

# Long Stratton Town Council Staff Handbook

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## **Introduction**

This handbook is part of the Employee's terms and conditions of employment.

Long Stratton Town Council (LSTC) values its employees and is committed to treating them fairly.

The Town Council seeks to ensure all staff are able to play their part to the best of their ability, through development, training, competence, and mentoring.

As a result, employees can fully contribute to the delivery and management of services in the town of Long Stratton.

All staff will undertake a short induction programme at the commencement of their employment which will cover key points contained within this document, along with other information relevant to the role and the operation of the Council. The induction and this handbook seek to ensure that new staff have the opportunity to understand their duties and responsibilities enabling them to settle into their jobs quickly and comfortably.

For existing staff, this handbook should also be kept handy as a point of reference and for further information purposes.

This handbook should also be read in conjunction with an individual's Contract of Employment and the other associated Council policies.

Where the Town Clerk would normally agree/take an action but is themselves making a request or is the subject of the action then that will fall to the Staffing Committee

## **1. Probationary Period**

New staff join the Council on an initial probationary period of 6 months. This does not prejudice the Council's right to dismiss, in accordance with the clause contained in the Contract of Employment, or matters arising from issues of discipline.

During the probationary period, work performance and general suitability is assessed and, if satisfactory, employment with the Council will continue.

If work performance is not up to the required standard, or it is felt insufficient time has been available for the employee to demonstrate the required standard, the position is reviewed and there is the possibility of extending the probationary period with a further review, or to terminate the employment (see Dismissal Procedure Section 12)

At the end of the probationary period or the extended period of up to 12 months, if performance is satisfactory, employees will become a member of permanent staff.

## **2. General Employment Policy**

The Council seeks to act as a responsible employer ensuring good personnel practices and compliance in all respects with employment law and other legislation applying at the time. In doing so it will refer to National Local Authority and Public Sector Organisations typical practice. Terms and conditions will be kept under review and National Agreements honoured.

Long Stratton Town Council's Employment Policy is geared to encourage and reward dedicated staff who take a professional attitude to work. The Council seeks to offer a stable and constructive working environment for staff who are prepared to work in partnership to meet the Council's aim of giving high quality service to the people of Long Stratton.

This handbook provides details of the Council's personnel policies and procedures and how they will be implemented. It is for use by all staff and the Council and its Committees in making decisions with respect to personnel matters. All day-to-day staff management decisions on personnel matters are delegated to the Town Clerk. Day to day matters relating to the Town Clerk will be dealt with by the Chairman of the Staffing Committee on the Council's behalf. Procedures in law also exist for the review of problem cases for all staff by the Council and its committees. These procedures are detailed within this handbook.

The Handbook is supplementary to the Contract of Employment. That Contract, in conjunction with the job description, indicates the specific provisions relating to each post. With effect from 6<sup>th</sup> April 2020 all employees will be provided with a written statement of main terms of the contract on their first day of employment.

## **3. National Agreement on Pay and Conditions of Service**

The Council accepts the provisions of the National Agreement on Terms and Conditions agreed annually between the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC). This is agreed after reference to the Joint Council for Local Government Services agreement.



A National Agreement on Pay and Conditions of Service (The Green Book) has been negotiated between Principal Local Authority Employers and Unions and this forms the basis of Pay and Conditions for the Council. The Green Book sets the framework by which Local Authorities establish terms and conditions. Local councils may negotiate terms and conditions, but it is the strong advice of NALC and SLCC jointly that the national terms and conditions are adhered to and in so doing must honour all the relevant provisions of employment legislation and any other legislation applying at the time.

Wherever the National Agreement makes provision for changes in the structure of Local Government Pay and conditions the Council will implement them.

Where pay differs from the National Agreement, this will be detailed in the contract of employment.

## **4. Salary**

### **4.1 Structure**

This is based on the externally evaluated and benchmarked agreement for Local Authorities, the National Joint Council (NJC) sets the pay scales and allowances and this is published to all councils annually. It is jointly agreed with the National Association of Local Councils NALC and the Society of Local Council Clerks SLCC who subsequently make recommendations on scale point ranges.

### **4.2 Salary Settlements**

The Council undertakes to implement the agreements above. Any changes agreed are usually, although not exclusively, implemented from the 1st April of each year.

Salary is paid in equal instalments by bank credit transfer (BACS) on the 27<sup>th</sup> of each month or on the nearest working day to that date, with pay being paid up to and including the end of the month.

Under the Employment Rights Act 1996 all staff will receive a pay slip showing how the total amount of salary has been calculated. It must show all the deductions made and the reasons for them e.g. Income Tax, National Insurance Contributions etc. Any queries on this matter should be raised initially with the Council's Finance Administrator.

### **4.3 Incremental Progression**

Employees should progress automatically up the salary scale to the top of their designated grade provided they have a satisfactory appraisal. They will normally be entitled to an increment, payable on the 1st April of each year along with the salary settlement figure.

Accelerated increments within the grade of the post may be given on the grounds of exceptional merit or ability.

Members of staff on a single salary point or at the top of the designated grade will be able to negotiate any further increases as part of the appraisal process.

### **4.4 Overtime and Time Off In Lieu**

Overtime is not generally paid unless specified in the Contract of Employment. Occasional

overtime may be required and needs to be agreed in advance with the relevant Line Manager as per Scheme of Delegation. Overtime is only paid at the same payscale rate as regular hourly pay of the employee

## **4.5 Flexible Working**

### **4.5.1 Introduction**

The Employment Act 2002 introduced the right for certain employees to request flexible working arrangements to allow them to care for a child. The Work and Families Act 2006 extended the right to request flexible working to employees who are unpaid carers of certain adults.

Employees with disabled children up to the age of 18 and those who have parental responsibility for a child aged up to 16 years have the right to request flexible working arrangements as well as unpaid carers of an adult.

As a good employer, Long Stratton Town Council has always had a positive view of flexible working and has offered part-time working and flexible working hours for some time. This statement sets out the framework in which variable working will be managed within the Council.

### **4.5.2 Eligibility**

The right to request flexible working is available to employees who have a minimum of 26 weeks' continuous service.

Only one flexible working request can be made within a twelve-month period.

The legislation does not provide an automatic right to flexible working. There is an emphasis on the importance of both the employee and the employer considering the terms of the request and attempting to reach an outcome that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application and the Town Clerk is required to follow a specific procedure to ensure requests are considered objectively.

### **4.5.3 What is Flexible Working?**

Flexible working can mean a change to the number of hours you work, the times you work or your place of work.

Some examples of flexible working are:

- Part-time working;
- Job share;
- Flexible working hours;
- School Term time; or
- Working from home

### **4.5.4 How to apply**

Anyone considering flexible working must first discuss with their manager the reasons for the request to change their working pattern. A formal application must be made in writing to your Line Manager. It should set out clearly:

- The desired change in working pattern;

- How it will impact upon the work of the Council;
- How you will manage your work to ensure there is no loss in efficiency;
- The impact of the change of your work pattern on your colleagues;
- How any potential problems will be overcome; and
- When you wish to start the new way of working
- A statement that it is a statutory request
- The date of any previous request for flexible working
- Whether the employee is making the request as a reasonable adjustment under the Equality Act 2010

All applications will be considered fully. The Line Manager will meet with the employee to discuss the application usually within 28 working days, unless agreement to the contrary is made in writing.

There is no statutory right to be accompanied at any meetings concerning a flexible working request. However, an employee who wishes to be accompanied to the meeting can ask a work colleague to be their companion.

#### **4.5.5 Who makes the decision?**

The Town Clerk will consider all applications and consult the appropriate manager as required. He will notify the employee of the decision usually within 14 days of the meeting. If an application is refused, the individual will be notified in writing with reasons why the request cannot be accommodated at this time.

The consideration of any request will take into account the following business and operational reasons:

- Additional burden of costs;
- Detrimental effect on the Council's ability to meet customer demand;
- Inability to reorganise work among existing staff;
- The inability to recruit additional staff
- Detrimental effect on quality
- Detrimental effect on performance;
- Insufficient work available during the periods the employee proposes to work; or
- The proposal does not fit in with planned structural changes.

If an application is refused in accordance with one or more of the reasons above, a further application cannot be made within 12 months.

If the Council determines that a period to review the flexible working arrangement is needed then an extension to the timescale to agree the request will be sought from the employee. This will enable the changes requested to be tried. A decision will be made by the Council following the agreed extension to the request and this will be notified to the employee following a review meeting.

Employees wanting a temporary change in their working hours should make the request informally and not through the Regulations.

#### **4.5.6 Right of Appeal**

There is a right of appeal, which must be submitted in writing within 14 working days. The Staffing Committee will determine the appeal and notify the employee of their decision in writing within 14 working days.

#### **4.6 Reimbursable Expenses**

Where an employee is required to travel as a requirement of their job, the Council will reimburse actual expense on public transport or taxis (when essential) and reasonable subsistence incurred in accordance with the NJC Car Allowances which from 1<sup>st</sup> April 2014 are the HMRC approved mileage rates. Usual home to work mileage should be deducted from any mileage claims made and any claims should be accompanied by AA Route finder. It should be noted that the practice of claiming subsistence is regarded as being the exception rather than the rule. Payments for subsistence will be paid at the discretion of the Council subject to validity, recommended allowances and a receipt being produced. Please refer to the Council's expenses policy.

#### **4.7 Sole Employment / Declaration of Other Employment**

Whilst the Council would prefer that employees are exclusively employed by the Council, it does realise that such an exclusive contract may not be possible.

In circumstances where staff have other employment, it is a condition of the Contract of Employment that the Council is informed of the essential details of such alternative employment in order to ensure that no tax or insurance liabilities will accrue to the Council. The Council does however, reserve the right to require that any other employment that is undertaken does not conflict with the role or standards required to be undertaken or met in the role as an Officer of the Council.

The Council follows the Working Time Directives to ensure that working arrangements are reasonable and, as far as possible, to take into account the needs/preferences of individual employees. Hours of work comply with relevant Health and Safety legislation, including the European Working Time Directive and its associated domestic legislation.

The basic rights and protections that the regulations provide are:

- A limit of an average of 48 hours a week which a worker can be required to work (though workers can choose to work more if they want to);
- A limit of an average of eight hours' work in 24 hours
- A right to 11 hours' rest a day
- A right to a day off each week
- A right to an in-work break if the working day is longer than six hours; and
- A right to four weeks' paid leave per year.

For young people under 18 years, there are different regulations which can be found on gov.uk website <https://www.gov.uk/browse/employing-people/contracts>

Employees must not accept any other work or conduct any other business which is similar to or in competition with the business of the Council or could give rise to a conflict of interest, unless they have been given prior written consent by the Council. Consent should be sought by the employee by submitting an application in writing to the Town Clerk, who has the delegated authority to give consent.

### **5. Benefits**

#### **5.1 Pension Arrangements**

Staff are automatically admitted (unless they choose to opt out) to the National Government

Pension Scheme (NEST), which provides an attractive range of guaranteed benefits. The benefits are inflation proofed. The benefit includes provision of premature retirement in special circumstances such as ill health, life cover and dependents pensions. To receive a refund of contributions staff must opt out within 2 years of the date of first joining the pension scheme including any transferred in service. It should be noted that staff cannot continue a Contracted Out personal pension plan as well as membership of the National Government Scheme.

Scheme members contribute a percentage of salary (depending on grade) and the Council also contributes at the rate determined by the scheme management.

Members may receive a lump sum (tax free under current legislation) and a standard pension on retirement. Both of these are based on the employee's length of membership in the pension scheme and their pensionable earnings. Scheme members may be able to top up their benefits, subject to HMRC Regulations, by purchasing added years or making Additional Voluntary Contributions.

Comprehensive information on all pension benefits can be obtained from NEST.

## **5.2 Death in Service**

The Council should be notified of the name of a nominated next-of-kin. In the event of death in service any salary or benefits other expenses due to a member of staff will be paid to the person nominated. This decision is at the absolute discretion of the Council.

Employees who are members of the NGPS may complete a death grant expression of wish form and return to NEST.

## **5.3 Annual Leave**

The Council takes a positive view on work/life balance issues and believes that employees should take responsibility for regularly taking annual leave to ensure their own health, safety, and wellbeing in accordance with the Working Time Directive.

Annual leave must only be taken with Line Manager approval. Employees must give as much notice as possible when requesting annual leave. Such notice should be at least twice the number of days' leave that the employee wishes to take as annual leave.

The annual leave year runs from 1 April to 31 March.

The minimum paid annual leave entitlement is 22 days, rising to 25 days after five years' continuous local government service. Employees are also entitled to two extra statutory holidays per year; the timing of these will be decided by the Council. Those employed part-time will be entitled to leave on a pro-rata basis.

Employees who join and/or leave the Council during the annual leave year will receive a holiday entitlement proportionate to their completed service during the leave year.

In the event of the employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.

### **5.3.1 Bank/Public Holidays**

All employees are entitled to paid bank/public holiday leave. The Council recognises that there are normally eight bank holidays during the year, although the dates of these may vary from year to year. Where the employee is required to work on a bank/public holiday time off lieu will be given as an alternative *at a time and a half*

Part-time employees have a pro rata entitlement to bank/public holiday leave. This is calculated with reference to the annual entitlement of a full-time employee. Due to being part time

### **5.3.2 Carry Over of Annual Leave**

All annual leave should be taken in the leave year during which it is accrued. A maximum of five days' leave (pro rata for part-time employees) can be carried over into the next leave year with the written permission of the Town Clerk and any such leave must be taken by the end of August following the usual Council approval process.

### **5.3.3 Compassionate Leave With Pay**

Up to 3 days' compassionate leave with pay can be granted in order to help the employee to

cope with the death or serious illness of a member of their immediate family. This includes:

- Husband, wife, or partner;
- Mother or father;
- Child, including any adopted child; and
- Sister or brother

A further day may be granted for attending a funeral.

All applications for Compassionate Leave must be made to the Town Clerk for determination.

In exceptional circumstances, the Town Clerk will consider granting a maximum of a further seven days' compassionate leave in any one year.

#### **5.3.4 Parental Bereavement**

From 6<sup>th</sup> April 2020 bereaved parents have the right to two weeks' leave following the loss of a child under 18. Leave can be taken in one two-week block or in two one week blocks.

#### **5.3.5 Public Duties**

Up to 5 days' leave with pay per year may be given with the permission of the Town Clerk for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

Where an allowance is claimable for loss of earnings, employees should claim and pay the allowance to the Council.

#### **5.3.6 Jury Service**

Paid leave of absence will be granted for employees undertaking jury service. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.

#### **5.3.7 Additional Leave**

Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk.

### **5.4 Parental Leave**

The Parental Leave regulations came into force as part of the Employment Relations Act 1999 and with subsequent amendments. They apply to all parents and those people with parental responsibilities, including adoptive parents and allow for them to take up to 18 weeks' unpaid leave.

#### **5.4.1 Eligibility**

The right to take up to 18 weeks' unpaid leave is subject to the following conditions:

- The rights are acquired after one year's continuous local government service and apply to both mothers and fathers and individuals with parental responsibility
- Both parents/employees with parental responsibility are entitled to take 18 weeks' parental leave for each child.



- A 'week' equals the length of time an employee normally works over 7 days.
- The leave can only be taken in blocks of one week or more, up to a maximum of four weeks in one year, except where the child is disabled, in which case it may be taken one day at a time.
- The employee is obliged to give his or her manager at least 21 days' notice in writing to take unpaid leave.
- The manager may postpone the leave for a maximum of 6 months if there are sound business reasons for doing so. The manager should seek agreement with the employee over mutually acceptable arrangements to take the time off requested and confirm the outcome in writing within 7 days of the request.
- However leave also cannot be postponed (delayed) if:
  - It is being taken by the father or partner immediately after the birth or adoption of a child
    - it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday
- Managers should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.
- All terms and conditions of service, with the exception of pay, remain in force during the period of leave.
- Employees have the right to return to their job in the same way as provided to those returning from maternity leave.
- Time taken as parental leave counts as continuous service.
- If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

#### **5.4.2 Time Off for Dependants**

Under the [Employment Rights Act 1996](#), all employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work without notice in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

- A spouse;
- A civil partner;
- A child;
- A parent;
- A person who lives with the employee other than as his or her employee, tenant, lodger, or boarder;
- Any other person who would reasonably rely on the employee for assistance if he or she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.

Under this provision, an employee is entitled to take time off work:

- Where a dependant falls ill, gives birth, or is injured or assaulted;
- To provide assistance following the death of a dependant;
- Where there has been an unexpected disruption to, or termination of, the arrangements

- for the care of a dependant; and
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.

