to identify such situations and take the appropriate measures to remedy the situation. By encouraging a culture of openness within the Council, it is hoped that such problems can be prevented.

This policy applies to all Employees of the Council and other workers including temporary, subcontracted and agency workers. By encouraging openness, the Council wants to encourage Employees and workers to raise issues which concern them at work. They may be concerned that by reporting such issues they may expose themselves to detrimental treatment or risk their job security. This is not the case. All staff have statutory protection if they raise appropriate concerns in the right way. Providing they are acting in good faith; it does not matter if they are mistaken. There is no question of Employees having to prove anything about the allegation they are making, but they must reasonably believe that the information they have implies acts which fall under this policy.

If there is anything which Employees think the Council should know about, they should use the procedure outlined here. By knowing about issues at an early stage, the Council has a good chance of taking the necessary steps to safeguard the interests of all who are involved with and have a legitimate interest in its activities.

Issues which fall under this policy include:

- Criminal offences
- Miscarriages of justice.
- Dangers to health and safety
- Damage to the environment.
- Breaches of any legal and / or statutory obligations
- Deliberately concealing any of the above.

**Raising concerns internally**

If an Employee uses this policy to raise a concern in good faith, the Council gives them an assurance that they will not suffer any form of retribution or detrimental treatment.

- The Council will treat their concern seriously and act according to this policy. They will not be asked to provide information about the allegation they raise, but they must reasonably believe that the information they have tends to show some malpractice. If an Employee asks for a matter to be treated in confidence, the Council will respect their request.
- Employees should raise their issues with their Line Manager. They can inform their Line Manager verbally or in writing if they prefer.
- If they feel that they cannot deal with their Line Manager, for whatever reason, they should address their concerns to the Chair of the Council.
- Once a concern has been raised, the Council will decide how to respond in an appropriate manner. This will start with internal enquiries but may progress to either a formal or informal investigation, depending upon the nature of the concern. The Council will endeavour to complete the investigation within a reasonable time scale.
- The investigation may be conducted by the Town Clerk alone, or a team of three Councillors, selected by the Full Council, depending upon the nature of the concern.

- The Council will keep the Employee informed of the progress of the investigation. However, the Council will not be obliged to reveal information which would infringe the confidentiality of others, the Data Protection Act or any other Statutory obligation.

#### **Raising concerns externally**

- The purpose of this policy and procedure is to give Employees the opportunity and protection they need to raise concerns internally. The Council would expect that in almost all cases, raising concerns internally would be the most appropriate action to take.
- However, if for whatever reason Employees feel that they cannot raise their concerns internally and reasonably believe that the information and allegations are substantially true, they can consider raising the matter with the appropriate regulator, such as the Standards Board or Association of Local Councils.
- Protect is an independent charity whose main objective is to promote compliance with the law and good practice in the public, private and voluntary sectors. They can be contacted at <https://protect-advice.org.uk/>

### **17. LONE WORKING POLICY & PROCEDURE**

#### **The Council's lone workers fall into the following two groups:**

##### People in fixed establishments where:

- Only one person works on the premises, e.g. the Council Offices.
- People who work separately from others.
- People who work outside normal hours.

##### Mobile Workers working away from their fixed base:

- Service workers, e.g. cemeteries, parks, street cleaning.

#### **Safe working arrangements for lone workers**

Risks assessments are conducted for routine activities which involve workers who work alone.

#### **The Risk Assessments will address:**

- Can the risks of the job be adequately controlled by one person?
- Is there a safe way in and a way out for one person? Can any temporary access equipment which is necessary, such as portable ladders or trestles, be safely handled by one person?
- Can all plant, substances and goods involved in the work be safely handled by one person?
- Is there a risk of violence?
- Are women especially at risk if they work alone?
- Are young workers especially at risk if they work alone?
- Is the person medically fit and suitable to work alone?
- What training is required to ensure competency in safety matters?
- How will the person be supervised?
- Supervisors periodically visiting and observing people working alone?

- Regular contact between the lone worker and supervisor using either a telephone or radio?
- Automatic warning devices which operate if specific signals are not received periodically from the lone worker, e.g. systems for security staff?
- Other devices designed to raise the alarm in the event of an emergency, and which are operated manually or automatically by the absence of activity?
- Checks that a lone worker has returned to their base or home on completion of a task.
- What happens if a person becomes ill, has an accident, or there is an emergency?
- Lone workers should have access to adequate first aid facilities and mobile workers should carry a first aid kit suitable for treating minor injuries.
- Occasionally risk assessment may indicate that lone workers need training in first aid.

