

BRIDGNORTH TOWN COUNCIL



EMPLOYEE HANDBOOK

Policies and Procedures

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CONTENTS

Policy and Procedure	Page
Introduction	4
Code of Conduct	5
Dress Code	6
Absence Management	7
Annual Leave	12
Accidents and Near Misses	13
Indemnity of Employees	13
Smoking	14
Fire	15
Acceptable Use of Electronic Services	16
Acceptable Use of Telephones (Office and Mobile)	19
Inclement Weather	21
Disciplinary	23
Grievance	27
Equal Opportunities	29
Bullying and Harassment	30
Stress	32
Maternity, Adoption and Surrogacy Adoption	34
Shared Parental Leave	43
Paternity Leave	49
Parental Leave	53
Special Leave	55
Flexible Working	57
Health and Safety at Work	59
Substance Misuse	61
Data Protection	63
Vehicle Policy	65

Whistleblowing	68
Anti-Bribery Statement	70
Probation	72
Capability	74
Search	76
Equal Pay	76
Appraisal	76

INTRODUCTION

Your relationship with the Council is governed by the policies and procedures in this Handbook and by the terms and conditions in your contract of employment. Please take time to read both documents.

This Handbook contains Bridgnorth Town Council's Employee Policies and Procedures.

These policies and procedures are in place to ensure that the Council is a safe, efficient and happy place to work. It is very important that you understand the policies and follow the set procedures.

These policies are in place to support and protect you. Please familiarise yourself with them.

If you are unsure about anything mentioned in either this Handbook or your contract of employment, please contact The Town Clerk or our Human Resources Provider at Shropshire Council:

askhr@shropshire.gov.uk

01743 258403

We are very pleased that you have chosen to work for the Council and we hope that your time with us will be long, fulfilling and happy.

CODE OF CONDUCT

1. YOUR RESPONSIBILITIES

- 1.1 Whilst working for the Council your overriding responsibilities are:-
 - 1.1.1 To observe all safety rules and to act in a manner that ensures your own health and safety and the health and safety of others; and
 - 1.1.2 To act wholeheartedly in the best interests of the Council.
 - 1.1.3 Any breach of this Code may be considered to be a disciplinary matter and could result in disciplinary action up to and including dismissal. It is therefore of critical importance that you read and understand this Code.
- 1.2 Any conduct that either puts your own health and safety at risk or the health and safety of others at risk will normally be treated as **gross misconduct**.
- 1.3 Any conduct that is detrimental to the best interests of the Council or its relations with customers/clients, suppliers or the general public will normally be treated as **gross misconduct**.
- 1.4 Your general duties include the following:-
 - 1.4.1 To work hard, conscientiously, safely and loyally on behalf of the Council and to produce work of the best possible quality.
 - 1.4.2 Not to be involved in any work or activity which is in competition with the Council or which might adversely affect the Council's best interests. Employees must declare if there is a potential conflict of interest.
 - 1.4.3 To obey the reasonable and lawful instructions of the Council and to be flexible in helping the Council achieve its objectives. Employees must serve all councillors and not just those of the controlling administration, and must ensure that the individual rights of all councillors are respected. Employees, must not allow their own personal or political opinions to interfere with their work.
 - 1.4.4 In doing their job, employees may from time to time acquire information which has not been made public or is confidential. They must not use that information for their personal advantage or of anyone known to them. Information must not be passed to anyone not entitled to receive it, nor posted on any public forum, or social media site.
 - 1.4.5 To respect and care for the Council's property. Any materials and equipment provided by the Council for use by employees to carry out their duties should not be used for purposes not connected with their employment. Examples of such materials and equipment are headed notepaper, order forms, photocopier, telephone, printing and vehicles.
 - 1.4.6 Employees in receipt of gifts, hospitality or sponsorship must declare this. It is a serious criminal offence to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. Employees should not accept significant personal gifts from contractors and outside suppliers, although insignificant items of token value such as pens, diaries etc, are acceptable.

- 1.4.7 Employees involved in appointments should ensure that these are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside of work.

Members of staff who are relatives, or who have a close personal relationship must inform their line manager of the relationship, which could be considered by colleagues, or others, as impacting on the way they conduct themselves at work.

If you supervise someone indirectly with whom you have a close personal relationship you must not use this personal relationship to influence or advance the interests of that employee and should not be involved in individual decisions relating to discipline, promotion or pay adjustments.

- 1.4.8 To strictly obey all Rules and Regulations relating to health and safety and report to [your supervisor or manager] any hazards to safe working arrangements.
- 1.4.9 To comply with the Council's equal opportunities policy and to co-operate with it to ensure a working environment that is free from discrimination and prejudice and the fear of harassment or violence.
- 1.4.10 Whilst working for the Council to devote all of your time and attention to your duties. You must not engage in any other business, activity or employment (either inside or outside your normal working hours) that interferes with this duty.
- 1.4.11 To notify the Council at the earliest opportunity about any change in your personal circumstances such as your name, address or telephone number.

DRESS CODE

- 1.1 Proper attire is necessary to maintain an image which reflects the Council's professionalism and high standards. It is important that dress is appropriate for the Council's environment.
- 1.2 Not used
- 1.3 If further guidance regarding attire is required, this should be discussed with your line manager or the Town Clerk.
- 1.4 If you arrive at work inappropriately dressed we reserve the right to require you to go home to change and not to pay you in respect of any time lost.

ABSENCE MANAGEMENT

1.0 Procedure

- 1.1 You are expected to be available to work during your normal working hours. You must make every effort to attend work.
- 1.2 If you cannot attend work you must comply with the following rules:-
 - 1.2.1 You must telephone your line manager or Town Clerk within 30 minutes of your scheduled start time on your first day of absence. You should not leave a message at reception or with a colleague. If you cannot make contact with your line manager or Town Clerk you should try to speak to another manager. You must state the reason for your absence and the date on which you expect to return to work.
 - 1.2.2 If your absence lasts for 2 days or more, you are required to telephone every other day to keep your manager informed of your progress.
 - 1.2.3 If you are unable to return to work on the date expected you must call your line manager or Town Clerk again as outlined above.
 - 1.2.4 If your absence lasts for less than 8 calendar days, on your return to work you must complete an Absence Self-Certification (which is available from your line manager) explaining the reason for your absence.
 - 1.2.5 If your absence lasts for 8 or more consecutive calendar days then you must:-
 - 1.2.5.1 Get a medical certificate (MED3 Statement of Fitness to Work) from your GP confirming your inability to attend work. This form must be sent to your line manager immediately.
 - 1.2.5.2 If you cannot return to work when your medical certificate expires, you must obtain another medical certificate from your GP and send it to your line manager immediately. Certificates are required to cover the total period of your absence.
 - 1.2.5.3 Where absence exceeds 8 calendar days or is likely to result in long term absence, a reasonable contact agreement should be reached between manager and employee. It is expected contact will be maintained at least twice a month and during this contact the employee should be notified of any changes within the workplace and essential information which may affect their employment.
 - 1.2.5.4 You must telephone your line manager at least one working day before you return to work so that arrangements, or any reasonable adjustments following medical advice, can be made for your return.
 - 1.2.5.5 If your last medical certificate does not specify a date on which you can resume your duties before you return you must supply the Council with a medical clearance certificate confirming that you are fit to return to work.
 - 1.2.5.6 Managers are expected to conduct a return to work discussion following every episode of sickness absence regardless of length, by the employee being seen personally. Managers are required to countersign the self-certificate which may form part of the return to work discussion in cases of short term absence.

2.0 Sickness Scheme

- 2.1 The scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.
- 2.2 Employees are entitled to receive sick pay for the following periods:
- | | |
|---|--|
| During 1 st year of service | 1 month's full pay and (after completing 4 months service) 2 months half-pay |
| During 2 nd year of service | 2 months' full pay and 2 months half pay |
| During 3 rd year of service | 4 months' full pay and 4 months half pay |
| During 4 th & 5 th years of service | 5 months' full pay and 5 months half pay |
| After 5 years' service | 6 months' full pay and 6 months half pay |
- 2.3 The Council shall have discretion to extend the period of sick pay in exceptional cases.
- 2.4 The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
- 2.5 In the case of full pay periods sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit receivable will secure the equivalent of normal pay.
- 2.6 In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit receivable, so long as the total sum does not exceed normal pay.
- 2.7 Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
- 2.8 If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The Council shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the Council. If the Council decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.
- 2.9 Where, for the purpose of qualifying for sick pay under the scheme, the Council requires a doctor's statement from an employee, the Council will reimburse the employee the cost of such a statement on the provision of a receipt.
- 2.10 An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a doctor's statement.

Employees continue to accrue statutory holiday entitlement whilst off work. Any statutory holiday entitlement that isn't used because of illness may be carried over into the next leave year. However, employees are

expected to make every reasonable attempt to take accrued leave periodically throughout the current leave year.

- 2.11 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

3.0 Fit to Work Notes

- 3.1 Should your GP issue a “may be fit to work note” the Council will take into account any advice / recommendations given by your GP in that note.

- 3.2 The Council will usually request that you attend a meeting to consider the following –

- 3.2.1 the advice that has been given by your GP and whether further advice is required;
- 3.2.2 your ability to return to/remain in your job in view both of your capabilities and the Council's business needs and any adjustments that can reasonably be made to your job,;
- 3.2.3 possible redeployment opportunities and whether any adjustments can reasonably be made to assist you to redeploy;
- 3.2.4 where you are able to return to your job or a redeployed job, lighter duties; agreeing a return to work programme.
- 3.2.5 where a phased return to work is agreed, employees will only be paid for the periods in which they are in work. Annual leave accrued during the period of sickness preceding the return to work can be used to off-set this reduction in pay.

- 3.3 You should at all stages seek to inform the Council as to any duties/roles that you feel that you might be able to still safely undertake despite your ill health.

- 3.4 Where you disagree with the advice given by your GP the Council may at its discretion obtain a further opinion from an alternative medical expert / occupational health advisor or may write to your GP requesting clarification.

- 3.5 The Council cannot guarantee that it will be able to implement any adaptations / adjustments recommended by your GP or any other medical expert / occupational health advisor.

- 3.6 If it is not possible for the Council to implement such adaptations / adjustments it will explain the reasons for this to you. If this is the case, the Council will agree a time-scale for review and/or a further meeting.

4.0 Management Interviews and Investigation

- 4.1 Absence management forms part of day to day management responsibilities.

- 4.2 When the following trigger points are activated managers are expected to draw together all relevant information and invite the employee to a formal interview. Early intervention is key in trying to identify any underlying medical explanation or whether other personal or domestic circumstances are causing the absence. Employees may wish to invite a representative of their choice to formal meetings; a representative from Human Resources may also attend.

Trigger points:

- A Doctors note certifying the employee will be absent for at least 4 weeks.
- A continuous spell of absence of 4 weeks or longer covered by a series of Doctors notes.
- 4 or more absences in a 12 month period.
- Identified pattern of sickness "habits" emerging.
- Where previous discussions with employees have not resulted in improvements.
- Where there is evidence that an absence is not genuine.

4.3 The objective of the First Formal Interview is to clarify precisely the facts and circumstances surrounding the employee's absence, to explore any reasonable adjustments following any medical advice, and if required make a referral to Occupational Health for further guidance. Managers must inform the employee of improvements expected and note the employee's views of how they are trying to make improvements.

Employees should be given time to implement the proposed improvements and a review period will be held no more than 2 months from the date of the first interview. Details of the First Formal Interview should be recorded and a copy given to the employee. At the review meeting, where there has been significant sustained improvement the process will conclude.

4.4 If improvements have not been met, then medical advice needs to be sought before the Second Review Interview. All employers are entitled to access the national Fitness to Work Scheme.

4.5 At the Second Review Meeting the content of the medical review will be discussed and based on this there may be a requirement to extend the review period to either allow further treatment or recuperation or a plan for improvement to be implemented. The review period will be held no more than 2 months from the date of the second interview. At the review meeting, where attendance has improved and has been sustained, the process will conclude.

4.6 If there have been insufficient improvements or improvements have not been sustained then a Stage 3 Case Review will be implemented where there has been:

- a deterioration;
- attendance has not improved;
- a medical report does not indicate any underlying causes for the absences;
- there is no prospect of a return to work;
- sick pay entitlements have been exhausted;
- there is evidence of repeated patterns of absence;
- Or a combination of these.

4.7 Prior to the Case Review Meeting Managers will produce a report to include evidence of all support measures offered to the employee, the outcome of formal review meetings and any medical advice given in relation to the employee's health.

4.8 The employee will be invited to the case review meeting giving them the right to representation and a Human Resources representative will also be present.

4.9 At this stage consideration will be given to addressing absence concerns by way of capability on medical grounds which may include termination of employment on grounds of capability due to ill health.

4.10 In cases where there is no good reason for the absences employees should be aware that a decision may include dismissal for unauthorised absence. Unauthorised absence is considered as Gross Misconduct in

accordance with the Disciplinary procedure. In such cases Managers making the decision must follow the process set out in the Disciplinary procedure.

- 4.11 The Senior Managers decision will be communicated in writing to the employee within 2 working days of the meeting unless further investigation is required. The employee should be informed of their right to appeal within this letter.
- 4.12 With the agreement of the individual, where employees are absent from work and are unable to attend a Formal Interview or Formal Review meeting, a home visit can be arranged. Home visits should involve a minimum of two people, one of whom should be from HR. In addition the employee should be given the opportunity to have a colleague or trade union representative present if they so wish.
- 4.13 In instances where ill health retirement can be considered, the Council's policy is to apply on a consistent basis the requirements of the Local Government Pension Scheme in relation to ill-health retirement issues.
- 4.14 If an employee's absence is because of a disability or their illness leaves them with a mental or physical condition which falls within the definition of a disability, the Council will consider reasonable adjustments to support employees and enable them to carry on working. The Access to Work programme is a government funded scheme which provides financial assistance towards the extra costs of employing someone with a disability.

ANNUAL LEAVE

- 1.1 Your annual holiday entitlement is set out in your contract of employment. A week for the purposes of holiday calculation is your normal working week. For part time employees all annual leave will be allocated on a pro-rata basis, including bank holidays. Flexible casual workers who have worked on a regular and continuous basis over a 13 week calendar period are entitled to 5.6 weeks (pro-rata hours worked) paid annual holiday.
- 1.2 You are not entitled to carry forward any holidays from one holiday year to the next except in exceptional circumstances you may carry forward up to 5 days leave with the express prior written authority of the Town Clerk. No payments will be made in lieu of holiday not taken except in respect of your last year of employment as set out below.
- 1.3 If you work overtime or additional hours or receive other pay allowances on a regular basis, it should be reflected in holiday pay. This only applies to the first 20 days annual leave (pro-rata for part-time employees). You can only claim this holiday pay if you work non-guaranteed overtime.
- 1.4 Holidays must be arranged at the mutual convenience of both you and the Council. You must give the Council reasonable notice of your intention to take your holiday. All applications for holiday must be made using the Council's holiday application form. Forms may be obtained from the Finance Department. You are only allowed to take holidays if the Council has approved them in advance.
- 1.5 You are not allowed to take more than 10 consecutive working days holiday unless you have obtained the express prior written permission of the Town Clerk to do so.
- 1.6 The Council may object to you taking holiday on dates requested by you and/or on bank/public holidays if it is inconvenient to it. Holiday requests will be granted on a 'first come, first served' basis.
- 1.7 If you start or leave your employment during the holiday year you shall be entitled to pro rata annual entitlement for each week of service in that holiday year.
- 1.8 Upon termination of your employment the Council may require you to take (or not to take) any outstanding accrued holiday entitlement during your notice period. If you have taken holidays in excess of entitlement the Council shall be entitled to deduct the excess pay from your final salary payment.
- 1.9 In the event of you falling sick during the period of your annual leave, you will be regarded as being on sick leave from the date of your medical certificate and further annual leave will be suspended from that date.