However, the employee can't have time off if they knew about a situation beforehand. For example, they wouldn't be covered if they wanted to take their child to hospital for an appointment. An employee might get [parental leave](#) instead.

Although there is no requirement to give notice the employee must, as soon as possible, tell their Line Manager the reason for their absence and how long they expect to be away from work.

#### **5.4.3 Implications of Unpaid Leave for Local Government Pensionable Service**

If employees are granted unpaid leave of absence or leave on reduced pay (including parental leave) the period will not count for pension purposes. There may be an opportunity to pay Additional Pension Contributions.

For further guidance please refer to NEST.

### **5.5 Maternity / Paternity / Adoption Leave**

Long Stratton Town Council recognises and abides by the current legislation regarding Maternity, Paternity, Adoption and Parental leave. In the event that an eligible employee is seeking to take any of the aforementioned leave they should, at the earliest opportunity, discuss their plans with the Town Clerk who can further advise on leave entitlements, pay rates and the legislation which is current at the time.

#### **5.5.1 Maternity Leave**

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth

#### **5.5.2 To Whom This Policy Applies**

Maternity leave shall apply to all pregnant employees regardless of the number of hours worked per week or their length of service:

26 weeks ordinary maternity leave (OML)

A further 26 weeks additional maternity leave (AML)

#### **5.5.3 Notification Requirements**

An employee shall notify the Town Clerk that she is pregnant as soon as is reasonably practicable.

An employee should confirm when they want to start maternity leave no later than the end of the 15<sup>th</sup> week before the expected week of childbirth. The start date of the employee's maternity leave must not be earlier than the beginning of the 11<sup>th</sup> week before the expected week of childbirth. The employee should provide the original MATB1 or Medical Certificate to the Town Clerk.

An employee can change her notified start date as long as she gives 28 days' notice or as soon

as is reasonably practical.

#### **5.5.4 Health and Safety**

On receipt of notification from an employee that she is pregnant, the Town Clerk should carry out a risk assessment. The employee and relevant manager should be fully informed of any risks identified. The manager and employee have an on-going responsibility to monitor any potential risks that may be present.

#### **5.5.5 Ante-Natal Care**

Any pregnant employee has the right to paid time off to attend ante-natal appointments and must produce evidence of appointments if requested to do so. Wherever possible these should be arranged outside of core time.

#### **5.5.6 Ordinary and Additional Maternity Leave**

All women, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier. From the beginning of the fourth week before the EWC, a woman's maternity leave is triggered if she is absent because of her pregnancy, e.g. due to a pregnancy-related illness.

An employee must take leave for the two weeks after the baby is born.

#### **5.5.7 Maternity Pay**

##### **Less Than One Year's Continuous Service**

Payments for employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA). In order to qualify for SMP, an employee must have at least 26 weeks' service with the Council by the end of the fifteenth week before the EWC, have met the notification requirements and meet the minimum earning threshold. The notification requirement for SMP is 28 days' notice in writing and confirmation of the pregnancy

The payment of SMP is for 39 weeks.

If the employee is not eligible for SMP, the Council will give the employee form SMP1 explaining why they can't get SMP within 7 days of making their decision. The employee could get [Maternity Allowance](#) instead.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website [www.gov.uk](http://www.gov.uk)

##### **5.5.8 More Than One Year's Continuous Service**

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:

First six weeks of absence:

The employee will be entitled to 90% of average weekly earnings. This will be offset against payments made by way of SMP (or Maternity Allowance [MA] for employees not eligible for SMP). This means that any SMP or MA payments will not be paid in addition to the nine-tenths of a week's pay; instead, the higher of these amounts will be paid.

Weeks 7 – 18 of absence:

**An employee who declares in writing that she intends to return to work** will for the subsequent 12 weeks' absence receive half a week's pay. She will also receive SMP, if eligible to do so, and the only reason that any deduction will be made is if the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds her contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the Council during maternity leave is made on the understanding that the employee will return to local authority employment for a period of at least three months following the end of her maternity leave. In the event that she does not do so, she will be required to refund the monies paid. This may be varied at the discretion of the Council if there is good reason to do so. Payments made to the employee by way of SMP are not refundable.

Weeks 19 - 39

For the remainder of the maternity leave period the employee will receive their entitlement to lower rate SMP (which currently ends after 39 weeks in total), where eligible.

Weeks 40 – 52

Once the SMP payments have ended any remaining maternity period will be unpaid.

**For employees not intending to return to work**, payments during their maternity leave period following the first 6 weeks of higher rate SMP will only be their entitlement to lower rate SMP (currently ending after week 39), where eligible.

### 5.5.9 Pension

During any period of relevant child related leave, the pensionable pay figure used to work out the employee's pension is the employee's assumed pensionable pay. Using assumed pensionable pay, rather than the amount of pensionable pay the employee actually receives when on relevant child related leave, means that the employee will continue to build up a pension as if the employee were working normally and receiving pay.

The employee will continue to pay basic LGPS contributions on any pay that she receives while off on relevant child related leave.

However, any period of unpaid additional maternity, paternity or adoption leave will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APCs).

If the employee has Keep in Touch (KIT) day(s) during a period of unpaid additional maternity,

paternity or adoption leave the employee will build up a pension (based on the section of the scheme you are in) for the day(s) the employee is paid.

You can contact NEST for further information

#### **5.5.10 Continuous Service**

The period of Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML) will count as continuous service for statutory and contractual purposes.

#### **5.5.11 Leave during Maternity Leave Annual Leave**

Paragraph 11.8(b) of Part Two of the Green Book provides that annual leave continues to accrue during both ordinary and additional maternity leave.

#### **Bank/Public Holidays**

Bank/public holidays accrue during ordinary maternity leave and additional maternity leave.

#### **Carry Forward of Annual Leave**

Where a woman's maternity leave spans one leave year to the next, with the permission of the Town Clerk, she can carry over more than 5 days annual leave, but this must be taken by 31 August of the following leave year.

#### **Treatment of Leave Where a Woman Changes Her Hours after Maternity Leave**

If a woman changes her hours after taking maternity leave, all leave accrued up to the agreed date when her hours change is calculated based on her original hours and any leave accrued subsequently is calculated on her new hours.

For an example of calculating this, see Appendix 1.

#### **5.5.12 Returning To Work Notification requirements**

Managers must assume that an employee will return after 52 weeks. An employee need only notify her employer that she is returning to work if she is going to do so before the end of her maternity leave. Otherwise, the employee simply returns at the end of her maternity leave. However, as the return-to-work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

#### **Early return**

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

#### **Keeping In Touch**

A woman can do 10 days' work during her maternity leave, in agreement with her manager, without bringing her maternity leave to an end. Working for part of a day will count as one day. A woman will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training

or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

## **5.6 Paternity Leave**

### **5.6.1 To Whom This Policy Applies**

An employee has a statutory entitlement to take paternity leave for the purpose of caring for a child or supporting the child's mother in the first few weeks following the birth.

### **5.6.2 Ordinary Paternity Leave (OPL) and Maternity Support Leave (MSL)**

#### **Eligibility Criteria**

To qualify for Paternity Leave the employee must satisfy the following. They must:

- Have or expect to have responsibility for the upbringing of the child; and
- Have 26 weeks' continuous service with the Council by the end of the fifteenth week before the expected week of childbirth (EWC) or the end of the week in which the child's adopter is notified of being matched with the child.
- be the biological father of the child or the mother's husband or partner (including same sex relationships)
- give the correct notice.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either adoptive parent may take paternity leave where the other adoptive parent has qualified and elected to take adoption leave.

#### **Ordinary Paternity Leave (OPL)**

An employee who meets the qualifying criteria is entitled to two weeks' Ordinary Paternity Leave.

An employee can take either one week or two consecutive weeks' Ordinary Paternity Leave, paid at the current Statutory Paternity Pay (SPP) rate. It must be taken within 56 days after the child is born or adopted. Employees must take this leave in full weeks, i.e. either one or two weeks' leave.

#### **Maternity Support Leave (MSL)**

Paragraph 7.6 of Part Two of the Green Book provides a right to Maternity Support Leave (MSL) of one week. This is provided for the child's father, or the partner or nominated carer of an expectant mother at or around the time of birth. There is no qualifying service requirement for this right.

Maternity Support Leave replaces one week of Statutory Paternity Leave; during this time any SPP is topped up to full pay. Therefore, an employee who would otherwise have been entitled to two weeks' Statutory Paternity Leave will be entitled to one week's Maternity Support Leave

(during which Statutory Paternity Pay will be topped up to full pay) and one week's Statutory Paternity Leave (during which they will receive Statutory Paternity Pay).

### 5.6.3 Notification Requirements

Before leave starts the employee must provide the following in writing by the end of the fifteenth week before the expected week of childbirth. If this is not reasonably practical, notice must be provided as soon as is reasonably practical:

- The expected week of childbirth (EWC);
- Whether they intend to take one or two weeks' leave;
- The date the employee wishes to take their leave, as discussed with their manager.

If requested, the employee must also give the employer a signed declaration confirming they are:

- The baby's biological father, married to or in a civil partnership with the mother, or living with the mother in an enduring family relationship, but are not an immediate relative; and
- responsible for the child's upbringing and will take time off work to support the mother or care for the child.

After the birth the employee must also inform the employer of the date the child was born, as soon as is reasonably practical after the child's birth.

### Ante-natal appointments

Fathers and partners of pregnant women are entitled to unpaid time off to attend two ante-natal appointments. There is no legal right to paid time off for antenatal appointments.

### 5.6.4 Shared Parental Leave: from 5 April 2015

[Shared Parental Leave](#) (SPL) is a new right that will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. This could mean that the mother or adopter shares some of the leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date.

The options to use the new Shared Parental Leave rights will apply for parents who meet the eligibility criteria, where a baby is due to be born on or after 5 April 2015, or for children who are placed for adoption on or after that date.

### 5.6.5 Principles

- Parents remain entitled to take maternity, paternity or adoption leave. An eligible mother or adopter may choose to reduce their maternity or adoption leave early and opt to take SPL.
- The amount of SPL available is calculated using the mother's or primary adopter's entitlement to maternity or adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity or adoption leave, any remaining weeks can be taken as SPL.
- Notice to end maternity or adoption leave must be given before SPL can start. Mothers and adopters must take two weeks maternity or adoption leave before taking SPL.
- SPL can start once the child has been born or from the date of adoption.

- SPL must be taken by the child's first birthday or in the year following the child's placement for adoption.
- You must give at least eight weeks written notice of your intention to take SPL and provide evidence of entitlement as required.
- SPL may be requested as one continuous block or up to three separate blocks. Requests for discontinuous leave will not automatically be accepted, and must be approved by your line manager.
- SPL must be taken in blocks of complete weeks.
- Your employment rights (with the exception of normal salary) are protected during SPL.
- Documentation will be filed on your Personal Record File.

#### **5.6.6 Eligibility for shared parental leave and pay**

To qualify for Shared Parental Leave, you must share care of your child with either:

- Your husband, wife, civil partner or joint adopter
- The child's other parent
- Your partner (if they live with you and the child)

You must also:

- Have at least 26 weeks continuous employment with the Council by the end of the 15th week before the due date (or by the date you are matched with your adopted child)
- Be employed by the Council while you take SPL

During the 66 weeks before the baby is due your partner must:

- Have been working for at least 26 weeks (which can be discontinuous) – they can be employed, self-employed or an agency worker
- Have earned at least £30 a week on average in 13 of the 66 weeks

You will qualify for Statutory Shared Parental Pay (at a rate set by the government) if you:

- Qualify for Statutory Maternity Pay or Statutory Adoption Pay
- Qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay.

Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay while taking SPL. The amount of weeks will depend on the amount by which the mother or adopter reduces their maternity or adoption period.

#### **5.6.7 PROCEDURE**

#### **5.6.8 Notification**



Discuss your intention to take SPL with your line manager as early as possible. You can submit up to three Shared Parental Leave Notification forms.

Give the completed Shared Parental Leave Notification form to your line manager at least eight weeks before the date on which you intend SPL to start. The form must also be signed by your partner declaring their entitlement to SPL.

Requests for one continuous period of leave will be granted and arrangements confirmed in writing.

If you request discontinuous periods of leave, your manager may arrange to meet with you to discuss your intentions. At the meeting you may, if you wish, be accompanied by a colleague or Trade Union representative. Within 14 calendar days of receiving your request your manager will either:

- Agree to the periods of leave requested
- Propose alternative dates
- Refuse without proposing alternative dates.

If discontinuous leave is refused, you can withdraw the request or take the total amount of leave requested as one continuous period of leave. If you decided to take the leave as one block, you must inform your manager of the date you want leave to start. Arrangements will be confirmed in writing.

Your manager will, within 14 days of receiving your notification, request a copy of your child's birth certificate or adoption documentation and the name and address of your partner's employer. You must provide this information within 14 days.

### **5.6.9 Ending Maternity Leave**

If you are the child's mother and are still on maternity leave, you must give at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL.

If you are the child's mother and, prior to the birth, gave binding notice of your intention to end maternity leave and take SPL, you have the right to withdraw the notice up to six weeks following the birth, so you can remain on maternity leave.

### **5.6.10 Changing or cancelling your leave**

If you wish to change the date or duration of your SPL, you must inform your manager in writing at least eight weeks before both the date varied and the new date you intend to start or end SPL. You and your partner must both confirm in writing that you agree to the change. The eight weeks may be varied in exceptional circumstances.

You may give a combined total of up to three notices to vary your SPL, unless agreed otherwise by your manager.

### **5.6.11 Keeping in Touch during Shared Parental Leave**

Your manager will make reasonable contact with you during your SPL.

You may agree to work (or to attend training) for up to 20 Shared Parental Leave in Touch (SPLIT) days without bringing your SPL to an end. This is in addition to the 10 Keeping in Touch (KIT) days that may be taken during maternity or adoption leave. You will be paid your normal hourly rate for time spent working on a SPLIT day and this will be inclusive of any shared parental pay entitlement.

The Council has no right to require you to attend work and you have no right to undertake any work during SPL.

### **5.6.12 Returning to work after Shared Parental Leave**

You will be expected to return to work at the end of your shared parental leave.

If you decide not to return, you must give notice of your resignation to your line manager in accordance with your contract of employment.

At the end of your SPL, you will be entitled to return to the same job, provided that your total amount of leave was for a period of 26 weeks' or less. If your leave was longer than 26 weeks, then you will be entitled to return to the same job or, if that is not reasonably practicable, to a similar job which is both suitable for you and appropriate for the Council in the circumstances.

The above does not apply where it is not practicable by reason of redundancy for the Council to continue to employ you under your existing contract of employment. In these circumstances, the Council's Redundancy Procedures will be followed.

If you want to change your hours or other working arrangements on return from SPL you should make a request under the Flexible Working Policy.

### **5.6.13 Pension**

During any period of relevant child related leave, the pensionable pay figure used to work out the employee's pension is the employee's assumed pensionable pay. Using assumed pensionable pay, rather than the amount of pensionable pay the employee actually receives when on relevant child related leave, means that the employee will continue to build up a pension as if the employee were working normally and receiving pay.

The employee will continue to pay basic NGPS contributions on any pay that is received while off on relevant child related leave.

However, any period of unpaid additional maternity, paternity, adoption or shared parental leave will not count for pension purposes. There may be an opportunity to pay Additional Pension Contributions.

If the employee has Keep in Touch (KIT) day(s) during a period of unpaid additional maternity,

paternity, adoption or shared parental leave the employee will build up a pension (based on the section of the scheme you are in) for the day(s) the employee is paid.

For further guidance please refer to NEST.

#### **5.6.14 Continuous Service**

All periods of Shared Parental Leave will count as continuous service for statutory and contractual purposes.

#### **5.6.15 Annual Leave and Bank/Public Holidays**

Annual leave will continue to accrue during Shared Parental Leave. If a bank/public holiday or extra statutory day falls during an employee's Shared Parental Leave, they should be given a substitute day's leave with pay on their return

### **5.7 Adoption Leave**

#### **5.7.1 To Whom This Policy Applies**

This policy applies to all Council employees seeking to adopt a child from approved Adoption Agencies.

The right to adoption leave is available to men and women (whether married or single) who adopt a child through an approved adoption agency. Where a couple jointly adopts a child, only one of them will be entitled to take adoption leave (the couple can choose which). The other adoptive parent will normally be entitled to take paternity leave, provided that he or she meets the relevant statutory criteria.

#### **5.7.2 Eligibility Criteria**

To qualify for Adoption Leave and pay an employee must:

- Have 26 weeks' service by the notification week; and
- Be the child's adopter, i.e. have been matched with the child for adoption. A person is matched with a child when an adoption agency decides that they would be a suitable adoptive parent for the child.