## **18. BULLYING AND HARASSMENT POLICY AND PROCEDURE**

### **Purpose**

The purpose of the Bullying and Harassment Policy is to state clearly the Council's opposition to bullying or harassment in the workplace and to provide a clear process for Councillors and staff to follow if they experience such behaviour as a result of their Council activities. Additionally, it provides Councillors and staff with some guidance on the nature of bullying and harassment.

The Council recognises the right of every individual to be treated with dignity and respect and to work in an atmosphere free of bullying and harassment. The Council is opposed to bullying or harassing behaviour in the workplace and will respond seriously, sensitively, confidentially, and fairly to any allegations of such behaviour.

The Council recognises that bullying or harassing behaviours in the workplace are not only damaging to the individual recipient(s), but they are also damaging to the Council. All Employees and Councillor's are responsible for ensuring that their own behaviour is sensitive to others and for ensuring that they do not condone or support the bullying or harassing behaviours of others.

Councillors are responsible for leading by example and will be expected to treat staff and other Members with respect, dignity and sensitivity.

### **Definitions Of Bullying and Harassment**

**Bullying** may be characterised as: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient.

**Harassment**, in general terms, is: Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, sexual orientation, religion, nationality, or any personal characteristic of the individual,

and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying and harassment do not need to be face to face, they may be by written communications, electronic (e) mail, and telephone.

### **Procedure**

Employees and Councillors who feel that they have been subjected to bullying or harassment, are encouraged to discuss the matter with either the Clerk, Chair of the Personnel Sub Committee or Chair of the Council as a matter of urgency. If they feel that one of the above is the cause of the problem, the affected individual should address their problem to one of the other Senior Members of the Council.

The Personnel Sub Committee should respond to such issues as a matter of priority. People raising concerns about bullying and harassment will receive a quick, confidential and supportive response from the Council.

The Council's policy is to encourage Employees and Elected Members to report these problems, and if possible, to commit the matter to a written statement. By doing so this allows the Council to address the matter efficiently and in a constructive manner, which it is hoped will result in a quick and effective resolution of the problem.

Should an Employee not wish to commit their concerns to a written statement, the Councillor they report the problem will make a written note of what they have been told, including the fact that the Employee does not wish to raise a formal complaint, or prefers to remain anonymous. The purpose of making such notes is to help protect all those involved in the matter, whilst respecting the wishes of the Employee who raised the matter.

Employees should be aware that the Personnel Sub Committee will be informed that a concern has been raised regarding an individual or group of individuals conduct towards a member of staff. The anonymity of the person raising the concern will be preserved. However, should concerns be raised from more than one source, reasonable doubt surrounding suspected bullying and harassment within the Council will have been created. Complying with the Council's Duty of Care to its staff, a formal investigation will then be undertaken.

Acts of bullying and harassment are Gross Misconduct and could result in dismissal.

If a Councillor is found to have been guilty of bullying and harassment, the Council will take all appropriate action available to it within the current statutory framework, to resolve the problem. This could begin with the Councillor in question being stopped from having direct communication with the Employee or Councillor who the recipient of their unwanted conduct has been, and for the guilty party to address all such communication through the Chair of the Council.

## **19. MATERNITY LEAVE**

All female Employees are entitled to 52 weeks Maternity Leave, which consists of 9 months ordinary paid leave (if eligible) and an optional 3-month additional unpaid leave.

Statutory Maternity Pay will be paid for the first 9 months if the Employee's average weekly wage exceeds the National Insurance lower earnings limit. Employees need to discuss all arrangements with their line manager prior to beginning this leave, including providing the Clerk/Council with a copy of the MAT B1 by week 16 of the pregnancy. The remaining three months Additional Maternity Leave is optional and unpaid. Employees will need to give the Clerk/Council 8 weeks prior notice if they wish to return to work early from Maternity Leave within the first nine months.

Employees are required to give the Clerk/Council twenty-eight days' notice prior to their intended return date from ordinary Maternity leave at the end of nine months. No notice is required from Employees who have taken 12 months Maternity Leave.

Employees on Maternity Leave will be able to arrange up to 10 'Keep in Touch Days' with Management, to return to work for short periods during their leave and receive their normal rate of pay on these working days, without damaging their entitlement to Maternity Pay.