ACCIDENTS AND NEAR MISSES

- 1.1 Absences resulting from accidents at work are treated as sickness absence and the Council's normal rules will apply to such absences (part 3, section 1).
- 1.2 All accidents and incidents (including near-miss incidents) must be reported to the appropriate line manager so that the cause can be ascertained, the control measures re-evaluated and action taken to prevent recurrence.
- 1.3 All accidents and incidents, no matter how minor, **must be recorded in the Accident Book**.
- 1.4 It is the responsibility of all employees to provide complete and accurate information to enable management to find out what went wrong, learn lessons and take action to prevent or reduce such accidents/incidents in the future.

INDEMNITY OF EMPLOYEES

- 1.1 The Council maintains comprehensive insurance cover for all its employees in respect of accident or assault while on official business. Details of the cover maintained is available on request from the Council Office.

SMOKING

- 1.1 This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to ensure compliance with laws that ban smoking in public places (including workplaces). Laws banning smoking in public places (including workplaces) came in to effect on 26 March 2006 in Scotland, 2 April 2007 in Wales and 1st July 2007 in England.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not stop potentially dangerous exposure.

For smokers wishing to quit, stop smoking services are available at a wide range of venues across Shropshire. For further information on the service call Healthy Shropshire on 0345 678 9025 or visit www.healthyshropshire.co.uk.

- 1.2 It is the policy of the Council that all of its workplaces are smoke-free and all employees have a right to work in a smoke-free environment. Staff should note that the prohibition on smoking in the workplace also applies to electronic cigarettes and other vaporisers which will, for the purposes of this policy, be treated in the same way as cigarettes.

Smoking is prohibited throughout the entire workplace with no exceptions. This includes Council vehicles. This policy applies to all employees, consultants, customers and visitors. Employees are not permitted to smoke during working hours. It does not include official breaks. Unofficial smoking breaks are not allowed.

- 1.3 Overall responsibility for policy implementation and review rests with the Town Clerk. All staff are obliged to adhere to and to facilitate the implementation of the policy.

The person named above shall ensure that all existing employees, consultants and contractors are aware of the policy and of their role in the implementation and monitoring of the policy. They will also ensure that all new personnel are given a copy of the policy on recruitment or induction.

Appropriate 'No smoking' signs will be clearly displayed at or near the entrances to the premises and elsewhere around Council premises. Signs will also be displayed in Council vehicles that are covered by the law.

- 1.4 Non-compliance with this policy and relevant law will be treated as a disciplinary offence.

FIRE

- 1.1 In general, employees should seek to ensure good standards of housekeeping at all times. A clean and tidy workplace is less likely to be a source of fire. Any act or omission, which you believe may constitute a fire risk, should be immediately notified to your line manager or the Town Clerk, who will take the appropriate action.
- 1.2 All potential fire hazards will be identified and the risks assessed and reduced to an acceptable level.
- 1.3 Fire-fighting equipment will be provided and emergency lighting and fire alarm points fitted as appropriate, following a fire risk assessment. The fire alarm will be tested at weekly intervals by activating an alarm point in rotation, such as to test every alarm point over a set period of time.
- 1.4 Fire marshalling areas will be identified and located in areas beyond any danger from fire. Employees will be made aware of where they have to report in case of fire. Fire alarms will be activated periodically, without prior notice to employees.
- 1.5 Details of the Council's fire/emergency procedures, exit and assembly points, are displayed on notice boards around the Council's premises. You must familiarise yourself with the Council's emergency procedures to minimise the dangers caused by fire.
- 1.6 You must ensure that you are aware of the nearest fire exit, and its alternative, for emergency use.
- 1.7 You must ensure that you are aware of the nearest fire extinguisher to your work location, its type and know how to operate it.
- 1.8 Regular fire drills will be held to ensure the Council's fire procedures are effective and to ensure you are familiar with them. These drills are important and must be taken seriously.
- 1.9 Remember:

On discovering a fire:

- Operate the nearest fire alarm;
- Alert other people within your immediate vicinity;
- Do not attempt to tackle the fire unless you have been trained or you feel competent to do so

On hearing the fire alarm

- Do not delay - evacuate the premises immediately;
- Do not stop to collect personal possessions;
- Remain calm and proceed in an orderly manner;
- Do not re-enter the premises or site until the Fire Brigade is satisfied that the premises and site are safe to re-enter.

- 1.10 Under no circumstances must employees put themselves or others at risk in a fire situation.

ACCEPTABLE USE OF ELECTRONIC SERVICES

1.0 Introduction

- 1.1 The Council's computer system contains an e-mail facility, which is intended to promote effective communication on matters relating to the Council's business. The e-mail system should therefore be used for that purpose. You have no right to privacy when using the Council's computer system. This means the e-mail system should not be used for spreading gossip or for personal gain or in breach of any of the Council's standard employment policies on issues such as sexual or racial harassment.
- 1.2 Messages sent on the e-mail system are to be written in accordance with the standards of any other form of written communication and the content and language used in the message must be consistent with best Council practice. Messages should be concise and directed to those individuals with a need to know. General messages to a wide group should only be used where necessary and ALWAYS use the blind carbon copy facility (BCC) to protect customer/client confidentiality.
- 1.3 Confidential information should not be sent externally and in some cases internally, by e-mail without express authority.

2.0 Legal Action Against the Council

- 2.1 Messages sent over the e-mail system can give rise to legal action against the Council. Claims for defamation, breach of confidentiality or contract could arise from a misuse of the system. It is therefore vital for e-mail messages to be treated like any other form of correspondence and where necessary hard copies should be retained. You are also reminded that messages are disclosable in any legal action commenced against the Council relevant to the issues set out in the e-mail.

3.0 The Council's Rights

- 3.1 The Council reserves the right to retrieve the contents of all incoming and outgoing messages for the purpose of monitoring whether the use of the e-mail system is legitimate, when employees are off sick or on holiday, to find lost messages or to retrieve messages lost by computer failure, to assist in the investigations of wrongful acts or to comply with any legal obligation.
- 3.2 The Council reserves the right to monitor email messages sent and/or received and to monitor your usage of the Internet.

4.0 Security

- 4.1 If you are given access to the e-mail system you are responsible for the security of your terminal and you must not allow the terminal to be used by an unauthorised person.
- 4.2 You should therefore keep your personal password confidential and change it regularly. When leaving your terminal unattended or on leaving the office you should ensure you log off the system to prevent unauthorised users using your terminal in your absence.

5.0 General Rules

- 5.1 Should you receive an e-mail message which has been wrongly delivered to your e-mail address you should notify the sender of the message by redirecting the message to that person but NOT in the case of SPAM which should be deleted immediately (note that deleted e-mails can remain on the system). Further in the event the e-mail message contains confidential information you must not disclose or use that confidential

information. Should you receive an e-mail which contravenes this policy the e-mail should be brought to the attention of your line manager.

- 5.2 Misuse of the e-mail system in breach of these rules will be treated as misconduct.
- 5.3 Misuse of the e-mail system by transmission of any material in any of the following categories will constitute gross misconduct:
- defamatory;
 - offensive or obscene;
 - untrue or malicious;
 - discriminatory on grounds of race, sex, marital status, disability, sexual orientation, religion or religious belief & philosophical beliefs or age;
 - the Council's Confidential Information (as defined in your contract of employment); and
 - protected copyright material.

6.0 Internet and Social Network Sites

- 6.1 If you are given access to the Internet you must use it for legitimate Council business only. Searching for or viewing or downloading web pages the content of which is offensive, obscene, discrimination will constitute gross misconduct.
- 6.2 Use of the internet (especially chat rooms and community sites such as Facebook) slows the system and encourages accidental downloading of viruses.
- 6.3 Employees are prohibited from using social networking websites such as Facebook or instant messaging services on Council computers or during working hours other than for business purposes.
- 6.4 Not used
- 6.5 Not used
- 6.6 Your business email address must not be used:
- to register an account on any website being used for personal reasons, or to receive communications from such websites e.g. Social networking sites such as Facebook and eBay or similar sites, message boards or any blog sites;
 - to receive communications relating to any personal businesses or income generating ventures, such as property letting;
 - to subscribe to regular update emails for social activities such as cinema or theatre listings or other non-business purposes.
- 6.7 Employees should not under any circumstances use our systems to participate in any internet chat room, "twitter" system, any on-line auction website, post messages on any internet message board or set up or log text or information on a blog or wiki, even in their own time.

7.0 Personal Equipment

7.1 If you use social networking sites at home or outside of work any comments you make may still have an impact on your work and your colleagues. Please note that you may still be subject to the Council's Disciplinary Procedures if you make any defamatory, inappropriate and/or offensive comments about the Council, its clients or your colleagues when on line.

7.2 Please ensure therefore that you do not use systems like Facebook or Twitter to:

- gossip about colleagues in relation to work issues
- gossip or complain about management or management policies
- give out any information in relation to your workplace
- directly communicate with or harass a colleague in relation to an issue of dispute

7.3 Such comments are capable of amounting to gross misconduct and may therefore result in the termination of your employment.

7.4 Personal electronic devices such as USB memory sticks should not be inserted into any Council device to avoid Council equipment becoming infected with a virus.

ACCEPTABLE USE OF TELEPHONES (OFFICE & MOBILE)

- 1.1 Telephones are provided to give employees access to services that allow them to fulfil the Council's business needs.
- 1.2 A Council provided telephone should be used for communicating with colleagues and customers. At the discretion of your line manager and providing it does not interfere with your work, the Council also permits essential personal use as defined below:
- A call to a family member or friend to advise you are working late or change to prior arrangements in support of business activities
 - A call to update a family member or friend on your location for safety purposes in support of lone working and business activities
 - A call to arrange a medical appointment
 - A call that is urgent that cannot wait until you have access to your personal telephone

Telephone calls of a personal nature should be kept to an absolute minimum. If the Council considers that there has been improper use of the telephone, you may be required to meet the cost of any calls that are not business related and such costs may be deducted from your remuneration.

- 1.3 You may be provided with a mobile telephone in order to assist with the proper performance of your duties. The mobile telephone remains the property of the Council and the Council may withdraw its use and it must be returned to the Council on the termination of your employment. The mobile telephone is your responsibility and you are advised to keep your mobile telephone out of sight in a secure location when not in use, for example locked car boot.
- 1.4 You are not permitted to access unauthorised telecommunications/telephone services detailed below unless it is pertinent to fulfilling the Council's business obligations:
- International telephone services - dialling code pre-fix is 00 xx
 - Premium rate services - dialling code pre-fix is 09xxx
 - Premium rate text services – e.g. text information services
 - Directory Information Services – dialling code pre-fix 118 xxx
 - Television programmes and entertainment channels via mobile devices
- 1.5 .Not used
- 1.6 On an occasional basis you agree to be contacted outside working hours by the Council and/or clients and customers to assist with operational matters.

Use of Mobile Phones in Vehicles (To be read in conjunction with Vehicle Policy)

- 1.7 It is unlawful to use a hand held mobile telephone when driving. Time spent waiting at traffic lights or in a traffic jam is still considered to be driving and you could be prosecuted.

- 1.8 You must not use your Council mobile phone whilst driving even with a hands free kit. If you receive or make a mobile telephone call whilst driving you should stop the car in a safe place, turn off the engine and then make or receive the call once satisfied that it is safe to do so. This includes the act of texting whilst in control of a vehicle.
- 1.9 ALL employees who drive vehicles whilst carrying out their work will be required to comply with this law. If you do not comply, you will be subjected to disciplinary proceedings. Repeated breach of this policy will result in dismissal.

INCLEMENT WEATHER

- 1.1 The Council will endeavour to open for business every normal working day regardless of weather conditions to ensure disruption to its service remains minimal.
- 1.2 It is the responsibility of the employee to make every reasonable effort to attend for duty at their normal place of work, in accordance with their contract of employment. This includes adapting their means of travel if necessary, or using a combination of travel options, even if this results in arriving late for work. It should be noted that where additional expense is incurred as a result of using different travel methods that these expenses cannot be reimbursed by the Council.

However, employees should not put themselves at unnecessary risk when attempting to attend work under inclement weather conditions.

- 1.3 If inclement weather conditions cause a substantial delay in your arrival at work, you should notify your line manager, Town Clerk or Finance Officer as soon as possible. If the employee has made efforts to attend work on time and arrives late they will not be expected to make the time up if the lateness in total is no more than half the staff member's normal working day, having regard to the severity of the conditions and the personal circumstances of individual staff members. If the total time lost amounts to more than half the time of the staff member's normal working day then other provisions outlined in 1.5 below should apply.
- 1.4 If it is impossible for you to come into work due to inclement weather conditions, you must telephone within 30 minutes of your scheduled starting time to inform your line manager, Town Clerk or Finance Officer.
- 1.5 If an employee has made all reasonable efforts to travel to their place of work but has failed due to adverse weather conditions, upon agreement with the line manager, and subject to operational needs, the manager may agree one of the following options to account for time lost:
- Working from home (if practicable).
 - Making up the time/hours lost (usually within one month).
 - Take annual leave.
 - Take unpaid leave.
 - Or apply a combination of the above options.
 - Paid leave may also be agreed in certain circumstances as outlined in 1.3 and 1.5.
- 1.6 There are a range of factors which should be considered when deciding how to make up any lost time and a consistent and fair approach should be used while accepting that staff should not take unreasonable risks in attempting to get to work in difficult or extremely hazardous conditions.

The following factors should be taken into consideration when agreeing the appropriate action to take:

- The employee's safety.
- The operational requirements of the service.
- Distance and journey travelled to work.
- Prevailing weather conditions and their expected duration.
- Information and guidance from the AA, police and/or local radio, e.g. about safe travelling.
- Alternative safe travel arrangements available to staff.
- Working from home; may be considered dependent on role
- The use of existing on-call arrangements in order to establish contingency arrangements where adverse weather conditions are foreseeable.
- The caring or childcare responsibilities of the employee (refer to Time off for Dependents Policy)

- The health of the staff member; for example where it is known that they have a mobility or other health/medical condition special care should be taken in reaching a decision relating to attendance and pay.
- Other factors pertaining at the time.