If an employee meets the eligibility criteria, then they are entitled to both Ordinary and Additional Adoption Leave.

The notification week is the week in which the employee is informed by the adoption agency that they have been matched with a child.

The employee needs to have agreed with the adoption agency that the child should be placed with them and the date the placement should occur and provide the Council with the appropriate notice and evidence of entitlement.

#### **5.7.3 Notification Requirements**

Within 7 days, or as soon as possible after the day the employee receives notification from the adoption agency that they have been matched with a child, an employee must inform the Town Clerk in writing of the following:-

- the date the child is expected to be placed with them for adoption;
- the date the employee has chosen to start their leave and pay.

#### **5.7.4 Evidence**

In order to receive adoption pay and leave, the employee must provide the Town Clerk with either a matching certificate and/or a letter from the adoption agency which shows the following:-

- the name and address of the adoption agency;
- the employee's name and address;
- the date the child is expected to be placed for adoption, or where the child has already been placed, the date of placement, and;
- the date the employee was informed that the child would be placed with them.

Where an employee is entitled to Statutory Adoption Pay (SAP) they must provide a signed declaration that they have elected to receive SAP and not statutory paternity pay (SPP).

#### **5.7.5 Time off before a Child is Placed**

There is no statutory right to time off to attend placement meetings or for introductory visits, prior to adoption leave starting.

#### **5.7.6 Adoption Leave**

All employees who meet the eligibility criteria are entitled to take up to 52 weeks Statutory Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave'.

Leave can start:

- up to 14 days before the child starts living with the employee (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- An employee can change their mind about when they start their leave, provided they give sufficient notice. They must inform their manager of the new date 28 days before the date they now wish their leave to start, or as soon as is reasonably practical.

#### **5.7.7 Adoption Pay**

The Council will mirror the maternity pay provisions (see section 5.5.7) for eligible employees.

#### **5.7.8 Leave During Adoption Leave Annual Leave**

Annual leave continues to accrue during ordinary adoption leave and additional adoption leave.

#### **5.7.9 Bank/Public Holidays**

Bank/public holidays accrue during ordinary adoption leave (OAL), and additional adoption leave (AAL).

#### **5.7.10 Pension**

During any period of relevant Child Related Leave the pensionable pay figure used to work out the employee's pension is the employee's assumed pensionable pay. Using assumed pensionable pay, rather than the amount of pensionable pay the employee actually receives when on relevant child related leave, means that the employee will continue to build up a pension as if the

employee were working normally and receiving pay.

The employee will continue to pay basic LGPS contributions on any pay that is received while off on relevant child related leave.

However, any period of unpaid additional maternity, paternity, adoption or shared parental leave will not count for pension purposes. There may be an opportunity to pay Additional Pension Contributions.

If the employee has Keep in Touch (KIT) day(s) during a period of unpaid additional maternity, paternity, adoption or shared parental leave the employee will build up a pension (based on the section of the scheme you are in) for the day(s) the employee is paid.

You can contact NEST for further information.

#### **5.7.11 Returning to Work Notification Requirements**

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of the adoption leave. Otherwise, the employee simply returns at the end of the adoption leave. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

#### **5.7.12 Early Return**

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

#### **5.7.13 Keeping in Touch**

An employee can do 10 days' work during their adoption leave, in agreement with their manager, without bringing their adoption leave to an end. Working for part of a day will count as one day. An employee will not lose any SAP (Statutory Adoption Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employee whilst they are on adoption leave. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on adoption leave.

## Appendix 1

### **Example:**

A woman working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity leave. She requests to reduce her hours to 20 hours per week on her return to work and her employer agrees. The employer's annual leave year runs from 1 April to 31 March. Although she had used all the previous annual leave year's entitlement before taking maternity leave, she had not taken any of the current annual leave year's entitlement.\*

Her maternity leave ends on 30 June. If her hours are changed with effect from 1 July, her accrued annual leave will be calculated as follows:

#### 1 April to 30 June (when her working day was 7.4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 April to 30 June (3 months) = 6 days @ 7.4 hours = 44.4 hours Plus

#### 1 July to 31 March (when her average working day will be 4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 July to 31 March (9 months) = 18 days @ 4 hours = 72 hours The

employee's total annual leave for the current year will be 116.4 hours.

Because she will be reducing the length of her working day to 4 hours, this will equate to 29.1 days on her return to work.

\* For simplicity, this example does not take account of bank/public holidays, although these accrue during maternity leave and would also need to be factored in to any calculations.

## **5.8 Absence Management Policy**

The Council is committed to providing effective, high quality service to all its customers and to optimising the contribution of all employees. As part of this aim, it is essential that all employees are committed to maximising attendance.

The Council is concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a safe working environment. In return, the Council expects all employees to take reasonable care of their own health, seek medical help whenever appropriate, and to attend work when fit to do so.

The Council recognises that genuine medical grounds will occasionally result in employee absence. It is the Council's policy to treat all such sickness absence in a fair, sensitive, and consistent manner across all areas of the workforce.

The Council must balance the sensitive management of genuine individual sickness against its need to be publicly accountable for its resource allocation and, as such, cannot sustain high levels of sickness absence. Action will therefore be taken to address recurrent short term sickness or extended periods of absence as appropriate.

Employees may be required to attend the Council's Occupational Health Service if there are concerns about their absences, or even if they do not have absences from work, their medical fitness for work duties.

### **5.8.1 Aims**

In order for the Council to meet its responsibilities, it will ensure that:

- It provides a supportive environment for those employees affected by ill-health;
- Managers and employees adhere to this policy and procedure; and
- Levels of sickness absence are the subject of routine monitoring.

### **5.8.2 Responsibilities**

The onus for attending work on a regular basis and for reporting absence in accordance with the Council's agreed procedures rests with the employee. It is also an employee's responsibility to appropriately detail any periods of absence on their record of hours worked.

The responsibility for recording, monitoring, and managing absence on a day-to-day basis lies with the Town Clerk. It is therefore essential that they ensure that all employees are aware of the Council's Absence Management Policy and Procedures.

### **5.8.3 Reporting**

Employees who are unable to work due to illness/injury must contact the Town Clerk as soon as possible or arrange for someone else to do this on their behalf. This should be no later than 09.30am on the first day of absence or the nearest working day. The employee should provide some indication of:

- The nature of the absence;
- The date the injury/illness began (including weekends and holidays);
- The expected duration of the absence; and
- Whether there are any immediate work commitments that need completing/reassigning during the absence.

If the Town Clerk has reported in sick the office staff should ensure that the Nominated Senior Officer (NSO) e.g. Assistant Town Clerk/Assistant Responsible Financial Officer (ARFO) are advised as soon as possible. The NSO is to notify the Chairman of Staffing Committee in the and make any necessary cover arrangements regarding the Town Clerk's work.

The employee must maintain contact with his or her Line Manager during any period of sickness absence lasting longer than one day, so that the Line Manager is aware of any progress and the expected date of return to work. If the employee is unable to do so, they must arrange for someone else to do this on their behalf.

Failure to follow the sickness reporting process might lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

#### **5.8.4 Certification**

Where the absence is for a period of up to seven days (inclusive of weekends) and not covered by a doctor's certificate, the employee will be asked to complete a self-certification form on their return to work.

If the absence exceeds seven days – and the employee has not already done so – the employee should provide a doctor's certificate for the remainder of the absence. The employee will need to ensure that there is always a current certificate. The doctor's certificate ('fit note') will include whether or not the employee needs to see a doctor again before returning to work.

If the doctor's certificate states that the employee "may be fit for work", the employee should inform the Town Clerk immediately. They will discuss with the employee whether there are any additional measures that may be needed to facilitate the return to work, taking into account the doctor's advice. This may take place at a Return to Work Interview or an Absence Review Meeting. If appropriate measures cannot be taken, the employee will remain on sick leave and the Town Clerk will set a date to review the situation.

#### **5.8.5 Return to Work Meetings**

When the employee returns to work after any period of absence in excess of three days, the Town Clerk will arrange to meet with them. This meeting will occur on the first day back or as soon as possible. The purpose of this meeting is:

- To provide an opportunity for the Town Clerk to check that the employee is fit enough to return to work;
- To give the employee an opportunity to voice any concerns that they may have and/or to identify any domestic, welfare, or work-related problems in an appropriate forum;
- To ensure that the employee is aware of work-related matters that have occurred during their absence; and
- If required make arrangements for additional support such as Occupational Health referral.

#### **5.8.6 Miscellaneous**

It is important that the employee complies with these procedures so that:

- The Council can be aware of any potential problems and provide assistance to the employee where necessary; and
- Any sick pay to which the employee would otherwise be entitled is not withheld or refused.



Records retained in respect of sickness absence will be treated with sensitivity and confidentiality at all times, in accordance with the provisions of prevailing Data Protection legislation. The employee is entitled to access their records on request.

Termination of employment may take place under disciplinary rules where an employee wilfully abuses the sickness absence/payments provision or absence themselves without permission.

### **5.8.7 Frequent Intermittent Absence**

In addition to the Return to Work interviews after all periods of absence, the Council will institute a more formal review of attendance records and reasons for absence with an employee if there has been either (a) four episodes of absence or (b) a total of 10 days' short-term sickness absence within a rolling period of 12 months. The relevant manager will arrange a sickness review meeting to meet with any employee whose absence record matches or exceeds the above criteria.

During the meeting, the manager should draw the employee's attention to their poor attendance record and the problems that their absences are causing for the Council and other employees. Where no underlying medical condition is disclosed, or it has been checked with the employee that there are no other personal reasons that the employee is not attending, the employee will be advised that their attendance record will be monitored (over a period of not less than 3 months) and that significant improvement will be required. In addition, employees will be warned that if no such improvement is forthcoming, serious consideration will be given to reviewing their employment situation. This will be confirmed in writing. In the event that the employee does reveal that their absence is due to personal reasons then the Council will consider whether provisions under 5.8.12, 5.8.13 or 5.8.14 apply.

Return to Work interviews will continue to be carried out following any absences that occur during this monitoring period. These interviews afford the manager the opportunity to remind the employee of the Council's concerns.

If no significant improvement in attendance is demonstrated after the period of monitoring has elapsed, a further Sickness Review Meeting will be arranged. At this meeting, the employee will once again be reminded of the problems caused by the absences and asked if they wish to disclose any underlying medical condition or problem of which the manager is unaware. If such a condition is disclosed, a medical referral should be arranged. Where no underlying medical condition exists, the employee should be told that their attendance record will be subject to a further period of monitoring (of not less than 3 months) and that their employment may be terminated if the required improvement is not effected.

Employees have the right to be accompanied to this meeting by a trade union representative or a work colleague.

Employees whose levels of attendance improve satisfactorily during periods of informal or formal monitoring will be reminded that they will be expected to maintain these levels of attendance. Failure to do so will result in further monitoring or the initiation of formal action.

Where an employee's attendance has not improved to the required level, an Attendance Hearing will be arranged (see Section 5.8.10) to consider whether or not the employee should be dismissed.

### **5.8.8 Long-Term Absence**

All cases of long-term absence will be treated sympathetically and every assistance will be given to the employee to return to work. The Council will maintain contact with the employee and advise them that they should keep the Council informed of developments relating to their medical condition. The Council will hold Sickness Review Meetings with the employee during their absence, as appropriate, to: keep up to date, review the on-going absence, and offer

support to the employee where appropriate.

In order to ensure that the Council has access to guidance and advice in respect of the best course of action to follow in relation to such cases of absence, employees who have been absent for a continuous period of four weeks might, depending on the nature of the absence in question, be referred to the Council's Occupational Health Physician. Where the Occupational Health Physician makes a recommendation that might affect the employee's continued employment, the relevant manager will hold a Sickness Review Meeting with the employee to discuss the alternative options. Employees may wish to have the support of a trade union representative or a work colleague present during such a meeting, and this should be positively encouraged.

If the employee is a member of the Nest Pension scheme, the referral to an Occupational Health Physician will seek an assessment of the ill health against the ill health retirement provisions of Nest (National Government pension scheme).

Where a return to work following a period of prolonged absence might be facilitated by temporary redeployment or phased re-introduction (e.g. job sharing or part-time working) or any other reasonable adjustment to working arrangements an employee can discuss these options with their manager and, if such measures are appropriate, the Council will ensure that the support mechanisms necessary for this to occur are provided. Such arrangements will be for a defined period and will be subject to joint review.

In certain cases, the Occupational Health Physician might find that an employee is unfit to perform a particular job but fit enough to undertake other types of work. In such cases, full consideration will be given to the possibility of redeployment into alternative positions. Consideration will also be given to redeployment in cases where work in a particular place poses problems with attendance.

Where an employee remains absent and a return to work is not foreseeable within a reasonable timescale, the Town Clerk will arrange a Final Sickness Review meeting (see Section 5.8.9), which may lead to an Attendance Hearing (see Section 5.8.10) to consider dismissal.

#### **5.8.9 Final Sickness Review Meeting**

Prior to dismissal being considered for either frequent intermittent absence or long-term absence, the Town Clerk will meet with the individual to explore whether there are any reasonable adjustments that could be made to enable an employee to remain employed.

Termination of employment may take place where:

- An employee is declared permanently unfit for work;
- An employee is declared medically unfit for their work and alternative employment cannot be found; or
- A decision has been taken that the service can no longer tolerate a high level of absence;

#### **5.8.10 Attendance Hearing**

To reach a decision about whether dismissal is appropriate, an Attendance Hearing will be arranged. The employee will be invited in writing to attend the hearing and notified of their right to be accompanied by a Trade Union Representative or work colleague.

The Hearing Panel will comprise of three members of the Staffing Committee, who will make the decision. The Town Clerk or relevant manager will attend to outline the history of absence and any relevant steps taken and advice received.

All paperwork relating to the hearing will be circulated 5 working days in advance of the hearing to all parties attending.

Once the Panel has considered the manager's and employee's cases, and all other relevant information, it will adjourn to make a decision.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

1. The Panel's decision:
  - a. If a warning has been issued the timescale for this and the level of improvement required;
  - b. If the decision is not to take action at this point and to review again in a certain time period, the applicable timescale for this; or
  - c. If the decision is to dismiss the employee, inform them of their relevant notice period and provide them with any relevant pension information; and
2. The employee's right of appeal.

#### **5.8.11 Appeals**

Employees have the right to appeal against any decision to issue a formal warning or dismissal under this procedure. If an employee wishes to appeal, they should write to the Town Clerk setting out the grounds of their appeal. This must be done within 10 working days of the date of the letter informing them of the outcome of the Attendance Hearing.

Appeals will be heard by a separate panel of members, who will also normally be part of the Staffing Committee. An appeal hearing will be held where the employee can present their appeal. The Chairman of the original panel will also attend to explain the original decision. Witnesses may be called.

Once the Appeal Panel has considered both the employee's appeal and the Hearing Chairman's case, and considered all other relevant information, it will adjourn to make a decision.

The decision of the Appeal Panel is final and will be confirmed to the employee in writing within 5 working days. There is no further right of Appeal.

#### **5.8.12 Personal, Domestic, or Work-Related Problems**

Where an employee reveals that their absence has been a consequence of personal, domestic, or work related problems, the relevant manager should endeavour to discuss with them any relevant details that they wish to disclose. Although an employee may have genuine concerns about revealing sensitive or personal information, they should be reminded that such matters will be treated confidentially and that the Council cannot assist them if it is not made aware of the problem. If an employee wishes to discuss matters with someone other than the relevant manager, the Chairman of the Staffing Committee can be contacted for a confidential interview.

Once the problem has been clearly identified, appropriate assistance can be considered. In some circumstances, special leave, temporary adjustments in working arrangements, or referral to specialist agencies may be granted.

#### **5.8.13 Alcohol/Drug Dependency**

Where an employee discloses that their absences are a consequence of alcohol- or drug-related problems, they will be encouraged to seek help and treatment voluntarily through the Council's Occupational Health Service or through resources of their own choosing.

Employees may be granted, if necessary, leave to undergo treatment and any such leave will be regarded as sick leave within the terms of the Council's sick pay scheme, with the monitoring of progress by the Occupational Health Service.

Should an employee refuse or discontinue any programme of assistance designed for them, then any unacceptable behaviour or inadequate standard of work will be dealt with on its merits through the Council's Disciplinary Procedure.

#### **5.8.14 Welfare**

If, as a consequence of medically related absence, the relevant manager has any concerns about an employee's ability to undertake the full range of duties and responsibilities associated with their post, consideration should be given to suspending them with pay, or finding alternative duties whilst medical advice is sought from the Occupational Health Unit.