## **20. ADOPTION LEAVE**

Employees are entitled to 39 weeks paid Adoption Leave. Employees will be able to take an additional 13 weeks of unpaid adoption leave and return to work at any time up until the end of 52 weeks from the Sunday before the child was placed for adoption. Statutory Adoption Pay (SAP) is payable for a maximum of 39 weeks.

Whilst on adoption leave, 'Keeping in Touch' days will allow employees to do up to 10 days work (with pay at their normal rate) without ending that leave or affecting the right to Statutory Maternity Pay. Work can include training and any part of a day equates to one day. Employees with more than six months continuous employment are entitled to attend up to 2 adoption appointments with their partner after they have been matched with a child.

## **21. BREASTFEEDING / EXPRESSING MILK POLICY**

The purpose of this policy is to set out the Council's stance on the support given to new mothers who return to work after maternity leave whilst continuing to breastfeed or express milk.

The Council takes its obligations under health and safety legislation seriously and views the welfare of its employees as a priority. An element of this is to carry out risk assessments where is deemed that an employee's role may pose a risk to

their welfare. Risk assessments will always be carried out in respect of employees who have returned from maternity leave and are breastfeeding/expressing milk.

Risks identified must be addressed. The Council will seek ways to eliminate the risk fully or alternatively a reduction in the risk where this is acceptable. Adjustments will be made to the employee's role to eliminate or reduce the risk for the period that the employee continues to breastfeed/express milk. If no adjustments can be made which have the desired effect, the Council will seek suitable alternative work to be offered to the employee on a temporary basis until the risks are removed or breastfeeding/expressing milk ends. Maternity suspension on full pay will be the last resort should no alternative work be available. The risk assessment will focus on all relevant areas including physical, biological and chemical agents and any operational methods adopted by the Council.

### **Provision for expressing milk at work**

Employees who are breastfeeding/expressing milk at work should, wherever possible, do this during their contractual rest breaks (e.g. lunchtime). If this is not possible a time should be agreed between the employee and the line manager. Private facilities for breastfeeding/expressing milk will be provided. If milk is to be kept in a communal fridge, it must have a clearly visible label.

### **Time off to breastfeed**

An employee may make a request for flexible working to take time off for the purposes of breastfeeding her baby. This may be the case if the baby is on the premises at the Council crèche, for example). However, the Council policy is to agree a permanent change to working hours as a result of a flexible working request and therefore this may not be in the employee's best interests. Any other arrangements regarding time off for the employee to breastfeed must be discussed and agreed in advance with her line manager. The arrangements must be reviewed and a date of the review set if working hours have been reduced as part of the arrangements.

### **Dismissal**

Dismissal for reasons related to breastfeeding or expressing milk is automatically unfair. In addition, a woman must not suffer any detriment because she is breastfeeding or expressing milk.

## **22. PATERNITY LEAVE**

New Fathers are entitled to two weeks paid Paternity Leave, paid at the same rate as SMP. This can be taken as a period of a fortnight or two separate periods of one week. This leave must be taken within the first 52 weeks of the child's birth. Employees are required to show the Council's Management a relevant MATB1 when making a request to take this leave and must provide at least 28 days' prior notice.

## **23. SHARED PARENTAL LEAVE**

Parents who earn above the National Insurance Lower Earnings Limit, can take SPL. Both Parents can share a total of 37 weeks statutory paid leave and 12 week's unpaid leave, following their child's birth. Mothers must take two weeks

compulsory Maternity leave immediately after the birth, (four weeks for manual workers). Following that compulsory period, both Parents can request dates to take leave totalling 37 weeks paid (35 for manual workers) and 12 weeks unpaid. Leave can be taken by both Parents at the same time, or in alternating periods.

To take leave:

- Both Parents must qualify in terms of earnings and length of service.
- The Mother must give her Employer eight weeks' notice that she is ending her Maternity Leave. This can be done as early as eight weeks before birth (starting from February 2014).
- The Council requires eight weeks prior notice of the dates and Employee wishes to take SPL.
- The Council requires the following evidence that an Employee's Partner/Spouse is also entitled to SPL:
  - The Partner/Spouse's name.
  - Their National Insurance number.
  - Copies of the Partner/Spouse's pay slips for the past eight weeks.
  - A letter from the Partner/Spouse's Employer to confirm that they are entitled to SPL.
- The Council will automatically allow any requests for just one continuous period of leave.
- If an employee requests two or more separate/discontinuous periods of SPL, the Council can discuss dates with the Employee, which are unacceptable for business reasons.
  - The Council will discuss problem dates with an Employee during the first two weeks of the eight-week notice period.
  - If agreement cannot be reached, the Employee will be entitled to one continuous period of SPL, starting from the date the discontinuous leave request was due to start.
- Parents are paid at the same rate as Statutory Maternity Pay when taking SPL.