- 1.7 The line manager should decide on a case by case basis whether it is appropriate for staff to leave work early. In taking the decision, they should consider the current weather and factors outlined in 1.6.
- 1.8 If the Council decides that in the interests of health and safety employees should be permitted to leave for home before the end of their normal working day / shift due to weather conditions then employees will be paid at their basic rate as if they had stayed at work until the end of their normal working day / shift.

DISCIPLINARY POLICY

1.0 Purpose and scope

- 1.1 This policy is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct, attendance and job performance. The Council rules this procedure apply to all employees/workers. The aim is to ensure consistent and fair treatment for all in the organisation.
- 1.2 The Capability Procedure should be followed in situations where the work performance is not meeting the required standard due to the employee's lack of skills and/or aptitude to do the job or because their general work performance has deteriorated. Where, however, an employee's performance is believed to be unsatisfactory because of a deliberate failure or refusal on their part to perform at the required standard then this will be treated as a disciplinary offence to be dealt with under this policy.
- 1.3 The Council will treat 'electronic behaviour' in the same way they would treat 'non-electronic behaviour' and any found breaches of the council's policies and procedures will be dealt with under this policy.
- 1.4 The Council does not seek to dictate how employees conduct themselves in their personal lives outside of work. However, unlawful, anti-social or other conduct by employees which may jeopardise the Council's reputation or position will be dealt with through the disciplinary procedure.

2.0 Manager responsibility

- 2.1 It is a Manager's responsibility to discuss any minor matters of concern with their employees on a day to day basis outside of the disciplinary procedure. The manager should offer positive advice, assistance and guidance to encourage employees to achieve and maintain proper standards of conduct and behaviour. Managers will be required to make notes of the date, circumstances and advice given, a give a copy of the notes to the employee. The employee will be informed that there is a risk of formal disciplinary proceedings should the employee fail to meet any requirements for future behaviour. This does not however constitute part of the formal disciplinary process and is not recorded on the employee's personal file.

No disciplinary action will be taken against an employee until a reasonable investigation of the allegations has been undertaken.

3.0 Sanctions

- 3.1 If the Council decides that disciplinary action is required then the following sanctions may apply:
 - Stage 1 - First Written Warning
 - Stage 2 - Final Written Warning
 - Stage 3 – Dismissal
- 3.2 The Town Clerk (or in their absence another appropriate officer identified by the Town Clerk) is authorized by the Council to act on its behalf in imposing all sanctions other than dismissal on all other members of the work force. Any sanctions imposed should be notified to the Council at the earliest opportunity. In deciding what action to impose, the Council will consider the nature of the offence, the extent to which its concerns may already have been brought to the employee's attention outside the formal disciplinary process, the employee's disciplinary record, any mitigating circumstances, the seriousness of the impact of the offence to the Council, the seriousness of any impact of the offence on service users, the likelihood of effective corrective action by the employee and any other factors that the Council considers appropriate.

3.3 **Stage 1 - First Written Warning**

For more serious offences the employee will be given a first written warning, which will set out the duration of the warning, nature of the offence and the likely consequences of any further offences.

3.4 **Stage 2 - Final Written Warning**

For very serious offences falling short of gross misconduct or if the employee has committed a further offence of a similar nature during the period covered by a previous first written warning, the employee will be given a final written warning, which will set out the duration of the warning, nature of the offence and the likely consequences of any further offences.

3.5 **Stage 3 - Dismissal**

For offences of gross misconduct or gross negligence or if the employee has committed a further offence of the same nature during the period covered by a final written warning then the employee may be dismissed. In the case of gross misconduct or gross negligence, dismissal will generally be without notice and notice pay at the discretion of the Town Clerk and /or the Town Mayor or their nominated deputy.

Dismissal for a first breach of discipline will only occur in the case of gross misconduct.

3.6 **Warnings**

A first written warning will remain in force for a period of 6 months from the date on which it was given and a final warning will remain in force for a period of 12 months unless stated otherwise.

If, for any reason, an employee is absent from work for a period of one month or more, then the duration of any warning will be automatically extended by the amount of time that they are absent.

In determining whether an employee has breached a warning, the determining date is when the further disciplinary offence was committed - not when it was discovered or when any subsequent disciplinary hearing took place.

4.0 **Conduct**

4.1 **Misconduct**

The following list provides examples of conduct and behaviours which are regarded as misconduct include (but are not limited to):

- first breach of Council rules, code of conduct, policies or procedures, e.g. flexible working, caring about sickness, smoking at work
- failure or refusal to obey a reasonable instruction without good reason
- maliciously raising a grievance or making an allegation against another employee
- breach of health & safety rules

4.2 **Gross-Misconduct**

The following list provides examples of conduct and behaviors which are regarded as gross misconduct include (but are not limited to):

- words or acts that breach the Councils Code of Conduct, equal opportunities including any form of unlawful discrimination or victimisation
- theft, fraud, deliberate falsification of records or documents, abuse of the hours of work policy, for the purpose of personal gain.
- fighting, physical violence, assault on another person.
- unauthorised absence
- abandoning duty without notification
- willful, malicious or deliberate damage to Council premises or property.
- incapability through alcohol and/or illicit drugs or being found in possession of the same.
- serious negligence or breach of health and safety rules which may cause unacceptable loss, damage or injury.
- unauthorised access to computer records and/or misuse of the computer, email or internet facilities
- malicious transmitting of confidential information pertaining to the organisation
- deliberate negligence which causes or may cause unacceptable loss, damage or injury.
- racial and sexual abuse or bullying and harassment.
- failure to disclose a pecuniary interest which prejudices a decision or action taken by or on behalf of the Council or other bodies
- Conviction of a criminal offence which adversely affects the reputation of the Council and its interests.(Subject to the nature of the offence)

Individuals who are accused of gross misconduct may be suspended from work on full pay, dependent on circumstances and the element of risk. Normally this will be for the shortest period reasonably possible and will be reviewed if the suspension is likely to continue beyond ten working days.

If the Council is satisfied that gross misconduct has occurred, the individual may be summarily dismissed without notice or payment in lieu of notice at the discretion of the Town Clerk.

5.0 **Investigations**

5.1 Investigations will be thorough in all cases and also timely.

5.2 At all stages of the process the employee will be notified in writing of the nature of the complaint, with a minimum of five working days to arrange for their right to representation at any meeting.

5.3 At all stages a record of the meetings will be taken by a note-taker.

5.4 The Town Clerk (or in their absence another appropriate officer identified by the Town Clerk)) will undertake or arrange for an appropriate manager to investigate the areas of concern relating to the employee. They will collect and collate evidence, including interviewing and taking statements from relevant parties and preparing this evidence for possible presentation at a formal hearing. The Town Clerk (or appropriate manager) will prepare a written report for the Hearing Officer setting out the facts arising from the investigation, including signed statements from the interviewees.

5.5 The Hearing Officer will receive the report from the manager and decide whether a formal hearing is necessary.

6.0 Hearing

- 6.1 A disciplinary hearing will take place, after the investigation, where the Hearing Officer has reason to believe that an employee has committed a disciplinary offence.
- 6.2 Notes and papers regarding the investigation should be made available to the employee and their representative at least two working days prior to the disciplinary hearing
- 6.3 The report will be presented at the hearing and the employee will be given the opportunity to respond and to state his or her case, as will the Union representative present. The employee may be asked to reply to related questions and confirm final responses.
- 6.4 The Hearing Officer should then adjourn the hearing to consider the details and the individual's responses. The Human Resources representative will remain with the Hearing Officer
- 6.5 Wherever possible following the adjournment the Hearing Officer will inform the employee of the decision, which may result in a disciplinary sanction. However, should the Hearing Officer require more time to consider a sanction, then the employee will receive a response in writing within two working days from the date of the hearing.
- 6.6 The Hearing Officer should then issue a formal letter to the individual detailing the decision made and any relevant actions.
- 6.7 The employee and the Union Representative will then have five working days to consider the decision, and make an appeal.

7.0 Appeal

- 7.1 An employee shall have a right of appeal against any disciplinary action taken and should be notified of this right in the written confirmation of the action taken.

An employee who wishes to appeal against a disciplinary decision must do so within ten working days. A nominated panel of Councillors (in normal circumstances the personnel committee) will hear the appeal and their decision is final.

GRIEVANCE PROCEDURE

1.0 Dealing with grievances informally

- 1.1 If you have a grievance or complaint to do with your work or the people you work with you are encouraged to discuss any problems or concerns on an informal basis initially with your line manager or with the Town Clerk, who will discuss the issues in confidence. Where appropriate they will make discreet investigations, to be completed within one calendar month of being notified of the concern(s) and will attempt to resolve matters speedily and fairly.
- 1.2 We expect employees and managers to be aware of our core values and behaviours' and it is essential that every effort is made to resolve the grievance at the earliest possible stage of the procedure and it is the responsibility of all parties to ensure that this occurs.
- 1.3 Most issues are best resolved informally. However, if this is not possible, a more formal approach will be necessary by proceeding to the First Stage of the Council's Grievance Procedure.

The following formal stages are available after the informal steps at 1.0 have been exhausted.

2.0 Formal grievance

- 2.1 If the matter is serious and you wish to raise the matter formally you should set out the grievance in writing with the solution being sought to the Town Clerk. Where your grievance is against the Town Clerk and you feel unable to approach the Town Clerk you can contact the Mayor or your HR provider.
- 2.2 The employee's grievance will be formally acknowledged in writing and a meeting will be arranged, as soon as possible, no later than ten working days from receipt of the grievance. The employee will be informed that they have the right to be accompanied by a trade union representative or colleague.
- 2.3 As soon as possible and, in any event, within ten working days of the meeting, the line manager will give the employee a written response. This response may be a preliminary one if the grievance needs more detailed consideration but the employee will be told what is happening and how long it may be before a final response can be expected. The final response should be sent to the employee no later than three months from the initial receipt of the written description by the manager.
- 2.4 The final written response at this first stage should include:
 - a summary of the grievance
 - appropriate details of the investigation
 - the decision on the matters raised
 - the reasons for the decision
 - if the grievance has been upheld, wholly or in part, what necessary steps will be taken
 - what further steps are available to the employee, within this procedure, if they remain aggrieved

3.0 Appeal

- 3.1 If you are unhappy with the Town Clerk's decision and you wish to appeal you should inform the Chairman of the Personnel committee) within 10 working days. The appeal should indicate a written statement of the grievance outlining the reasons why you feel your grievance has not been adequately dealt with.
- 3.2 The Appeals Committee will write to the employee within 10 working days to invite them to an appeal meeting.

3.3 The purpose of the Appeal Hearing will be to:

- establish the facts
- provide the employee with the opportunity to make representations regarding the reasons for their appeal
- enable the respondent to the case to provide a response either in person or from any written statements submitted
- make a final decision on the case after considering the evidence given
- decide whether any further action is necessary as a result
- ensure all parties are notified in writing of the findings of the appeal within 10 working days of the meeting

After the appeal meeting the Chairman will give you a decision and the Chairman's decision is final.

4.0 Mediation

4.1 In addition, where appropriate and at any stage of the process, either party can request that the matter is subject to mediation, including the use of external third party mediators in an attempt to reach a mutually agreeable outcome.

1.1 The Council is an equal opportunity employer. We are committed to ensuring within the framework of the law that our workplaces are free from unlawful or unfair discrimination because of Protected Characteristics as defined by the Equality Act 2010. We have adopted this policy as a means of helping to achieve these aims.

1.2 The Protected Characteristics are:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and Civil Partnership
- Pregnancy and Maternity

The Council values the diversity of its workforce and it will not tolerate less favourable treatment on any grounds stated in 1.2

1.3 **Our Commitment**

The Council is committed to the promotion of equal opportunities and freedom from discrimination in all aspects of its services. We believe that we should take positive steps to promote equality of opportunity in the delivery of our services and the employment of people.

Being an equal opportunities employer we are aiming to ensure you:

- are recruited on merit
- are not harassed or bullied at work
- are paid fairly and equitably
- are not unfairly discriminated against
- have an annual appraisal and access to appropriate training and development required to do your job
- are supported by fair and clear employment policies and procedures which reflect this policy

1.4 **Your responsibilities as an employee**

- To provide a high standard of service to local people, and to those you come into contact with
- To respect others regardless of who they are
- To undertake training and self-development as identified to help improve our service to users, including equality and diversity training
- To promote equality of opportunity and help to build cohesive community relations
- To adhere to all appropriate council policies, procedures and codes of practice
- To demonstrate these values in the way you work
- To challenge behaviour or attitudes which are contrary to this policy

1.5 Anyone who believes that he or she may have been disadvantaged on discriminatory grounds should raise the matter through the Council's grievance procedure.

BULLYING AND HARASSMENT POLICY

- 1.1 Harassment pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. It may also have a damaging effect on other employees not themselves the object of unwanted behaviour who are witness to it or who have knowledge of the behaviour. All employees are entitled to a working environment which respects their personal dignity and which is free from such objectionable conduct. Harassment is a disciplinary offence and it will normally be treated as gross misconduct.
- 1.2 All allegations of harassment and bullying will be treated seriously and with sensitivity for both the victim and the alleged perpetrator. They will be investigated promptly and a speedy resolution sought. Appropriate action, which may include disciplinary action, will be taken where an allegation of harassment and bullying has been upheld.
- 1.3 In their guidance leaflet “Bullying and harassment at work”, ACAS (the Advisory, Conciliation and Arbitration Service) provides the following definition:

“Harassment is unwanted conduct related to a relevant protected characteristic (refer to Equal Opportunities Policy) 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”.

“Bullying may 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”.

A single incident can amount to harassment if sufficiently grave.

- 1.4 Examples of bullying and harassment include:
- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief); including ‘office banter’ which is deemed offensive by a work colleague.
 - A management style that is destructive rather than constructive – criticising the person rather than their mistakes and the consequences of their mistakes; publicly humiliating them rather than correcting their mistakes privately;
 - Copying memos/emails that are critical about someone to others who do not need to know;
 - Ridiculing or demeaning someone – picking on them or setting them up to fail;
 - Exclusion or victimisation;
 - Overbearing supervision or other misuse of power or position;
 - Unwelcome sexual advances – staring/leering, touching, standing too close, the display of offensive materials, the use of suggestive explicit language, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
 - Behaviour which fails to acknowledge and respect the rights or needs of people with different beliefs or practices;
 - Behaviour which condemns or ridicules people because of their sexual orientation or perceived sexual orientation;
 - Behaviour which condemns or ridicules people because they propose to undergo, have started or completed a process to change their gender;
 - Making threats or comments about job security without foundation;
 - Deliberately undermining a competent employee by overloading and constant criticism;
 - Preventing individuals progressing by intentionally blocking promotion or training opportunities;
 - ‘Cyber bullying’ which can be defined as “when one person or a group of people try to threaten, tease or embarrass someone else by using a mobile phone or the internet” (from www.direct.gov.uk).