#### **5.8.15 Monitoring**

Monitoring is an important part of sickness absence. In order for reports to be issued to managers, it is important that all absence from the workplace is reported. All signed absence forms should be returned as soon as possible after the employee's Return to Work Interview has been conducted. The Town Clerk will ensure that an absence history is maintained for each employee. These records will provide the base data for the compilation, at regular intervals, of statistics showing the level of sickness absence across the Council.

The sickness monitoring system will also enable the Town Clerk to identify Individual cases where frequent or lengthy absences have occurred, or where patterns of absence have been identified. However, the manager should view such notifications as a secondary means of identifying problems or potential problems.

The Town Clerk should ensure that they maintain comprehensive records at all times for each employee in relation to contact during and immediately following periods of sickness absence. These details should be maintained on the employee's personal file and should be treated with sensitivity and confidentiality at all times. Employees will be entitled to access these records on request.

## **6. Conditions of Employment**

### **6.1 The Contract of Employment will include the following:**

- a. The names of the employer and employee;
- b. The place of employment;
- c. The date on which employment began;
- d. The date on which the employee's period of continuous employment began which may differ from the date in c. – taking into account any employment with a

- previous employer that counts towards that period;
- e. The title of the job that the employee is employed to do or brief description of the work which the employee has been employed to do;
  - f. The scale or rate of remuneration (wages, salary, etc.) expressed as an hourly, weekly, monthly or annual figure;
  - g. The intervals at which wages or salary are to be paid (e.g. weekly or monthly);
  - h. Any terms and conditions relating to hours of work
  - i. Any terms and conditions relating to the employees entitlement to holidays including public holidays, special holidays and holiday pay (the particulars given being sufficient to enable the employee's entitlement, including any entitlement to accrued holiday pay on the termination of employment to be precisely calculated);
  - j. Any terms and conditions relating to incapacity for work due to sickness or injury, including any provision for sick pay;
  - k. Any terms and conditions relating to pensions and pension schemes;
  - l. The length of notice that an employee is give and receive to terminate his/her contract of employment;
  - m. Where the employment is not intended to be permanent, the period for which it is expected to continue, or if it is for a fixed term, the date when it is to end;
  - n. Particulars of any specific other agreement that directly affects the terms and conditions of employment.

The Contract must be signed by both the employee and the Town Clerk. The Chairman of Council will sign the Town Clerk's contract.

## **6.2 Working Hours**

The standard working week is 37 hours excluding meal breaks.

Individual employee's specific hours will be dependent on contractual arrangements and will be detailed in their Terms and Conditions of Employment.

Employees on part time contracts working less than 37 hours will have such benefits as pay and leave calculated pro rata to the standard working week.

Each employee is required to complete a monthly timesheet of hours worked. All employees timesheets will be checked by the Clerk. The Clerk's time sheet will be checked by the Chairman of the Staffing Committee. All employees times sheets will be spot checked by the Council's Internal Scrutineer.

### **Working Time Regulations (1998)**

The Council follows the Working Time Directives to ensure that working arrangements are reasonable and, as far as possible, to take into account the needs/preferences of individual employees. Hours of work comply with relevant Health and Safety legislation, including the European Working Time Directive and its associated UK legislation.

The basic rights and protections that the regulations provide are:

- A limit of an average of 48 hours a week which a worker can be required to work (though workers can choose to work more if they want to);
- A limit of an average of eight hours' work in 24 hours

- A right to 11 hours' rest a day
- A right to a day off each week
- A right to an in-work break if the working day is longer than six hours; and
- A right to four weeks' paid leave per year.

For young people under 18 years, there are different regulations which can be found on gov.uk website <https://www.gov.uk/browse/employing-people/contracts>

### **6.3 Annualised Hours**

Annualised hours contracts are appropriate where the requirements of the job are seasonal in nature. Working hours are agreed for the whole year rather than for a week. In 'High' Season more than the standard weekly hours are worked while this is offset by less than standard hours in the 'Off' Season.

### **6.4 Fixed Hours**

Due to the nature of some roles some employees will have contracts which specify fixed hours. While these hours will be those normally worked there may on some occasions be a requirement for some flexibility due to a requirement for additional working. Except where covered by overtime provisions outlined above any additional hours worked will be compensated by time off in lieu (TOIL).

### **6.5 Time Off**

Time off may be required for medical, optician or dental appointments. Where possible, appointments to visit hospital, doctor or dentist should be made outside of normal working hours. However, if this is not practical, an employee will be given reasonable paid time off to attend such appointments. The employee should give their Line Manager adequate prior notice of the appointment and provide evidence of each appointment, if requested.

### **6.6 Time Off for Dependents**

Please see section 5.4.2

### **6.7 Notice of Termination of Employment**

The minimum periods of notice to which a member of staff must give to terminate their employment will be detailed in the individual's Contract of Employment.

### **6.8 Managing Organisational Change**

No organisation stays static and change is increasingly part of modern organisational life. The nature of change taking place varies in scope and size and some changes have a wide impact on all employees, whereas some changes may be localised, affecting only employees in a specific area of work.

Long Stratton Town Council at times needs to review and revise how services are provided to the public. This inevitably leads to organisational redesign that may result in changes to the roles and responsibilities of our employees, as well as the number of staff employed. However the Council is committed to maintaining, where possible, secure employment for Council employees on permanent contracts by effective workforce planning.

The Council intends to reduce any redundancies which may occur as a result of organisational change to a minimum, but changes outlined above may sometimes render redundancies unavoidable

As a Council we are committed to creating as stable a working environment as possible and are looking to reduce uncertainty experienced by employees during periods of transition. We will do this through:-

- Open and transparent decision making processes
- Clear, timely communication
- Dealing with change in a sensitive, fair and consistent manner
- Maximising opportunities for staff deployment and retention of talent across the Council.

The Council is committed to ensuring that full and meaningful consultation takes place with employees and recognised trade union representatives throughout any organisational change process. However, on occasions some business decisions maybe necessary and taken prior to consultation. In such circumstances there will remain many opportunities for dialogue as regards process and approach. For example, a decision to cease a particular service area may not be negotiable due to circumstances.

Any business case for organisational change should cover the following:-

- (i) Full details of proposed changes
- (ii) The rationale for the proposed changes
- (iii) The proposals for implementation (including timescale)
- (iv) Full cost implications e.g. potential redundancy costs
- (v) Effects on employees

### **6.9 Redundancy Arrangements**

If circumstances arise where redundancy may be a possibility, the Council will endeavour to manage the process sympathetically and will offer support to affected staff during the consultation process.

The Council will comply with all statutory obligations, as detailed by employment legislation at the time. It will investigate alternatives to limit job losses and will be open to staff suggestions.

If redundancies are unavoidable, consideration will be given to any applications for voluntary redundancy, where acceptable.

Where employees have been selected for redundancy, the Council will ensure that the process is applied fairly and consistently and in line with legislation. All employees who are selected for redundancy will have the right to appeal against the decision.

At all times the overriding consideration will be the future operation of Long Stratton Town Council.

### **6.10 Termination of Employment by Employee Without Giving Notice**

If a member of staff terminates their employment without either giving or working the required period of notice as indicated in the Contract of Employment, an amount equal to the



balance of notice period not worked will be deducted from any termination pay due.

This is an express written term of the Employment Contract in accordance with the Employment Rights Act 1996 s.3.

### **6.11 Changes in Personal Details**

Any changes in personal details e.g. change of address, next-of-kin, bank details etc. must be notified to the Council as soon as possible so the Council can maintain accurate information on its records and also make contact in an emergency. Such changes should be advised to the Town Clerk.

### **6.12 Performance**

Satisfactory performance is a basic contractual requirement. It is important both for the staff member and the Council to know that they are fulfilling their potential and achieving job satisfaction. By continually developing and learning new skills, performance will be enhanced and it will help to maintain the overall quality and cost effectiveness of the services offered and ultimately contribute to the success of the Council.

Employees have a duty to monitor their own performance and to take advantage of appropriate training opportunities as they arise. They should also seek opportunities to improve the way things are done either on their own initiative, if appropriate or in conjunction with colleagues and management.

The Council aims to achieve this by:

- Having an open two way communication process between employees and their line manager to discuss and agree job performance and development needs.
- Reviewing and evaluating performance against agreed objectives.
- Setting objectives for the year ahead in line with job requirements and the Council's Strategic Plan.

A Performance and Development Review will be carried out for each member of staff at least every 6 months. This Review meeting, sometimes called an Appraisal, is an opportunity to discuss every aspect of the role in confidence. It's a two way communication process and the staff member's opinion will be sought and valued on performance, strengths and development needs.

In order to give an accurate and complete picture the conversation will include discussing not only successes but also any areas that require improvement. These areas should not be avoided but be openly talked about with the relevant line manager. One of the purposes of the Review meeting is to discuss how any concerns can be overcome and should include suggestions on how performance might be improved.

At the end of the meeting, a set of objectives will be agreed for the next period with accompanying timescales for completion. This will provide the framework for future progress and a benchmark against which the employee's performance can be reviewed. Objectives are set to enable staff to better meet the performance requirements as defined in the job descriptions. They are performance goals which are to be achieved within a defined time frame.

An objective should not be confused with a performance standard. A job description defines the functional and professional responsibilities and performance standards are the criteria against which the ability to fulfil these requirements is measured. An objective on the other hand could be a specific task or series of tasks that contribute towards the delivery of the Strategic Plan, also with the aim for the member of staff to become increasingly effective and good at their job.

There are a number of important reasons for setting objectives, namely:

- To achieve results
- To help reach the best performance levels
- To develop skills, abilities and responsibilities
- To provide a challenge and subsequently a sense of achievement

Objectives will:

- Be related to the aims and objectives of the Strategic Plan
- Be aimed at improving job satisfaction and performance
- Maximise potential by increasing employees skill base, knowledge and experience
- Be SMART:-
  - SPECIFIC** i.e. focused on a particular task or behaviour and directed at achieving a required result
  - MEASURABLE** i.e. maybe in terms of cost, quality or quantity
  - AGREED** i.e. only be set with both staff member and line manager's agreement
  - REALISTIC** i.e. they should be challenging however achievable given level of experience and personal situation
  - TIMELY** i.e. within a reasonable agreed timescale

It is recommended that the employee takes time to prepare in advance for the Performance and Development Review. During and after the Review meeting the discussions and objectives will be formally documented and agreed, then both parties will sign the paperwork and a copy will be kept on the employee's staff file.

If after support and time to improve, performance remains inadequate then the Capability Policy may be applied and, if so, the Appraisal process will be suspended for that period.

Long Stratton Town Council is committed to ensuring that staff have the right job description and are receiving all the necessary support and guidance required to develop their skills further, enhance their performance and address any issues arising. In this respect the Reviews should be seen as a positive process, which are beneficial to both the employee and the Council.

The specific arrangements for the appraisal of the Town Clerk are set out in Standing Orders and Terms of Reference for the Staffing Committee

### **6.13 Learning and Development**

Long Stratton Town Council has adopted a Training Statement of Intent which commits the Council to the ongoing learning and development of all Councillors and employees. It is to enable them to make the most effective contribution to the Council's aims and objectives in providing the highest quality representation and services for the people of the town.

The Statement of Intent covers aspects such as the identification of training needs; corporate, legal and statutory training; financial assistance; study leave; the different types of training courses / workshops / learning techniques; the benefits of training and the record keeping procedure.

#### **6.14 Ways of Working**

##### **Line Manager Roles and Responsibilities:**

Managers have a responsibility to set a good example for employees through their own behaviour and attitudes, especially in relation to upholding the ethical principles, obligations and standards as set in the Code of Conduct.

Managers should ensure that employees understand performance standards expected from them and objectively assess their performance against these standards. They should also ensure that all employees in their reporting line are familiar with the requirements and objectives of their job, and have access to the information, training, supervision, feedback and work conditions needed to achieve them.

Managers must be honest and objective in reporting the skills and qualities of employees in testimonials and performance reports, ensuring decisions can be substantiated against objective standards and indicators. Employment references must be agreed, signed and sent out by the Town Clerk only or a NSO in the Town Clerk's absence.

Managers are required to act promptly, thoroughly and fairly when responding to, or investigating grievances and reports of breaches of the Code of Conduct.

##### **Following Instructions:**

All members of staff are expected to follow all reasonable and lawful instructions related to work given by a person with the authority to issue such instructions, even when you may not personally agree with all the decisions.

Managers must be able to justify their instructions and decisions in line with their delegations, authority, Council policies and procedures, and be open and respond promptly to constructive questions.

Employees can refuse to comply with an instruction that appears to be unlawful or unethical and report the matter to the Town Clerk or the Chairman of the Staffing Committee and or the Chairman of the Council. This may apply in cases where there is a danger to a person's health and safety or a conflict of interest may exist or it does not comply with Council policy and practice. This matter will then be duly discussed in more depth with the associated parties.

#### **6.15 Employee Code of Conduct**

The public is entitled to expect the highest standard of conduct from all local government employees so they have complete confidence in the Council.

Long Stratton Town Council adopts the following guidelines regarding conduct which aim to make sure that employees understand the standards of behaviour and conduct expected.

The list is not exhaustive and it is important that all staff read the guidelines and ask about

anything that isn't clear, as ignorance will not be accepted as a defence if the Council decided to take disciplinary action against an employee for not complying with these standards. Any questions regarding this should be addressed to the employee's Line Manager.

#### **6.15.1 The Role as a Public Servant**

The Council provides services that the public pay for; they are the Council's main customers and the employee's role is to serve the public in the best way possible. Employees are expected to abide by the Nolan Principles which promote and maintain high standards of conduct in local government and are referenced in the Council's Code of Conduct.

#### **6.15.2 Principles of Conduct**

Below sets out principles of conduct on how the Council expects staff to behave when doing their job, some subjects are discussed in more detail in the following paragraphs.

- Leading by example - promote this principle by behaving in a way that gives people complete confidence in the Council.
- Uphold the law – everyone has a responsibility to uphold the law and to act in line with the trust that the Council, and the public it serves, expect.
- Constituency – everyone has a responsibility to help the Council to act in the interests of the whole community that it serves as far as possible.
- Public interest – staff must never use their role with the Council to make gains personally or for family, friends and others. This includes financial benefits, preferential treatment or any other advantage.
- Honesty, integrity and propriety – as well as avoiding actual impropriety, staff must be seen to avoid it so that their honesty and integrity is beyond question.
- Gifts and hospitality – gifts or hospitality should not be accepted even with the best of intentions, as to do so might influence, or be intended to influence judgement. See section 6.14.16 below.
- Objective decisions – decisions made in the job must be made solely on merit, including appointing someone, awarding contracts or recommending people for rewards or benefits.
- Accountability – staff are accountable for their actions and their part played in decision making.
- Openness – staff must be as open as possible about their actions and decision making, and seen to be open so that people are confident there is nothing underhand about them.
- Confidentiality – everything must be handled confidentially, and in accordance with the law, not used for private purposes.
- Council resources - resources must be used prudently and in accordance with the law.
- Declarations – there is a legal duty to declare any private interests relating to employment and to resolve any conflicts that may arise.
- Relations with colleagues and councillors - respect councillors and other employees, treating them with mutual respect at all times.
- Uphold the Council's objectives - understand and act in accordance with the Council's vision and values, policy and procedures.

In return the Council has a responsibility to ensure that all employees are clear on what is expected of them, also that there is a safe and healthy working environment that is free from discrimination, harassment or bullying. Staff will be offered relevant training and

development opportunities. Employees have the opportunity to choose to be represented by a Trade Union in appropriate circumstances as determined by Council policy.

### **6.15.3 Customer Care and Courtesy**

Employees are expected to be welcoming, helpful, informative and courteous as well as being professional to the public and to the Council's internal and external clients. Staff must be presentable and suitably dressed for their particular job, including wearing safety clothing and equipment if appropriate under the Health and Safety regulations. If a uniform has been issued, it should be worn when on duty.

### **6.15.4 Conduct towards Colleagues**

Staff must always act in a polite and friendly manner to colleagues, making sure that any behaviour does not cause offence. The Council will not tolerate any form of bullying, v i c t i m i s a t i o n , harassment, violence or aggression and will use its disciplinary policy to support this.

### **6.15.5 Time-Keeping and Attendance**

Employees should be ready and able to carry out their duties at agreed times within reason and time at work must be accurately recorded - falsifying records is a disciplinary offence.

### **6.15.6 Complying with Written Guidelines, Laws and Regulations**

All employees should ensure they comply with the laws and regulations relevant to their job. Staff are responsible for understanding the conditions of service under which they are employed and should ask their Line Manager for clarification if unclear about anything. This also includes compliance with corporate guidance, such as the Council's Standing Orders and Financial Regulations, as well as any specific departmental guidelines.

