

# **Staff Handbook**

## **Emersons Green Town Council**



**EMERSONS GREEN**  
TOWN COUNCIL

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## Staff Handbook

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## **1. USE OF THE STAFF HANDBOOK**

- 1.1 This Handbook is designed to give employees information about the Council and details of their employment. The Staff Handbook also contains some of the policies, procedures, and rules, which the Council has adopted, and employees are expected to follow them. The additional HR policies are available from the Clerk.
- 1.2 A number of the policies, procedures and rules included in the Staff Handbook are referred to within contracts of employment, but the Handbook does not form part of an employee's contract of employment.
- 1.3 Employees are encouraged to read the Staff Handbook carefully and if any questions about its contents arise, please contact the Clerk.
- 1.4 The Staff Handbook will be updated as and when changes occur, and employees will be notified accordingly.

## **2. ENJOY YOUR WORK**

- 2.1 The Council values its employees so promotes an enjoyable and cooperative work environment for its employees. It is important our employees feel valued and empowered as well as highly motivated and well equipped to do their job. The Council aims to provide a good, pleasant, and happy working environment, which includes a number of employee benefits (listed below).
- 2.2 The Council will also be open to employee suggestions as to how the working environment can be improved.
- 2.3 The Council has adopted a Performance Supervision and Appraisal scheme (section 9) which is aimed at supporting you as an employee to develop your skills within a culture of Continuous Personal Development.

## **3. COUNCIL CODE OF CONDUCT**

### **3.1 Requirements**

This handbook outlines a number of requirements aimed at ensuring the smooth running of the Council and the fair treatment of all employees. A number of these are so important that any breach of them will amount to gross misconduct and these are clearly identified throughout the handbook. In particular the following areas are of particular importance:

- The rules on gifts and hospitality (Section 11.3)
- The policies on smoking (Section 11.13) and alcohol and drugs (Section 11.14)
- The rules on the use of computers, the internet, email, and social media (Section 11.10)

- The policies on driving and the use of Council vehicles and machinery (Section 11.12)

### 3.2 Dishonesty

3.2.1 Dishonesty, however minor, will be regarded by the Council as gross misconduct. Dishonesty includes theft of property from the Council, colleagues or third parties such as contractors employed by the Council. Dishonesty also includes an employee seeking to gain advantage through deception such as making a false claim for expenses or overtime, falsely claiming to be sick or falsely claiming to have completed a particular task.

3.2.1 It will not matter what sum of money is involved be it small or large. The Council regards any dishonesty by employees as gross misconduct which will usually result in dismissal.

### 3.3 Refusal to carry out instructions

3.3.1 Employees are expected to follow instructions and carry out their duties to the best of their ability. This includes actions agreed by the Council. Employees are required to carry out instructions as directed and any deliberate or wilful refusal to do so will be considered gross misconduct.

3.3.2 If an employee considers that instructions received do not fall within their main duties or job description or is otherwise considered unreasonable then these concerns should be raised using the grievance procedure initially by raising the matter informally. It should be noted that if an employee does this it will not prevent a refusal to carry out an instruction from amounting to gross misconduct if it is found that the instruction is a reasonable one in all the circumstances.

## 4. **EMPLOYEE BENEFITS**

### 4.1 Employee benefits are as follows:

- A very generous Local Government Pension scheme, which includes life cover (the alternative 50/50 scheme is available for those who want to make lower contributions)
- An excellent work environment and conditions
- Flexible working where possible
- Generous holiday entitlement
- Access to appropriate free training
- Availability of vocational qualifications where appropriate
- Free uniform where appropriate
- Occupational Health Support
- Free car parking subject to availability of spaces

## 5. JOINING THE COUNCIL

### 5.1 Probationary period

5.1.1 Employees will normally serve a six-month probation period upon joining the Council. Where this is not the case, it will be identified within individual contracts of employment. This period is used for line managers to assess an employee's ability to fit their role, and it is also an opportune time for new employees to consider whether they like working for the Council.

5.1.2 If an employee cannot demonstrate suitability for the role during their probation period, their employment could be terminated at any time during the probation period with the contractual notice given. The Council also reserves the right to extend the probationary period where appropriate.

### 5.2 Induction

5.2.1 The Council will offer every new employee relevant assistance to allow them to promptly settle into their role.

5.2.2 The new employee induction programme sets out what employees should expect during their first few weeks and months of their employment, such as meeting new colleagues and receiving relevant policies and procedures, see **Addendum 1**.

5.2.3 If a new employee feels they are missing some vital information for their role, they should ask their line manager.

5.2.4 The initial induction will be undertaken either by the line manager or the Clerk or both. This will include familiarisation with the Council's Health & Safety policy, relevant risk assessments, IT, and any other information relevant to the position.

### 5.3 Personal details

5.3.1 All employees should ensure that information on their personnel records is complete, correct and up to date, especially for cases of emergency. Line managers should be advised if any changes need to be made by way of submitting a Change to Personal Details Form.

5.3.2 Employee personal information is confidential and will not be released to any third parties without prior authorisation.

5.3.3 The Clerk maintains personnel files for all employees, which are held securely and will be kept in accordance with the Council's Document Retention Policy.

## 5.4 Secondary employment

- 5.4.1 Working for the Council is expected to be an employee's primary employment. However, the Council accepts that other working opportunities may arise, but these should not have any effect on an employee's role at the Council.
- 5.4.2 Employees need to request permission in writing from the Council before agreeing to any other paid employment. The Council will not unreasonably prevent additional paid employment. In making the decision with Council will consider the total hours worked with both positions and any potential impact on performance at the Council as the primary employer.
- 5.4.3 Employees are required to notify the Clerk in writing of any changes in working hours at their second job before accepting them in order that a review can be undertaken as to the impact on the work for the Council.
- 5.4.4 The Council also reserves the right to require that any other employment the employee takes on does not conflict with the role or standards required to be undertaken or met in the public office of the post.

## 5.5 Disclosure and barring service

- 5.5.1 Certain roles at the Council will require employees to undergo a Disclosure and Barring Service (DBS) check. This will be discussed with relevant employees during the interview stage or when changes require a DBS check.

## **6. PAY**

### 6.1 Salary scales

- 6.1.1 An employee's starting salary and pay scale will be agreed on appointment and stated in their contract of employment.
- 6.1.2 Employees will be advised accordingly of any subsequent changes to salaries, e.g., following an annual review (which is dependent on an employee's level of performance) and could result in an incremental rise until the employee reaches the top of their pay scale. In addition, in accordance with the National Joint Council for Local Government services National Agreement annual cost of living rises are adopted once agreed nationally and contractual increases will be implemented by the Town Clerk, or Personnel Committee in the absence of a Town Clerk.



## 6.2 Payment of salaries

6.2.1 Salaries will be paid on or by the 31<sup>st</sup> day of each calendar month by bank transfer. Employees will be issued with individual detailed payslips every month.

6.2.2 Employees are required to complete and submit a monthly timesheet to their line manager by 7<sup>th</sup> day of each month. Timesheets must detail the exact hours worked and must be signed by the employee and line manager. Failure to supply timesheets in good time may result in underpayment of salary to hours worked but this will be rectified in the following month's payroll subject to submission of the late timesheet.

## 6.3 Deductions from salaries

6.3.1 The Council will make any necessary deductions from an employee's salary as required by law or as authorised by the employee in writing. The Council also reserves the right to make salary adjustments to an employee's pay where an overpayment has been made or in other cases such as malicious damage (which could also result in dismissal).

## 6.4 Pension scheme

6.4.1 The Council offers a pension scheme to all its employees, through the Local Government Pension Scheme (LGPS).

6.4.2 Details of the pension schemes provided by the Council will be given to you as part of your induction. If you have any queries with regard to your pension you should raise these with the Clerk.

6.4.3 All employees that meet the requirement will automatically be included in the relevant pension scheme. Employees who do not wish to join the pension scheme should inform the Clerk that they wish to opt out. If an employee wishes to opt out or opt into a pension scheme, they must inform the Clerk in writing.

## 6.5 Hours of work

6.5.1 Employees hours of work are set out in their individual contract of employment.

6.5.2 While the Council does not encourage working more than full time equivalent hours per week, an employee will be provided with a form to opt out of the Working Time Regulations 1998, to allow them to work more than an average of 48 hours per week where required.

6.5.3 For every six or more hours worked, an employee will be entitled to an unpaid rest break of thirty minutes; these will automatically be deducted from hours worked where not recorded on their monthly timesheet.

## 6.6 Time off in lieu

6.6.1 Where employees are authorised to work on behalf of the Council in addition to contractual hours, time off in lieu (TOIL) may be allowed. Please refer to the Council's Time Off in Lieu policy or contract of employment for the specifics regarding accruing and usage of TOIL.

## 7. **HOLIDAYS**

### 7.1 Holiday entitlement

7.1.1 Contracts of employment set out employee holiday entitlements. Part time employees' holiday entitlement will be proportionate to their normal hours of work as stated in their contract of employment and will include a pro rata entitlement to Public Holidays. Part Time holiday entitlement will normally be described in hours rather than days.

7.1.2 If an employee joins the Council part way through a holiday year, the employee is entitled to the appropriate pro rata of leave based on the number of completed weeks of service.

7.1.3 The Council offices normally close for the period between Christmas and New Year to give employees time off with their families and friends. The Council will make a decision on any shutdown period each year. You will be required to use holidays for this period of the Council does close. Alternatively, you may be able to negotiate to work during this period, you should discuss this as soon as possible with your line manager.

7.1.4 If an employee joins the Council from another authority or other qualifying public body, previous service will be taken into account in calculating holiday entitlement.

### 7.2 Holiday year

7.2.1 The holiday year is between 1<sup>st</sup> April and 31<sup>st</sup> March.

7.2.2 Leave is not permitted to be carried over from one holiday year to the next unless specific permission is given by an employee's line manager. Holidays not taken will be lost unless specific permission is given.

7.2.3 The Council allows a maximum of up to five days holiday to be carried over in one year. Only in exceptional circumstances will this be

increased. In the case of part time holiday entitlement, the equivalent number of hours will be allowed to be carried over if requested.

### 7.3 Public and bank holidays

7.3.1 Office based Council employees are granted all public holidays with pay. Part-time employees will receive a pro rata entitlement.

7.3.2 Employees working at the Councils facilities/services who work public/bank holidays will have the entitlement for these days added to their annual holiday leave entitlement as set out in the employee's contract of employment.

### 7.4 Holiday booking

7.4.1 Employees must agree any holidays in advance with their line manager and holidays will only be approved once their line manager has signed a Holiday Request Form. It should be noted that a request could be turned down if there is a consequence of the absence.

7.4.2 The Holiday Request Form should be submitted as far in advance of the requested leave date as possible to ensure that Council business and service delivery needs can be managed.

7.4.3 If a holiday request has to be refused, line managers will give as much notice of refusal as possible, along with the reasons for refusal.

7.4.4 Upon resignation/termination of employment, any outstanding annual leave should be taken prior to the effective date of departure. At the discretion of the Clerk, payment may be made in lieu of holiday entitlement (these payments will meet the requirements of Regulation 14 of the Working Time Regulations 1998).

7.4.5 If an employee leaves within a leave year and holiday has been taken in excess of any entitlement accrued up to the date of departure, a pro rata financial adjustment will be made to their final salary.

### 7.5 Religious holidays

7.5.1 The Council does not discriminate, but if an employee wishes to celebrate festivals outside of normal public/bank holiday entitlement, the employee is required to use their normal holiday allowance to take time off for these.