- Treating a person less favourably because he/she has complained about the behaviour of someone who is harassing or bullying, has given evidence or information, or has supported someone who has made such a complaint.
- 1.5 You may complain of behaviour that you find offensive even if it is not directed at you personally and you do not personally possess the relevant Protected Characteristic.
 - 1.6 We will also not tolerate any victimisation of those who have made a complaint, or who have witnessed an incident, or supported the complainant.
 - 1.7 Where harassment arises from people not directly employed by the Council e.g. customers or clients, such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available.
 - 1.8 Anyone who believes that he or she may have been the victim of harassment should raise the matter through the Council's grievance procedure.

STRESS

- 1.1 Some level of stress is a normal aspect of everyday life. However, the harmful effects of stress, particularly when chronic, are now regarded as having a significant negative impact on the overall physical and psychological well-being of individuals.
- 1.2 Stress in the workplace can be a major factor in reduced employee performance, commitment and motivation, increased sickness absence, loss of productivity and general absenteeism and it is accepted that the recognition, management and reduction of stress can have substantial benefits in improving an individual's general health.
- 1.3 The Council also recognises that non-work related stress such as that associated with bereavement, can have an impact on an individual's ability to deal with normal work related stress. The Council has a number of policies and guidance in place which can assist individuals e.g. use of the employee assistance scheme/counselling service and special leave
- 1.4 The Council is therefore concerned to develop procedures, training measures and support systems to encourage and assist managers and employees to identify the nature and causes of stress and to take positive steps to manage stress effectively.
- 1.5 For this reason, it is recommended that employees seeking help should approach their line manager in the first instance. If the employee's line manager is the cause of stress then the next manager in seniority should be contacted or HR should be contacted. When work related stress has been cited or is systemic, then a stress risk assessment should be undertaken. A stress risk assessment is a useful tool to help manage the stress more effectively. The employee should be referred to the Occupational Health Service as soon as possible
- 1.6 Procedures developed to identify and mitigate any potential causes of stress include:
 - The full range of tasks and demands of a post should be set out clearly in the job description and person specification; any areas of potential pressure and stress should be identified and discussed appropriately during the interview process.
 - All requests for references should seek information about candidates' sickness and absence records and where appropriate, referees should also be asked specific questions about candidates' abilities to deal with stressful situations.
 - All new employees, or those who are promoted or redeployed must receive local induction into their posts. Starting a new job can be stressful and a planned programme of induction will help to eliminate many concerns.
 - The employee's manager or line manager should monitor progress and wellbeing at regular intervals. Use of appraisal systems to identify development needs is essential, if problems of stress appear to be arising use of the Stress Risk Assessment Tool should be considered
 - Absence which appears to be a result of work-related stress should be managed in accordance with the Managing Attendance Policy
 - Many employees experience stress through feeling that they are not adequately trained for their current post and may be especially at risk when they move to a new or changed role, therefore the identification of training needs should have a high priority.

- Some posts involve exposure to hostile and extreme behaviour on a regular basis. Whilst the management and control of such activities must be carefully risk assessed, effective training will be critical in enabling employees to confidently deal with such stresses.

- 1.7 Any employee with clear stress-related problems shall receive (if deemed appropriate) counselling and help from the Council (employee) assistance scheme but it is understood that this is not an alternative to looking at the cause of the stress and, if work-related, seeking to alter the structure and working arrangements of the job.
- 1.8 Following action to reduce the risks, they shall be reassessed. If the risks remain unsustainable by the employee concerned, efforts shall be made to reassign that person to other work for which the risks are assessed as tolerable.
- 1.9 This policy acknowledges that employees, at any level, can experience stress at work. Some employees may be reluctant to admit that they are experiencing the adverse effects of stress. The Council considers that seeking help and support should be seen as a positive approach which is to be encouraged and not viewed in any sense as an admission of weakness.
- 1.10 Managers, when performing risk assessments on the activities of their department, will pay special attention to potential risks from stress and signs of stress at work will be noted.

MATERNITY, ADOPTION AND SURROGACY ADOPTION

1.0 PURPOSE

- 1.1 The purpose of the maternity, adoption and surrogacy adoption leave policy is to:
- Assist with the management of leave for those who are pregnant, seeking to adopt a child or have a surrogate baby
 - Provide information about statutory rights
- Provide information about additional benefits the Council provides in addition to its statutory obligations.

2.0 SCOPE

2.1 Maternity leave

- 2.1.1 Applies to all pregnant employees of the Council whose employment falls within the scope of the NJC for the Local Government Service.

2.2 Adoption and Surrogacy Adoption leave

- 2.2.1 Applies to the Adoptive or surrogate parent (male or female) when a child is expected to be placed, through an approved adoption agency and have notified the adoption agency that they agree that the child should be placed with them and on the date of placement.
- 2.2.2 In the case of adoption or surrogacy adoption from overseas the policy will apply when an adopter's child enters Great Britain.
- 2.2.3 The policy applies to individuals who adopt or to one member of a couple where a couple jointly adopt. Where a couple jointly adopt they must choose which partner takes Adoption or Surrogacy Adoption leave.
- 2.2.4 The partner who elects not to take adoption leave jointly may be entitled to paternity leave and pay.

3.0 NOTIFICATION REQUIREMENTS

3.1 Employee - Maternity Leave

- 3.1.1 An employee must provide formal written notification of her pregnancy including the date on which her baby is due and the date on which she would like her maternity leave to start, by the end of the 15th week (the qualifying week) before the expected date of child birth (or as soon as is reasonably practicable).
- 3.1.2 Formal written notification should be provided along with the MATB1 form.

3.2 Employee - Adoption & Surrogacy Adoption Leave

- 3.2.1 An employee must provide formal written notification of their intention to take Adoption or Surrogacy Adoption Leave at least 7 days before the date they wish to commence this leave (or provide as much notice as is reasonably practicable), along with a matching certificate from their adoption agency confirming that the employee has been matched with a child for adoption which must be completed by the adoption agency containing:
- the name and address of the agency;
 - the date on which the employee was notified that he or she had been matched with the child; and

- the date on which the agency expects to place the child with the employee

As documentary evidence of their entitlement to take adoption leave.

3.3 Employer – Acknowledgment of Notification of Intention to take Maternity, Adoption & Surrogacy Adoption pay & leave options form.

- 3.3.1 Within 28 calendar days of receipt of notification the Council will write to the employee confirming their pay and leave entitlement and informing them of the date on which they are expected to return to work. This will vary depending on the employee's entitlement to pay, leave and their individual circumstances.

3.4 Employee – Changing the Date of Leave

- 3.4.1 Should an employee wish to bring forward or postpone their leave they must inform their Line Manager in writing at least 28 calendar days before the new start date or as soon as is reasonably practicable. Payroll will need to be informed.
- 3.4.2 Where a baby is born early, the employee must inform their Line Manager as soon as is reasonably practicable. Payroll will need to be informed.

4.0 TIME OFF WORK

4.1 Provision for Ante-natal care - Pregnant employees

- 4.1.1 All pregnant employees are entitled to take paid time off work for antenatal care. Apart from the first appointment pregnant employees' must produce evidence of appointments if requested to do so by their line manager.
- 4.1.2 If your partner is pregnant, you are entitled to unpaid time-off for up to two antenatal appointments. If you wish to exercise this right you should notify your Line Manager of the date and time of the appointment.

4.2 Provision for Ante-natal care - Adopting or Surrogate Adopting employee

- 4.2.1 All adopting or Surrogate Adopting employees are entitled to take paid time off to attend two antenatal care appointments. Apart from the first appointment employee's must produce evidence of appointments if requested to so by their line manager.
- 4.3 Antenatal care may include a reasonable amount of parent craft and relaxation classes that the employee's doctor or midwife has advised her to attend, in addition to medical examinations.
- 4.4 Employee's should also endeavour to give their line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

5.0 LEAVE

A maximum of 52 weeks' maternity, adoption or surrogacy adoption leave can be taken. There is no qualifying service requirement to take maternity, adoption or surrogacy adoption leave.

Maternity, Adoption and Surrogacy Adoption leave is made up of 26 weeks Ordinary Leave followed Immediately by 26 weeks Additional Leave.

5.1 Maternity leave

- 5.1.1 The minimum compulsory maternity leave is 2 weeks (this period is set for health and safety reasons).
- 5.1.2 If an employee's maternity leave has not already started it will be triggered by the birth of the child, or pregnancy-related absence from the beginning of the 4th week before the EWC. The earliest date that Maternity leave can start is the beginning of the 11th week prior to EWC.
- 5.1.3 In both these situations the employee must notify her employer (in writing) as soon as is reasonably practicable, that she has given birth or that she is absent wholly or partly because of pregnancy.
- 5.1.4 In the case of a stillbirth or miscarriage, an employee retains her entitlement to leave and pay if this occurs 24 weeks or more into the pregnancy. A stillbirth or miscarriage prior to this date means that the employee will not have the right to maternity leave or pay. She will however, be entitled to sick pay.

5.2 Adoption or Surrogacy Adoption leave

- 5.2.1 An employee's adoption or surrogacy leave can start from the date on which the child is expected to be placed with them, or from a specific date up to 14 days before this date.
- 5.2.2 If the child's placement is terminated during the employee's adoption leave, an employee will continue to be entitled to adoption leave and pay (if applicable) for up to eight weeks after the placement ends. As the employee will be returning to work earlier than intended, he or she should give eight weeks' notice of the early return. In many cases where no notice of the termination of the placement is given this will effectively mean the employee should notify the employer of his or her early return on the day the placement ends.
- 5.2.3 An employee is entitled to only one period of maternity, adoption or surrogacy adoption leave at a time, irrespective of how many children are born to them or placed with them.

5.3 Transfer of leave

- 5.3.1 If an employee proposes to return to work earlier than the maximum 52 weeks, giving proper notification, his/her spouse, civil partner or partner may be eligible to take additional paternity leave (and additional statutory paternity pay) once he/she has returned to work.
- 5.3.2 The earliest that additional paternity leave may commence is 20 weeks after the adopted child's placement and it must end no later than 12 months after the date of placement. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks.

5.4 Parental leave

- 5.4.1 The Council operates a parental leave scheme. This leave is unpaid apart from the first 5 days which is full pay. Further guidance is available in "Parental Leave & Pay" policy.

5.5 Support Leave

- 5.5.1 Support leave, is a right to one weeks leave paid at normal contractual pay to the nominated carer of an expectant mother at or around the time of birth.
- 5.5.2 Employees who qualify for statutory paternity leave will be paid under the paternity leave scheme. Employees who do not qualify for statutory paternity leave, i.e. a nominated carer, will not be entitled to statutory paternity leave but should apply for support leave.

6.0 RELATIONSHIP WITH SICKNESS AND ANNUAL LEAVE

Maternity, adoption and surrogacy adoption leave shall be regarded as continuous service for the purposes of the NJC scheme and annual leave.

6.1 Sick leave

- 6.1.1 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.
- 6.1.2 If a pregnant employee is sick before the beginning of the 4th week before the EWC the absence will be treated as sickness provided it is covered by self-certification or where appropriate a FIT note. If an employee is sick after the 4th week before the EWC and the sickness is wholly or partly due to the pregnancy they will automatically be required to commence maternity leave. If the sickness is not attributable to the pregnancy they can continue to receive sickness pay until the notified date for commencement of maternity leave.
- 6.1.3 If an employee is sick at any time during their adoption leave, their absence shall be treated as adoption leave and not sick leave.
- 6.1.4 Where due to sickness the employee is unable to return from maternity, adoption or surrogacy adoption leave on the expected date this will still be classed as a return to work and not a postponement of return. The period of sickness must be notified and certified in the same way as for any other period of sickness. Sickness will be recorded and monitored in the usual way.
- 6.1.4 Where an employee is certified as sick during maternity, adoption, or surrogacy adoption leave there is no right to payment of contractual sick pay as this is deemed to be "salary", and maternity, adoption or surrogacy adoption pay will continue to be paid

6.2 Annual leave

- 6.2.1 Annual leave and bank holidays will continue to be accrued throughout the ordinary and additional leave periods. Leave should normally be taken within an employee's personal leave year and in accordance with the Council's annual leave guidance. An employee should discuss when their leave can be taken, with their line manager before they go on maternity, adoption or surrogacy adoption leave. In all circumstances, the employee should take all pro rata leave entitlement up to the time their leave starts and any form of leave accrued during maternity leave to be taken before returning to work i.e. maternity, adoption or surrogacy adoption leave ends and accrued annual leave begins.
- 6.2.2 Where an employee is intending to return to work on reduced hours any outstanding leave based on their full time contract should be taken before they commence their part-time role.
- 6.2.3 In the event that there may be insufficient time available to take all the annual leave entitlement with the same leave year, in exceptional circumstances accrued leave may be allowed to be carried forward into the next leave year in accordance with the annual leave policy, up to a maximum of 5 days.

7.0 PENSION

- 7.1 Where an employee is a member of the Local Government Pension Scheme, employee pensions contributions will continue to be deducted from any employee's maternity pay, adoption pay or surrogacy adoption pay.

7.2 An employee who is intending to take a period of unpaid additional leave should consult the pension's team for advice about the possible effects on their pension.

8.0 TERMS AND CONDITIONS OF EMPLOYMENT

8.1 The employee's contract of employment remains in force throughout their maternity, adoption and surrogacy adoption leave, continuing to receive all contractual benefits except salary.

8.2 Continuous Service

8.2.1 The taking of maternity, adoption or surrogacy adoption leave does not constitute a break in service. An employee's service is regarded as continuous for the calculation of annual leave, sickness payment and redundancy compensation.

9.0 CONTACT

9.1 Keeping in Touch (KIT) Days

9.1.1 An employee on maternity, adoption or surrogacy adoption leave is able to work for up to 10 days during their leave without losing any maternity or adoption pay and without bringing their leave to an end. For record keeping purposes working for part of a day will count as one day. Work may include training or any activity undertaken for the purposes of keeping in touch with the Council.

9.1.2 Such days could include staff or team meetings, occasional days of work etc. and should where possible, be agreed in advance by the line manager and employee before the employee goes on leave.

9.1.3 Any such work is by arrangement with the manager who will keep a record of the number of days work undertaken during the maternity leave. KIT days are not compulsory and neither party can insist on work been undertaken or being given any work to do.

9.1.4 An employee will normally be reimbursed for KIT days in the form of Time off in Lieu (TOIL). However, in certain circumstances, payment for such work can be made and will be paid at the contracted hourly rate of pay for the hours worked which will be offset against the SMP entitlement for that day

9.1.5 An employee is prevented by legislation from carrying out any work (including KIT days) in the first two weeks after the birth of her baby (compulsory maternity leave).

9.2 Reasonable Contact

9.2.1 In addition to the provision for "Keeping in Touch" (KIT) days there may be "reasonable contact" between the line manager and employee during the employee's leave. This contact does not count as work and does not bring the maternity leave period to an end.

9.2.2 Such contact could include issues such as the return to work, significant workplace developments and training opportunities.

9.2.3 In some instances, changing circumstances in the Council could mean additional contact may be necessary to ensure that adequate involvement and consultation on key issues is assured.