Where an individual has membership of a professional institute or association, they are also obliged to comply with the professional code and standards of practice relating to that organisation.

### **6.15.7 Conduct and Disciplinary Action**

The Council will use its disciplinary process to deal with any conduct that falls below that expected, if serious enough to warrant formal action. Full details of misconduct and gross misconduct are found in the disciplinary section.

### **6.15.8 Outside Interests**

Life away from work is the employee's own concern however staff must not put themselves in a position where the job and personal interests conflict. This includes behaviour which, because of the nature of the employment, would undermine the Council's confidence or trust.

An example would be that a member of staff is required to report any criminal charge they face so that the Staffing Committee may consider in confidence whether it is relevant to their employment.

### **6.15.9 Additional Employment**

The Council will not stop anyone from taking additional employment as long as it does not affect duties and responsibilities, or conflict with the interests of, or weaken, public confidence in the Council.

Staff considering taking on additional work should get permission from their Line Manager and a record of approval will be maintained. This conduct rule applies to any employment, paid or unpaid, for example taking up office in an outside organisation e.g. charities such as local community associations.

Assets and information belonging to the Council cannot be used for personal work without gaining prior permission from the Council. It must be clear that that secondary employment is in no way connected to the business of the Council. Additional income received must be declared to HMRC and an assurance that no tax or insurance liabilities will accrue to the Council.

Employees have a duty to be aware of the working time regulations and to ensure their health and safety whilst working with the Council or in their secondary employment.

#### **6.15.10 Declaring Interests – Financial, Personal or Business**

An example of an interest might be where a contract is being considered by the Council and a member of the employee's family has submitted a quote – this would be a direct interest on a personal and financial level. An indirect interest would be if the quote was submitted by friends or friends of friends – an interest could still be perceived albeit indirect.

If a conflict of interest, or even a potential conflict, arises during the course of business, it must be declared immediately. Management will then consider whether it is appropriate for the member of staff to take any further part in the matter. The responsibility to declare an interest lies with the employee and the interests will be recorded in the register of interests held at the Council.

The consequence of failing to act appropriately may result in disciplinary procedures against the member of staff which may result in dismissal.

#### **6.15.11 Political Considerations**

Each local authority is under a duty to draw-up and regularly update a list of those posts which are politically restricted. The Council will notify staff if their post is politically restricted at appointment.

Employees whose posts are determined by the Council as 'politically sensitive' may not stand for a political post or engage in certain political activities - such as canvassing or speaking publicly.

A sensitive post is one which meets one or both of the following duties-related criteria:

- Giving advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority; to any committee of that executive; or to any member of that executive who is also a member of the authority.
- Speaking on behalf of the authority on a regular basis to journalists or broadcasters.

Other employees are not eligible to stand for office as a member of parliament or of the City Council, but may participate in county, borough or parish council activities, provided they declare any resultant conflict of interest.

Employees serve the Council as a whole and must serve all Councillors equally; therefore

employees cannot be accountable to political groups and must not compromise neutrality. The Council's protocol for relationships between Members/Councillors and staff must be followed when considering participation in political activity. The Member / Officer Protocol is contained within the Staff Folder in the Council Office.

#### **6.15.12 Patent and Copyright**

Patents - any issue, item or idea capable of being patented under the Patents Act that is developed or discovered in the course of duties should be brought to the attention of the Clerk as, subject to the provision of the Act, such output belongs to the Council. It is the Council's responsibility to decide whether to apply for patent or other protection in law for any such invention.

Copyright - All records, documents and other papers compiled or acquired relating to the Council's finance and administration are the Council's property together with the copyright. However, the copyright of any academic work such as projects done as part of a course to further a professional career including books, contributions to books, articles and conference papers will belong to the individual. If there is any doubt please refer to the Town Clerk.

#### **6.15.13 Gifts and Hospitality**

Care must be taken when accepting any offer of a gift or hospitality. Items of low intrinsic value, such as diaries and calendars, can be accepted if used at work. Hospitality, such as a working lunch or a function that is part of the life of the community or where the Council should be represented, can reasonably be accepted but must be recorded by the Town Clerk.

Anything of greater value or significance must be declined, politely but firmly, taking care not to give offence by explaining why, as a local government employee, you may not accept.

In a similar vein, offers from companies of promotional sales must be declined. Improved discounts which are notified to the Council as a whole are the only form of promotion that the Council would normally find acceptable.

Items that are free with the purchase of items required by Council are to be held and used for benefit by the Council such as through prizes for events i.e. tombola.

Failing to act appropriately may result in disciplinary action being taken which may result in dismissal.

#### **6.15.14 Foreign Travel**

Approval must be sought in advance from the Staffing Committee for all foreign travel on Council business.

#### **6.15.15 Smoking, Alcohol and Drugs**

It is illegal to smoke in enclosed public spaces. Employees are not permitted to smoke in on Council premises other than designated areas. Smoking in Council vehicles is not permitted.

Alcohol for personal use is not permitted on Council premises, unless specifically approved by a member of the staffing committee. Alcohol is not to be consumed whilst on duty unless

approved by a member of the staffing committee. Excessive alcohol intake whilst on Council premises or events is not permitted at any time.

The Council may use the disciplinary procedures to deal with any unsatisfactory performance, attendance or behaviour caused by excess alcohol consumption or by drugs, depending on circumstances. If the alcohol or drug dependency problem is a medical case, then the Council will seek the advice of Occupational Health. Support and counselling is available through the Council to all employees on this, at the discretion of the staffing committee.

Employees taking legally prescribed or over-the-counter drugs must ensure that their use does not adversely affect work performance and the safety of other members of staff.

## **7 Whistleblowing - Reporting Criminal Offences and Poor Conduct**

Employees are often the first to realise that there may be something wrong within their organisation. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also be apprehensive about the consequences and they may mistakenly feel that it may be easier, therefore, to ignore the concern rather than report what may be no more than a suspicion of malpractice.

Long Stratton Town Council is committed to the highest standards of openness, probity, and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. The word 'whistleblowing' in this procedure refers to the disclosure, internally or externally, by employees of malpractice, as well as illegal acts or omissions at work.

This policy makes it clear that all employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage, and is intended to encourage and enable serious concerns to be raised with the Council, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the Council who speak out against corruption or malpractice at work have statutory protection against victimisation, dismissal or other disadvantage.

This policy applies to employees of Long Stratton Town Council. Councillors, agency workers, casual workers and other individuals performing functions for the Council, such as contractors, are also encouraged to use the procedure.

This policy aims to:

- Encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments;
- Provide alternative avenues for raising concerns; (see section 6.15.6)
- Ensure that responses to concerns are made; and
- Reassure employees that they will be protected from possible reprisals or victimisation if they have made a qualifying disclosure to address their concerns.

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one of the following is being,



has been, or is likely to be committed:

- A criminal offence;
- A miscarriage of justice;
- An act creating a risk to health and safety;
- An act causing damage to the physical environment;
- A breach of any other legal obligation; or
- Concealment of any of the above

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment (e.g. disciplinary action), or victimised because he/she has made a disclosure.

The employee has no responsibility for investigating the matter; it is Long Stratton Town Council's through the office of the Town Clerk or Staffing Committee if the Town Clerk is the subject of concern, responsibility to ensure that an investigation takes place.

The Council fully understands that employees who are members of a Trade Union may, in the first instance, wish to seek advice and guidance from their Union on the application of this Procedure.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Council's Grievance Procedure.

Any employee that wishes to raise concerns outside of the Council, if they believe that it relates to a Member in their role as a Councillor, can do so through the Monitoring Officer at South Norfolk District Council.

<b>Examples of the difference between a Grievance and a Protected Disclosure</b>	
<b>Grievance</b>	<b>Protected Disclosure</b>
An employee's complaint about the type of work that he or she is being asked to do, for example if it is not covered by his or her contract	A disclosure that an individual has been instructed to carry out actions that he or she genuinely believes to be illegal, e.g. to falsify tax returns
An employee's complaint that he or she has received insufficient safety training	A disclosure that safety rules within the workplace are routinely being flouted, thus endangering safety
An employee's complaint about the hours that he or she is expected to work	A disclosure that the requirements imposed by the company on a group of staff represent a breach of the working time legislation

### **7.1 Safeguards Harassment or Victimisation**

Long Stratton Town Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is/are the subject of the complaint. However, if employees state the truth when making a disclosure

they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

Long Stratton Town Council will not tolerate any form of harassment or victimisation by any employee and will take appropriate action to protect individuals when they make a qualifying disclosure.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

### **Anonymous Allegations**

In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998, employees should put their name to their concern. Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations will therefore be investigated at the discretion of the Council.

In exercising the discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from factual evidence.

### **Unsubstantiated Allegations**

If an employee makes an allegation which they reasonably believe to be true but it is not confirmed by the investigation, no action will be taken against them. However, if they make an allegation frivolously, maliciously, or for personal gain, disciplinary action may be taken against them.

## **7.2 Procedure for Making A Disclosure Step One – Raising a Concern**

Whenever possible you should raise your concern with your line manager. If this is not appropriate, you should approach the Town Clerk. If the complaint is about the Town Clerk then your concern should be raised with the Chairman of the Staffing Committee.

### **Step Two – How The Council Will Respond**

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of specific procedures of Long Stratton Town Council will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action

is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how the Council proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

### **7.3 Contact**

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

#### **7.3.0 Attending Meetings**

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

##### **7.3.1 Support**

Long Stratton Town Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, Long Stratton Town Council will advise or arrange for you to have advice about the procedure.

Long Stratton Town Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern..

Long Stratton Town Council accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

##### **7.3.2 How The Matter Can Be Taken Further**

This procedure is intended to provide individuals with an avenue to raise concerns within Long Stratton Town Council. If you are not satisfied, and feel it is right to take the matter further, the following are possible contacts:

- Public Concern at Work
- Audit Commission
- the Police
- Health and Safety Executive
- Her Majesty's Revenue and Customs

If a matter is taken outside Long Stratton Town Council, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the Town Clerk.

A worker can only tell the prescribed person or body if they think their employer:

- will cover it up

- would treat them unfairly if they complained
- hasn't sorted it out and they've already told them

## **8. Harassment, Abuse, Bullying and Intimidation**

### Dignity at Work Statement

Long Stratton Town Council believes that the working environment should at all times be supportive of the dignity and respect of individuals. The Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the Council or members of the public. The Council is committed to the elimination of any form of intimidation in the workplace.

#### **8.1 Policy Statement**

Employees are Long Stratton Town Council's most valuable and important resource, and the Council has a legal, moral, and ethical duty to ensure that the environment in which they work enables them to contribute to their fullest potential and that they feel confident and comfortable about that working environment.

As well as considering the welfare of its employees, there is a strong business case for ensuring the elimination and prevention of harassment and bullying such as; the financial impact (e.g. cost of reduced performance), health and safety (e.g. physical and emotional effects on employees), and recruitment and retention (e.g. people will not wish to join us or to remain with us).

Long Stratton Town Council believes that all its employees have the right to be treated with dignity and respect, and that harassment and bullying is totally unacceptable. The Council will deal effectively with any form of harassment or bullying and take any steps it sees fit to either stop or prevent it. This may include taking disciplinary action, up to and including dismissal.

#### **8.2 Scope of the Policy**

This policy should be read in conjunction with other Council policies and procedures such as: the Equal Opportunities Policy, Disciplinary Procedure and Grievance Procedure.

The policy covers harassment and bullying by Officers and Members of the Council. It does not cover harassment and bullying from the public or contractors. However the Council has a duty of care towards its employees and, in these cases, employees should report any such behaviour to their line manager who will decide upon the appropriate action.

#### **8.3 Aims of the Policy**

The information given below shows how harassment and bullying can affect both individuals and the Council, and demonstrates the need for a policy. The aims of having harassment and bullying policy are as follows:

- To ensure that all of the Council's employees are treated with dignity and respect;
- To ensure that harassment and bullying is prevented and, if it does occur, that action is taken to stop it;
- To ensure that the working environment is such that each employee feels confident and comfortable about the way they will be treated whilst at work;
- To ensure that all of the Council's employees know what harassment and bullying is

and what the Council's policy is;

- To explain the responsibilities of Members, management, and employees; and
- To explain the procedures for dealing with harassment and bullying.

#### **8.4 Harassment**

There are various definitions of harassment, but there are two key questions which help to define 'Harassment'. They are: 'Is the behaviour unwanted?' 'Does it undermine the dignity of the individual?' and 'Is it related to a protected characteristic?'

Harassment is defined In the Equality Act as ***'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'***. The protected characteristics are age; disability; sex or gender; gender reassignment; marriage/civil partnership; pregnancy or maternity; race (including ethnic origin, skin colour, nationality and national origin); religion or belief; and sexual orientation.

It is also unacceptable to harass any individual:

- Based on their association with another individual with a protected characteristic (e.g. an employee married to someone of a different ethnic origin); or
- Based on a perception that they have a protected characteristic (e.g. a heterosexual employee who is made fun of because his colleagues believe he is homosexual).

A definition of bullying is given in the next section of this policy, but harassment and bullying are closely linked.

Examples of harassment include:

##### Sexual harassment:

- Ridiculing someone because of their sex or sexual orientation by looks, remarks, sexual innuendo or jokes of a sexually explicit nature
- Unnecessary touching or unwanted physical conduct

##### Sexual orientation harassment:

- Homophobic remarks, innuendo, jokes
- Offensive actions and physical attack

##### Racial harassment:

- Embarrassing or derogatory remarks such as racist jokes, name-calling or nicknames
- Deliberate isolation or different treatment

##### Harassment on the grounds of disability:

- Name calling
- Uninvited, patronising or unnecessary assistance

##### Harassment on the grounds of religion or belief:

- Ridicule and religious jokes
- Scorning of belief

#### Age harassment:

- Negative comments generalising about the age group of the individual
- Exclusion from informal groups such as social events

### **8.5 Bullying**

ACAS states that bullying can be characterised as *'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'*.

It must be clearly understood that it is a manager's responsibility to set targets and review work performance. It is also the manager's role when individuals do not reach targets to ensure that corrective processes are put in place. These discussions are sometimes difficult for both parties but need to take place to ensure employees work competently. In this context bullying will only occur when a manager abuses his or her authority.

It should be noted that bullying does not just occur in manager/subordinate relationships, it can occur when there is unacceptable peer pressure or pressure by others in a position of 'authority', e.g. Members.

Examples of bullying behaviour can include:

- Spreading malicious rumours;
- Making the employee the butt of jokes;
- Aggressive, insulting and unco-operative attitude;
- Destructive innuendo and sarcasm;
- Constant unjustified criticism;
- Unjustifiably removing responsibilities and replacing them with trivial tasks to do instead;
- Shouting at employees;
- Unreasonable use of disciplinary/competence procedures;
- Unreasonable refusal of requests (e.g. leave or training) ;
- Deliberately ignoring or excluding individuals from activities;
- Imposing unreasonable workloads and/or unjustifiably reducing deadlines;
- Constantly undermining an employee in terms of their professional or personal standing;
- Undervaluing an employee's efforts;
- Seeking to make an employee appear incompetent, or intentionally creating an unacceptable working environment, with the object of either achieving a dismissal or of making them resign.

Long Stratton Town Council recognises the fact that employees may initially take no action following a particular instance of harassment or bullying, but this does not mean that they find the behaviour acceptable. For example, an employee who is the butt of jokes may not wish to object initially, but this should not prevent them from addressing the issue once they feel able to do so.

### **8.6 Victimisation**

Any employee who makes a complaint or supports another employee who has done so must not be subjected to any victimisation or less favourable treatment as a result. Long Stratton

Town Council will not tolerate any such behaviour and will take appropriate action to stop/prevent this, which may include disciplinary action.

### **8.7 Responsibilities of Managers, Employees and Members**

Managers will have the following responsibilities:

- Compliance with the Policy;
- Creating/ensuring that there is a supportive working environment;
- Making sure that their employees know the details of this policy and ensuring compliance with it;
- Making sure that their employees know what standards of behaviour are expected of them;
- Taking allegations of harassment and/or bullying seriously and dealing with them as quickly as possible;
- Ensuring that victims of harassment and/or bullying receive appropriate support which might include counselling. (Note: consideration should be given as to whether the harasser/bully should also be given access to counselling, as the employee who has been accused of bullying/harassment can find this a stressful situation);
- Dealing with complaints under the Bullying and Harassment Complaints Procedure (see below);
- Ensuring that matters are dealt with confidentially and impartially;
- Ensuring that their employees attend any training requirement; and
- Liaising with the Town Clerk on how to deal with cases that arise.