## 8. **ABSENCE MANAGEMENT/FLEXIBLE WORKING**

### 8.1 Unauthorised absence

- 8.1.1 Employees who deliberately fail to attend work without a good reason will be considered to have committed gross misconduct which could result in dismissal without notice or payment in lieu.
- 8.1.2 If it is not possible for you to attend work due to circumstances beyond your control such as severe weather conditions or a family emergency you should notify your manager as soon as practicable and in any event within 30 minutes of your scheduled start time. In such circumstances you will either be required to take holiday, time off in lieu or to work from home depending on the nature of your absence, your preference and managers agreement.

## 8.2 Sickness absence

- 8.2.1 The Council is committed to maintaining the health, well-being, and attendance of all its employees.
- 8.2.2 The Council's Sickness Management Policy is based on the following principles:
- It undertakes to provide reasonable payments to employees who are unable to work due to sickness.
  - It will support employees who have genuine grounds for absence for whatever reason. This support includes a flexible approach to the taking of annual leave and returning to work after long term sickness.
  - It will respect the confidentiality of all information relating to an employee's sickness and information will be held in line with all data protection legislation.
- 8.2.3 Regular, punctual attendance is an implied term of every employee's contract of employment and the Council expects every employee to take responsibility for maintaining good attendance and reporting absence according to the procedures set out in this Handbook. Disciplinary procedures may be used if an explanation for absence is not provided or if the reason given is not deemed to be satisfactory.
- 8.2.4 If an employee is too ill to attend work, they should inform their line manager or the Clerk as soon as practicably possible, either in person or through a third party. You should ensure that you report a sickness absence by telephone to your line manager no later than one hour after your start time.
- 8.2.5 Where possible, notification of absence by telephone to your line manager should be given the previous evening to allow for cover to be arranged. When reporting an absence, employees should give a clear explanation of the ailment and the anticipated return to work date.

- 8.2.6 Employees are required to telephone in if they are able and speak directly to their line manager or the Clerk. It is not acceptable to leave a message with a colleague or send an email or text. You may be contacted during the day to discuss your absence.
- 8.2.7 Employees are encouraged to keep in touch with the relevant person at the Council. This will enable Council to arrange cover if required. You are required to telephone in sick on every day of your absence unless you are able to provide a GP "Fit Note" (Form Med 3). A Fit Note will be required if you are ill for more than seven days in a row. This includes non-working days, such as weekends, bank holidays or any days not normally worked.
- 8.2.8 If an employee is off work for seven days or less, an employee does not need to provide proof of sickness from a medical professional. However, on returning to work, line managers will ask the employee to confirm they have been off sick in writing on the appropriate form – this is known as 'self-certification'.
- 8.2.9 The following are not considered legitimate reasons to take sickness absence:
- Hangovers (this will be regarded as a disciplinary offence which may result in dismissal without notice or payment in lieu)
  - Issues getting to work such as late bus or car breakdown
- 8.2.10 If a period of sickness absence occurs immediately before or immediately after a period of annual leave then the Council may require such absence to be certified by a GP at the employee's own expense.
- 8.2.11 If an employee is ill just before or during their holiday, it can be recorded as sick leave instead, provided a Fit Note is submitted.
- 8.2.12 If you are on sick leave for an extended period of time (three weeks or more) the Council reserves the right to refer you to an Occupational Health Professional or with your consent seek a medical report from your GP. The reason is to establish if and when you will be able to return to work and to put in measures that may be able to help you return to work as soon as possible.
- 8.2.13 If you are off sick you must not undertake any activities that are likely to be detrimental to your recovery. You should cooperate with medical professionals to ensure that your recovery is as rapid as it can be.
- 8.2.14 If an employee's absence is not covered by self-certification, a doctor's statement, or in-patient certificate, it may be treated as unauthorised absence and dealt with using disciplinary procedures

8.2.15 The Council will maintain regular contact with any employee who is on long term sickness absence.

### 8.3 Return to work

8.3.1 On returning to work, an employee must complete a Self-Certification Form and hand it to their line manager.

8.3.2 Fit notes state whether an employee is either 'not fit for work' or 'may be fit for work'. If it states the employee 'may be fit for work', line managers will discuss any changes that might help the employee return to work, such as different working hours or tasks/duties. However, the employee will be treated as 'not fit for work' if there's no agreement on these changes and cannot therefore, return to work.

### 8.4 Phased return to work

8.4.1 It may be possible for an employee who is recovering from illness or injury to undertake a limited range of duties as preparation to returning to normal hours. In such cases the Council will endeavour to allow a phased return to work subject to any medical advice. A return to work may involve reduced hours, limiting the scope of the employee's duties or a combination of both. The aim is to bridge the time between sickness absence and normal working so any phased return will be time-limited and will not normally extend beyond a three-month period.

### 8.5 Alternative roles

8.5.1 If it becomes apparent that an employee who has been off sick for an extended period of time is not able to return to their original role the Council may consider agreeing changes and working hours to an employee's duties and other working arrangements. Any such changes will be subject to the requirements of the Council and there is no guarantee that permanent arrangements of this sort are possible.

8.5.2 Where duties or working hours are varied in this way then the new role being undertaken by the employee will be subject to a job evaluation which may result in an amended level of remuneration. This will need to be agreed by the employee and if an agreement cannot be reached then Council may proceed to dismissing the employee in accordance with its procedure for long-term sickness absence.

### 8.6 Reasonable adjustments

8.6.1 Council is fully committed to making reasonable adjustments to an employee's duties or working environment in cases where they may potentially suffer some disadvantage arising from a disability.

- 8.6.2 For reasonable adjustments to be implemented the Council needs to be made fully aware of any disabilities its employees may have. If an employee feels that they need an adjustment, then they should discuss this with their line manager or the Clerk. Any discussions will be in the strictest confidence. However, fellow employees will need to be made aware of why the adjustments are being made. Disclosure of any personal disability to other employees will be part of the discussions related to the required adjustments requested.
- 8.6.3 The reason for any adjustments being made will be to ensure that the employee can work effectively in the role that they are undertaking and will be based on appropriate terms and conditions. The Council is not obliged to maintain an employee's level of pay if hours are reduced or the employee is moved to a less senior role as a result of the agreed adjustment. The Council will not agree to an adjustment if the results of that adjustment do not result in a commercially practicable working arrangement.

## 8.7 Sick pay

- 8.7.1 Employees will be paid any sick pay in accordance with their contract of employment which sets out the qualification periods for the various periods of sick pay. The Council pays over and above the statutory sick pay depending upon the length of service with the Council.
- 8.7.2 Entitlement to payment is subject to notification of absence and production of any certificates as referred to above.
- 8.7.3 The Council operates the sick pay scheme and employees are required to co-operate in the maintenance of necessary records. For the purposes of calculating employee entitlement to sick pay, 'qualifying days' are those days on which employees are normally required to work.
- 8.7.4 The Council reserves the right to require employees at any time to undergo a medical examination by a medical practitioner nominated by the Council, subject to the provisions of the Access to Medical Reports Act 1988 where applicable. Any costs associated with the examination will be met by the Council.
- 8.7.5 Whilst on absence due to sickness or incapacity, employees are not permitted to undertake any paid work for another employer or for any business established by employees without express permission from the Council.
- 8.7.6 The scale of payment is set out in contracts of employment, subject to meeting the conditions of the scheme.

## 8.8 Sent home

8.8.1 If an employee becomes unwell whilst at work and decides there is a need to go home, the employee must inform their line manager before leaving, primarily for health and safety purposes.

8.8.2 Line managers will discuss with the employee whether the absence is to be treated as a sickness absence or time off in lieu.

## 8.9 Medical, dental or optician appointments

8.9.1 The Council politely requests employees to make medical appointments outside working hours whenever possible. Paid leave will not normally be granted for non-emergency appointments.

8.9.2 However, where it is not possible, appointments should be arranged to avoid disrupting work schedules, e.g., made early or late in the day. Employees will be required to use TOIL to cover such absences.

8.9.3 Where attendance for a medical or hospital appointment necessitates a complete day's absence from work, this will be treated as sick leave and the procedure for self-certification should be followed.

8.9.4 Employees who have a medical condition that requires regular appointments during the working day should discuss their situation with their line manager or Clerk so that appropriate arrangements can be made.

## 8.10 Ante-natal care and adoption appointments

8.10.1 Employees who are pregnant are entitled to paid time off to attend ante-natal clinics provided that time off is based on medical advice. For second and subsequent appointments you may be requested to provide appointment cards or similar evidence indicating the date and time of appointment.

8.10.2 There is no limit to the number of appointments an employee can attend you are requested to take reasonable steps to arrange ante-natal appointments at a time that will create minimum disruption to your working day.

8.10.3 If your partner is pregnant you are entitled to unpaid time off for up to two ante-natal appointments. Please notify your line manager or Clerk if you wish to exercise this right.

8.10.4 Employees who are adopting on their own, or have elected to be the primary adopter, may take paid time off to attend up to five adoption appointments in certain circumstances.



8.10.5 If you are the partner of the primary adopter you are entitled to unpaid time off for up to two adoption appointments.

## 8.11 Maternity leave

8.11.1 All employees who give birth are entitled to a maximum of 52 weeks maternity leave. Employees with at least six months service will also be entitled to be paid Statutory Maternity Pay (SMP) for up to 39 weeks of their absence. For the first 6 weeks you will be entitled to 90% of your average weekly salary. For the remainder of the 39 weeks, you will be entitled to the statutory figure (April 2023 £172.48) or 90% of your average salary over the preceding six weeks prior to maternity leave whichever is the lesser figure. As this is a statutory payment employees must meet the procedural requirements to ensure they qualify. The main requirements are set out below:

- Meet certain National Insurance contributions lower earnings limit requirements
- Have 26 weeks' continuous service (assessed at the 15th week before the baby is due)

8.11.2 Payments for employees who have completed 1 year's continuous local government service at the 11th week before the Expected Week of Childbirth (EWC) shall be as follows:

- For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP
- An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively, the equivalent amount (i.e., 6 weeks' pay) may be paid on any other mutually agreed distribution. For the remainder of the maternity leave period the employee will receive their entitlement to SMP (currently 39 weeks in total), where eligible
- For employees not intending to return to work payments during their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible
- Payments made by the authority during maternity leave under bullet point 2 above shall be made on the understanding that the employee will return to local authority employment for a period of at

least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, 20 as the authority may decide. Payments made to the employee by way of SMP are not refundable.

8.11.3 To qualify for maternity leave you must provide Council with the following information no later than the end of your 15<sup>th</sup> week before your EWC (when you are about six months pregnant):

- Confirmation that you are pregnant
- The date of the week that your baby is due
- The expected commencement date of your maternity leave
- The original Maternity Certificate (MAT B1) issued by your doctor
- Confirmation or otherwise that you will take advantage of your right to shared parental leave

8.11.4 If you are unable to provide the MAT B1 certificate please discuss this with your line manager or the Clerk as it is always possible to accept alternative medical evidence of the date your baby is due.

8.11.5 Maternity leave cannot commence prior to the 11<sup>th</sup> week before your EWC. You may begin your maternity leave then or, if it is safe to do so, you can work right up to your child's birth.

8.11.6 Maternity leave will begin automatically if you are off sick for a pregnancy related reason at any stage in the four weeks prior to your EWC.

8.11.7 If your baby is born prior to the start of your maternity leave date your maternity leave will commence the following day after birth.