## **24. GRIEVANCES & DISCIPLINE**

### **24.1 Informal Grievances**

If you are unhappy with an element of your employment with the Council, you should initially discuss the matter with the Town Clerk/Chair of Personnel Sub Committee on an informal basis. If you are uncomfortable about talking to the Clerk/Chair of Personnel Sub Committee, you should approach the Leader of the Council.

### **24.2 Employee Conduct / Performance**

Should the Council be unhappy with either an employee's conduct or performance, they will initially discuss their concerns with that Employee on an informal basis. The purpose of this meeting will be to provide guidance and support to address the problem. For this reason, notes will be taken during this meeting, and all present will be asked to sign the notes. A Panel from the Council and the Employee will attend this meeting. There will be no entitlement to be accompanied.

### **24.3 Mediation**

If an Employee is unhappy with the outcome of the Informal Grievance Procedure, or either party do not feel that performance / conduct issues are being addressed effectively, either the Employee or the Council request that the matter be subjected to mediation. This will involve the use of a third-party Mediator. In its simplest form, Mediation will involve the Mediator talking to either party individually, to listen to their side of the issue. If the Mediator feels that a resolution to the problem is possible, a meeting will be arranged between all parties at which the Mediator will set out their assessment of the issues and invite both parties to reach their own resolution. The resultant action plan should have the agreement and support of both parties, be set out in writing and be signed by all involved in the Mediation process.

#### **24.4 Formal Grievances**

In the case of Grievances not being fully resolved at the informal stage, a formal written approach is required to the Council. As a consequence, a formal Grievance Hearing will be held to address the matter, within twenty-eight days of receipt of the Employee's letter. The Hearing will be conducted by a Panel of between two and three Elected Members who will be appointed by the Council or the Personnel HR-Committee.

At this meeting Employees are entitled – and encouraged – to be accompanied by a work colleague from the Council or Trade Union Representative. Employees will be informed in writing of the outcome of the meeting within seven days. If the Employee making the grievance is unhappy with the response to the meeting, they can issue an appeal, in writing. This Appeal must be submitted within seven days of receiving the response to the original grievance meeting.

**Please Note** Any Formal Grievance complaint, which concerns the conduct of a Councillor, will be addressed as a Code of Conduct complaint by the Council and will be referred to the District Council's Monitoring Officer. This Council will not address the Employee's Formal Grievance against an Elected Member. It will be addressed by the Monitoring Officer.

#### **24.5 Formal Discipline (this procedure only applies to Employees with two or more years continuous employment. Those with less may be subject to a short service dismissal for misconduct or poor performance.)**

If an issue regarding an Employees conduct, behaviour or performance is not fully addressed by informal discussions, the Council will pursue the matter through its formal Disciplinary Procedures. Typical examples of areas of concern may be poor performance, unacceptable and unexplained absenteeism, poor conduct and behaviour at work, or lack of capability by an Employee to carry out their job.

This is a four-step procedure, which increases in the severity of its outcome if the issue is not resolved at the previous step. Each step involves a formal meeting between the affected Employee and a Disciplinary Panel, at which the Employee will be given every opportunity to put their side of the issue. Meetings will be conducted as soon as reasonably possible after the incident(s), which are being investigated to ensure that facts and witness statements are clear and up to date. At this meeting Employees are entitled - and encouraged - to be accompanied by a work

colleague from the Council, or Trade Union/SLCC Representative. If the allegation of misconduct is proven, the meeting may result in the following action being taken by the Council Management against the Employee:

<b>STEP No</b>	<b>ACTION TAKEN</b>	<b>LIVE PERIOD</b>	<b>MANAGER RESPONSIBLE</b>
1	Formal Oral Warning	Six months.	Disciplinary Panel
2	Formal Written Warning	Twelve months	Disciplinary Panel
3	Final Written Warning	Twelve months	Disciplinary Panel
4	Termination of Contract of Employment	N/A	Disciplinary Panel

Particularly severe acts of indiscipline may result in the Management bypassing Steps 1 and 2.