#### **Employees**

Employees will have the following responsibilities:

- Compliance with the policy;
- Treating their colleagues with dignity and respect;
- Having an awareness of their own standards of behaviour;
- Making it clear that they find harassment and bullying unacceptable;
- Reporting harassment and supporting management with the investigation of complaints; and
- Intervening to stop harassment and/or bullying and give support to victims.

#### **Members**

Members will have the following responsibilities:

- Compliance with the Policy; and
- Treating employees with dignity and respect.

### **8.8 Bullying and Harassment Complaints Procedure**

No employee need put up with bullying or harassment. Long Stratton Town Council recognises that making a complaint may be a distressing experience, but all complaints will be taken seriously and dealt with in a sympathetic and sensitive manner.

If you feel that you are being bullied/harassed, the decision about how to pursue this will, in the first instance, rest solely with you. You have the right to redress through either the informal or formal procedure.

Only if the matter is brought to the attention of the alleged harasser/bully or your manager can action be taken to stop the behaviour.

In the interests of natural justice a complaint should be made as close as possible to the date when the incident occurred. In a situation where, in your view, an accumulation of incidents merit a bullying/harassment complaint, this should be done as close as possible to the date when the 'final straw' incident took place.

### **8.9 Stage One**

If it is possible and appropriate to do so, you should ask the person who you feel is harassing or bullying you to stop such behaviour, making it clear that you find it offensive and it is unwelcome. This can be done face-to-face or in writing.

If you feel that you cannot approach the alleged harasser/bully alone then you may wish to ask a work colleague or trade union representative to accompany you.

It is possible that some people may not have realised that their behaviour was offensive and alerting them to it will alter their behaviour.

### **8.10 Stage Two**

If you feel unable to use the approach set out in Stage 1, or you feel that this is not appropriate, or if Stage 1 action fails to resolve your complaint then you can raise this formally if you wish.

In this case you will need to put your complaint in writing to the Town Clerk, giving details of the specific actions/incidents about which you are complaining.

Once you have done this the matter will be investigated under the Council's Grievance Procedure.

The Town Clerk will discuss your complaint with you. In line with the informal resolution stage set out in the Grievance Procedure, the Town Clerk will, if appropriate, explore with you whether there are any informal measures that you feel able to pursue in order to attempt to resolve the situation before requesting that formal action is taken. These could include meetings with the alleged harasser/bully facilitated by your line manager or the Town Clerk, or more structured mediation.

The formal process must, however, be followed if the alleged offence brought to the Council's attention is so serious that criminal prosecution may result.

If informal measures are not appropriate/successful or you wish to proceed straight to the formal process, the Town Clerk, or his/her representative, will thoroughly investigate the complaint in accordance with the Grievance Procedure.

The usual representation will apply to the alleged bully/harasser and you can be supported throughout the process by a work colleague or trade union representative.

In accordance with Long Stratton Town Council's Grievance Procedure you will be invited to attend a hearing unless to do so would be considered inappropriate taking into account the circumstances of the issue raised. You will be given written notification of the outcome of this hearing and will have the right of appeal.



Decisions will be made at/after the hearing about the appropriate actions to be taken. These could include taking disciplinary action against the bully/harasser; issuing management instructions; arranging mediation if both parties are willing to participate; making changes to working arrangements; or taking no further action.

It should be noted that if disciplinary action is taken against the alleged bully/harasser, you will be informed that disciplinary action is being taken, but will not be informed of the outcome of this or have a right of appeal against the decision of the disciplinary panel. Nor do you have the right to raise a grievance about any decision affecting the harasser/bully following a disciplinary hearing or investigation.

### **8.11 Confidentiality**

Any complaint received, either formally or informally, will be treated with as much confidentiality as possible. However in order to enable your complaint to be investigated and/or resolved the individuals concerned will have to be made aware of your complaint, and it may not be possible to do this without identifying you.

The knowledge that a complaint has been made will be restricted to the minimum number of people necessary to investigate what happened. All those involved in any complaint must respect this and ensure that they are sensitive to the needs of both the complainant and the alleged harasser/bully.

All involved in investigating a complaint will do so impartially and make no inferences that either party is at fault until the investigation is complete. Breaches in confidentiality may result in disciplinary action.

### **8.12 Complaints About Other Parties**

If the matter involves a complaint against the Town Clerk, you should inform the Chairman of the Staffing Committee, who will determine the most appropriate means of dealing properly with the complaint.

If the matter involves a complaint against a Member, you should inform the Town Clerk who will take the appropriate action in line with the Council's constitution.

### **8.13 Malicious/Unfounded Complaints**

This procedure is designed to protect individuals who raise their concerns. It is accepted that some allegations may arise from genuine misunderstandings. However making a malicious and unfounded complaint may itself constitute harassment and be dealt with under the disciplinary procedure.

## **9. Grievances**

### **9.1 Introduction**

Long Stratton Town Council recognises that from time to time individual employees may have a grievance relating to their employment.

The Council's policy is to ensure that employees who feel aggrieved about the way they have

been treated, either by their colleagues or by management, are given every opportunity to express their views and have the issue they have raised resolved in a fair, timely and just manner.

Solutions to some issues will involve compromise and for that reason it may not be possible to resolve every issue to the total satisfaction of those concerned. Employees cannot raise a grievance in regard to disciplinary action being taken, refer to the section on disciplinary.

## **9.2 General Principles**

An employee has the right, at any formal stage of this grievance procedure, to be accompanied by a work colleague or union representative of his or her choice.

The normal starting point for anyone with a grievance will be at an informal level as detailed below. However, if a grievance is raised against management the individual may take their grievance to a more senior manager nominated in the next stage of the process.

Time limits are provided to ensure prompt decisions. However, time limits may be modified by mutual agreement. Where an employee fails to comply with a time limit, without good reason or explanation, the procedure will cease and the grievance will be considered settled or withdrawn. If a grievance is not dealt with by the appropriate manager within the specified time limit, unless it is agreed that it was not reasonably practicable to do so, the employee shall have the right to proceed to the next stage of the procedure.

All cases dealt with under this procedure, whether formal or informal, will be conducted in strictest confidence and only those parties who are involved in the procedure will have knowledge of the process applied.

Records will be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. Records will be kept confidential and retained in accordance with the Data Protection Act 1998, which requires the release of certain data to individuals on their request. Copies of any meeting records will be made available to the individuals concerned although in certain circumstances some information may be withheld or redacted, for example to protect a witness.

In any case concerning the Town Clerk, the matter must be referred to the Staffing Committee. Consequently the Chairman of the Council is responsible for overseeing that the procedure is carried out appropriately.

## **9.3 Procedures**

### **9.3.1 Stage 1 - Informal Discussion**

An employee who has a grievance, should raise the matter with their Line Manager immediately either verbally or in writing. The manager will investigate and will seek to resolve the matter within 5 working days, unless an extended period of time is agreed upon by both parties. It is expected that the majority of concerns will be resolved at this stage, however, if the matter is not resolved to the satisfaction of the individual then a formal written grievance should be submitted to the Town Clerk.

Should the Town Clerk have a grievance then this should be raised immediately with the

Chairman of the staffing committee or the Chairman of Council (if relating to the Chairman of the staffing committee) who will investigate and seek to resolve the matter within 5 working days, unless an extended period of time is agreed upon by both parties. If the matter cannot be resolved to the satisfaction of the Town Clerk then a formal written grievance should be submitted to the Staffing Committee. Whomever the Town Clerk has approached will be excluded from both the grievance and appeals panels for the Town Clerk's case.

### **9.3.2 Stage 2 – Formal Discussion**

The written grievance must be submitted to the Town Clerk within 10 working days of the original response to the employee's grievance. The Town Clerk will investigate the matter fully and meet with appropriate individuals. A written response to the grievance will be provided within 10 working days.

If the employee who raised the grievance does not consider that this written response constitutes a satisfactory resolution to their grievance, they may appeal to the Staffing Committee within 10 working days.

Any written grievance from the Town Clerk must be submitted to the Staffing Committee within 10 working days of the original response to the Town Clerk's grievance. The Staffing Committee will appoint from its membership three members to hear the formal grievance. They will investigate the matter fully and meet with appropriate individuals. A written response to the grievance will be provided by the Panel Chairman within 10 working days. If the Town Clerk does not consider that this written response constitutes a satisfactory resolution to their grievance, they may appeal to Council within 10 working days.

### **9.3.3 Stage 3 - Appeal**

The appeal must be made in writing to the Council who will convene from its membership an Appeals panel of three to review the case in consultation with, if appropriate and practicable, the employee, other relevant employees and managers. In the case of the Town Clerk, the appeal must be made in writing to Council who will convene from its membership an Appeals panel of three.

The Chairman of the Panel will respond in writing within 20 working days of the panel meeting. This decision is final and there is no further right of appeal. However, where all parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

## **9.4 Conduct of Grievance Meetings**

This procedure will be followed at all times:

- The Chairman for the meeting will detail the status of the hearing and explain the procedure to be followed.
- The grievance will be fully discussed, and if appropriate additional employees may be called forward to present supporting accounts.
- All parties will be given the opportunity to present their case, question the statements made and the witnesses.
- Both sides shall have the opportunity to sum up their position.
- One or both parties may be recalled after the meeting has closed if clarification on any

point is required.

- The Chairman of the meeting will consider whether the grievance is valid or invalid. If valid the Chairman of the meeting will take the necessary action to resolve the grievance. This may include disciplinary action and in cases of harassment or bullying could result in dismissal.
- The Chairman of the meeting will make their decision and notify the parties concerned, in writing, of the decision and the reasons for it within 10 working days.
- If the procedure is in Stages 1 or 2 the individual who raised the grievance will be informed of the right to appeal against the decision.
- Notes will be taken at formal meetings held under all stages of this procedure. A report of the full case will be made which will be kept on the member of staff's personnel file. All parties to the grievance may request a copy of the report. Requests to amend or make additions to the report will be noted.

### **9.5 Disputes**

A dispute is a collective grievance raised by more than one member of staff. It is in the interest of both the Council and its employees that disputes should be resolved fairly and quickly. If the dispute cannot initially be resolved in an informal manner, the same process as mentioned above will be followed, however consideration should be given as to whether the problem might be better raised and handled by a union on behalf of all the employees.

## **10. Disciplinary Procedure**

This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The aim is to ensure consistent and fair treatment for the individual. This procedure sets out the framework for resolving issues relating to misconduct and unsatisfactory performance in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Discipline and Grievance Procedures.

This procedure applies to all employees except where it conflicts with a contractual or statutory requirement, which takes precedence.

### **10.1 General Principles**

The procedure is not a substitute for good management practices and should only be invoked when initial attempts to improve conduct have been made following discussions between the employee and their manager. However, where there has been gross misconduct or a serious breach of disciplinary rules, the formal procedure should be actioned immediately.

No disciplinary action will be taken against an employee until the circumstances have been fully investigated.

The employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case at the appropriate stage.

The employee has the right to be represented at disciplinary hearings and appeals.

In all instances of alleged misconduct, the employee will be given at least 5 working days'

notice of the requirement to attend a hearing or appeal. Should the employee fail to attend without an acceptable reason, then the Chairman of the hearing or appeal may proceed in the employee's absence.

Any disciplinary action taken will depend on the nature of the offence, the past recorded behaviour of the employee concerned, the consequence to the Council of the offence, and any explanation presented by the employee.

Employees have the right to appeal against any disciplinary warnings and dismissal.

## **10.2 Roles and Responsibilities**

Normally, the Line Manager or the Town Clerk will consider minor disciplinary issues and resolve them, if they can, without recourse to the formal procedure.

Allegations of more serious misconduct or where a previous warning has been given but the required improvement has not been made should immediately be referred to the Town Clerk who will then be responsible for nominating an Investigating Officer. If the misconduct relates to the Town Clerk, this should be referred to the Staffing Committee who will then be responsible for nominating an Investigating Officer.

The Investigating Officer who carries out an investigation should not participate in any subsequent decision to take action under the procedure. Likewise, the Hearing Officer hearing the case should not be involved in the investigation beforehand. It is important that respective roles are identified at an early stage so that those roles are not compromised.

The Investigating Officer need not be the employee's supervisor or Line Manager, although this would normally be the case.

Only the Town Clerk has the right to suspend an employee and provide verbal or written warnings for minor misconduct. In the case of the Town Clerk, only the Council has the right to suspend the Clerk although the Staffing Committee can provide verbal or written warnings for minor misconduct.

## **10.3 Representation**

Employees have the right to representation, either by a trade union representative or a work colleague, at the hearing and appeal stages of the formal procedure.

Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

## **10.4 Informal Procedure Informal Advice and Guidance**

Where a minor breach of acceptable/established standards of conduct occurs, which does not justify formal disciplinary action, the Line Manager (Staffing Committee in the case of the Town Clerk) will advise the employee concerned of the conduct and the standard expected in the future. In many cases, this will provide sufficient encouragement for the employee not to commit further acts of misconduct.

The employee will be offered guidance, support, and additional training – where appropriate – to achieve the necessary standards. Representation will not normally be appropriate. Managers (Chairman of Staffing Committee or the Town Clerk) should make a note of such informal advice and guidance and should set out in writing to the employee the required improvements and standards of conduct that are expected in the future. Records of informal advice/counselling should be kept on employee's personal files.

The formal procedure will apply when:

- Previous informal advice or warnings have proved ineffective;
- The allegation is of a serious nature; or
- A number of minor allegations are made which taken together constitute a more serious breach of discipline.

### **10.5 The Formal Procedure Suspension**

In some circumstances, the Town Clerk (Council in the case of the Town Clerk) may consider suspension on contractual pay, pending further investigation or until the disciplinary hearing takes place. Suspension may be appropriate where:

- Cases potentially involve gross misconduct;
- Relationships have broken down; or
- The presence of the employee may hinder the investigation process
- There is a risk to the employer's property or to other people.

In all cases alternatives to suspension, such as working from home, will be considered

An employee should be advised that suspension in itself is a neutral act and does not constitute disciplinary action.

An employee should be advised of the reasons for suspension. The period of suspension should not normally last for more than 20 working days. However, this period can be extended where necessary.

The decision regarding whether or not suspension is continued can be reviewed at any time during the disciplinary process.

### **10.6 Investigation**

Before any decision can be made about whether or not a disciplinary hearing is necessary, an investigation must take place. The Town Clerk (or the Staffing Committee, in relation to matters concerning the Town Clerk) will appoint an appropriate Investigating Officer – who could be an external adviser – who will report back with their findings and make recommendations as to whether a disciplinary hearing should be convened.

The responsibilities of the Investigating Officer are to collect evidence by interviewing any relevant witnesses and gathering all documentation. An Investigatory Interview will normally be held with the employee concerned. The purpose of the interview is to gather the employee's initial response to the allegations and to identify whether any further investigation is needed.

For the benefit of the employee and the Council, any investigation must be concluded within a reasonable timescale. If there is a delay in completing the investigation, it is the responsibility of the Commissioning Officer who has appointed the investigator to regularly

update the employee or their representatives on the progress of the investigation.

Once the Investigating Officer has gathered all the relevant facts and reviewed the evidence, a report should be provided to the Town Clerk (or Staffing Committee) recommending one of the following:

- Take no further action and inform the employee accordingly;
- Advise the arrangement of counselling, training, extra supervision, or written advice (as appropriate); or
- Arrange a disciplinary hearing.

### **10.7 Arranging a Hearing**

If, following the recommendations of the Investigating Officer, the Town Clerk concludes that a hearing is required then the necessary arrangements should be made by the Town Clerk. The employee will be given at least 5 working days' notice in writing. The letter should include a clear written statement of the allegation and should enclose any documentary evidence being relied upon and a reminder of the employee's right to be represented.

The Investigating Officer is responsible for presenting the case and making arrangements for any witnesses that he or she relies upon to attend the meeting.

The employee is responsible for arranging any representation they choose to have and any witnesses that they may wish to call. Details of any witnesses the employee intends to call and a copy of all documents that the employee may wish to refer to at the hearing must be submitted to the Hearing Officer at least 3 working days prior to the hearing and these will be provided to the Investigating Officer.

### **10.8 Conducting a hearing**

The Panel for a hearing will normally comprise of the Town Clerk (or three members of the Staffing Committee, where the Town Clerk has been the Investigating Officer) and an independent Human Resources (HR) representative to advise, as appropriate. In relation to matters concerning the Town Clerk, the Staffing Committee will appoint 3 members not on the Staffing Committee to act as a disciplinary panel and an independent HR representative to advise, as appropriate.

The objective is:

- To hear the evidence in respect of the allegation, the employee's response, and to decide whether or not the allegation is substantiated; and
- If the allegation is substantiated, to determine the disciplinary sanction to be applied in light of the seriousness of the offence and having regard to previous relevant disciplinary history.