8.11.8 You may change or amend the date you intend to commence your maternity leave, but you should inform Council 28 days before your original maternity leave date. If you are unable to for any reason, please let your either line manager or Clerk know so that Council can try to accommodate the change in your circumstances.

8.11.9 Please inform Council as soon as you are able when your baby is born.

8.11.10 The standard length of maternity leave is 52 weeks. Council will assume that you intend to take 52 weeks maternity leave unless you inform it otherwise. It will provide written notification of your expected return date. If you wish to return earlier, please let Council know. Please contact your line manager or the Clerk to let them know when you intend to return to work though you do not have to give notice of your intended return date.

8.11.11 At the end of your maternity leave you are entitled to return to the same position prior to going on maternity leave. If you are away for more than 26 weeks, then there may be circumstances when this will not be practical. In such cases Council will provide you with a suitable and appropriate role at the same level of seniority and on no less favourable terms and conditions.

## 8.12 Dismissal or resignation during maternity leave

8.12.1 During your maternity leave you are still employed by the Council, and you will be required to meet the conditions contained within your contract of employment. If you wish to leave your employment, then you must resign in the normal way.

8.12.2 Council will not dismiss you for any reason that is related to your pregnancy or any rights that may arise from it. If separate circumstances require the Council to dismiss you then that will bring your maternity leave to an end.

8.12.3 If your position is made redundant during your maternity leave then you will be offered suitable alternative roles that may become available.

8.12.4 You will be entitled to Statutory Maternity Pay (SMP) if you have at least 26 weeks service prior to your 15<sup>th</sup> week before the expected week of childbirth and if your pay is above the lower earnings limit for paying National Insurance Contributions. Note that this normally changes annually. For those who earn below this threshold you may be entitled to the state benefit Maternity Allowance.

8.12.5 Council requires 28 days' notice before your intended maternity leave start date if you wish to claim SMP. If it is not possible to give 28 days' notice, please give as much notice as reasonably practical.

8.12.6 Entitlement to SMP will be affected if you undertake any paid work or are taken into legal custody at any time during the 39 weeks you are entitled to SMP. Please inform the Council as soon as possible of any changes in circumstances.

## 8.13 Early/late return to work (post maternity leave)

8.13.1 If you wish to return to work sooner than the 52 weeks for whatever reason please let the Council know at least 8 weeks prior to your official return. This is the minimum period of notice Council is entitled to. If you do not inform Council 8 weeks prior to your intended return to work date this will result in a delay.

8.13.2 The law does not allow you to return to work during the two weeks following the birth of your child.

8.13.3 You are required to return to work following your maternity leave on the notified expected date of return. If you are unwell on that date, you should follow the sickness absence procedure in Section 8.7.

8.13.4 You may be entitled to begin some other period of leave such as annual leave or parental leave. Please ensure that you follow the correct procedure outlined in this handbook.

#### 8.14 Keeping in touch (KIT) days

8.14.1 Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, the employer and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave. An employee may work for up to 10 KIT days during Ordinary Maternity Leave or Additional Maternity Leave without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

8.14.2 The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employer nor the employee can insist upon it. Such workdays may at the discretion of the Council be given to the individual as TOIL. They will not affect maternity pay.

8.14.3 The Council and the employee can also have reasonable contact during the leave period to discuss such issues as the details of returning to work, this does not count towards the 10 KIT days.

#### 8.15 Maternity suspension for health & safety reasons

8.15.1 In certain circumstances it may be unsafe for you to continue in your job while you are pregnant. In some circumstances the law requires pregnant employees to be suspended on full pay or transferred to alternative roles. These will be identified under risk assessments carried out under the Council's Health & Safety policy.

8.15.2 If you are affected by any health and safety issues connected to your pregnancy, please discuss this with your line manager or the Clerk so that alternative arrangements can be made until it is safe for you to return to your normal duties.

## 8.16 Adoption leave

8.16.1 Employees who are matched with a child for adoption may be entitled to take up to 52 weeks' adoption leave. This is also available to individuals fostering a child under the "Fostering for Adoption" scheme.

8.16.2 When two parents are adopting a child only one may take adoption leave and the other is entitled to take paternity leave. If both parents qualify, they may each take shared parental leave.

8.16.3 The arrangements for taking adoption leave are similar to those related to maternity leave although there are a number of important differences. The key differences are outlined below. If you are unsure, then please discuss this with your line manager or the Clerk:

- Notify the Council within seven days, or as soon as practicably possible, of you being notified that you have been matched with a child for adoption
- The notification should include the date the child is expected to be placed with you and the date you wish to start your adoption leave. This can be changed as with maternity leave
- Please provide Council with proof of adoption
- Adoption leave is the same duration as maternity leave. Leave can commence from the date the child is placed with you or any time in the two weeks prior
- If the placement is brought to an end for any reason, then adoption leave will continue for 8 weeks beyond the end of the placement. Following that you will be expected to return to work.
- Adoption pay is similar to SMP
- Return to work is the same as maternity leave

## 8.17 Paternity leave

8.17.1 Employees with 26 weeks continuous service are entitled to take paternity leave if they are expected to have paternal responsibility for a child and they are either the mother's partner or one of the adoptive parents. The reason for the leave must be to either care for the child or provide support for the child's mother or adoptive parent.

8.17.2 Employees that are entitled to take paternity leave can take one or two weeks leave. If the employee wishes to take two weeks leave, then it must run consecutively. Individual days can only be taken with the approval of Council.

8.17.3 Paternity leave can only be taken once the child has been born and should be taken within the first eight weeks following birth. If a child

is born prematurely then the eight weeks commenced from the expected week of childbirth.

8.17.4 You must notify Council at least 15 weeks before the expected week of your child's birth, or within 7 days of being notified that a child will be placed for adoption, that you wish to take paternity leave. You must state the length of paternity leave you wish to take. Council requires 28 days' notice of any changes.

8.17.5 Paternity leave is paid at the statutory rate which changes annually.

## 8.18 Parental leave

8.18.1 Parental leave is unpaid leave that is flexible and aims to help employees to spend time caring for their children. Parental leave can be taken up until the child's 18<sup>th</sup> birthday.

8.18.2 Employees who have completed one year's service are entitled to 18 weeks unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption with the employee or as soon as the employee has completed a year's service, whichever is later. The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

8.18.3 Employees must take parental leave as whole weeks (e.g., 1 week or 2 weeks) rather than individual days, unless the child is disabled. Parental leave does not have to be taken all at once. A 'week' equals the length of time an employee normally works over 7 days.

8.18.4 The Council provides more flexibility in respect of disabled children. Please discuss your requirements with your line manager or the Clerk.

8.18.5 Parental leave requests should be submitted at least 21 days in advance and whilst the Council will do all it can to accommodate requests it does reserve the right to postpone any leave for up to six months based on Council needs and requirements.

8.18.6 There is no need for postponements if you wish to take your first instalment of leave immediately after the birth or adoption of the child. Please inform Council of your intentions 21 days before the expected date of birth or placement. Leave begins immediately following birth or placement.

8.18.7 Parental leave is an entitlement that can be transferred from one employment to another. You may therefore join the Council with some outstanding parental leave attached to a particular child. Please note that the qualifying period for taking parental leave still applies and you

will need to have been in the Council's employ for at least one year before you can resume taking parental leave.

#### 8.19 Shared parental leave

8.19.1 This is a flexible form of leave available to both parents and is designed to enable and encourage shared parenting in the first year of a child's life. It provides a more flexible pattern of leave than under traditional arrangements under which the mother takes extensive maternity leave and the father takes a shorter period.

8.19.2 If you give birth or adopt you remain entitled to the full 52 weeks of leave if you choose. You may take consecutive parental leave. In such cases the arrangements when you return to work remain the same as with maternity or adoption leave.

#### 8.20 Special leave arrangements

8.20.1 Sympathetic consideration will be given to any hardship, difficulty or special circumstances which might necessitate a request for absence from work on compassionate grounds. Such circumstances might include bereavement or severe illness of a close relative or dependant. Whilst employees are expected to use their annual leave as far as possible for attending to such personal matters, special leave in excess of any statutory entitlement may be allowed in exceptional circumstances at the discretion of the Clerk. Each request will be considered on its own merits but as much advance notice as possible must be given.

8.20.2 Requests for unpaid leave will not normally be allowed except where they relate to the special circumstances described above.

8.20.3 Employees are not eligible to receive paid bereavement or compassionate time off benefits while off, or absent from work because of holiday, sickness (paid or unpaid) or for any other reason.

#### 8.21 Parental bereavement leave

8.21.1 Employees are entitled to Statutory Parental Bereavement Leave (SPBL) if a child (under the age of 18) they were parents to or due to have parental responsibility for has died or been stillborn after 24 weeks of pregnancy.

8.21.2 This right applies to the:

- birth parent

- natural parent (the person who gave birth to the child who has since been adopted, but has a court order to allow them to continue having access to the child)
- adoptive parent if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'Intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

8.21.3 This leave can be taken as one week, two consecutive weeks, or two separate weeks at any time within the first 56 weeks after the child's death.

8.21.4 During the first eight weeks following the death of a child you or someone on your behalf need only give notice to the Council that they will take SPBL before you are due to start work on the first day of leave. If you have already started work, then officially your SPBL period will commence from the following day. You may cancel it at any time during the first seven weeks as long as the leave has not started.

8.21.5 After eight weeks you are required to give at least one week's notice to the Council to take SPBL. You may cancel with one week's notice or re-book it by giving one week's notice.

8.21.6 When giving the Council notice to take SPBL you must provide the Council with the date of the child's death, when your leave will begin and whether you wish to take one or two weeks leave. Notice can be given by telephone, email, or letter.

8.21.7 You must have six months continuous employment to qualify for Statutory Parental Bereavement Pay (SPBP) and normal weekly earnings of at least the lower earnings limit. The rate of pay is the same as statutory family leave pay. This normally changes annually.

8.21.8 To claim SPBP you must confirm the following information in writing within 28 days of starting any period of SPBP. (This information can be provided at the same time as giving SPBL notice provided it is in writing):

- Name
- Entitlement to SPBP
- Dates of your SPBP claim
- The date of the child's death
- Your relationship to the child

8.21.9 In addition to parental bereavement leave if you qualify for:



- Maternity or parental leave and pay and your child has died or been stillborn, you are entitled to such leave and pay
- Adoption leave and pay, then the adoption leave entitlement runs for another eight weeks from the end of the first week in which the child died, unless it would have already ended sooner

8.21.10 If your planned period of SPBL occurs at the same time as another statutory family leave right your SPBL leave will end at the start of that other leave. If you do wish to take SPBL at the end of the other statutory family leave period, you will need to submit a fresh notice to take leave to the Council in line with the requirements above.

## 8.22 Time off to deal with a family emergency

8.22.1 The Council acknowledges that there may be times when employees need to take time off work to deal with family emergencies that involve someone who depends on you. This includes husband, wife, partner, child, parent, or someone living with you as part of your family. In addition to this there may be others who rely solely on you for help and support in emergencies.

8.22.2 All employees are entitled to a reasonable time off work without pay or through the usage of TOIL, to deal with an emergency involving a dependant. For example, if a dependant falls ill or is injured, if care arrangements break down, or to arrange or attend a dependant's funeral. Employees must alert their line manager as soon as practicably possible of any absence to deal with a dependant.

8.22.3 The right for time off only covers emergencies. If you are aware that you may need time off in advance you do not qualify for this type of leave, and you will need to arrange an alternative form of leave with the Council.