10.0 PAY

10.0.1 Statutory maternity and adoption pay is paid for 39 week. There is no statutory entitlement to surrogacy adoption pay.

- 10.0.2 Any salary increments which occur while an employee is on maternity leave, adoption leave surrogacy adoption leave will affect the amount of statutory or occupational pay received.
- 10.0.3 Maternity pay and adoption pay will commence on the day the maternity or adoption leave commences.
- 10.0.4 Average weekly earnings take into account what the employee has earned in the eight week period ending with the Qualifying Week (QW). Therefore bonuses, pay awards and other ad-hoc payments which fall in that period count in the calculation of SMP.
- 10.0.5 Tax, national insurance and employee pension contributions are deducted from maternity and adoption pay.
- 10.0.6 An employee does not have to repay statutory maternity or adoption pay if they do not return to work

10.1 Statutory Maternity Pay

- 10.1.1 To be eligible for statutory maternity pay an employee must have 26 week's continuous service at the end of the 15th week before the expected date of childbirth and have average weekly earnings, for the 8 week period ending in the 15th week before the EWC, of not less than the Lower Earnings Limit.
- 10.1.2 Statutory Maternity Pay is paid as follows:
- First 6 weeks at 90% of average weekly earnings with no upper limit.
 - Remaining 33 weeks at the standard rate or a rate equal to 90% of average weekly earnings, whichever is lower. Details which can be found at appendix 3.

10.1.3 If an employee is not entitled to SMP the Council will provide the employee with a SMP1 form so that the employee can claim Maternity allowance.

10.2 Statutory Adoption Pay

10.2.1 To be eligible for statutory adoption pay an employee must have 26 weeks continuous service by the end of the week the adopter was notified as being matched with a child and have average weekly earnings, for the 8 week period ending in the 15 week before the EWC, of not less than the Lower Earnings Limit £1111f they are notified that they have been matched with a child or received official notification that they are eligible to adopt a child from abroad on or after 7 April 2013) .

10.2.2 Statutory Adoption Pay is paid as follows:

- Statutory adoption pay is paid for 39 weeks at the standard rate or at a rate equal to 90% of average weekly earnings if this lower.

10.2.3 If an employee is not entitled to SAP or who are normally low paid, an employee may be able to get income support while on adoption leave.

10.3 Occupational Maternity and Adoption Pay

10.3.1 An employee with over one year's continuous local government service, at the end of the 11th week before the expected week of childbirth or placement, is entitled to receive occupational maternity and adoption pay if they declare an intention to return to work following their leave and subsequently return to work following their leave for a minimum period of 13 weeks to their original contracted hours.

10.3.2 For employees not intending to return to local authority employment employee's entitlement will be to statutory pay only.

10.3.3 Occupational maternity and adoption pay is paid as follows:-

- For the first six weeks of leave an employee is entitled to 90% of their average weekly salary offset against their statutory payments.
- Where an employee declares an intention to return to work following their leave and subsequently returns to local authority employment for a minimum period of 13 weeks and to their original contracted hours they will receive 12 weeks half pay plus any statutory pay due (total payments cannot exceed full pay).
- In respect of maternity and adoption leave the remaining 21 weeks' will be paid at the lower and appropriate statutory maternity or adoption pay rate.

10.3.4 If an employee does not subsequently return to local authority employment for a minimum period of 13 weeks they will be required to repay the 12 weeks' half pay.

11.0 RETURNING TO WORK

It will be assumed, unless previously notified otherwise, that an employee will be returning at the end of Additional Leave (taking the full 52 weeks' entitlement).

Where an employee is unable to return because of sickness or injury the Council's Managing Attendance policy will apply.

If an employee wishes to return to work earlier than the expected return date they must provide at least 21 days' written notice of the date of early return. If they do not do this the Council may postpone their return for up to 21 days provided this does not extend the leave beyond the original return date.

11.1 Right to return to work

11.1.2 Subject to paragraph 11.2.3 (below), an employee has the opportunity to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to them if they had not been absent. A "job", for this purpose, means the nature of the work which they were employed to do and the capacity and place in which they were so employed.

11.2.3 Where it is not practicable by reason of redundancy for the authority to permit the employee to return to work in their job as defined above, the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work done in that post is suitable to them and appropriate to the circumstances, and that the capacity and place in which they are to be employed and their terms and conditions of employment are not substantially less favourable to them than if they had been able to return in the job in which they were originally employed.

11.2.4 Suitable alternative employment may also be offered in exceptional circumstances (other than redundancy) e.g. a general reorganisation, which would have occurred if the employee had not been absent, necessitate a change in the job in which they were employed prior to their absence. The work to be done should be suitable to them and appropriate to the circumstances and the capacity and place in which they are to be employed and their terms and conditions of employments should not be less favourable to them than if they had been able to return to job in which they were originally employed. The employee must return with their

seniority, pensions rights and similar rights as they would have been if they had not been absent, regardless of whether Additional leave has been taken.

- 11.2.5 For an employee where, because of an interruption of work (whether due to industrial action or some other reason) it is unreasonable to expect them to return on the notified day, the employee may instead return when work resumes, or as soon as reasonably practicable thereafter.
- 11.2.6 For an employee where no date of return has been notified and there is an interruption of work (whether due to industrial action or some other reason) which makes it unreasonable to expect the employee to return to work before the end of the maternity leave period and in consequence they do not notify a date of return, they may exercise their right to return by giving at least 7 days written notice to the authority that they intend to return at any time before the end of 14 days from the end of the interruption.

12.0 NON RETURNERS

In the event an employee does not return to work, the employee will refund the monies paid, or a proportion, as the authority may decide, excluding any statutory payments.

12.1 Resignation

- 12.1.1 If an employee decides not to exercise their right to return to work, following their leave, they are effectively resigning and must give the required contractual notice.

12.2 Redundancy

- 12.2.1 Employees away from work will be included in any redundancy consultation process.

13.0 HEALTH & SAFETY

13.1 Maternity Risk Assessment

- 13.1.1 The Council must ensure that a risk assessment of the working environment is carried out to identify any potential risks to an employee while she is pregnant, taking into account any relevant advice from the GP or midwife. Any potential risks should be removed, or if this is not possible, alternative temporary working arrangements made.

Some of the more common risks might be:

- Moving and handling
- Standing or sitting for long periods of time
- Exposure to infectious diseases
- Threat of violence at work
- Long working hours
- Work related stress

- 13.1.2 If it is not possible to alter the employee's working conditions to remove risk and there is not suitable alternative work available the employee may be suspended from work on maternity grounds, until such time as there is no longer a risk or she goes on maternity leave.
- 13.1.3 This suspension does not affect any employee's statutory or contractual rights. The employee will be entitled to her normal salary and contractual benefits during the suspension unless she has unreasonably refused an offer of suitable alternative employment.

13.2 Nursing mother

- 13.2.1 The nursing mother will need to inform her manager in writing if she intends to continue to breastfeed after returning to work. The manager will need to conduct a further risk assessment in discussion with the employee.

14.0 Protection against detriment and dismissal

- 14.1 An employee is protected against being subject to detriment and/or dismissal because of pregnancy (or any reason connected with pregnancy) or from taking or intending to take maternity, adoption or surrogacy adoption leave.

SHARED PARENTAL LEAVE

1. What is Shared Parental Leave?

Shared Parental Leave allows eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.

This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

The Council recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with Human Resources to ensure that they are followed.

2. Who is eligible for Shared Parental Leave?

SPL can only be used by two people:

The mother/adopter **and**

One of the following:

- the father of the child (in the case of birth) or
- the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the organisation at the start of each period of SPL;
- it is a regulation that the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- the employee must correctly notify the organisation of their entitlement and provide evidence as required.

3. The Shared Parental Leave entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the

39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4. Notifying the Council of an entitlement to Shared Parental Leave

If you are entitled to and are and intending to take SPL you must give your line manager notification of your entitlement and intention to take to SPL, at least eight weeks before you can take any period of SPL. Please use the Mother's notification of entitlement and intention to take Shared Parental Leave (SPL) and/or Shared Parental Pay (SHPP) form (*Appendix 1a*).

5. Requesting further evidence of eligibility

The Council may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, you must produce this information within 14 days of the request.

6. Fraudulent claims

The Council can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

7. Discussions regarding Shared Parental Leave

If you are considering/taking SPL please speak to your Line Manager to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about your plans and to enable The Council to support you.

Your Line Manager may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with you to talk about your intentions and how you currently expect to use your SPL entitlement.

Upon receiving a leave booking notice your Line Manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in your notice booking leave, a meeting may not be necessary.

At the meeting you may, if you wish, be accompanied by a workplace colleague, trade union representative or even a personal friend or family member.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while you are away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to you and your manager, and what the outcome may be if no agreement is reached.

8. Booking Shared Parental Leave

In addition to notifying the Council of entitlement to SPL/ShPP, you must also give notice to take the leave.

You have the right to submit three notifications specifying leave periods you are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where you intend to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

Continuous leave notifications

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to you (specified in the notice of entitlement) and you have given at least eight weeks' notice.

You may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work (for example, an arrangement where you will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, your Line Manager may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both your needs and the organisation (see “Discussions regarding Shared Parental Leave” above).

The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, you can either withdraw it within 15 days of giving it, or you can take the leave in a single continuous block.

9. Responding to a Shared Parental Leave notification

Once your Line Manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided within 14 days.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to you and to the organisation against any adverse impact to the business.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

You will be informed in writing of the decision as soon as is reasonably practicable, but within 14 days. The request may be granted in full or in part: for example, your manager may propose a modified version of the request.

If a discontinuous leave pattern is refused then you may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If you choose to take the leave in a single continuous block, you have until the 19th day from the date the original notification was given to choose when you want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date then the leave will begin on the first leave date requested in the original notification.

10. Variations to arranged Shared Parental Leave

You are permitted to vary or cancel an agreed and booked period of SPL, provided that you advise your Line Manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by you, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of your Line Manager requesting it be changed, and you being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing.

11. Statutory Shared Parental Pay (ShPP)

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adoption reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- the mother/adoption must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;

- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP using the form at *Appendix 1a*.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

12. Terms and conditions during Shared Parental Leave

During the period of SPL, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when you are receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while The Council's contributions will be based on the salary that you would have received had you not been taking SPL.

13. Annual Leave

SPL is granted in addition to your normal annual holiday entitlement. You are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years you should consider how your annual leave entitlement can be used to ensure that it is not untaken at the end of your leave year.

14. Contact during Shared Parental Leave

Before your SPL begins, your Line Manager will discuss the arrangements for you to keep in touch during your leave. Your Line Manager reserves the right in any event to maintain reasonable contact with you from time to time during your SPL. This may be to discuss your plans to return to work, to ensure that you are aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

15. Shared Parental Leave in Touch days

You can agree to work (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The Council has no right to require you to carry out any work, and is under no obligation to offer you any work, during your SPL. Any work undertaken is a matter for agreement between you and your Line Manager. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively 'topped up' so that you receive full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

You may, with the agreement of your Line Manager, use SPLIT days to work part of a week during SPL. You and your Line Manager may use SPLIT days to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

16. Returning to work after Shared Parental Leave

You will have been formally advised in writing of the end date of any period of SPL and you are expected to return on the next working day after this date, unless you notify your Line Manager otherwise. If you are unable to attend work due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If you wish to return to work earlier than the expected return date, you must provide a written notice to vary the leave and give at least eight weeks' notice of your date of early return. This will count as one of your notifications. If you have already had your three notifications to book and/or vary leave then the notice to return early may not be accepted unless it is considered to be reasonably practicable to do so.

On returning to work after SPL, you are entitled to return to the same job if your aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, you will return to the same job.

If your maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If you also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on your right to return and you will still be entitled to return to the same job as you occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

PATERNITY LEAVE

1. Background

- 1.1. The Employment Act provides two weeks statutory paid leave for qualifying employees whose partner's expected week of childbirth (EWC) is on or after 6 April 2003.

2. Eligibility

- 2.1 Employees will need to satisfy the following conditions in order to qualify for ordinary statutory paternity leave. They must:

- have or expect to have responsibility for the baby's upbringing;
- be the biological father of the baby or the mother's husband or partner (this includes same sex partners);
- have worked continuously for the Council for at least 26 weeks up to and into the 15th week before the date baby is due, or 26 weeks into the week the adoption agency told the adopter they have been matched with a child;
- continue to work for the Council until the date the baby is born, or the adopted child is placed;
- be able to provide a copy of the expectant mothers' MAT B1 as evidence of their entitlement to SPP
- not have taken Adoption Leave

3. Length of Paternity Leave

- 3.1 Eligible employees will be entitled to choose to take either one or two weeks' ordinary paternity leave within 56 days of the date of the baby's birth or the date an adopted child is placed with the adopter. The weeks must be consecutive and not taken in odd days.

4. Timing of the Leave

- 4.1. An employee may choose to start their paternity leave
- from the date of the child's birth (whether this is earlier or later than expected), or
 - from a chosen number of days or weeks after the date of the child's birth (whether this is earlier or later than expected), or
 - from a chosen date.
- 4.2. Leave can start on any day of the week on or following the child's birth but must be completed:
- within 56 days of the actual date of birth of the child, or
 - if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.
- 4.3. Only one period of leave will be available to employees irrespective of whether more than one child is born as a result of the same pregnancy.

5. Ordinary Statutory Paternity Pay

- 5.1. During their paternity leave, most employees will be entitled to Statutory Paternity Pay (OSPP) from the Council.

5.2. Statutory Paternity Pay will be paid by the Council for either one or two consecutive weeks as the employee has chosen. The rate of SPP will be the same as the standard rate of Statutory Maternity Pay or 90% of average weekly earnings if this is less (see www.nidirect.co.uk for the latest rates).

5.3. Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes will not qualify for SPP. Employees who do not qualify for SPP, or who are normally low paid, may be able to get Income Support while on paternity leave.

6. **Occupational Paternity Pay**

6.1. With effect from 6 April 2003 the first week of paternity leave will be paid at full contractual pay and the second week at Statutory Paternity Pay.

7. **Maternity Support Leave**

7.1. Maternity support leave, is a right to one weeks leave paid at normal contractual pay to the nominated carer of an expectant mother at or around the time of birth.

7.2. Employees who qualify for statutory paternity leave will be paid under the paternity leave scheme. Employees who do not qualify for statutory paternity leave, i.e. a nominated carer, will not be entitled to statutory paternity leave but should apply for maternity support leave. In this case complete the relevant section of the 'Request for Paternity Leave' form.

8. **Notice of Intention to take Ordinary Paternity Leave**

8.1. Employees will be required to inform their line manager of their intention to take paternity leave by the 15th week before the baby is expected, unless this is not reasonably practicable. The employee will need to advise their line manager:

- the week the baby is due;
- whether they wish to take one or two week's leave;
- when they want their leave to start, i.e. immediately following the birth of the baby or a number of days after;
- that he or she is in an enduring relationship with the mother, will be responsible for the child's upbringing and will be taking time off to support the child's mother or care for the child.