The procedure to be followed is:

- Introduction of the Panel members and outline of their roles;
- Statement of the purpose of the hearing and the allegation;
- Presentation of the case by the Investigating Officer with witnesses called as necessary;
- Questions by employee or their representative;
- Questions by the Panel and adviser;
- Presentation of the case by the employee or their representative with witnesses called as necessary;

- Questions from Investigating Officer;
- Questions from Panel and adviser;
- Concluding statement by Investigating Officer;
- Concluding statement by employee or their representative;
- Adjournment of the Panel to make their decision;
- The Panel reconvenes and the employee/representative is informed of the decision and, if necessary, their right of appeal. If the decision is not to be given on the day, this will be provided to the employee within 5 working days of the hearing.

Requests for an adjournment can be made at any stage and it is up to the Chairman to decide whether or not a request should be granted.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

- The Panel's decision;
- The length of time that any warning will be active for; (as appropriate)
- The expected improvement in conduct; (as appropriate)
- Any assistance that will be provided to achieve this; (as appropriate) and
- The employee's right to appeal.

### **10.9 Formal Disciplinary sanctions**

In determining the appropriate disciplinary sanction, regard should be given to the employee's previous record, the gravity of the offence, and any explanation given.

If the allegations are substantiated at the disciplinary hearing, the Hearing officer/Panel may either apply no sanction or any one of the following sanctions, including dismissal:

first written warning – usually valid for 6 months and given for a first offence for example or where a previous warning to the employee has not resulted in the required improvement to their conduct;

final written warning – usually valid for 12 months and for more serious offence that is insufficiently serious to justify dismissal, or where previous sanctions have been ineffective;

dismissal (with notice) for an act of misconduct, other than gross misconduct, for example for a further offence where an employee is under a final written warning;

dismissal (without notice) in cases of gross misconduct and where the employee is summarily dismissed i.e. without notice or pay in lieu of notice transfer, demotion or loss of increments;

other sanctions which are appropriate in the circumstance;  
any reasonable combination of these sanctions.

The Hearing Officer has discretion to apply the level of warning warranted by the seriousness of the case which may not necessarily be applied in sequence.

Records of informal meetings and formal warnings will be kept on employee's personal files.

### **10.10 The Right of Appeal**

An employee has the right to appeal against disciplinary action resulting in a warning or their



dismissal. Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate.

An employee who wishes to appeal must do so in writing to the Town Clerk (or Chairman of the Staffing Committee, in relation to matters concerning the Town Clerk). This must be done within 10 working days of the disciplinary hearing informing them of the disciplinary action taken. The appeal letter must set out the grounds for the appeal, normally under one of the following headings:

- The severity of the disciplinary action;
- The findings of the Panel on a point of fact which is pertinent to the decision of the hearing; and
- A failure to adhere to the disciplinary procedure.

#### **10.11 Arranging an Appeal**

The date and time of the appeal will be organised by the Town Clerk (or Chairman of the Staffing Committee, in relation to matters concerning the Town Clerk). It is the responsibility of each side to prepare themselves for the appeal, including arranging for any witnesses to attend.

The Chairman of the original Panel and the employee or their representative will, where possible, agree papers for submission to the appeal 5 working days prior to the hearing.

#### **10.12 Conducting an Appeal Hearing**

The objective is:

- To review the decision of the disciplinary hearing and decide whether that action is warranted or not; and
- If the action is not warranted, to determine what action if any is appropriate;

In doing so, the Appeal Panel will have regard to seriousness of the offence and any previous relevant disciplinary history. The Appeal Panel for an employee will be three different members who are not on the Staffing Committee, the same will apply for an appeal by the Town Clerk

The procedure to be followed is:

- Presentation of the appellant's case, including calling any witnesses;
- Questions by the Manager to the appellant and their witnesses;
- Presentation of the case by the Manager (the Chairman of the previous hearing) who took the disciplinary action, including calling any witnesses;
- Questions by the appellant to the Manager and their witnesses;
- Questions by the Appeals Panel and adviser to both parties and their witnesses;
- Concluding statements by the parties. No new information should be introduced at this stage and the appellant should have the opportunity to sum up last;
- Adjournment of the Panel to make their decision;
- The appeal is reconvened and both parties are informed of the decision or in writing within 5 working days of the appeal hearing;

The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

### **10.13 Trade Union Officials**

In normal circumstances, no action will be taken against an officer of a recognised trade union until the matter has been discussed with a full-time officer of that union.

### **10.14 Disciplinary Rules**

It is difficult to define all the acts of misconduct that might lead to disciplinary action. As a general principle, a test of reasonableness would be applied, i.e. would a reasonable person be aware that disciplinary action would result from a certain act or omission?

The following are examples of the types of conduct that are unacceptable and might lead to disciplinary action. The list is not exhaustive and other behaviour not listed may lead to disciplinary action.

- Poor time-keeping/ attendance;
- Unjustifiable absence from work;
- Waste, loss or damage of Council property through failure to take due care;
- Misuse of the Council's resources and facilities including telephone, email and internet
- Negligence or failure in performance of duty;
- Refusal to follow reasonable instructions;
- Breach of health and safety rules;
- Inappropriate behaviour

### **10.15 Types of Gross Misconduct**

Unacceptable conduct, which may be regarded as gross misconduct, is likely to lead to an employee's summary dismissal. This means dismissal without notice and occurs when the employment relationship between the Council and employee, and the trust which is inherent in that, is irrevocably broken.

The list below gives examples of matters likely to be regarded as gross misconduct and is not exhaustive:

- Bullying, victimisation, discrimination and harassment
- Incapacity at work because of alcohol or drugs
- Violent behaviour;
- Theft from the Council, its Members, employees, or the public;
- Physical assault or verbal abuse;
- Fraud or deliberate falsification of records;
- Falsification of qualifications;
- Gross negligence which causes unacceptable loss, injury, or damage;
- Gross insubordination;
- Disclosure of confidential information;
- Use of privileged information for personal gain;
- Malicious damage to the Council's property;
- Sexual misconduct at work;
- Serious breaches of council policies and procedures e.g. health and safety rules; data protection, use of I.T.

- Use of the internet or email to access pornographic, obscene or offensive material;
- Use of the internet or email to access online gambling activity;
- Accessing or distributing pornography on the Council's IT facilities.

#### **10.16 Training**

Appropriate training will be given to the Town Clerk or any Members who might be involved in disciplinary or appeals meetings to ensure that they are able to fulfil their responsibilities under this procedure.

### **11. Capability Procedure**

This procedure is used to support, enhance, and improve the performance of employees. The aim is to ensure consistent and fair treatment for the individual. This procedure sets out a framework for resolving issues relating to poor performance, in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary and Grievance Procedures. The procedure aims to ensure that consistent and fair treatment is given to all individuals.

This procedure applies to all employees except where it conflicts with a contractual or statutory requirement, which takes precedence.

#### **11.1 Scope**

Where there are issues of misconduct or of negligence, these will be dealt with under the Disciplinary Procedure. For matters of sickness, disability, or long term ill health, the Absence Management Policy will be used.

Examples of unsatisfactory work performance include:

- Inadequate application of management instructions/office or community centre procedures
- Inadequate IT skills
- Unsatisfactory communication skills
- Unsatisfactory management of staff

The list is not exhaustive.

#### **11.2 General Principles**

The Procedure is not a substitute for good management practices. It should only be invoked when initial attempts to improve performance have been unsuccessful following discussions between the employee and their manager.

The employee must be given at least 5 working days' notice of the requirement to attend a formal review meeting or an appeal.

The employee has the right to be represented at formal review meetings or appeals. In the event of a formal warning or a dismissal, the employee has the right of appeal.

#### **11.3 Related Procedures**

When using the procedure, it may be necessary to refer to the contents of other agreed documents such as:

- The Equal Opportunities Policy
- The Grievance Procedure

- The Absence Management Policy
- Other conditions set out in the Staff Handbook

#### **11.4 Representation**

Employees have the right to representation at hearings and appeals relating to any stage of the formal procedure. This can be a trade union representative or a work colleague.

Representatives can take an active part in review meetings.

#### **11.5 Action against a Trade Union Official**

In normal circumstances no action will be taken against an officer of a recognised Trade Union until the matter has been discussed with a full-time officer of that union.

#### **11.6 The Informal Procedure**

The Town Clerk (or Staffing Committee Appraisal Panel (SCAP) in relation to matters concerning the Town Clerk) should deal with minor issues of poor performance in the first instance.

A meeting with the employee to discuss poor performance should be arranged and any problems or areas for concern should be raised by the Town Clerk (SCAP). Appropriate support and training should be offered to assist the individual towards meeting the required standards in the future. Realistic targets should be agreed with the individual and future expectations made clear by the Town Clerk (SCAP). The Town Clerk (SCAP) will record the points discussed in the meeting and confirm this in writing to the employee along with the agreed plan to achieve acceptable levels of performance including support and learning and development to be made available. A review meeting should be arranged within 2 months to assess whether the targets have been met and whether the performance is satisfactory.

In most cases, these meetings should provide sufficient guidance, support, and clarification of standards to rectify the situation.

However, the formal procedure will apply when:

- Previous informal advice or guidance has proved ineffective; or
- The performance is so poor that informal discussions are unlikely to help.

#### **The Formal Review**

If informal discussions have proved unsuccessful in raising performance levels to the standards set by the Town Clerk then the formal procedure will be invoked. There are three stages to the formal procedure. The employee has the right of representation at each stage.

During each stage, the employee's performance will be monitored closely. The method of doing this will be made clear to them at the conclusion of each review meeting.

#### **Stage 1: The Capability Review**

The Capability Review should build on the informal discussions already held as appropriate. It should be sufficiently specific so that the employee knows exactly what it is about their performance that is unsatisfactory and how they can improve to the required standard. The Town Clerk (or SCAP), in relation to matters concerning the Town Clerk) will carry out the Review.

The review has four main purposes:

1. To allow the Town Clerk (SCAP) to discuss with the employee: (i) the standards of work required; (ii) what improvement is necessary; (iii) how the employee can be helped to achieve them; and (iv) how improvement will be assessed and the timescale which must be reasonable.
2. To allow the employee to: (i) obtain a clear understanding of what is expected of them; (ii) give an explanation or comment on their work; and (iii) give their views on how the problem can best be tackled.
3. To allow the Town Clerk (SCAP) and the employee to explore other options, such as: additional instruction, training, or personal development activity; or referral to occupational health, which may involve alternative action under the Council's Absence Management Policy. Please refer to the Absence Management Policy.
4. To make clear to the employee: (i) the timescale for improvement; (ii) how and by whom their work will be monitored during the review period; and (iii) the consequences if their work does not improve or if improvement is not maintained.

Ideally, standards of performance should be agreed between the Town Clerk (SCAP) and employee. However, in the absence of such an agreement, the Town Clerk (SCAP) must satisfy himself or herself that any targets set are reasonable and non-discriminatory. If training or other learning and development support has already been given then its effectiveness should be reviewed and any further training and support agreed.

If the Town Clerk (SCAP) is satisfied at the conclusion of the review that there is a shortfall in performance, the employee will be issued with a formal warning and an action plan, including timescales, to achieve. It will also be made clear that failure to achieve the action plan will lead to the next stage of the formal procedure. The length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances it should not be more than 3 months. The Town Clerk (SCAP) should confirm the outcome of the meeting in writing to the individual within 5 working days.

### **Stage 2 – The Capability Review**

If the employee fails to achieve the standards or the timescales set out in the action plan then Stage 2 of the procedure is invoked. This involves a further review based on the same structure as Stage 1.

Stage 2 of the Capability Review will be conducted by the Town Clerk (or SCAP in relation to matters concerning the Town Clerk). If it is concluded that there is still a performance issue to be addressed, a further formal warning should be issued along with an action plan giving details of the standards of performance required and the timescales within which these must be achieved. The employee should be reminded that if the action plan is not achieved, then Stage 3 will be invoked. It needs to be made clear that Stage 3 may result in a decision to dismiss the employee. Again, the length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances should not be more than 3 months. A letter to confirm the outcome of the meeting should be sent to the employee within 5 working days, it should also explain the employee's right to appeal against any warning issued.

### Stage 3 – The Final Capability Review

The Final Capability Review will be heard by three members of the Staffing Committee (3 members of Council in the case of the Town Clerk).

The Town Clerk (SCAP) who conducted Stages 1 and 2 should also be present to provide details of the previous review meetings and of the steps taken to encourage improvement in the employee's performance.

The employee will have the opportunity to respond and put forward any points they wish to be considered.

Consideration should be given to any alternatives to dismissal, such as redeployment or options of downgrading. However, this may not always be possible and will depend on each individual situation and the circumstances of the organisation.

The Panel must satisfy themselves that they have heard all of the relevant information and that the employee has been given sufficient opportunity and support to improve. If they consider that the employee's performance remains unsatisfactory, they must inform the employee that their employment is terminated on the grounds of capability or any alternatives to dismissal. In the case of the Town Clerk, this can only be a recommendation to Council to terminate the Clerk's employment.

The employee's dismissal will be with notice or, if serving their notice period is not in the interests of the Council, they will receive pay in lieu of notice. The dismissal must be confirmed in writing within 5 working days, stating the reasons for it, and informing the employee of their right of appeal.

#### 11.7 Levels of Authority

Guidance is given here on the appropriate levels of authority, although alternative arrangements may have to be made on occasion.

Formal	Officer	Authority
Stage 1 & 2	Town Clerk (SCAP for Town Clerk)	Formal warnings
Stage 3	Staffing Committee Panel (recommendation to Council for Town Clerk)	Dismissal

#### 11.8 The Right of Appeal

In the event of a formal warning or dismissal, the employee has the right of appeal to the Chairman of the Staffing Committee (or Chairman of Council, in relation to matters concerning the Town Clerk). The Appeal must be made in writing within 10 working days of the date of the letter confirming dismissal.

Three members of the Staffing Committee will hear the appeal, providing that they have had no previous involvement in the matter. They will be assisted by an independent HR adviser. Where this requirement cannot be met, a non Staffing Committee member will make up the

Appeal panel. For the Town Clerk three members of Council will hear the appeal with the same rules applying regarding previous involvement. They too will be assisted by an independent advisor.

The appeal will take place as soon as is practically possible. The Appeal Panel will consider the details of the poor performance presented by the Chairman of the Final Capability Review and will consider the comments of the employee.

The decision of any appeal hearing is final.

### **Training**

Appropriate training will be given to the Town Clerk or any Members who might be involved in capability or appeals meetings to ensure that they are able to fulfil their responsibilities under this procedure.

## **12. Dismissal Procedure**

### **12.1 Introduction**

The Council will only dismiss an employee for a valid reason:

- Capability or conduct
- Redundancy
- Something that prevents them from legally being able to do their job

There could be other fair reasons too (other substantial reasons) e.g.

- An employee is taken on to provide temporary maternity cover & is dismissed when the cover period ends
- An employee does not successfully complete their probation period
- It was clear at the start of the placement that the job was only temporary.

The Council will act reasonably during the dismissal procedure and any disciplinary or capability process.

### **12.2 During Probationary Period**

The contract may be terminated by giving one week's notice in writing.

### **12.3 After Completion of Probationary Period**

The Council will give four weeks notice in writing of the termination of a contract for employees with up to four years continuous service. Thereafter such notice entitlement increases by one week for each year of continuous service until twelve years of continuous employment have been completed. The maximum entitlement notice will be twelve weeks.

The Council reserves the right to dismiss an employee immediately without notice or pay in lieu of notice if gross misconduct has been committed by the employee (Summary Dismissal).

Within one week of termination of your employment you are required to surrender to the Council all Council property any documents and other materials, including copies that you have been holding on behalf of the Council. You shall irretrievably delete from all your personal electronic devices all property of the Council and shall produce evidence of such as

the Council may require.

## **13. Complaints**

### **13.1 Introduction**

The following Code of Practice in Handling Complaints is based on a model code promoted by the National Association of Local Councils.

These paragraphs i.e. Chapter 12 can be given out to members of the public on request.

From time-to-time members of the public have complaints about the Council's administration or procedures. Local Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman and there are no provisions for another body to which complaints can be referred. Therefore it is recommended for transparency in local government, and for the benefit of good local administration, that a standard procedure is adopted for considering complaints.

Long Stratton Town Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council, and to ensure that the complainant feels their grievance has been fully considered, taken seriously and acted upon accordingly.

### **13.2 Information for the Complainant**

It is hoped that any complaints can be satisfactorily resolved at a local level but complainants should bear in mind that even if a complaint is upheld, the Council does not have the authority to formally discipline a Councillor for breach of the Code of Members Conduct.