8.22.4 If an emergency occurs and you are unable to inform your line manager in advance of your absence then you must make every effort to inform them as soon as possible so alternative arrangements can be put in place.

8.22.5 For other personal emergencies you should talk to your line manager who will make arrangements to grant you compassionate leave. This will be at the discretion of the Council and will depend on the individual circumstances of the emergency and the impact on the delivery of Council services your absence may have. However, the Council will be sympathetic to your need for time off, either paid or unpaid, to enable you to deal with the situation.

## 8.23 Annual leave

- 8.23.1 Your annual leave entitlement is set out in your contract of employment.
- 8.23.2 All annual leave should be agreed in advance with the Clerk or line manager. Please do not make arrangements to travel or any commitments until you have received authorisation granting your request for annual leave. Council is not obliged to take arrangements made prior to receiving a holiday request when it conflicts with other holiday requests.
- 8.23.3 Normally only two consecutive weeks leave can be granted at any one time. However, in certain circumstances and at the discretion of Council a longer period may be granted. Please discuss this with the Clerk.
- 8.23.4 The normal requests for leave should be submitted at least four weeks prior to the start date of your holiday. This may be subject to change, and you should comply with any amended procedures that are in place.
- 8.23.5 If your request results in the Council being understaffed or prejudiced then your annual leave request may be refused. Leave may be refused during particularly busy periods or if other employee requests have already been approved.
- 8.23.6 All leave requests will be considered on a first come, first served basis. Every effort will be made to ensure that holiday is spread throughout the year and on a fair and equitable basis,
- 8.23.7 All employees are encouraged to take their full holiday entitlement during the holiday year that runs from 1<sup>st</sup> April to 31<sup>st</sup> March the following year. You as the employee are responsible for scheduling and requesting your holiday entitlements so you can take time off.
- 8.23.8 Under normal circumstances employees will not normally be entitled to carry holiday over into the following year. In certain circumstances and at the Council's discretion you may be entitled to carry over a proportion of your annual leave entitlement into the following year. This will normally be a maximum of five days and any holiday entitlement not taken will be lost except in very exceptional circumstances.
- 8.23.9 If you leave the employ of the Council during the course of a holiday year you will be entitled to a pro rata payment reflecting leave accrued but not yet taken. If an employee had taken a larger proportion of their holiday entitlement prior to leaving the Council employ, then the Council will deduct that proportion from your final salary payment to reflect holiday taken but not accrued.
- 8.23.10 Council may wish to insist that annual leave is taken at particular times of the year depending in the needs of the Council and this will be

set out in your contract of employment. Council will give reasonable notice of any such requirements and that notice will be at least four weeks' notice.

8.23.11 Council may require annual leave to be taken during any period of notice of an employee who has resigned or been dismissed.

## 8.24 Flexible working

8.24.1 Requests for a change in working arrangements as outlined in their original contract of employment can be made by employees who have 26 weeks of continuous service with the Council.

8.24.2 Requests should:

- Be submitted in writing stating that it is a Flexible Working request
- Outline in detail the changes being requested
- Outline the impact that the requested change will have on the operation of the employee's role and that of the Council and provide details of how any difficulties created will be addressed
- Detail any previous request for flexible working

8.24.3 All requests will be discussed at a meeting with the Council. Attendees will include the employee submitting the request, the line manager and the Clerk.

8.24.4 The employee may be accompanied by a fellow employee to support and assist in making any appropriate representations.

8.24.5 A request can be refused on one or more of the following grounds:

- Significant additional costs to the Council
- A detrimental effect on the Council's ability to meet the demands and requirements of its customers
- An inability for the Council to re-organise work among existing employees
- A requirement or inability to recruit additional staff
- A detrimental impact on the quality of services offered by the Council
- A detrimental impact on performance
- Insufficient work that can be carried out during the periods the employee proposes to work
- Any planned organisational or staffing restructures
- Any other grounds that are allowed by regulations

8.24.6 If the Council refuses a request for flexible working, then it will explain the reasons for the refusal and may suggest an alternative

arrangement. If a compromise cannot be reached then the employee's terms and conditions will remain unchanged, subject to the right of the employee to appeal against the decision.

8.24.7 The Council will endeavour to accommodate requests for flexible working arrangements from employees and all discussions will be undertaken in the spirit of cooperation.

8.24.8 Any agreed changes to working arrangements will be confirmed in writing.

8.24.9 Ad-hoc arrangements will not be affected by this but will not result in a variation of the employee's terms and conditions of employment unless specifically agreed and confirmed in writing. Council reserves the right to terminate any ad-hoc agreements and employees will be expected to return to their agreed original working arrangements.

8.24.10 Any agreed changes in working arrangements with individual employees will not create a precedent. Each request will be reviewed by Council on an individual basis and all employees must accept that Council is not obliged to grant any particular working arrangement enjoyed by one employee to another.

## 8.25 Jury service/time off for public duties

8.25.1 Employees have a right to time off from work either with or without pay in a number of circumstances. These include Jury service and other duties including serving as a local councillor, magistrate, or school governor.

8.25.2 Such public positions held should be notified to the Council when accepting an offer of employment or as soon as the position is taken on, whichever is sooner.

8.25.3 Requests for time off for Public Duties will be considered with or without pay.

8.25.4 The amount of time off allowed will be at the discretion of line manager or Clerk and will take account of time off already received and the effect of the absence on the satisfactory running of the organisation. The maximum period will be 13 days.

## 8.26 Reserved forces

8.26.1 Council will support employees who are members of the reserved forces. These employees have specific entitlements relating to time off work including arrangements for them to return to work following a period of deployment.

8.26.2 Employees are encouraged to discuss the implications of being a member of the reserved forces, or if they are thinking of joining, with their Line Manager or Clerk.

## 8.27 Trade union membership

8.27.1 All employees shall be free to join an appropriate trade union.

8.27.2 Reasonable time off with pay to undertake Trade Union duties will be allowed to recognised trade union representatives to enable you to undertake duties concerned with industrial relations within the organisation.

## 8.28 Studies/training

8.28.1 The Council is committed to encouraging and facilitating development of all its employees. Where studies are undertaken that coincide with normal hours or work, an agreement will be made on the working arrangements with line managers and authorised by the Clerk.

8.28.2 The Council will usually grant paid time off for ad hoc training courses arranged through the Council as part of your personal development.

8.28.3 Where qualifications are paid for by the Council, an agreement will be put in place for the employee to repay a percentage of the cost of the course if they leave the Council's employment over a three-year period after having completed the course.

## 9. **SUPERVISION AND APPRAISAL**

### 9.1 Supervision – one-to-one meetings

9.1.1 The prime source of information regarding an employee's role or the organisation is a line manager. It is part of a line manager's role to inform, answer questions and listen to constructive opinions, comments, or suggestions. These meetings will be conducted as part of the Council's Appraisal and Performance Management policy.

9.1.2 The responsibility to ensure regular one to one meetings and reviews are undertaken lies with both the employee and line manager. This is an important, two-way communication and performance management process.

9.1.3 In addition, there will be regular staff meetings and team meetings to discuss work requirements, health and safety and any other pertinent matters.

## 9.2 Appraisal scheme

- 9.2.1 All employees take part in the annual appraisal process as detailed in the Councils Appraisal and Performance Management policy. These are positive exercises designed to encourage and assist employees in their professional and personal development.
- 9.2.2 It is the Council's policy that employees should have regular supervision with their line manager and an annual appraisal.
- 9.2.3 A copy of the Council's Appraisal and Performance Management Scheme is available from your line manager or Clerk. This will include details of the annual appraisal process and the required input from each employee.
- 9.2.4 A record of the supervision or appraisal will be kept on individual personnel files. These files will be kept in accordance with the Council's Document Retention Policy.

## 10. **TRAINING AND DEVELOPMENT**

- 10.1 The Council places the highest value on training and development for its employees. The Council is committed to invest in the training of its employees so its business objectives can be achieved.
- 10.2 Training needs will be identified by employees themselves, in discussion with their line manager, usually as part of the annual appraisal process.
- 10.3 Initial and longer-term training needs will be agreed with line managers to enable employees to perform their job as effectively as possible. This process will continue as part of regular one-to-one meetings.

## 11. **PERFORMANCE AND BEHAVIOUR AT WORK**

### 11.1 Conduct at work

- 11.1.1 As with any employment, employees are expected to conduct themselves in an appropriate manner at all times in the workplace. This includes when representing the Council offsite or at external functions or meetings.
- 11.1.2 Many roles across the Council are of a customer service nature and it is of the utmost importance that Council employees are regarded as professional and courteous at all times. This includes when dealing with third parties such as suppliers, contractors, Councillors, and colleagues.

11.1.3 If there are concerns in respect of an employee's conduct at work, the matter will be discussed with the employee and their line manager. Furthermore, if an employee has any concerns regarding the conduct of one of their colleagues, they should raise the matter with their line manager or the Clerk.

11.1.4 In the case of a deterioration in conduct at work after concerns being raised with an employee, or a serious incident with an employee's conduct, it may be deemed necessary to invoke the Council's Disciplinary Procedure.

## 11.2 Ethical conduct

11.2.1 The Council aims to achieve the highest standard of ethical conduct and integrity in all its activities and there is an expectation that employees reflect this in their own conduct. Dishonesty will always be treated seriously, and it may amount to gross misconduct and dismissal without notice.

11.2.2 When acting on behalf of the Council you are responsible for maintaining the Council's reputation and for conducting business honestly and professionally and without political bias.

11.2.3 You should not be openly critical of a colleague or Councillor to any third parties including colleagues and Councillors. Such acts could be considered gross misconduct for bringing the Council's reputation into disrepute.

## 11.3 Gifts & hospitality

11.3.1 Any gifts and hospitality from Councillors, contractors, customers, suppliers, and potential suppliers must not give the appearance that employees of the Council may be unduly influenced in any decisions they may make under delegated authority or advice to Council in respect of contractors, customers, suppliers, and potential suppliers or in any other aspect of their work.

11.3.2 A record shall be kept by the Town Clerk of all gifts and hospitality, no matter what the value is, received by any employee. It is the employee's responsibility to report any gift received immediately to the Town Clerk, failure to do so could be considered gross misconduct and may lead to dismissal.

11.3.3 No employee may accept any gift with a value in excess of £25 from a contractor, customer, supplier and potential supplier without express permission from the Town Clerk.

- 11.3.4 Hospitality received should be within reason and within acceptable limits and should always be authorised by your line manager or the Town Clerk.
- 11.3.5 If your line manager or the Town Clerk considers that a gift received is inappropriate you may be instructed to return it or donate to the Mayor's charity. If you are instructed not to receive hospitality from a supplier or potential supplier, you must obey that instruction. Failure to do so may be treated as misconduct.
- 11.3.6 An employee who allows any gifts or hospitality to influence any purchasing or decisions made by the Council this will be considered an act of gross misconduct and may result in dismissal.
- 11.3.7 It will also be an act of gross misconduct to seek to influence any other person to behave in an improper way or to confer a business advantage on you or the Council through the giving of any hospitality or gift.