8.2. An employee should submit a formal written request to their line manager for paternity leave if they wish to apply for statutory paternity leave or maternity support leave. Payroll need to be informed.

8.3. An employee will be able to change their mind about the date on which they want their leave to start providing they tell their line manager 28 days in advance. However, there will be an element of flexibility as their desired date will depend very much upon when the baby arrives.

8.3. An employee will still qualify for paternity leave if the child is stillborn after 24 weeks of pregnancy or dies.

9. **Sickness and Paternity Leave**

9.1. In the event of an employee being unwell prior to a period of paternity leave, paternity leave can be postponed and can be booked when the employee is better. However, paternity leave must be taken within 56 days of the birth of the baby.

9.2. If an employee is unable to return to work after a period of paternity leave, due to illness, they should follow the normal procedures for sickness absence and notification.

9.3 Where an employee is certified as sick during Paternity leave, there is no right to payment of contractual sick pay, and Paternity pay will continue to be paid.

10. Additional Paternity Leave

10.1 Additional Paternity Leave was abolished with the introduction of the Shared Parental Leave regulations, applying to all babies born on or after 5th April 2015 (refer to Shared Parental Leave Policy).

11. Eligibility

11.1 Employees will need to satisfy the following conditions to qualify for additional paternity leave, in addition to the conditions as defined for Ordinary Paternity leave. They must:

- be the child's biological father or the spouse or partner, of either sex, of the child's mother. Where the child is adopted it is the spouse or partner, again of either sex, of the person who, having been matched for adoption, has elected to take adoption leave;
- remain in continuous employment with the authority until the week before the first week of his additional paternity leave
- the mother must be entitled to one (or more) of maternity leave, statutory maternity pay or maternity allowance;
- the mother has to have, or is treated as having, returned to work;
- give eight weeks' notice of their intention to take additional paternity leave.

12. Length of Paternity Leave

12.1 If the mother or adopter returns to work before they have exhausted their right to statutory maternity pay or statutory adoption pay, the right to payment transfers to the employee taking additional paternity leave

13. Timing of the Leave

13.1 The earliest Additional Paternity Leave can commence is when the child is 20 weeks old, thus giving parents the option of dividing a period of paid leave. For an employee to start their leave or pay, a mother must bring her maternity or adoption leave to an end, by giving notice to return early. She must also bring her Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay to an end by actually working for the employer. NB This could be for a short period of time, e.g. half a day, after which she could take annual leave (with her employer's agreement)

14. Evidential Requirements

14.1 The employee must provide the following documentation not less than eight weeks before the date chosen for additional paternity leave to begin:-

- A written 'leave notice' specifying the expected week of the child's birth (or the date the adopter was matched with the child); the actual date of the child's birth (or date when the child was placed with the adopter) and the dates chosen for the leave to commence and end.
- A signed 'employee declaration' confirming that they have, or expect to have, the main responsibility (other than that of the child's mother or adopter) for the upbringing of the child; is the father, or married to, the partner or civil partner of the child's mother or adopter, and will be taking leave for the purpose of caring for the child;

- A declaration from the mother or adopter confirming her name and address; national insurance number; the date she intends to return to work; that the employee is either the child's father or is their spouse, partner or civil partner; that to her knowledge the employee is the only person exercising the entitlement to additional paternity leave in respect of the child and that she consents to the employer processing the information that she has provided in the declaration.
- The Council may additionally request that a copy of the child's birth certificate and the name and address of the mother's employer, which must be provided within 28 days.

15. Additional Statutory Paternity Pay

- 15.1 An employee who is eligible for additional paternity leave may then be entitled to Additional Statutory Paternity Pay, based upon the following conditions:-
- The child's mother was entitled to Statutory Maternity Pay or Maternity Allowance, or the child's adopter was entitled to Statutory Adoption Pay;
 - The child's mother (or adopter) has returned to work with at least two weeks of her statutory pay remaining.
- 15.2 The employee will then qualify for Additional Statutory Paternity Pay if their normal weekly earnings are above the lower earnings limit for National Insurance purposes for the eight weeks before the relevant date (i.e. 15th week before the baby is due, or in the case of adoption, the week the adopter is matched with a child for adoption).
- 15.3 If the employee qualifies, they will be eligible to receive Additional Statutory Paternity Pay only during the mother's maternity or adoption pay period, i.e. the remainder of the 39 weeks following the date she commenced her Statutory Maternity or Adoption Pay.

16. Circumstances where Additional Statutory Paternity Pay can be due before 3 April, 2011

- 16.1 If a child, which was due on or after 3 April, 2011, was born early and the mother dies, the employee can apply for Additional Statutory Paternity Pay if they have responsibility for the upbringing of the child. Usual eligibility rules apply, but with the following differences:-
- The employee is able to apply immediately for Additional Statutory Paternity Pay no matter how old the child is when the mother dies;
 - There is no requirement for a signed declaration;
 - There is no requirement for the mother to have resumed working before her death

17. Antenatal appointments

- 17.1 With effect from 1 October 2014 the Children and Families Act 2014 introduces a new right for an expectant father or the partner (including same sex) of a pregnant woman to take unpaid time off work to accompany the woman to up to two of her antenatal appointments. The time off is capped at six and a half hours for each appointment.

PARENTAL LEAVE

1. **Scope of the Policy**

- 1.1 The scheme will apply to all employees of the Council, irrespective of length of service, who have or expect to have parental responsibility for a child who is under the age of 18. This scheme will replace the former maternity support scheme and Adoption Support Scheme.

2. **The Right to Parental Leave**

- 2.1 The right to parental leave is a statutory right, introduced by the Employment Relations Act 1999, the Maternity and Parental Leave Regulations 1999 and the Maternity and Parental Leave (Amendment) Regulations 2001 and 2008. The right is to 18 weeks' unpaid leave for the purpose of caring for a child.
- 2.2 An employee's right to take parental leave will last until the child's 18th birthday. In the case of adoption the leave can be taken until the child reaches 18.
- 2.3 The Maternity and Parental Leave (Amendment) Regulations 2001 state that parents of a disabled child (defined as a child entitled to a disability living allowance), can take 18 weeks' unpaid parental leave up to the child's 18th birthday.

3. **Definition of a Parent**

- 3.1. A 'parent' includes the following:

- i) the mother;
- ii) the father of the child (as named on the birth certificate);
- i) the father if he has acquired parental responsibility under the Children Act 1989;
- ii) a guardian appointed under the Children Act 1989;
- iii) adoptive parents;
- iv) a partner of any of the above (of either sex) if he/she is living with the child foster parents.

4. **Evidence**

- 4.1. The Council will ask to see reasonable evidence of the child's date of birth, of the employee's responsibility or expected responsibility for the child and, if applicable, of the child's entitlement to a disability living allowance.

5. **Taking Parental Leave**

- 5.1 Either parent is entitled to take up to 20 working days (i.e. four weeks) per year up to the child's 18th birthday, provided the total time off granted by the relevant manager for each parent within that period does not exceed a total of 18 weeks.
- 5.2 The overall entitlement is for 18 weeks' leave per child. Therefore, if an employee became the parent of twins, their parental leave entitlement would be $(2 \times 18) = 36$ weeks to be taken up to the twins' birthday. The maximum of 4 weeks' parental leave to be taken in any one year in respect of each child would still apply.
- 5.3 In relation to this policy, a "year" refers to the 12 month period running from the date that the employee became a parent (i.e. the date of birth of the child, adoption placement date etc.)
- 5.4 Time off for parental leave will be unpaid, other than the first 5 days' leave within the overall 18 week entitlement whilst working for the Council, which shall be with full pay.
- 5.5 The entitlement to paid and unpaid time off applies on a pro-rata basis to employees whose contracts of employment are less than full-time.
- 5.6 Payments in lieu of any paid entitlement not taken up, will not be made.

5.7 The Council will seek a declaration from an employee on how much parental leave they have been granted by a previous employer(s), in addition to confirming this directly with the previous employer(s).

6. **Notice**

6.1 Leave can be taken, subject to the agreement of the appropriate manager, in blocks of one day or more (pro rata for part-time employees) provided that a minimum of 5 full working days' notice is given.

6.2 A minimum of 10 working days' notice should be given where 10 or more days' parental leave is requested to be taken at one time. Where a female employee requests a period of parental leave immediately following her maternity leave, the employee will be required to give 21 days notice.

7. **Postponement of Parental Leave**

7.1. Permission to take leave will only be postponed in the following circumstances

- where the timing of the leave would cause difficulties for the work of the Council;
- if work is at a seasonal peak;
- where a significant proportion of employees at one location applies for parental leave/annual leave at the same time;
- when the employee's role is such that their absence at a particular time would be a problem for the Council.

7.2 Any postponement will be for the minimum period possible, and in any event no longer than 6 months. The manager will send written confirmation of any postponement to the employee no later than 7 days following the request to take leave. This letter must state the reason for the postponement and set out the new dates for the parental leave to be taken.

7.3 However, leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption. In this instance, employees must give 21 days' notice of the expected week of childbirth or expected week of placement for adoption.

8. **Return to Work**

8.1 At the end of a period of parental leave, an employee is guaranteed the right to return to the same job as before if the leave was for a period of 4 weeks or less. If it was for a longer period, the employee is entitled to return to the same job, or, if that is not reasonably practicable, a similar job which has the same or better status terms and conditions as the old job; however, the employee must return with their seniority, pension rights and similar rights as they would have been if they had not been absent.

9. **Multiple Contracts**

9.1 Where an employee works in more than one job with the Council, this will not affect the total leave entitlement. If the manager of one of the jobs wishes to postpone leave, this will have the effect of postponing leave for both jobs. It is up to line managers and the employee concerned to agree a convenient time for parental leave to be taken, so long as this is within 6 months of the original request.

SPECIAL LEAVE

1.0 Guidance

Special leave considered a reasonable amount, with or without pay, may be approved at the discretion of the Town Clerk in agreement with the Mayor. This will be pro-rated for part time employees to their equivalent working week

The table below outlines likely circumstances for Special Leave:

Circumstance	Notes
Death of close relative <i>(mother, father, sister, brother, spouse or partner, son or daughter, mother-in-law, father-in-law, grandparent or grandchild).</i>	The list of close relatives detailed within this policy is not exhaustive and managers need to take account of other family members who have had a significant impact in the employee's life, for example an uncle / aunt who acted in the absence of a father / mother. The list of relatives detailed also applies to step or half relatives.
Serious illness of close relative <i>(see definition of close relative above) #.</i>	Up to 5 working days with pay* annually. Any time over a reasonable amount should be covered by annual leave. In the event that leave has been exhausted the Town Clerk in agreement with the Mayor may grant a period of one month's unpaid leave. Requests for unpaid leave beyond a month should be referred an agreed panel of Councillors.
Funeral of colleague.	
Attendance at hospital, doctor, dentist, or supporting the visit of a Health Care Visitor with <u>dependent</u> relative. <i>Employees should refer to the Guidance on Hours of work for appointments that relate specifically to themselves.</i>	Attendance at appointments should be outside of normal working hours. Where that is not possible or at the beginning or end of the normal working day. Provided that attendance is not possible outside normal working hours an appointment card should be requested.
When a close relative is involved in an accident or is assaulted, and in the case of a child when an incident affecting the child arises at school.	
When unexpectedly, arrangements for the care of a dependent are disrupted or come to an end.	
To attend appointments with support agencies or solicitors, to arrange re-housing, to change child care and court appearances when an employee is experiencing domestic abuse.	

It is likely that some requests for Special leave may be submitted after the time has been taken, for example, emergencies or unplanned disruption to childcare arrangements. Such requests should be approved where possible, giving consideration of the circumstances of the absence and providing that the employee has contacted their manager as soon as is reasonably possible, notifying them of the reason that they are absent from work.

Where a request for Special leave has not been submitted prior to a planned appointment, for example, attendance at court, hospital with a dependent etc., your line manager has the discretion not to approve such requests.

This will apply to all Council employees on a consistent basis irrespective of length of service.

All requests for Special Leave should be submitted to your line manager in the first instance who will then inform the Town Clerk.

2.0 Time off for Local Government or Public Sector Interviews

If you have less than one year's service since taking up your present appointment with the Council, you are required to take annual leave (or where appropriate use credit hours) when attending job interviews.

After one year's service, time off with pay should be granted for any interviews within the local government service or in other public sector areas. For interviews for other posts annual leave should be taken.

3.0 Time off for Jury Service

If you receive a summons to serve on a Jury, you should inform your Line Manager who is required to grant leave of absence, unless exemption is secured.

If you are serving as a Juror, you should claim the allowance for loss of earnings to which you are entitled under the Juror's Allowance Regulations currently in force. An amount equal to the allowance received will be deducted from your pay.

4.0 Public Duties

Approved special leave may be granted to you (where it is not detrimental to the Council's business) in order to undertake public duties and any necessary training. These can be expressed in terms of hours (pro rata) where duties are likely to be over shorter periods than a full day. Duties might include:

- As a JP, School or College governor
- As a member of a local authority, statutory tribunal, health authority or trust
- Appointment as a retained fire fighter or special constable.
- As a volunteer to support the Council in dealing with major events or emergencies

FLEXIBLE WORKING POLICY

1.0 Qualification

1.1 To make a flexible working request, you must:

- have been continuously employed by the Council for more than 26 weeks at the date the application is made; and
- not have made another formal flexible working request during the past 12 months.

2.0 Scope of a Request

2.1 Requests may be:

- a change to hours worked;
- a change to the times you are required to work;
- or any other working arrangement that is different to your current contractual arrangements

Any agreed change to your terms and conditions will be permanent, unless agreed otherwise.

3.0 Your Application

3.1 Before making a flexible working request you should consider:

- what working pattern you are seeking;
- the impact that this change will have on annual leave entitlement, pension contributions and their salary.
- what effects, if any, the change will have on the Council's business and on your colleagues and how these might be accommodated.

3.2 Your application must be in writing, signed and dated and:

- state that it is an application under the right to apply for flexible working arrangements;
- specify the change applied for;
- specify the date on which you would like the change to be effective;
- explain what effect, if any, you think making the change applied for would have on the Council

3.3 You can only make one application in any 12 month period. If you have made a previous application, your new application must state this and give the date on which the previous application was made.

4.0 Our Response

4.1 Unless we jointly agree otherwise, we will deal with your application, from start to finish, within a maximum of three months. An employee must therefore submit their application to their line manager well in advance of the date they wish their request to take effect.

4.2 We will invite you to a meeting within 28 days of receiving your application. You have the right to be accompanied to the meeting by a work colleague or trade union representative.

5.0 The Meeting

5.1 At the meeting, we will discuss your requested work pattern in detail and consider and how it might be accommodated. We may also discuss alternative working patterns. An employee has a right to bring a companion, colleague or Trade Union Representative to the meeting.

6.0 After the Meeting

6.1 We will write to you within 14 days of the meeting with our decision. We will either agree a new working pattern and a start date or, we will refuse your request and give the reasons for refusal.