For complaints about Councillors, the complainant is welcome and encouraged to contact the Town Clerk or the Chairman of the Council to discuss matters informally prior to deciding whether to officially register a complaint. All Councillors are required to observe and act within the parameters of the Members Model Code of Conduct.

The Monitoring Officer acts for the Standards Committee of South Norfolk District Council which has responsibility for all Town Councillors within their district, as well as the District Councillors. Complaints in respect of Councillors and for breaches of the Model Code of Conduct should be directed to the Monitoring Officer.

The provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 must be borne in mind in dealing with all complaints.

What is deemed not to be a complaint?

- Dissatisfaction of a decision of the Council
- Comments either commendatory or critical where the complainant does not wish to take the matter further
- Matters relating to formal consultation exercises such as planning and licensing applications and local plans.
- Concerns regarding matters which are the responsibility of another body
- Criticisms of a policy adopted by the Council

Other bodies have responsibility for certain types of complaint. These are summarised below:



- Alleged financial irregularity – Local electors have a statutory right to object to a Council’s audit of accounts (s.16 Audit Commission Act 1998)
- Alleged criminal activity – The Police
- Members’ conduct alleged to breach the Code of Conduct adopted by the Council – Southend Borough Council is responsible for handling complaints that relate to a member’s failure to comply with the Code.

### **13.3 Procedure**

All complaints will be deemed to be ‘Informal Complaints’ unless a written complaint expressly states ‘Formal Complaint’.

#### **13.3.1 Informal Complaints**

Complaints may be given orally or in writing to any Officer or Councillor but are to be dealt with by the Town Clerk. Where the complaint is about the Town Clerk, the complaint should be notified to the Chairman of the staffing committee.

The complainant should be offered a copy of the Council’s Complaints Procedure for Handling Complaints at this stage.

It is hoped that the complaint can be dealt with at an informal local level in consultation with the employee to whom it refers. The response should be given to the complainant within 3 days. If an employee is found to have been at fault during the course of the investigation, this may lead to action under the Capability or Disciplinary processes

If after receiving the response, the complainant remains unhappy, they can escalate the matter to a Formal Complaint.

In the event of a seemingly serial facetious, vexatious or malicious complaint from a member of the public, the Council should consider taking legal advice before writing any letters to the complainant and refer to the Council’s Vexatious Complaints Policy.

#### **13.3.2 Formal Complaints**

If the complainant feels very strongly about a matter, they may lodge a Formal Complaint with the Council and this should be submitted in writing to the Town Clerk. Where the complaint is about the Town Clerk, the complaint should be notified to the Chairman of the staffing committee.

The letter must state that a Formal Complaint is being made and include the following information:

- Name, address, and telephone number of the complainant
- Who is the complaint about or the full nature of what the complaint is about
- How the issue has affected the complainant
- Copies of any relevant documents
- Details of third parties and their involvement
- What action the complainant believes might resolve the complaint

Receipt of the letter will be acknowledged within 5 working days and the complainant advised that the Town Clerk will investigate the complaint and respond within 10 working days. The complainant should be offered a copy of the Council’s Code of Practice for Handling

Complaints and a meeting with the complainant may be considered appropriate at this stage.

The Council expects staff to respond positively and professionally to any complaint they receive and act in accordance with the process. Staff should give appropriate assistance and information to an investigation into a complaint. If it is considered that any member of staff might have acted inappropriately then they will be informed of this and that this will be looked into further, if necessary, as an investigation under the Capability or Disciplinary processes.

Any complaint about a Council employee will normally be dealt with as an employment matter in accordance with the employee's Contract of Employment and, if appropriate, by the Council's disciplinary and capability procedures.

### **13.3.3 Complaints Panel**

If the complainant feels that the matter has not been resolved fully after lodging a Formal Complaint to the Town Clerk then they may request in writing that a Complaints Panel be convened to consider the complaint.

On receipt of the written complaint, the Town Clerk will acknowledge the letter and advise that the Complaints Panel will call a meeting to discuss the complaint within 15 working days of receipt of the letter.

The Complaints Panel comprises of the Chairman, the Vice Chairman of Council and the Chairman of the Staffing Committee. The Town Clerk will also be in attendance to represent the Council. If any of the aforementioned are involved in the complaint investigation they will be excluded from the Complaints Panel and another Councillor may be delegated in their place.

The complainant will be notified of the date of the meeting and asked for their comments, evidence and documentation in writing prior to the meeting. They, or their representative, will be able to address the Panel however must leave the room whilst the Panel considers the complaint and its decision and response. The Panel must establish at its meeting whether there is a factual basis to the complaint and, if so, what action should then be taken.

Once a decision has been made the complainant will be advised in writing of the recommendations of the Panel within 5 working days,

The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The complainant will be advised in writing of this delay. The advice will be considered and the complaint dealt with at the next appropriate meeting.

### **13.3.4 Appeals**

The Council will appoint a separate Appeal Panel to whom a complainant may appeal against the decision of the Complaints Panel. The membership of the Appeal Panel will not include any member of the Complaints Panel, nor any Councillor involved in the original complaint. The Town Clerk will be in attendance to represent the Council.

Requests to refer the decision of the Complaints Panel to the Appeal Panel must be made in writing to either the Town Clerk or Chairman of the Council within 10 working days of receipt

of the decision letter.

An appeal hearing will be arranged within 20 working days of receipt of the appeal letter. A meeting of the appeal Panel will convene to investigate the whole complaint again. The Appeal Panel must follow the same procedure outlined in this document.

The Chairman will respond in writing within 15 working days. This decision is final and there is no further right of appeal. However, where all parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

#### **13.4 Recording of Complaints**

For future reference and in the interest of continually improving the Council's service, also for the sake of transparency of the Council), when complaints have been dealt with under the Complaints Procedure, it will be recorded by the Town Clerk. The name of the complainant will be reported only if they have given their consent to be mentioned. The record should note the nature of the complaint, the reasons for the decisions made and what actions might need to be taken in the future (if any).

### **14. Equality and Diversity**

Long Stratton Town Council is an Equal Opportunities employer.

#### **14.1 The Policy**

Long Stratton Town Council is committed to being an effective Equal Opportunities organisation. This means that the Council will do everything in its power to ensure that everyone is treated fairly and with respect at all times.

This applies to all areas of the Council's activities; including recruitment, employment, and provision of Council services.

#### **14.2 As an Employer**

We will provide equality and fairness for all in our employment and will not discriminate on grounds of:

- Age;
- Disability;
- Sex or gender;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race (including ethnic origin, skin colour, nationality, and national origin);
- Religion or belief; or
- Sexual orientation

All employees will be treated fairly and with respect regardless of position, part-time/full-time working, Trade Union membership or length of contract. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability.

All employees are required to treat one another with mutual respect. Actions, behaviour, and

attitudes should consistently demonstrate respect for the dignity and worth of an individual.

Harassment and discrimination in any form is unacceptable behaviour and offenders will be subject to disciplinary action.

### **14.3 As a Service Provider**

The Council will strive to ensure that all services provided by, or on behalf of, the Council are made accessible to all individuals and groups equally and without discrimination.

All service users will be treated with respect. Actions, behaviour, and attitudes will consistently demonstrate respect for the dignity and worth of an individual.

The Council will, wherever appropriate, work in partnership with other agencies in the area; including the relevant unitary, county, district, and borough councils, voluntary groups, and community organisations to promote equal opportunities.

The Council will ensure that wherever possible all contractors directly supplying goods and services or executing works for, or on behalf of, the Council comply with this Council's stated policy on equal opportunities.

### **14.4 The Policy in Action As an Employer**

The Council aims to achieve the policy by:

- Ensuring that its employees are made aware of their rights and responsibilities to each other, the customer, and the organisation regarding equal opportunities issues;
- Providing a way in which individuals can communicate any concerns via competent named personnel;
- Treating any unacceptable behaviour seriously; and
- Ensuring that all Managers realise they have a key role in implementing this policy and are expected to take personal responsibility for ensuring its success.

#### **As a Service Provider**

The Council aims to achieve its policy by:

- Ensuring that employees are made aware of the Council's standards of service and customer care, including equal treatment in service delivery;
- Ensuring that no member of the public is disadvantaged or treated less favourably than others in terms of access to Council services. Where the Council's practices, policies, or procedures are found to make access impossible or unreasonably difficult, we will take such steps as are reasonable in the circumstances to change these practices, policies or procedures;
- Ensuring that, wherever practical, all public buildings and premises owned or managed by the Council are accessible to all. Where this is impractical in the short-term, we will provide reasonable alternative methods of access so that no member of the public is disadvantaged by physical barriers;
- Recognising the importance of communication in attaining equality and providing quality services, which are responsive to the needs of all local people, for example through the provision of information in large print and on audio tape on request; and
- Complying with all relevant legislation relating to discrimination and equality.

### **14.5 Role of Councillors and Employees**

All Councillors and employees are responsible for implementing the Council's Equal Opportunities Policy. It is important that all individuals who are employed by the Council appreciate that they have a responsibility and a role to play in the provision of equal opportunities.

Failure of an employee to act appropriately may result in disciplinary procedures which may result in dismissal.

#### **14.6 Monitoring of Equal Opportunities**

The Council's Staffing Committee will have responsibility for the implementation and monitoring of the policy as it applies to the Council as an employer.

The Council's Finance & Governance Committee will have responsibility for implementing and monitoring the policy as it applies to the Council as a service provider, involving local community and voluntary groups in the monitoring process where appropriate.

Complaints from staff about discrimination or unfair treatment will be dealt with as laid down in the Council's Grievance Procedure and Disciplinary Procedure as appropriate.

Complaints from members of the public about discrimination or unfair treatment will be dealt with through the Council's Complaints Procedure.

### **15. General Information**

#### **15.1 Freedom of Information and Data Protection**

The Freedom of Information Act 2000 gives people the right to obtain information held by public authorities unless there are good reasons to keep it confidential. As a result of the Publication Scheme Development and Maintenance Initiative, the Information Commissioner's Office (ICO) introduced a model publication scheme that all public sector organisations must have adopted from 1 January 2009. Long Stratton Town Council has adopted the model publication scheme.

Councils must produce a guide to the specific information they hold and ensure that the information can be easily identified and accessed by the general public. Some exemptions do apply.

The Council is also bound by the Data Protection Act 1998 and General Data Protection Regulations (GDPR) in all its dealings. Anyone who handles personal information is to comply with a number of important principles. Individuals also have rights over their personal information.

The ICO has legal powers to ensure that organisations comply with the requirements of the Freedom of Information Act, the Data Protection Regulations. Further details on these matters can be found in the separate Council Policies.

The potential consequences of a data breach in an employee is found to have been at fault may result in the application of the Capability or Disciplinary Processes which may lead to termination of employment.

## **15.2 Confidentiality and Disclosure of Information**

It is generally accepted that open government is best. Legislation requires that certain types of information must be available to members, auditors, government departments, services users and the public. However Data Protection regulations and the Freedom of Information Act 2000 must be borne in mind when dealing with information. The General Data Protection Regulations must be followed with regard to identifying information.

As part of the job, staff will come across confidential information. This must remain private and confidential at all times, unless authorisation have be granted to divulge it or the Council is required to do so by law. Staff should exercise reasonable care to keep safe documents and material containing confidential information.

Information about another employee's private affairs must not be given to anyone outside the Council without the consent of the employee, or to anyone within the Council unless that person has authority or responsibility for such information.

Council contracts or purchasing arrangements cannot be used for personal benefit or to benefit any external function or organisation, unless prior approval has been granted. Similarly business information and documents should not be divulged to any third party or use it other than for the purpose of furthering the interests of the Council.

Please see the Data Protection policy for further information and GDPR Policies.

## **15.3 ICT (Information Communications Technology)**

ICT is an umbrella term that includes all technologies for the manipulation and communication of information; this therefore includes hardware, computers, servers, telephones, printers, copiers, software, networks, applications etc.

The information stored and processed on the Council's ICT systems is of paramount importance to its day to day activities. Consequently, it is essential that Council's systems and data are secure, reliable and resilient. In this respect the Council will undertake any necessary actions to ensure this is the case including proper maintenance of hardware , appropriate licences are in place, anti-virus and filter measures are installed, electronic back-ups of data regularly occur, power failure back up is installed and so on.

All employees should be aware that all ICT equipment and associated packages are the property of the Council and provided for business purposes. Therefore the Council through the Town Clerk and Chairman of the staffing committee reserves the right to monitor phone and internet use or restrict the up/downloading of non- business related software. Employees must only use the Council's systems in an appropriate professional, legal and responsible manner. Good practices such as password protection, locking screens when unattended, not using unauthorised software and correctly shutting down/turning off individual PCs and mobile devices when out of the office should be adopted.

Whilst the ICT equipment is supplied for business use, the Council will allow personal use of computer software only outside of normal working hours. However the Council reserves the right to withdraw this concession at any time. Whilst limited reasonable use of personal mobiles is acceptable during working hours, an employee is expected to keep personal calls

etc. to a minimum and the Clerk will oversee these arrangements as necessary.

Remote access is regarded as an enhancement of working arrangements and is not a means of accruing additional hours. The same terms and conditions apply to ICT used remotely as applied within the office.

Surplus ICT equipment will be disposed of both securely and in an environmentally friendly manner.

#### **15.4 Council Property and Resources**

Use of Council property for a purpose other than normal duties is not permitted. No property is to be taken away from Council premises without prior explicit permission. Employees are to ensure that any property or resources are kept secure and any damage to the property, equipment or premises must be notified to the Town Clerk immediately. Where employees work from home, an appropriate amount of stationery may be taken for home use.

Council resources, whether tangible assets such as materials, equipment and cash or business information cannot be used for anything other than Council business.

Resources must be returned at the end of employment/whenever requested. Failure to act appropriately may result in disciplinary procedures which may result in dismissal.

#### **15.5 Health, Safety and Welfare**

Long Stratton Town Council recognises and accepts its responsibility as an employer for providing a safe and healthy working and operating environment and for taking all due care to protect the safety of its employees and members of public who use its facilities.

All employees and Councillors are reminded of their duty to take reasonable care of themselves and others who may be affected by their acts or omissions, and to ensure compliance with the statutory duties placed on them.

All employees have a personal and legal responsibility under the Health and Safety at Work Act 1974 for themselves, colleagues and visitors to the Council's buildings and premises.

Failure to act appropriately may result in disciplinary procedures which may result in dismissal.

Please refer to the Council's Health and Safety and Safeguarding Policies for further information.

#### **15.6 Business Continuity Planning**

Business Continuity Planning (BCP) is sometimes also known as Disaster Recovery Planning. BCP is the creation and validation of a practiced logistical plan for how the Council will remain operational during and after a disaster, emergency or extended disruption. Disaster incidents include local incidents like building fires, criminal activity, or serious ICT system failure, regional incidents include floods, earthquakes and national incidents such as pandemic illnesses.

The Council takes its obligations and services very seriously, and in this respect had identified

its key risks, undertaken risk analysis and planned steps to minimise the potential impact of a disaster, and ideally prevent it happening in the first place.

For more information on Business Continuity Planning, refer to the separate BCP policy and BC Action Plan

### **15.7 Further Information and Useful Contact Details**

Further information on any matters contained in this Staff Handbook may be found under [www.direct.gov.uk](http://www.direct.gov.uk).

Other useful contacts include:

Town Clerk,  
Long Stratton Town Council  
Tel: 01508 530524  
Email: [Becky.buck@longstrattontowncouncil.gov.uk](mailto:Becky.buck@longstrattontowncouncil.gov.uk)

Also refer to the Long Stratton Town Council website: [www.longstrattoncouncil.info](http://www.longstrattoncouncil.info)

ACAS (Advisory, Conciliation and Arbitration Service) provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law.

Call on **0300 123 1100** Monday-Friday, 8am-8pm and Saturday, 9am-1pm.

Web: <http://www.acas.org.uk/>

Health & Safety Executive (HSE) Tel: Via an on-line form but If you are unable to complete the [online form](#) yourself, you can phone 0300 003 1747 during office hours - 8.30 am to 5.00 pm, Monday to Friday, Wednesday 10.00 am to 5.00 pm, and a call handler will complete the form for you.

Web: [www.hse.gov.uk](http://www.hse.gov.uk)



**LONG STRATTON TOWN COUNCIL – STAFF HANDBOOK**

**STATEMENT OF EMPLOYEE**

I have read the Staff Handbook issued to me on \_\_\_\_\_(insert date) and understand and accept its content as forming part of my Contract of Employment.

I will keep myself informed of its contents and similarly the contents of all other Council policies.

Name of employee: \_\_\_\_\_

Employee signature: \_\_\_\_\_

Date: \_\_\_\_\_