#### 11.4 Whistleblowing

- 11.4.1 All Council employees are encouraged to raise any concerns they may have regarding any inappropriate behaviour or wrongdoing within the Council. This includes any breach of a legal obligation, risk, health and safety, a criminal offence, a miscarriage of justice or any actions likely to damage the environment.
- 11.4.2 Concerns should be raised initially with your line manager. If this is considered inappropriate, they should be raised with either the Town Clerk or the Mayor/Chairperson.
- 11.4.3 Any concerns raised by employees that are in the public interest under this policy are entitled not to be subjected to any detriment as a result. However, the employee must be acting in good faith and must believe that any disclosure they make is true.
- 11.4.4 If your concern proves to be unfounded you will be protected against any reprisals from your line manager, colleagues, other employees, or Councillors by the Council. However, if you make a false allegation deliberately against your line manager, colleagues, other employees, Councillors or Council then this will be treated as an act of gross misconduct and may result in dismissal.
- 11.4.5 If you are the subject of an allegation under Whistleblowing then you will be informed of the allegation and given the opportunity to explain the situation and put forward your case. Disciplinary action will only be taken following a full investigation in accordance with the disciplinary procedure of the Council.



## 11.5 Data protection

11.5.1 All your personal data will be processed in accordance with the Council's Data Protection Policy, its Data Protection Privacy Notice, and the Data Protection Act 2018.

11.5.2 The Council reserves the right to monitor staff email, internet usage and use of communication systems in accordance with its policies in place, the Staff Handbook, and the Data Protection Act 2018.

11.5.3 You must comply with your obligations under the Data Protection Act 2018, the Council's Data Protection Policy and any other relevant policies and legislation.

## 11.6 Appearance

11.6.1 The Council does not seek to inhibit individual choice in relation to an employee's appearance. However, employees are expected to dress appropriately at all times in relation to their role, and to ensure their personal hygiene and grooming are properly attended to prior to presenting themselves at work.

11.6.2 Employees who are supplied with a uniform or other apparel, must wear it at all times when required to do so and must ensure it is clean and presentable.

11.6.3 If an employee has any queries regarding what is appropriate, they should speak to their line manager.

## 11.7 Council premises

11.7.1 Employees may be issued with an identity badge / appropriate PIN code allowing access to their workplace, which remains the property of the Council. Loss of a badge / PIN code (or accidental disclosure to someone) must be reported immediately to line managers.

11.7.2 Employees must not bring any unauthorised person on to Council property without prior agreement from their line manager, unless authorised to do so as part of their job. In these circumstances, employees are responsible for ensuring that visitors are appropriately monitored during their stay, and that they do not access areas or Council property inappropriately.

11.7.3 Employees must not remove any Council property from Council's premises unless prior authority from a line manager has been given.

## 11.8 Personal property

11.8.1 Any personal property such as jewellery, cash, credit cards, clothes, cars, motorbikes, or bicycles etc. left on or at Council's premises is done so entirely at employees' own risk. Employees are strongly advised not to leave any valuables unattended, either on Council premises, Council vehicles or in their own vehicle. The Council does not accept liability for loss or damage to any personal property whatsoever.

## 11.9 Telephones and correspondence

11.9.1 Council telephones, mobile phones or postal facilities must not be used for private purposes without prior permission from a line manager. Abuse of these facilities may be considered a potential disciplinary matter.

## 11.10 Use of computers and IT

11.10.1 Internet access and email for personal use is permitted during unpaid break times only. However, abuse of computer facilities may be considered a potential disciplinary matter.

11.10.2 Under the Health & Safety (DSE) Regulations 1992 (amended 2002), the Council, as an employer, is required to provide eye tests, on request, to all current or new Display Screen Equipment (DSE) users.

11.10.3 The Council is also required to contribute towards the cost of 'basic spectacles' if these are needed for DSE use only and therefore in order to carry out an employee's role with the Council.

## 11.11 Data protection and confidentiality

11.11.1 Employees must be aware of and comply with all elements of the Data Protection Act 2018 (DPA 2018), and the UK General Data Protection Regulation (UK GDPR). No employee should disclose any confidential information either while employed or after having left the Council, unless specifically given permission to do so. Any breach of confidentiality may be dealt with under the disciplinary procedures and may lead to dismissal.

## 11.12 Use of Council vehicles and machinery

11.12.1 Only authorised drivers may use the Council on road vehicles. To be authorised to use the vehicles you must first produce a valid driving licence and endorsements record. Once authorised by the Clerk to use the Council on road vehicles it is your responsibility to ensure that you notify in writing the Clerk of any subsequent endorsements or

disqualifications you may receive. Failure to do so may be considered an act of gross misconduct and could lead to dismissal.

11.12.2 Only personnel who have been trained to use Council machinery may do so. Machinery must always be used in accordance with instructions and manufacturers guidance. All machinery must be well looked after and treated with respect and used in a safe way at all times. Failure to do so may be considered an act of gross misconduct and could lead to dismissal.

### 11.13 Smoking

11.13.1 In the interests of the health, safety and comfort of employees and customers and to comply with legislation, the Council operates a no smoking policy. Any employee found to be smoking inside Council premises will be subject to disciplinary procedures. This policy includes prohibiting the use of electronic cigarettes.

### 11.14 Consumption of alcohol and drug abuse

11.14.1 The Council forbids the consumption of alcohol and use or storage of drugs on its premises, nor will it permit any employee to work whilst under the influence of alcohol or drugs. Any such instances will be dealt with under the disciplinary procedure and may lead to dismissal.

### 11.15 Professional conduct and public statements

11.15.1 All employees have a responsibility to act in good faith and to promote the good name and effectiveness of their employer. Employees are expected to be trustworthy and to conduct themselves reasonably at all times.

11.15.2 No employee is permitted to give press or other media interviews or assist with or be involved in the publication of any article relating to the business affairs of the Council or in relation to the Council's intellectual property, without prior consent from the Clerk.

### 11.16 Outside activities

11.16.1 Employees must not engage in any activity which may prejudice the performance of their duties as an employee of the Council. If an employee finds themselves in a situation where there is a conflict or potential conflict of interest between their outside activities and their duties as an employee of the Council, employees must immediately report the matter to their line manager or the Clerk.

### 11.17 Conflict of interest

11.17.1 Employees should not, directly, or indirectly, engage in, or have any interest, financial or otherwise, in any other business enterprise which interferes or is likely to interfere with their independent exercise of judgement in the Council's best interest.

11.17.2 Generally, a conflict of interests exists when an employee is involved in an activity:

- Which provides products or services directly to, or purchase products or services from the Council.
- Which subjects the employee to unreasonable time demands that prevent the employee from devoting proper attention to their responsibilities to the Council.
- Which is so operated that the employee's involvement with the outside business activity will reflect adversely on the Council.

11.17.3 Should an employee be in any doubt as to whether an activity involves a conflict, they should discuss the situation with their line manager.

## 11.18 Mobile phones

11.18.1 In order to preserve the smooth running of the business and to avoid disruption to employees, personal mobile phones should not be used except in cases of emergencies. Mobile phones should either be switched off or silenced during working hours. Work landline numbers may be given out to friends and relatives for use in emergencies.

## 11.19 Expenses

11.19.1 The Council recognises that no employee, paid or unpaid, should be placed at financial disadvantage as a result of their work for the organisation.

11.19.2 Any travel, mileage, subsistence expenses incurred by an employee and approved by line managers will be paid at the agreed NJC rate laid down at the time. The appropriate claim form can be obtained via your line manager.

11.19.3 Where practical, the purchasing of equipment, sundries or other items required to carry out an employee's job will be done through Council suppliers. If this is not possible, petty cash can be used for such purchases. In the event where it is not possible to access petty cash and an employee has had to purchase an item themselves, line managers should have approved this in advance and will be able to approve an expense claim.

11.19.4 Claim forms can only be processed with relevant receipts; reimbursement cannot be made where there is no receipt and proof for the payment having been made.

## 11.20 Dignity at work

11.20.1 Employees should be able to undertake their employment at the Council free from bullying and harassment. Any allegations of this nature will be taken very seriously by Council. The Council will not tolerate harassment or bullying behaviour.

11.20.2 The Council expects all its employees to behave with civility and respect towards each other and to anyone connected to the Council including members of the public. In particular any offensive behaviour which relates to sex, race, age, disability, gender reassignment, sexual orientation, married or civic partnership status, religion or belief will be treated as gross misconduct and will usually lead to dismissal.

## 12. **DISCIPLINARY PROCEDURE**

12.1 The Council aims for high standards from its employees. The Disciplinary Procedure enables the organisation to take appropriate action against employees where their performance or conduct is unsatisfactory.

12.2 In order to ensure that employees are treated fairly and consistently, the Council has adopted a Disciplinary Procedure which is included as Addendum 3 to this handbook.

## 13. **GRIEVANCE PROCEDURE**

13.1 The Council aims to encourage employees to have an open and honest relationship with their line manager and colleagues and to raise any concerns about any aspect of their employment in an appropriate manner.

13.2 The Council's adopted Grievance Procedure is included as Addendum 3 to this handbook.

13.3 This procedure should be used to settle all disputes or grievances which employees may wish to raise concerning other employees or volunteers, their work, the organisation, or other matters relating to their employment or volunteering. The purpose is to settle any grievance efficiently and effectively.

## 14. **EQUAL OPPORTUNITIES**

- 14.1 The policy of the Council is to promote equality, harmony, and respect amongst individuals and to eliminate discrimination, harassment, and victimisation of all kinds. Every employee must ensure that their conduct conforms to the standards set out in this policy statement.
- 14.2 The Council is an equal opportunities employer. Any decisions relating to recruitment, promotion, dismissal, or any other aspect of employment will be based on the needs of the Council and not any assumption based on sex, race, age, disability, gender reassignment, sexual orientation, married or civic partnership status, pregnancy or maternity, religion, or belief. The Council is committed to this and expects its employees to share that commitment.
- 14.3 If an employee is concerned with any discriminatory behaviour, assumptions, or attitudes within the workplace they should raise it with their line manager or the Town Clerk. Employees will be entitled to raise any experience of this behaviour towards them free of any reprisals providing they are acting in good faith.

## **15. HEALTH AND SAFETY**

- 15.1 The Council has a legal duty to protect the health and safety of its employees and others. The Council takes this responsibility seriously and has made health and safety a management priority. The Council expects its employees at all levels to take care to avoid injury to themselves and others and to co-operate with the implementation of the Council's health and safety arrangements.
- 15.2 Detailed Risk Assessments have been carried out and cover all the operations undertaken by Council. They have been developed to ensure that all aspects of work required can be undertaken safely. If you have any concerns about health or safety, please report them immediately to your line manager or the Town Clerk. The Council always takes any concerns relating to health and safety with the utmost seriousness.
- 15.3 The Council has adopted a Health & Safety Policy which contains details of these responsibilities and arrangements. All employees are required to be proactive and familiarise themselves with the Health & Safety Policy Statement and all risk assessments relevant to your work activities. A copy of these is available from your line manager.
- 15.4 All employees are required to comply with all instructions, rules and procedures relating to health and safety. Failure to do so may amount to gross misconduct.

15.5 All employees must wear any PPE (Personal Protective Equipment) provided when required whilst undertaking their duties. Failure to wear PPE provided will be treated as gross misconduct which will usually result in dismissal.

## **16. TERMINATION OF EMPLOYMENT**

### **16.1 Termination**

16.1.1 If an employee wishes to resign, the employee must give the required written notice to their line manager as stated in their contract of employment. If the Council decides to terminate an employee's employment, they will be notified in writing, as per their contract of employment.

16.1.2 The Council may give the equivalent pay in lieu of notice.

16.1.3 On leaving the Council, employees must return all items of Council's property e.g., mobile phone, laptop, and documentation. Failure to do so may incur a deduction from their final salary payment.