6.2 The grounds on which we can reject your request are:

- burden of additional costs;
- detrimental effect on the ability to meet customer demand;
- inability to reorganise work amongst existing staff;
- inability to recruit additional staff;
- detrimental effect on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes;
- any other ground allowed by regulations.

7.0 The Appeal Procedure

7.1 Whilst there is no statutory right to appeal any decision an employee may appeal our decision in writing within 14 days of receiving it, setting out your grounds of the appeal.

15.14 We will invite you to an appeal meeting within 14 days of receiving your appeal.

15.15 We will give you a written appeal outcome within 14 days of the hearing. If we allow the appeal, we will specify the variation agreed and the date from which it is to take effect. Where we reject your appeal, we will explain why. This decision will be final.

HEALTH AND SAFETY AT WORK POLICY STATEMENT

1.1 The Council recognises that it has a legal duty of care towards protecting the Health and Safety of its employees and others who may be affected by the Council's activities.

In order to discharge its responsibilities the management will:

- provide an organisational structure that defines the responsibilities for health and safety
- ensure that the systems and procedures relating to this Policy Statement are rigorously applied
- provide adequate control of the health and safety risks arising from our work activities
- consult with our employees on matters affecting their health and safety
- provide and maintain safe plant and equipment
- ensure the safe handling and use of hazardous substances
- provide information, instruction and supervision for employees
- provide adequate training and ensure that all employees are competent to do their tasks
- maintain safe and healthy working conditions
- satisfy itself that any organisation who is contracted to carry out work for the Council is able to demonstrate that it pays due regard to health and safety matters
- bring this Policy Statement to the attention of all employees and seek their co-operation in supporting the management in its efforts to establish and maintain a safe and healthy working environment.

1.2 This Health and Safety Policy Statement and its associated organisational arrangements, systems and procedures, will be reviewed at least annually and revised as necessary to reflect changes to the business activities. Any changes to the Policy will be brought to the attention of all employees.

1.3 It is the responsibility of all employees to co-operate in the implementation of this Health and Safety Policy within their areas of influence. All employees have a legal duty to ensure their own safety and the safety of others (for example, colleagues, visitors, contractors) under the Health and Safety at Work etc Act 1974. Employees must therefore:

- Comply with any safety instructions and directions issued by the Council.
- Take reasonable care for your health and safety and the health and safety of other persons (e.g. other employees, contractors, customers, workmen, etc.) who may be affected by your acts or omissions at work, by observing safety rules which are applicable to you.
- Co-operate with the Council to ensure that the aims of the Health and Safety policy are achieved and any duty or requirement on the Council by or under any of the relevant statutory provisions is complied with.
- Report and co-operate in the investigation of all accidents or incidents that have led to or may lead to injury.
- Use equipment or protective clothing provided in accordance with the training you have received.

- Report any potential risk or hazard or malfunction of equipment to the appropriate authority.
- 1.4 Any failure by an employee to comply with any aspect of the Council's health and safety procedures, rules or duties will be treated by the Council as serious or gross misconduct.
- 1.5 You have a responsibility to observe all safety rules and to co-operate with the manager charged with responsibility for the implementation of the Council's health and safety policy to achieve a healthy and safe workplace and to take reasonable care of yourself and others.

SUBSTANCE MISUSE POLICY

- 1.1 All employees have a general duty to be fit to undertake the duty of their role at all times; this includes reporting for work free from the effects of drugs and alcohol. The aim of this policy is to raise awareness of the effects of drugs and alcohol and to encourage staff with a drug or alcohol problem to voluntarily seek help
- 1.2 If a manager identifies a substance misuse problem it is their responsibility to ensure that their response is open minded, confidential and sympathetic. The employee should be offered support and a referral should be made to the Council's Occupational Health Services provider. Employees with a drug or alcohol related problem have the same rights to confidentiality as they would in relation to any other medical condition.
- 1.3 The Council expressly prohibits the consumption of alcohol either during work or outside working hours to an unreasonable level that may impair performance at work, impair working relationships, create a potential risk to health and safety or adversely affect the public image of the Council and considers it a gross misconduct offence.

The storage of alcohol at work for personal consumption in personal areas such as lockers, desks or drawers is also prohibited.

- 1.4 Safety critical roles that require a more stringent tolerance to alcohol than other roles because the duties require direct responsibility for the health and safety of the public, for example drivers of Council vehicles.

In addition to the standards outlined above the Council expressly prohibits all drinking of alcohol during the working day by staff employed in safety critical roles.

- 1.5 All employees required to drive for work must be fit to do so at all times. Employees must not drive for work if their ability to do so safely is impaired by alcohol.
- 1.6 Where an individual is found to be under the influence of alcohol they will be removed from the workplace immediately, having been cautioned not to drive. An investigation will take place and appropriate action taken.
- 1.6 Existing and prospective employees may be asked to undergo a medical examination, which will seek to determine whether he/she has taken a controlled drug or has an alcohol abuse problem.
- 1.8 Where testing takes place the individual will be informed of their right to be represented. This may be a Trade Union representative, friend or colleague who is available to attend within a reasonable timescale (of up to 1 hour).

The individual will be informed by their manager of the reason for carrying out the test and will be expected to sign a written consent to be tested. Failure to give consent without good reason will be considered to be a breach of procedure and misconduct and will lead to disciplinary action being taken. Refusal will be taken into account when considering what support is offered or what disciplinary sanction to issue. For any prospective employee this will result in the immediate withdrawal of any offer made.

- 1.9 The Council expressly prohibits the use, sharing, and dealing of any illegal drugs or any use of prescription drugs (outside the confines of the doctor's prescription) whilst on duty and considers it a gross misconduct offence. Employees must not report, or endeavour to report, for work having consumed drugs that are likely to make them unsafe for work.

It is a criminal offence to be in possession of, to use or distribute illegal drugs or for any such incidents to take place on Council or client or customer premises or in a Council vehicle. This includes storing drugs in personal areas at work, such as in a locker, desk or drawer.

- 1.10 If you are prescribed drugs by your doctor which may affect your ability to perform your work you should discuss the matter with your line manager or manager.
- 1.11 Where the individual is thought to be suffering from the effects of drugs they will be removed from the workplace immediately and sent home, having been cautioned not to drive. An investigation will take place and appropriate action taken.
- 1.12 If the Council suspects there has been a breach of this policy or your work performance or conduct has been impaired through substance abuse, the Council reserves the right to require you to undergo a medical examination to determine the cause of the problem, see 1.7 and 1.8 above.
- 1.13 If, having undergone a medical examination, it is confirmed that you have been positively tested for a controlled drug, or you admit there is a problem, the Council reserves the right to suspend you from your employment, initially on full pay to allow the Council to decide whether to deal with the matter under the terms of the Council's disciplinary procedure and/or to require you to undergo treatment and rehabilitation.
- 1.14 The Council reserves the right to search you or any of your property held on Council premises at any time if there are reasonable grounds to believe that this policy is being or has been infringed or for any other reason. If you refuse to comply with these search procedures, your refusal will normally be treated as gross misconduct and dealt with under the disciplinary procedure.
- 1.15 The Council reserves the right to inform the police of any suspicions it may have with regard to the use of controlled drugs by its employees on the Council's premises.

DATA PROTECTION POLICY

1.1 The Data Protection Act relates to the handling of all data including employee information as well as client or customer related data. Data under the Act breaks down into two categories - ordinary personal data and sensitive personal data. The Act requires the Council to take additional steps to protect sensitive personal data.

1.2 What Sensitive Personal Data Do We Hold?

The Council believe that the vast majority of the information which it holds is not considered (under the terms of the Act) to be sensitive personal data. The Council believe that the only exceptions to this are:

- racial or ethnic origin - which we hold for the purposes of equal opportunity monitoring;
- pre-employment health questionnaire and other information relating to your health and sickness absence - which the Council holds so it can monitor and control sickness absence and ensure that it can pay you sick pay; and
- any disciplinary or other records to the extent that they relate to criminal offences. For example, this would include criminal offences which you disclosed when you applied for a job with the Council (and which are not exempt from disclosure under the Rehabilitation of Offenders Act) and data created in the thankfully infrequent event of allegations being made against employees that involve or could involve a criminal offence, such as theft.

1.3 Subject to some exceptions, the Data Protection Act requires the Council to obtain your explicit consent to hold and process sensitive personal data. Without this consent the Council will not be able to process this data which would for example potentially produce the result that the Council could not pay you if you were off sick. Other rights which can be fully exercised under the Act are; the right to prevent processing in certain circumstances, and the right to correct, rectify, block or erase information which is regarded as incorrect

1.4 What Other Personal Data Do We Hold About You?

In general terms, the Act entitles you, on making a written request and paying the required fee, to obtain access to the data that the Council holds and processes about you. Precise details of what data the Council holds will vary from person to person. Broadly, however, the types of data that the Council will hold and process about you will include:

1.4.1 Personal Details

- Title, Name, Address - for contact purposes;
- Home and mobile phone numbers (if supplied) - for contact purposes;
- National Insurance number - for payroll processing and tax purposes;
- Date of birth and age - in order to address benefit related queries where age is a relevant factor and for the purpose of applying our retirement policy;
- Emergency contact (possibly next of kin) details - for emergency contact purposes and for administration of flexible benefits; and

- Marital status - in order to address benefit related queries where marital status may be a factor and for tax purposes.

1.4.2 **Employment record**

- Start date and length of service - for processing and informational purposes and so as to determine employment rights and eligibility for some benefits;
- Employment history - in order to monitor career development;
- Holiday entitlement - for payroll processing and informational purposes;
- Pension scheme member - in order to respond to enquiries;
- Health and safety roles - if applicable;
- Accidents at work - if applicable for health and safety reasons; and
- Any current disciplinary warnings.

VEHICLE POLICY

1.0 General

- 1.1 Employees are notified individually if they are entitled to use a Council vehicle for the better performance of their duties. Council vehicles are provided as a tool of your trade and not as a benefit. Such entitlement is subject to the following terms and conditions of this policy. In the event of an Employee failing to comply with the obligations under this policy, the Council shall be entitled, at its sole discretion, to withdraw or limit the use of the Council vehicle so provided without giving any reason and without compensation.

2.0 Choice of vehicle

- 2.1 The Council reserves the right to decide by what means Council vehicles will be provided (e.g. by lease or purchase).
- 2.2 The Council will determine the make and model of vehicle to be provided and reserves the right to change the make and model of such vehicle at its sole discretion.
- 2.3 The arrangements for the purchase or lease of vehicles will be for the Council to decide in the circumstances.

3.0 Running and Other Costs

- 3.1 The Council will pay/arrange for Council vehicles provided to be comprehensively insured and taxed.
- 3.2 Employees are responsible for ensuring that their Council vehicles are kept clean (both inside and out) and are maintained in a roadworthy condition. The Council will reimburse all reasonable servicing and maintenance costs properly incurred (excluding car valet or car wash charges) on the production of garage receipts.

4.0 Employee Obligations

- 4.1 Employees provided with a Council vehicle are required to comply with the following requirements, which are conditions of entitlement to the use or benefit of a Council vehicle:-
- weekly vehicle check sheets to be completed by the employee;
 - to take reasonable care of the vehicle and to keep it in a clean condition;
 - to keep the vehicle in a roadworthy condition and to take appropriate action to remedy any faults;
 - to report at the earliest opportunity to the Council any damage to the vehicle or any accident arising from its use, regardless of how such damage or accident occurred. Failure to do so may lead to loss of insurance cover for such damage or accident, in which event the Employee will be liable to indemnify the Council for such loss;
 - to report at the earliest opportunity any incident concerning the police which arises from the use of the Council vehicle;
 - to comply with the provisions and conditions of any policy of insurance relating to the vehicle and the Council's requirements in respect of assisting with insurance claims or investigations into accidents, damage or police enquiries arising from the use of the Council vehicle. The employee is responsible for the above

matters, even if not personally driving the Council vehicle at the relevant time. No person other than the authorised employee is allowed to drive the vehicle unless they have the written permission of the Council.

5.0 Accidents

- 5.1 The Council is mindful of its rising insurance cost and considers 2 or more accidents involving the same employee in any 12-month period to be unacceptable. In such event, the employee concerned will be liable to pay the Council's insurance excess for the third and subsequent accidents. If an employee has an accident due to his/her carelessness, negligence or dangerous driving such conduct will be treated as misconduct and might result in dismissal.
- 5.2 If, for whatever reason, an employee ceases to hold a valid driving licence and should thereby be unable to carry out the employment properly and effectively or attend for work (as the case may be), then in the absence of suitable alternative employment being available the employee may be liable for dismissal.

6.0 Criminal Proceedings

- 6.1 In the event of either the employee or the Council becoming involved in criminal proceedings in connection with the employee's use of the Council vehicle, the employee will be responsible for all parking fines and charges, costs, fines, criminal compensation and any other similar liability connected with or arising from such criminal proceedings. In the event of the Council initially paying some of the above liabilities, the employee will reimburse such sums within 28 days, in default of which the employee agrees that such sums may be deducted from the employee's salary. These provisions also apply to an employee where such fines and other liabilities have been incurred by any other person who has used the vehicle.

7.0 Termination of Employment

- 7.1 Where any employee is summarily dismissed or is not required by the Council to work out the notice period (regardless of who gave notice), the employee will be obliged to return the Council vehicle on the last day of work in accordance with the Council's instructions and shall not be entitled to any further use or benefit of the vehicle or to any monetary value in lieu thereof.
- 7.2 The Council may, at its sole discretion, agree to the employee's continued use or benefit of a Council vehicle after the last day at work. Such permission will be given in writing specifying the terms and conditions of such continued use or benefit.
- 7.3 You shall inform the Council immediately if you are convicted of any offence under road traffic legislation in the United Kingdom or elsewhere. If you are disqualified from driving for any period the Council reserves the right to dismiss you, provided driving is an essential requirement of your job.

8.0 Use of Mobile Phones in Vehicles

- 8.1 As part of our overall health and safety policy, the Council is committed to reducing the risks which its staff face and create when driving or riding for work. The Council asks its entire staff to play their part, whether they use a Council vehicle, their own or a hire vehicle. Staff driving for work must never make or receive calls on a mobile phone, whether hand-held or hands-free, while driving. Persistent failure to do so will be regarded as a serious matter.

Senior Managers must:

- Lead by example, both in the way they drive themselves and by not tolerating poor driving practice among colleagues. They must never make or receive a call on a mobile phone while driving.

Line Managers must ensure that:

- they also lead by personal example
- they do not expect staff to answer calls when they are driving
- staff understand their responsibilities not to use a hand-held or hands-free mobile phone while driving
- staff switch phones to voicemail, or switch them off, while driving, or ask a passenger to use the phone
- staff plan journeys to include rest stops which also provide opportunities to check messages and return calls
- work practices do not pressurise staff to use a mobile phone while driving
- compliance with the mobile phone policy is included in team meetings and staff appraisals and periodic checks are conducted to ensure that the policy is being followed
- they follow the Council's monitoring, reporting and investigation procedures to help learn lessons which could help improve the Council's future road safety performance
- they challenge unsafe attitudes and behaviours, encourage staff to drive safely, and lead by personal example by never themselves using a phone when driving.