Employees will be informed by letter that they are required to attend a formal disciplinary meeting. This letter will include details of the allegation they are to answer, the date, time, and venue of the meeting, and inform them of their right to be accompanied by a work colleague from the Council, or Trade Union Representative if they hold such membership.

**24.6 Gross Misconduct (this procedure only applies to Employees with two or more years continuous employment. Those with less may be subject to a short service dismissal for misconduct or poor performance.)**

Acts of Gross Misconduct, if proven after an appropriate investigation and a Disciplinary Hearing, will result in Dismissal without notice. Employees accused of Gross Misconduct will be suspended on full pay and receive a written invitation to a Formal Disciplinary Hearing, giving them details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a work colleague from the Council or trade union/SLCC representative. The letter will provide a minimum of 2 working days prior notice to the meeting.

The Council recognises the following as acts of Gross Misconduct. (This is not an exhaustive list).

- Theft.
- Abusive or threatening behaviour of any nature.
- Being under the influence of alcohol or drugs.
- Dishonesty in dealings with Management.
- Sexist, racist or any other behaviour against an individual, which could be classed as creating a hostile, intimidating or threatening environment.
- Breach of confidentiality.
- Failing to carry out reasonable Management instructions.
- Fighting and acts of aggression.

- Deliberately damaging Council property.
- Deliberate breaches of Council Health and Safety procedures.
- Unauthorised access to Council computer files, software or any other such breach of confidentiality.

Employees who have been dismissed for acts of Gross Misconduct do have a right to Appeal against their dismissal. Appeals should be submitted within a reasonable timescale following the dismissal and addressed to the Chair of the Council. A reasonable timescale would normally be no longer than a week following the dismissal. Employees submitting an appeal must make it clear that they are appealing against the decision to dismiss them and set out the reasons for their appeal. Once the Management have received notice of the Employee's decision to Appeal, they will follow the Appeal Procedure detailed below.

#### **24.7 Appeal Procedure**

Employees have the right to Appeal against a decision made at any Formal Disciplinary step. Appeals should be made to the Chair of the Council in writing and submitted within seven working days of the disciplinary meeting having occurred. A Formal Appeal Hearing, involving the Employee and an Appeal Panel, will be held within fourteen days of receipt of the appeal request. At this meeting, Employees are entitled - and encouraged - to be accompanied by a work colleague from the Council or a Trade Union/SLCC representative. The Employee making the appeal will be informed in writing of the outcome of the Appeal Hearing within seven days.

**POLICIES & PROCEDURES HANDBOOK**

**Acknowledgement of Receipt - I acknowledge that I have received an up-to-date copy of the Policies & Procedures Handbook, containing the following details concerned with my employment:**

1. General Terms and Conditions of Employment with the Council Including
  - 1) Continuous Service
  - 2) Declaration of other Employment
  - 3) Payment Arrangements: inc, deductions from pay
  - 4) Car Allowance
  - 5) Pension Entitlements
  - 6) Public Duties
  - 7) Holiday Entitlement
  - 8) Illness and Sick Pay
  - 9) Parental Leave
  - 10) Time off for Dependents; inc bereavement leave.
  - 11) Redundancy
  - 12) Termination; notice periods
  - 13) Health and Safety
  - 14) Insurance
  - 15) Death in Service
- 2 Recruitment & Selection Policy
- 3 Reference Policy
- 4 Equal Opportunities Policy
- 5 Training Policy
- 6 Appraisal System Policy
- 7 Managing Stress in the Workplace Policy
- 8 Sickness Absence Policy
- 9 Capability Procedure
- 10 Protocol on Councillor/Officer Relationships Policy
- 11 Smoking Free Policy
- 12 Drug & Alcohol Abuse Policy
- 13 Mobile Phone Policy
- 14 IT & Internet Policy & Procedure
- 15 Flexible Working Time Requests
- 16 Whistle Blowing Policy & Procedure

- 17 Lone Working Policy & Procedure
- 18 Bullying & Harassment Policy & Procedure
- 19 Maternity Leave
- 20 Adoption Leave
- 21 Breastfeeding / Expressing Milk Policy
- 22 Paternity Leave
- 23 Shared Parental Leave
- 24 Grievance & Disciplinary Procedure

**Employee's Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date Handbook Received:** \_\_\_\_\_