16.1.4 The Council may require an employee to take 'garden leave' and has no obligation to provide work during this time, but all contractual benefits will continue to apply.

### **16.2 Retirement**

16.2.1 In line with current legislation, the Council does not stipulate an age when it expects employees to retire. It is, however, the Council's policy to have regular workplace/appraisal discussions with all employees where they can discuss performance and any development requirements they may have, as well as their future aims and aspirations. Employees and their line managers can also use this opportunity to discuss retirement planning should the employee wish to do so.

16.2.2 Employees should ensure to inform their line manager at least six months before they plan to retire to ensure all appropriate arrangements are made (e.g., sourcing a replacement, pension arrangements etc.).

### **16.3 Exit interview**

16.3.1 The Council conducts an exit interview for all employees leaving the organisation. This will ordinarily be conducted by two employees usually the Clerk and your line manager unless there is a reason not to. The interview will follow a specified formula, and you will be given a form to complete prior to the interview. The Council values full, frank on

hones feedback at these interviews in order tat it may learn from your experience at the Council.



**ADDENDUM 1**  
**Checklist for managing induction by**

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<b>Name:</b>				
<b>Job role:</b>				
<b>Name of new starter:</b>				
<b>Start date:</b>				
<b>Information to cover during induction</b>	<b>Time to be undertaken</b>	<b>Date covered:</b>	<b>Covered by (initials):</b>	<b>Signed employee</b>
Offer letter detailing start date, conditions of employment	Prior to start date			
Proof of right to work in UK	Prior to start date			
Supplied copy of Job description	Prior to start date			
Signed contract of employment	Prior to start date			
Arrangements for first day	Day 1			
Take out for a coffee to have informal chat	Day 1			
Introduction to colleagues	Day 1			
Council values	Day 1			
Council background information	Day 1			
Supply copy of staff handbook, including Grievance and disciplinary procedures and pension details	Day 1			
Supplied a list of HR policies not included in the staff handbook and all other policies of the Council	Day 1			
System log in details	Day 1			
Health and safety policy, requirements,	Day 1			

and relevant risk assessments				
Tour of the building	Day 1			
Car parking arrangements	Day 1			
Probationary period requirements and review periods	Day 1			
Job role and responsibilities	Day 1			
Council staff structure and responsibilities	Week 1			
Councillors and positions within the Council	Week 1			
Council committee structure	Week 1			
Training plan including systems training	Week 1			
Explanation of data protection privacy notice and other data protection policies	Week 1			
Location of employee handbook	Week 1			
Line manager expectations	Week 1			
Security information	Week 1			
Email and internet policies and IT provision	Week 1			
Equal opportunities policy	Month 1			
Council processes e.g., booking holidays, reporting absence	Month 1			
Tour of other Council facilities	Month 1			
Payment process as per financial regulations / scheme of delegation	Month 1			
Remaining relevant Council policies and procedures	Month 1			



Council aims and objectives	Month 2			
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**Certified as complete**

**Signed Manager**

\_\_\_\_\_

**Signed Employee**

\_\_\_\_\_

## **ADDENDUM 2 - INFORMAL PROCEDURE FOR RAISING A COMPLAINT**

### **1 INTRODUCTION**

Employees of the Council may at times wish to raise a problem or concern with regard to their working environment. Issues may include:

- Concerns regarding working practices
- Health and safety issues
- Behavioural issues of fellow employees or Councillors
- Bullying/harassment
- Working conditions

The Council would encourage everyone to try to resolve any issues informally in the first instance. The process to raise an informal complaint is covered in the section below.

Please note that if an employee of the Council wishes to raise a complaint against a Councillor, the Council can only consider informal complaints. If the complainant wishes to make a formal complaint against a Councillor, then they must raise it with the Monitoring Officer. Only complaints that do not allege a breach of the Code of Conduct can be informally dealt with by Council, in particular an issue affecting the Council's duty of care towards its employees. Please ask the Clerk for assistance in contacting the Monitoring Officer.

Outlined below are three sections relating to the way employees, the Clerk or a Councillor can raise a complaint against either an employee or a Councillor.

### **2 INFORMAL COMPLAINTS RAISED BY AN EMPLOYEE**

If you have a problem at work and wish to raise a complaint all employees are encouraged to raise it informally with the Council in the first instance.

You may feel nervous about raising a problem, but the Council would like to resolve any problems as quickly as possible without going through a formal procedure.

Ordinarily the complaint will be discussed with the Clerk and your line manager. If there is a reason either cannot be involved, then the Council will make arrangements for a Chair of the Staffing Committee and the Clerk or line manager or if not possible a second Staffing committee member to hear the complaint.

#### **2.1 Have an informal chat first**

Employees are encouraged to initially talk to someone they feel comfortable with first. That may be your line manager, a senior officer, or the Clerk.

An informal chat can range from a quiet word to highlight the issue to a more structured meeting.

You can also talk to a trade union representative if you're a member of a trade union.

## 2.2 Preparing for an informal meeting

If you and your line manager or Clerk set up an informal meeting the following preparation is recommended:

- Check the ACAS website for information about your problem and how it might be dealt with
- Prepare what you want to say. Think about how you wish to explain the issues that you are unhappy about
- Think about what you would like the Council to do to help resolve the issue

You may wish someone to accompany you to the informal meeting. You could be accompanied by:

- A work colleague
- A trade union representative
- An official employed by a trade union

It is at the Council's discretion to agree if you can bring someone else to the meeting. If discrimination law applies the Council will allow someone to come with you to help remove any disadvantage.

## 2.3 The Meeting

At the meeting you can:

- Explain what the problem is and what you think should happen
- Show the Council evidence you may have to support your concern
- take notes of the meeting as an aide memoir

Resolving the problem will be a two-way process. The Council will allow you to explain the problem. You should also listen to what the Council has to say.

It might not always be possible to solve the problem in the way you would like, but the Council will endeavour to find a solution that works for both parties.

## 2.4 Raising the problem formally

If you cannot reach a solution to the problem, you can raise the issue formally. This is known as 'raising a grievance' and is done following the formal grievance procedure set out below.

### 3 INFORMAL COMPLAINTS RAISED BY THE CLERK

Council Clerks are positioned between Councillors and Council employees. It is their job to oversee any employee issues as Head of Paid Service and to resolve them informally if they can.

There are times when the Clerk may have an issue with either an employee or a Councillor. The informal process for raising a concern is outlined below:

If the complaint is against a fellow employee, then the Clerk will arrange an informal meeting with the Chair of the Council and or Chair of the Staffing Committee. The Clerk will outline the issue, provide evidence, and suggest remedial action.

Having raised the concern either the Chair of the Council or the Chair of the Staffing Committee will meet with the employee concerned and discuss the issue with them. They will try to reach a solution based on the remedial action suggested by the Clerk, advice from the Council's HR advisor and their own solutions.

If the concern cannot be addressed informally then the relevant Chair will inform the Clerk who may then wish to submit a formal complaint, which will go through the formal process.

If the complaint is against a Councillor, then the Clerk will arrange an informal meeting with the two of the following options. The options will depend on whether one of the three Councillors below is the subject of the informal complaint.

- Chair of the Council
- The Vice Chair of the Council
- The Chair of the Staffing Committee

The Clerk will outline the issue, provide evidence, and suggest remedial action. The relevant Chair will then hold an informal meeting with the relevant Councillor and discuss a potential solution.

Solutions may include mediation provided by an independent mediator, support from the Councils HR advisor.

If the complaint cannot be resolved informally then the Clerk will be advised that they may consider submitting a formal complaint to the Monitoring Officer.

The Council will undertake to ensure that both the Clerk and the Councillor against which the complaint is made are provided with support and that the informal procedure will not create a situation where the position of one of the party's becomes untenable. Equally the Council will ensure it maintains its duty of care towards the Clerk as an employee.

#### **4 INFORMAL COMPLAINTS RAISED BY A COUNCILLOR AGAINST AN EMPLOYEE OR THE CLERK**

There may be times when a Councillor may have an issue or problem with either an employee or the Clerk. The informal process for raising a concern is outlined below:

If the complaint is against an employee, then the Clerk will arrange an informal meeting with the Councillor to discuss the complaint. The Councillor will outline the issue, provide evidence, and suggest remedial action.

The Clerk will then meet with the employee concerned and discuss the issue with them. They will try to reach a solution based on the remedial action suggested by the Councillor and the Clerk, advice from the Council's HR advisor and their own solutions.

If the complaint cannot be addressed informally then the Clerk will inform the Councillor who may then wish to submit a formal complaint, which will go through the formal Grievance procedure adopted by the Council.

If the complaint is against the Clerk, the following process will be followed:

The Councillor will arrange an informal meeting with the two of the following options. The options will depend on whether one of the three Councillors below the person is making the informal complaint:

- Chair of the Council
- The Vice Chair of the Council
- The Chair of the Staffing Committee

The Councillor will outline the issue, provide evidence, and suggest remedial action. The relevant Chair will then hold an informal meeting with the Clerk and discuss a potential solution.

Solutions may include mediation provided by an independent mediator, or support from the Council HR advisor.

If the complaint cannot be resolved informally then the Councillor will be advised that they may consider submitting a formal complaint to Council against the Clerk that will go through the formal Grievance Procedure adopted by the Council.

The Council will undertake to ensure that all the parties that are involved in the complaint are provided with support and that the informal procedure will not create a situation where one of the party's positions becomes untenable. Equally the Council will ensure it maintains its duty of care towards the Clerk as an employee.





## **ADDENDUM 3 - DISCIPLINARY AND GRIEVANCE PROCEDURES**

### **1 INTRODUCTION**

Following the High Court case of R (Harvey) v Ledbury Town Council [2018] EWHC 1151 (Admin) on 15 May 2018 the way Councils deal with an employee's grievance against a Councillor has changed.

Employees are not able to use the Council's formal Grievance Procedure if the complaint can be dealt with under the Council's Code of Conduct. If the complaint cannot be resolved informally, including the use of mediation, the complaint can only be dealt with the the Principal Authority's Monitoring Officer.

Town and Parish Councils have no power to impose sanctions against Councillors that fall under the Code of Conduct. However, if the complaint is not a Code of Conduct matter, then it can be dealt with under the Council's Grievance Procedure. The Council must also adhere to its duty of care to its employees.

### **2 DUTY OF CARE**

The Council has an ongoing duty of care to its staff, and this continues to be the case if an employee makes a complaint to the Monitoring Officer.

The Council will take all steps that are reasonably possible to ensure the employees' health, safety, and wellbeing. The Council will therefore ensure that:

- Each employee has a clearly defined job description
- Relevant risk assessments are undertaken
- Adequate training is provided
- Feedback on performance and following appraisals is provided
- Employees do not work excessive hours
- Areas for staff breaks are provided to enable rest and relaxation
- Protections are in place from bullying and harassment from colleagues or third parties
- Employees are protected from discrimination
- Employees are protected from bullying
- Employees are able to raise concerns easily and safely
- Consult employees on issues that are concerning them

The Council will do all it is able to keep employees safe from harm.

Employees also have a responsibility for their own health and wellbeing at work. Although employees must obey lawful instruction, they can refuse to undertake anything that is not safe or may be damaging to their health.

### **3 UNDERSTANDING ROLES WITHIN THE COUNCIL**

All Council staff are employed by the Council as the Corporate Body. Councillors therefore have no inherent authority to instruct staff in their duties.

Councillors will not involve themselves in the day-to-day operations and running of the Council.