Staff who drive for work must:

- never use a hand-held or hands-free phone while driving
- plan journeys so they include rest stops when messages can be checked and calls returned
- ensure their phone is switched off and can take messages while they are driving, or allow a passenger to use the phone
- co-operate with monitoring, reporting and investigation procedures.

9.0 Variations

- 9.1 The Council reserves the right, at its sole discretion, to amend or vary any of the terms of this vehicle policy from time to time.
- 9.2 In the event of such variation or amendments being made, the Council will give reasonable notice of any change.
- 9.3 Where the Council decides to change its arrangements for the supply of Council vehicles, it may be necessary to replace existing vehicles in the possession of employees with vehicles provided under the new arrangements.

WHISTLEBLOWING POLICY

- 1.0 The Council is committed to the highest possible standards of openness, honesty, integrity and accountability. Part of meeting that commitment is to encourage staff and others who have serious concerns about its activities to speak up.
- 1.2 A “whistleblower” is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law protects whistleblowers from their employer subjecting them to detriment or dismissal by reason of their having “blown the whistle” and from detrimental treatment by their colleagues. To be protected by the law, the act of whistleblowing must fall within the legal rules and the whistleblower must reasonably believe that their disclosure of wrongdoing is made in the public interest.
- 1.3 There are existing procedures in place to enable you to lodge a grievance about your own employment. This policy is intended to cover concerns outside the scope of those procedures. The concern may be that something:
- is unlawful;
 - is against the Council’s Standing Orders, Financial Rules or other policies;
 - does not meet established standards or working practices;
 - amounts to improper conduct;
 - is an abuse of vulnerable adults;
 - that relates to the abuse of children;
 - is damaging the environment;
- Theft, fraud, bribery, corruption, discrimination, environmental misuses are all types of things which would fall into these categories.
- 1.4 Please raise your concerns immediately with the Town Clerk, Mayor or your Human Resources Services provider
- 1.5 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally. The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.
- 1.6 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful and are more difficult to act upon, but they will be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:
- the seriousness of the issues raised;
 - the credibility of the concern;
 - the likelihood of confirming the allegation from attributable sources.
- 1.7 You will still be protected in law if you disclose the information to the following:
- A legal adviser in the course of getting legal advice
 - A Minister of the Crown
 - One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (e.g. disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenue & Customs).

- 1.7 Disclosure to any other person is not generally protected except in very limited circumstances.
- 1.8 The earlier you express concern, the better and the easier it will be to take action. Concerns are better raised in writing. You should try to set out:
- the background and history to your concern;
 - dates and places where possible;
 - the reasons for your concern.
- 1.9 After you have raised a concern, we will decide how to respond in a responsible and appropriate manner and the action taken will depend on the nature of the concern. The matters raised may:
- be investigated internally within the Council but independently of those directly involved;
 - be referred to the police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry
- 1.11 Within ten working days of receipt we will write to you;
- acknowledging that the concern has been received;
 - indicating how we propose to deal with the matter;
 - giving an estimate of how long it will take to provide a final response;
 - telling you whether any initial enquiries have been made;
 - telling you whether further investigations will take place and, if not, why not.
- We will keep you informed of progress and let you know when the investigation is completed. We will not be able to inform you of any matters which would infringe any duty of confidentiality owed to others.
- 1.12 Throughout and after this process, you will be given full support from the Council, your concerns will be taken seriously, and the Council will do all it can to help you throughout any investigation.
- 1.13 Any employee who criticises, bullies or victimises a fellow employee by reason of their whistleblowing will be liable to disciplinary action up to and including dismissal, depending on the seriousness of the conduct.

ANTI-BRIBERY STATEMENT

- 1.1 The Council is committed to applying the highest standards of ethical conduct and integrity to its business activities in the UK and overseas. When acting on behalf of the Council you are responsible for maintaining the Council's reputation and for conducting business honestly and professionally.
- 1.2 The integrity and reputation of the Council depends on the honesty, fairness and integrity brought to the job by everyone associated with the Council.
- 1.3 The Council will not tolerate any form of bribery, whether direct or indirect, by, or of, its employees, officers, agents or consultants or any persons or companies acting for it or on its behalf.
- 1.4 The Councillors and senior management are committed to implementing and enforcing effective systems throughout the Council to prevent, monitor and eliminate bribery, in accordance with its obligations under the Bribery Act 2010.
- 1.5 The Council's Anti-Bribery procedures apply to all employees, as well as agency workers, consultants and contractors both in the UK and overseas.
- 1.6 All employees and any other individuals acting on behalf of the Council are required to familiarise themselves with and comply with the Council's Anti-Bribery Procedures.
- 1.7 A bribe is defined as a financial advantage or other reward that is offered to, promised to, given to, or received by an individual or Council to induce or influence that individual or Council to perform its public or corporate functions or duties in an improper manner (i.e. not in good faith, not impartially, or not in accordance with a position of trust).
- 1.8 All employees and any other person acting on behalf of the Council are prohibited from offering, giving, soliciting or accepting any bribe, whether cash or other form of inducement to or from any person or Council in order to gain any commercial, contractual or regulatory advantage for the Council in a way which is unethical or in order to gain any personal advantage, monetary or otherwise, for themselves or anyone connected with them.
- 1.9 The Council will continue to provide bona fide hospitality to clients and incur promotional expenditure. However, all such expenditure must be transparent, proportionate, reasonable and authorised in advance, in accordance with the Council's anti-bribery procedures.
- 1.10 In the course of providing services to clients, or in dealings with suppliers, or any other person having similar connections to the Council, employees should under no circumstances accept money, gifts or other forms of reward.
- 1.11 If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Town Clerk.
- 1.12 Any breach of the Council's Anti-Bribery procedures will normally be treated as Gross Misconduct.
- 1.13 Employees should also note that bribery is a criminal offence.
- 1.14 The Council will not conduct business with third parties including clients, suppliers, agents or representatives who are not prepared to support its anti-bribery objectives.
- 1.15 The Council depends on all employees, and those acting for the organisation, to assist in the prevention of bribery. Therefore, all employees and others acting for, or on behalf of, the Council are expected to report any suspected bribery to the Council following the Council's Anti-Bribery procedures.

- 1.16 All employees will receive the support of the Council if they report of suspected bribery in good faith even if, following an investigation, it is found that no bribery took place.

PROBATION

1.1 A probation period is a trial period for the first six months of employment. It allows both the line manager and the employee to assess objectively whether the new recruit is suitable for the role, taking into account the individual's overall capability, skills, performance and general conduct in relation to the job in question.

1.2 This procedure seeks to enable managers and employees to:

- Highlight areas where the employee is doing well so that strengths can be built on.
- Identify areas for development and improvement so that appropriate support can be provided.
- Provide a fair, consistent and structured means of handling employees who do not evidence the required standards of performance in the early stages of employment.
- Encourage feedback from an employee on any issues or concerns.

This procedure compliments induction, ongoing supervision, day to day management of performance and the appraisal process.

Serious conduct issues are dealt with under disciplinary procedures. The application of a probationary period is confirmed to the employee in their appointment letter.

The Managing Employee Performance (Capability) Procedure deals with employees who are no longer in or subject to a probationary period.

1.3 Progress meetings will be planned and scheduled at the outset of the employee's employment. At each meeting, the manager should aim to:

- highlight areas where the employee is doing well;
- explain clearly and in precise terms any areas in which the employee is falling below the required levels of performance;
- explore the possible reasons for any failure to meet the required standards;
- discuss and agree whether or not any specific training or coaching is required;
- discuss any other relevant matters such as timekeeping, attendance, general conduct or attitude;
- discuss any equality issues including any on disability
- invite the employee to comment on issues such as the extent to which he or she has integrated into the department and how well he or she is getting on with colleagues;
- give the employee an opportunity to ask questions or raise concerns about any aspect of his or her employment.

When assessing the above the line manager will:

- Establish facts
- Consider possible reasons for underperformance
- Consider any disability issues. The procedure may highlight to the manager that the employee has a disability and that reasonable adjustments would help to improve performance. The probationary procedure may therefore need to be extended whilst any reasonable adjustments are put in place and their effectiveness is assessed.

Where any concerns have arisen about the employee's performance, the line manager will discuss these fully and openly with the employee and an action plan to remedy the poor performance should be set. Where necessary, the line manager will clearly explain the consequences of underperforming to the employee and the probationary period may be extended. The individual will be helped to understand that a continued failure to achieve the required standards could ultimately lead to his or her employment being terminated.

1.4 If, following any of the reviews, it is clear that there is little or no evidence to show that the employee will be

able to perform to the required standard of the job a letter will be sent to the employee, setting out the areas of concern, inviting them to a meeting to discuss these concerns and notifying them of their right to be accompanied by a Trade Union representative or colleague. The letter will clearly state that due to the nature of the concerns the possible outcome of this meeting will be dismissal. Following the meeting, after considering what the employee has to say, if appropriate a letter will be sent to the employee notifying them of the dismissal and giving them a right to appeal. The appeal will be heard by a panel of Councillors (in normal circumstances the personnel committee), and the decision will be final.

CAPABILITY

1.1 The purpose of this procedure is to provide guidance for managers to deal with concerns of poor performance which relate to the capability of an employee to perform the functions of their post to a satisfactory level.

1.3 This procedure seeks to:

- Promote high standards of performance and service provision;
- Assist employees to improve their performance;
- Provide a fair and consistent means of dealing with work performance which is below an acceptable level for the role in which the person is employed.

1.4 For employees who display a lack of capability during their probationary period, the Probation Policy should be used instead.

This procedure runs parallel with, but is not part of, the Disciplinary procedure.

1.5 It can sometimes be difficult to establish whether an employee's poor performance is due to incapability or to lack of effort, motivation or negligence and in some cases there may be elements of both. If this is the case, a manager should work through this procedure, rather than starting disciplinary proceedings immediately.

1.6 If an employee is found to be underperforming, it is a manager's responsibility to examine the circumstances regarding the unsatisfactory performance and address those initially through discussions with the employee. It is the responsibility of the employee to identify what further support they may need to address any shortfall in their performance; however this will be supported by the manager who can provide help and guidance.

1.7 It is important to recognise that failings related to capability are not always an employee's fault.

1.8 A lack of capability exists where, no matter how hard an employee tries, they are simply unable to perform the job to the standard required. It is the agreed standard that is relevant, and not a manager's opinion of an employee.

1.9 A manager needs to consider other issues which may impact upon the performance, these include:

- Inadequate or insufficient training;
- Changes to a post as a result of service restructure;
- Poor systems of work;
- Inadequate physical working environment;
- Inadequate provision of equipment or tools;
- Inadequate support and supervision;
- Lack of understanding of the duties and role;
- Work overload;
- Unrealistic targets or deadlines;
- Poor work relationships;
- Physical or mental ill health;
- Personal issues.

Whilst it is a manager's role to consider external influences on performance, it is for an employee to inform their manager about what is preventing them from carrying out their duties to the agreed standard.

- 1.10 After initial discussions and consideration of the above points, the line manager should then set up a date for a formal meeting to discuss their concerns in greater detail, giving the employee five working days' notice and the opportunity to be represented at the meeting by a colleague or Trade Union representative.
- 1.11 After the meeting a manager should review the information gathered and decide which of the following courses of action to take:
 - No further action necessary and removal from the process.
 - There are still issues of concern and it is necessary to carry on with the process but no formal warning.
 - Issue a formal warning. An action plan should be agreed and a second meeting scheduled.
- 1.12 A written account of the meeting and what was discussed, a follow up action plan and a date of review should be produced and provided to the employee.
- 1.13 A second review meeting should be set up and held between six weeks to two months after the first meeting. Again, at least five working days' notice should be given to an employee and they should be offered the right to be represented. At this stage the employee's performance should be reviewed against the agreed action points from the previous meeting. Again, a manager will then decide whether sufficient improvement has been made.
- 1.14 If it is clear that the agreed targets or action points have been achieved then the employee will be removed from the process, alternatively if the agreed targets or action points have not been met then the manager issues a second formal warning.
- 1.15 The third meeting should be set up between six weeks to two months from the date of the second meeting. At this meeting the manager should discuss with the employee whether they feel sufficient improvements have been made and if not, move straight to consideration of dismissal. The manager should then promptly put together a brief report, outlining their concerns and showing what steps have been taken.
- 1.16 If it is the manager's view that improvements have been made, and the employee is now performing at an acceptable level, then the process should be ended. This decision should be confirmed in writing.
- 1.17 When three meetings have been held, appropriate support identified and taken up by the employee (where applicable), but targets have still not been met, and the employee's performance has remained at a level that is unsatisfactory, the Council will then write to the employee to invite them to a formal meeting.
- 1.18 The hearing must give the employee five working days' notice of the meeting. The employee is entitled to be represented at the meeting.
- 1.19 At the meeting the manager with the Council's HR provider present will be asked to present their report illustrating the areas of concern and the lack of improvement. Witnesses may be called if this will add to the information already gathered and the employee will be allowed to present their case. All information will be considered, the meeting will be adjourned and the employee will be notified verbally of the decision which will then be confirmed in writing within two working days of the meeting being held.
- 1.20 The decisions that the hearing officer may reach will reflect those within the Disciplinary Procedure.
- 1.21 If the decision is to dismiss, the employee must be given the right of appeal against this decision.
- 1.22 The appeal procedure used will be that outlined in the Disciplinary procedure.
- 1.23 Although not exhaustive, a manager needs to keep any records that are appropriate to the circumstances Such as; meeting notes, copies of letters, details of training undertaken, evidence of underperformance.

SEARCH

- 1.1 The Council reserves the right to search you and any of your property held on the Council's premises at any time if there are reasonable grounds to believe that you are guilty of theft or in possession of illegal drugs or prohibited property or substances or in breach of the Council's rules and regulations.
- 1.2 Personal searches will be carried out by security and/or management as appropriate. Searches will be conducted with your consent and in the presence of at least one agreed witness.
- 1.3 The Council reserves the right to invite the police to obtain a warrant to search the Council's premises and/or people suspected of possession of stolen or other illegal goods or substances or whom are suspected of committing or having committed any other criminal act.

EQUAL PAY POLICY

- 5.1 The Council is committed to the principle of equal pay for men and women. In this context "pay" includes not only remuneration but also other benefits of employment such as promotion and training opportunities and access to facilities provided within the employment package from time to time.
- 5.2 We are committed to introducing and maintaining pay systems which are transparent, based on objective criteria and free from sex bias.
- 5.3 Women and men employed by us are entitled to equal pay if they are undertaking work which is substantially similar or is of equal value to the organisation unless there are specific and clear reasons unconnected with their sex which explain and justify any differential in pay. In some cases individuals carrying out similar work may receive different salaries because of seniority, incremental points, qualifications and other such factors.

APPRAISAL

- 1.1 You will receive an annual Appraisal/Development Review.