The Council will adopt a Scheme of Delegation and a Member/Officer protocol to help clarify and manage the roles of both Councillors and Staff.

If a Councillor has any concerns about the action of any member of staff, they should raise their concern with the Clerk. If it is regarding the Clerk, they should raise it with the Council's Chair of the Staffing Committee. They should not raise it directly with the member of staff.

#### **4 MEETINGS**

The disciplinary and grievance arrangements will be dealt with by the Personnel Committee of the Council.

Disciplinary matters will be decided by a sub-committee appointed by the main Staffing Committee. The sub-committee will be made up of three Councillors and will not include Councillor(s) who have a direct involvement in the disciplinary or grievance matter.

If an appeal is lodged following decision the Appeals sub-committee will be made up of three Councillors not including those on the Disciplinary Sub-Committee or those with a direct involvement in the matter.

The grievance or disciplinary meeting will be held as soon as possible, and the employee will be given reasonable time to prepare. The proceedings will be minuted by a member of staff if possible.

Employees can be accompanied to the meeting and should make reasonable efforts to attend. Employees have a statutory right to be accompanied by a workplace colleague, a trade union representative, or a trade union official to a grievance, disciplinary or appeal meeting. An employee's request to be accompanied must be reasonable.

If the employee's companion is unavailable to attend the meeting the employee can request a postponement and can propose an alternative date within five working days of the original meeting unless it would be unreasonable not to propose a later date. If the employee does not attend the meeting, then they must be provided with the opportunity to be represented and to make written submissions.

#### **DECISIONS**

Employees will be informed promptly in writing of the Council's decision. If possible, the decision will be handed directly to the employee.

The decision will include a notification to the employee that they have a right to appeal.

The form of the Appeal will depend on the individual circumstances of each case. They may range from a review of the original decision (an assessment of whether the grievance was fairly decided on the evidence heard) to a complete re-hearing. A re-hearing will mainly be heard again if an employee was dismissed for reasons that were not part of the disciplinary process.

Council will not increase disciplinary sanctions at the appeal stage except in exceptional circumstances.

## **INVESTIGATIONS**

### Misconduct

In the case of misconduct and investigation into the matter will be carried out as soon as possible by the Council. In all cases apart from minor misconduct an independent investigator will be appointed by the Staffing Committee. The investigator will be independent, fair, and objective and ideally professionally qualified in HR or an experienced investigator. The investigator can be someone from outside of the Council if necessary.

The investigator will submit a report with recommendations to the Disciplinary Sub-Committee. The Sub-Committee will then decide whether further action will be taken.

Employees do not have a statutory right to be accompanied to an investigatory meeting, but they are permitted to be accompanied.

### Suspension

In certain situations, the Council may decide to suspend the employee with pay whilst the investigation is being undertaken. The investigation will be conducted as expeditiously as possible. Suspensions will normally be appropriate when:

- Working relationships have broken down
- The council has good reason to believe that the employee may interfere with the investigation
- There is a risk to the employee's health or safety
- The work of the Council may be damaged or disrupted

Suspension with pay will only be used as a last resort and any suspension will continually be reviewed by Council to ensure that it does not continue unnecessarily.

Suspensions are only temporary, do not assume guilt and are not a disciplinary action.

## Mediation

Mediation is a confidential dispute resolution process that will require the consent of the Council and the employee. Mediation may be appropriate at any stage of the disciplinary procedure especially when communications have broken down or there are allegations of bullying and harassment.

Mediators will not make judgements or determine outcomes. Their main role is to ask questions to help uncover underlying problems, assist the parties to understand the issues and to clarify the options available to help resolve any differences.

## **DATA PROTECTION**

All information relating to grievance and disciplinary matters will be restricted only to those involved in the grievance/disciplinary process, a strict need to know basis. Any disciplinary action or grievance outcome will remain confidential.

The employee's disciplinary and grievance records will be held by Council under the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.

Personal data may be contained in documents used in a disciplinary or grievance procedure such as letters emails, employee statements and GP records.

GDPR only allows personal data to be used for the purpose specified and will not be held any longer than necessary, after which it will be destroyed.

Sensitive personal data such as GP records are subject to stricter regulations.

The Council's GDPR obligations are contained in its Data Protection Policy.

# DISCIPLINARY PROCEDURE

## PURPOSE AND SCOPE

This procedure is designed to help and encourage all Council employees to achieve and maintain high standards of conduct whilst at work or representing the Council. The aim is to ensure consistent and fair treatment for all. This procedure is prepared in accordance with the dismissal and dispute resolution procedures as set out in the Employment Act 2008 and the ACAS Code of Practice March 2015.

## 2. PRINCIPLES

### 2.1 Underlying principles

- a) No disciplinary action will be commenced against an employee until the case has been fully investigated
- b) At every formal stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- c) At all formal stages the employee will have the right to be accompanied by a trade union representative or work colleague during the disciplinary interview.
- d) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty of dismissal without notice or payment in lieu of notice may be applied.
- e) An employee will have the right to appeal against any disciplinary penalty imposed.
- f) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

### 2.2 Investigation

Any investigation into the conduct, performance or behaviour of an employee is outside the disciplinary procedure and must be conducted, no matter how brief, before the Disciplinary Procedure is implemented.

Ordinarily the investigation will be conducted by the line manager or the Clerk whichever is appropriate. If the allegation is regarding the Clerk, the investigation will be conducted by an external expert previously selected by the Staffing Committee for such purposes and aware of their role. This will not be the Chair making a decision or instruction on behalf of the Council as it is fulfilling a requirement of this policy.

### 2.3 Councillors raising concerns regarding the performance of an officer

If a Councillor is concerned about the level of performance of an officer, they should confidentially make the Clerk aware of their concerns. The Councillor should detail the concerns and what outcome they would like to see. The Clerk will investigate the allegations and determine if disciplinary action is required or if the matter can be resolved by alternative means, such as informal action.

If the officer, the Councillor is concerned about is the Clerk they should make the Chair of the Staffing Committee aware in order that they may discuss the matter informally with the Clerk and if necessary, after that invoke in accordance with this policy the previously agreed investigation procedures.

## **3. THE PROCEDURE FOR MISCONDUCT AND GROSS MISCONDUCT**

### 3.1 Misconduct

3.1.1 The following list provides examples of misconduct which will normally give rise to formal disciplinary action:

- Unauthorised absence from work
- Persistent short-term and/or frequent absences from work without a medical reason
- Lateness for work or poor time keeping
- Inappropriate standard of dress
- Minor breaches of Health and Safety or other rules or procedures
- Failure to perform his/her job to the standard expected or in line with your job description/objectives
- Time wasting
- Disruptive behaviour
- Misuse of the Council's facilities (e.g., telephones, computers, email, or the internet)
- Refusal to carry out reasonable requests or instructions from a line manager
- Smoking in unauthorised areas
- Failure to follow an agreed Council Policy or Procedure

This list is not exhaustive, and offences of a similar nature may result in disciplinary action being instigated. Persistent or frequent absence on medical grounds and long-term sickness absence will be addressed using a procedure to determine incapacity.

3.1.2 The following list provides examples of offences which are normally regarded as gross misconduct:

- Theft, fraud, deliberate falsification of records, or other acts of dishonesty
- Fighting, assault on another person
- Deliberate damage to property of the Council, its workers, or members
- Gross incompetence in the conduct of work

- Gross negligence which results in the Council, its employees or third parties being put at risk.
- Being under the influence of illegal drugs or excessive alcohol
- Bullying including but not limited to acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion, or belief
- Serious acts of insubordination
- Serious breach of duty to keep information of the Council, its service providers, and its clients confidential
- Unauthorised entry to computer records
- Serious breach of the Council's Security, Health & Safety, Confidentiality or Email and Internet policies
- Any action, whether committed on or off the premises, that is likely to or does bring the Council into disrepute
- Serious negligence which causes or might cause significant loss, damage, or injury
- Accepting bribes or incentive payments from suppliers
- Unauthorised use of Council funds or credit
- Abuse of Council debit cards or supplier accounts
- Working with an external agency to provide information which would be detrimental to and cause commercial risk to the Council.

This list is not exhaustive and other offences of a similar gravity may result in disciplinary action being instigated at gross misconduct level which carries a potential penalty of dismissal.

### 3.2 Selection of Staffing Committee, Disciplinary and Grievance Sub Committee and Appeals Sub-committee

The Staffing Committee will allocate three Councillors to the Disciplinary and Grievance Sub-committee at its first meeting of the municipal year. It will also allocate three different Members to the Appeals Sub-Committee.

The Staffing Committee will also determine how an allegation against the Clerk is to be investigated should the need arise. The outside professional support to be utilised will be named at the first meeting of the Staffing Committee and thereafter saved in the Scheme of delegation. It will be for the Chairman of the Staffing Committee or in his absence the Vice Chairman or the Mayor / Council Chairman to contact the external support and let them know they will be needed in accordance with a decision of the Committee.

The Disciplinary Sub-Committee will deal with all allegations of gross misconduct and all formal actions relating to the Clerk. The Clerk will deal with all first and second stage allegations. The Appeals Sub-Committee will consider all appeals whether against a decision of the Clerk or the Disciplinary Sub-Committee.

### 3.3 Informal action

Minor misconduct will usually be dealt with informally, usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Clerk being the individual against whom there is a complaint or allegation, the matter should be handled discreetly by the Chairman / Mayor and Chairman of the Staffing Committee and involve an informal meeting initially. However, where the matter is more serious or informal action has not brought about the necessary improvement, the following procedure will be used.

### 3.4 Formal action

3.4.1 The level of warning an employee may receive for misconduct/gross misconduct will depend on how serious the Council considers the alleged actions to be and the employee's previous conduct in all the circumstances. In the event of alleged gross misconduct, the formal process may commence at Stage 3 (see 3.5 below).

#### 3.4.2 Disciplinary Letters

If there is a concern about an employee's conduct or behaviour, then a letter will be given to the employee advising him/her of the allegation(s) and reasons why this is unacceptable. The letter should invite the employee to attend a meeting at which the alleged misconduct will be discussed and will inform the employee of their right to be accompanied to the meeting. The letter will specify at which stage the disciplinary procedure is being invoked (see three stages below) and if invoked at Stage 3 for gross misconduct, the letter will warn that a potential outcome could be dismissal. The time, date and venue of the meeting will also be advised. Any documents to be produced at the meeting will also be provided.

#### 3.4.3 Disciplinary Meetings

The time and location of a disciplinary meeting should be agreed with the employee, it will be held in a private location with no interruptions. This will normally be without undue delay but allowing the employee time to prepare his/her case; where practical, within 5 days of the letter being sent. At the meeting the manager (or in the case of the Clerk being disciplined, the Chairman of the Staffing Committee, as the Hearing Panel) will state the complaint against the employee and go through the evidence which has been gathered. The employee will also be allowed to ask questions, present evidence and call witnesses providing advance notice has been given that he/she will do so. The hearing Panel will be made up of three members of the Staffing committee and will sit as the Disciplinary Sub Committee. The three Councillors on the panel will be selected so as not to have any previous involvement in the case other than the Chairman who may have investigated in the case of the employee being the Clerk.



If the employee is unable to attend the meeting due to unforeseeable reasons out of their control (e.g., illness or their chosen person to accompany is unavailable) then the Council will reasonably rearrange the meeting within a 5-day period. However, if the employee fails to attend the meeting without good reason the meeting can be held in the employee's absence.

### 3.5 Outcomes and penalties

#### Stage 1 - First Stage Written Warning

In the instance of a first complaint that conduct does not meet acceptable standards, the employee will normally be given a First Stage Written Warning. He or she will be advised:

- of the reason for the warning,
- that it is the first stage of the disciplinary procedure,
- of the improvement that is required and the timescales for achieving this improvement,
- of a review date and any support available (where applicable)
- that action under Stage 2 or 3 will be considered if there is no satisfactory improvement, and
- of his or her right of appeal.

#### Stage 2 – Final Written Warning

If there is a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious, a Final Written Warning will be given to the employee. This will give details of the complaint, will warn that dismissal may result if there is no satisfactory improvement over a specific given timescale and will advise of the right of appeal.

#### Stage 3 – Dismissal or other sanctions

If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, or where the Council reasonably believes gross misconduct has occurred, dismissal may result. The employee will be given a written statement of allegations against him/her, invited to a meeting, and then be notified in writing of the reasons for the decision taken at the hearing. Penalties at this stage may include dismissal with notice or summary dismissal (i.e., without any notice), Final Written Warning with/without demotion, loss of pay or loss of seniority. If dismissal is the outcome, the employee will be advised of the date on which employment will terminate. In all cases the employee has a right to appeal.

#### 3.5.1 Time Limit for Warnings

Disciplinary warnings will remain in force for a specified period, this time period will be advised to the employee in writing when being advised of the warning. First Stage Written Warnings will normally be valid for a period of six months and Final Written Warnings normally for a period of twelve months.

Assuming there are no further instances of misconduct or poor performance during this period the warning will no longer be 'live' and will thus be disregarded for future disciplinary purposes, except in agreed special circumstances. In a circumstance where misconduct is so serious that it cannot be realistically ignored for future disciplinary purposes, then this will be set out very clearly in writing with the warning itself.

If there are occasions where an employee's conduct is satisfactory throughout the period the warning is in force only to worsen very soon after and a pattern emerges that there is evidence of abuse, the employee's disciplinary record will then be borne in mind in deciding how long a warning should last.

### 3.6 Suspension

If an employee is accused of an act of gross misconduct, he/she may be suspended from work on full pay while the Council investigates the alleged offence. Only the appropriately convened committee or Council Officer with delegated powers has the power to suspend. This enables a swift and thorough investigation to occur. Whilst suspended pending disciplinary investigation, regular contact with a nominated person at the Council will be maintained although access to premises, equipment or systems may be denied. The individual/s who compiles evidence for the disciplinary hearing must play no part in the subsequent decision-making to ensure impartiality. The Council will need to consider the implications of such arrangements on its hearing and appeal panel plans early in the disciplinary process.

### 3.7 Appeals

The Appeals stage of the disciplinary process is part of the Code of Practice to which an employee has a right. It can be exercised after any of the stages of disciplinary action for misconduct/poor performance or gross misconduct.

An employee who wishes to appeal against a disciplinary decision should inform the Clerk or in the case of the Clerk the Chairman / Mayor within five working days, in writing and giving reasons for the appeal. An appeal may be raised if:

- the employee thinks the finding or penalty is unfair
- new evidence has come to light
- the employee thinks that the procedure was not applied properly

The appeal will be heard by Appeals Sub-Committee made up of elected Members who have not been involved in the original disciplinary hearing, who

will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited Trade Union official or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing.

At the appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the appeal hearing will be final.

### 3.8 The right to be accompanied

At each formal stage of disciplinary interview an employee has the right to be accompanied and can make a reasonable request for such a person to accompany them. An employee can ask any other employee or a trade union representative or an appropriately accredited official employed by a trade union to accompany them, to give support and help them prepare for the disciplinary interview. This right is enshrined in the 1999 Employment Relations Act. As this is an internal process there is no provision to have any external person accompany or represent an employee e.g., partner, parent, solicitor etc. The companion can address the hearing, put, and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee. The companion cannot however answer questions on the employee's behalf or address the hearing if the employee does not wish him/her to or prevent the employee explaining his/her case.

### 3.9 Hearing panels

The Council establishes a Staffing Committee at each Annual Meeting. At least three members of this Committee will be delegated to hear the original disciplinary. The appeal will be heard by three separate Councillors from the Committee or allocated from elsewhere if there are not sufficient on the committee who do not have a prejudicial interest, they will sit as the Appeals Sub-committee.

Where disciplinary action is taken against the Clerk or for some reason the Clerk is unable to be involved, the Council should look to appoint an external expert to assist throughout the process. This will not be the Chair / Councillor making a decision or instruction on behalf of the Council as it is fulfilling a requirement of this policy.

### 3.10 Note taking

It is highly recommended that a note-taker be provided to every meeting/hearing which arises because of a disciplinary process, as Employment Tribunals are particularly keen to view contemporaneous notes of events which have led to an employment dispute. If both parties agree, the

meeting can be audio recorded. The Council will need to give this requirement careful consideration in order to respect employee confidentiality.

### 3.11 Grievance raised during disciplinarys

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

### 3.12 Criminal charges or convictions

If an employee is charged with or convicted of a criminal offence not involving the Council, this does not automatically give rise to a disciplinary situation. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake their duties and their relationships with the employer, colleagues, subordinates, or customers.

## 4. **GETTING IT WRONG**

Failure to follow the ACAS Code of Practice (available at [www.acas.org.uk](http://www.acas.org.uk)) can lead to an Employment Tribunal awarding an uplift of an award against the council of up to 25%. Tribunals dealing with unfair dismissal claims are particularly interested in whether the employer followed a procedure and whether the employer acted fairly and reasonably. One way in which to avoid such a penalty is to have an agreed procedure, communicate that procedure to employees and Members, revisit and review the procedure regularly and have some training for those who are expected to operate the procedure.

## **GRIEVANCE PROCEDURE**

### **1. PURPOSE AND SCOPE**

It is the policy of the Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have.

Grievances may be any concerns, problems or complaints employees wish to raise with the council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with the ACAS Code of Practice on Disciplinary and Grievance Procedures.

### **2. PRINCIPLES**

a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made.

b) Grievances will be dealt with promptly and consistently.

c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing.

d) An employee will have the right to appeal against any outcome of a Grievance Hearing.

e) At no time will an employee be penalised or victimised for having raised a Grievance.

### **3. PROCEDURE**

#### **3.1 Informal Approach**

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management.

In the case of the Clerk raising a grievance this should be in the first instance raised with the Chair of the Staffing Committee, unless the complaint is about the Chair of the Staffing Committee in which case the Chair of the Council / Mayor should handle the Clerk's concerns.

The recipient of the grievance will meet with the employee to discuss the nature of the grievance and establish if an informal approach can be taken, usually by meeting with all involved parties and discussing the concerns.

Discretion and confidentiality will be upheld at all times throughout this process. If required, the Chair of the Staffing Committee or Chair of the Council / Mayor, whoever is dealing with a grievance from the Clerk, may wish to seek external professional support during this process from the Councils HR consultant.

### 3.2 Formal Approach

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to their line manager, or if this is inappropriate to the next level of management.

If relating to the Clerk, the grievance should be addressed to the Chair of the Staffing Committee. Likewise, if the Clerk is making the grievance this should be given to the Chair of the Staffing Committee.

Upon receipt of a formal written grievance, the Chair of the Staffing Committee will need to take steps to arrange an extra ordinary meeting of the Grievance and Disciplinary Sub-Committee. The Clerk can arrange for the administration arranging the meeting. If the grievance is made by or about the Clerk, the Chair of the Committee should look to seek external professional support at this meeting. This will not be the Councillor making a decision or instruction on behalf of the Council as it is fulfilling a requirement of this policy.

### 3.3 Meeting or Hearing

The Clerk will hear all grievances of employees in the first instance unless the grievance is regarding the Clerk or is made by the Clerk. In such instances the initial grievance will be heard by the Disciplinary and Grievance Sub-Committee. In all instances any appeal will be heard by the Appeals Sub-Committee.

Generally, within a reasonable period of time e.g., five working days of receipt of a written complaint, the Clerk, line manager or Chair of the Committee (known as the Hearing Manager) will arrange a meeting with the employee.

The Hearing Manager will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions.

The Hearing Manager will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as they shall consider appropriate and take such steps as they shall consider necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance.

The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing, but the Committee may wish to make its own investigations through interviewing these individuals and/or other witnesses separately.

The Committee may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

It is not practical to expect the entire Staffing Committee to carry out an investigation into a grievance. The Sub-Committee would therefore hold a properly convened meeting to initially discuss the grievance with employee.

The Chair of the Grievance Sub-Committee should take the lead on investigating a grievance further, if deemed necessary by the Sub-Committee having heard the initial grievance, and report findings back to the Sub-Committee at a further properly convened meeting. The Sub-Committee will then discuss the investigation and findings and agree on a response to the grievance.

At any point in the above stages, external support should be sought where felt necessary to ensure a fair and just process is followed.

### 3.4 Response

The Hearing Manager will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. Councils which handle internal disputes effectively generally consider the options and costs in a timely fashion, then agree and publicise the workable solutions, monitor, review and learn from the experience. There may be some value in exploring Mediation as a way in which to resolve differences between two parties.

### 3.5 Appeal

If the employee is dissatisfied with the outcome of their grievance investigation, they may appeal against the decision by written notice within five working days of the decision. The Staffing committee will be convened by the Chairman to appoint at least three Councillors not previously involved to sit as an Appeals Sub Committee. Ideally all members of the staffing committee should be from the Staffing Committee, but if that is not possible other Councillors can be used. An appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

On receipt of the appeal the Council's Appeals Sub-Committee shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as the Sub-Committee shall consider appropriate without unreasonable delay. This will be a properly convened meeting of the Sub-Committee.

The Appeal Hearing Chair shall consider the issues and shall then take all such steps, as they may consider necessary to resolve those issues. The Appeal Sub-Committee decision will be final.

The Council will need to ensure that the Members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

### 3.6 Misconduct

If a grievance is deemed to concern the misconduct of another employee, the Council's Disciplinary Procedure will need to be referred to and separate investigations into the alleged misconduct carried out.

Where the grievance concerns the misconduct/breach of the Code of Conduct of a Member, the employee will be advised that if they wish they can lodge a formal complaint with the Monitoring Officer at South Gloucestershire Council, who will lead an investigation in any allegations made.

### 3.7 Right to be Accompanied

At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure, they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

### 3.8 Hearing panels

The Council establishes a Staffing Committee at each Annual Meeting. At least three members of this Committee will be delegated to hear the original grievance as the Disciplinary and Grievance Sub-Committee when not dealt with by the Clerk, due to being made by or about the Clerk. The appeal will be heard by three separate Councillors from the Committee or allocated from elsewhere if there are not sufficient on the committee who do not have a



prejudicial interest, they will sit as the Appeals Sub-Committee. Again, this Sub-Committee will be selected at the first meeting of the Staffing Committee of the Municipal year.

Where disciplinary action is taken against the Clerk or for some reason the Clerk is unable to be involved, the Council should look to appoint an external expert to assist throughout the process. This will not be the Chair / Councillor making a decision or instruction on behalf of the Council as it is fulfilling a requirement of this policy.

In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

### 3.9 Confidentiality

So far as is reasonably practicable, the Council will keep any grievance or complaint of harassment confidential between the Clerk, line manager, Committee investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

### 3.10 Record Keeping

In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 2018.

### 3.11 Grievances raised during Disciplinary Proceedings

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the Council or individual Members. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.