



## PERSONNEL POLICIES

CP13.01

Authorisation & last review as shown in the Policy Review Record CD08A

| CHANGE LOG                    |                                                                                                                                                                              |
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| v.1 27 <sup>th</sup> May 2025 | To consolidate various employment situations in conjunction with other Council Policies – Equality Policy CP08; IT & Internet Policy CP12; various contractual arrangements. |
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**I PURPOSE**

Grendon Underwood Parish Council (the Council) is mandated by statute to employ & pay for a Proper Officer and is therefore subject to all employment legislation imposed on employers. The Council employs one person to act as its Clerk, Responsible Finance Officer and, where appropriate, its Data Controller as mandated by GDPR legislation.

The Council recognises its duty of care to both paid, employed staff and unpaid, volunteer Members and that their consistent, effective collaboration and wellbeing require adherence to all relevant legislation related to being an employer.

This suite of Policies provides the framework within which Council will effectively manage and conduct its managerial and statutory obligations and its administrative arrangements in relation to the requirements of the relevant legislation such as to ensure its compliance as well as to provide a safe, fulfilling and constructive place of work for employees and Members.

Council has made every effort to ensure all relevant statutory requirements to which a council is subject are encompassed in this Policy but confirm that, in any event, those requirements apply whether or not they are incorporated herein.

This Policy has been drawn up within the context of other Parish Council Policies such as Freedom of Information Policy, Data Protection Policy, Document Retention Policy, Health & Safety Policy, Equality Policy, anti-Fraud Policy, Complaints Policy, Code of Conduct, Standing Orders, Complaints Procedure and every effort has been made to ensure this Policy is consistent with other Council Policies where relevant.

**NOTES:**

- While every care has been taken in compiling this information, Grendon Underwood Parish Council and the National Association of Local Councils cannot be held responsible for the content or any errors or omissions. This information is intended to provide a framework and general guidance for how Council intends to conduct its business. Professional legal advice should be sought for specific legal issues.
- Where anything is conflicted or omitted, Council accepts that the primary legislation takes precedent.
- Where the word “Member” or “Councillor” is used, unless the context suggests otherwise, the meaning is intended to include co-opted members, with or without voting rights.
- A ‘co-opted member’ is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee properly constituted by Council, by a majority of elected Councillors at a properly constituted meeting of Council and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.
- A ‘meeting’ is a properly constituted meeting of full Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- Where gender specific wording is used, meaning is intended to be gender neutral.

**II SCOPE**

This suite of Policies applies to all Members and Employees in all areas of Council business.

**III POLICIES****1. RECRUITMENT & SELECTION POLICY****1. Introduction**

The intention of the recruitment policy is to ensure that the Council can attract and retain high calibre candidates for enrolment to its mandatory employment position. It aims to attract the widest possible response to any such vacancy as it arises. The Council will ensure all candidates are made aware of these employment policies and other council Policies governing how they work with Members, such as its Equality Policy, CP08, and that they must have taken due regard of them before selection can take place.

Whilst accepting the employee must be a neutral arbiter of Council activity, Council recognises and will take due regard of the advantages of recruiting individuals with specialist knowledge and experience of local needs.

The selection process is of crucial importance in this policy and must, therefore, be carried out according to objective, job-related criteria. The Council will ensure that, through training as it deems appropriate, people making selection decisions will not discriminate, whether consciously or unconsciously, in making these selection decisions.

**2. Core Principles of the Recruitment and Selection Policy**

The Council is prohibited, under current legislation, to advertise posts internally only. Therefore, Council will advertise any vacancy to its website and notice boards within 1 week of any vacancy arising.

The Council as a whole is responsible for employee recruitment and will appoint at least two Elected Members, not to include the Chairman, to act as a recruitment panel and to conduct interviews. Their findings will be reported the full council at the meeting following the end of the recruitment process.

The Recruitment and Selection Policy will be implemented, at all stages, with regard to the Council Equal Opportunities Policy, the Equality Act 2010 and subsequent legislation. All persons involved in the recruitment process will be made aware of the above legislation and its implications.

All stages of the selection process will focus on the needs of the job and the skills needed to perform effectively those duties as specified in a Job Description, as also provided to the candidate.

Elected Members will ensure that questions they ask job applicants are not in any way discriminatory or unnecessarily intrusive.

All candidates with a disability that meet the minimum selection criteria will be invited to an interview.

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

**3. Recruitment and Selection Process**

As the only employed position would be to replace the Clerk, the full council will resolve to embark upon the selection process.

Council will nominate at least two elected members to carry out the selection process and provide an updated job description and an accurate person specification.

Advertisements will be placed to the Council website and notice boards to allow maximum exposure to all sectors of the community.

The Selection Panel will be given delegated authority by Full Council to conduct the Clerk's recruitment and will adhere to the steps described in this Policy.

The Panel will recommend a short list of candidates for interview.

The Panel will carry out interviews using the council approved interview form and this process will be followed for this recruitment exercise.

The Panel will recommend to the Council their preferred candidate with the final decision on the recruitment of the Clerk resting with Full Council.

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

**Job Description**

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

**Person Specification**

- A person specification will be prepared for every job description reflecting the skills and qualities required to undertake the job;
- Personnel specifications should be reviewed prior to the recruitment action. A standard format together with guidance on usage will be issued separately;
- Criteria contained in the specification should be strictly relevant to the requirements of the job. The criteria should not be unnecessarily restrictive so as to exclude particular disadvantaged groups, since this may be viewed as indirect discrimination and therefore unlawful;
- All stated requirements must be clearly justifiable in terms of the principal function of the job vacancy, literacy, numeracy, qualifications, age and educational level achieved;

**4. Attracting a Field of Applicants**

- Publicity material must reflect the Equal Opportunity Policy;
- Advertisements should be approved by the Council prior to being circulated in the public domain;
- Advertisements must be clear and unambiguous, so that applicants will be able to determine their own suitability.

**Application Forms**

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

**5. Short listing**

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

**6. Selection Interview**

- All those responsible for short listing and interviewing should receive that training the council deems appropriate and such training should include the equal opportunities dimension. No selection interview shall take place without the Selection Panel having been made aware of the relevant legislation;
- At least two Elected Members should sit on an interview panel for the post of Clerk having taken procedural and legal advice. Should any of these Members be unavailable the Council will resolve on who from within the Council should replace them. Interviews may also be attended by an applicant's advisory representative, on request and by agreement.
- Interviewers must keep an adequate record of the interview using exclusively the council approved interview form in order to be able to make a fair comparison between candidates;
- The applicant is entitled to make their own notes in any way they wish;
- In determining whether or not a candidate is to be progressed to the next stage, interviewers may only consider factors relevant to the job requirements. If for any reason a candidate does not possess a certain requirement for a job, but is nevertheless short listed for interview, the candidate should not be subsequently declined solely on the grounds of not possessing that requirement. Reasons for unsuccessful candidates should be recorded for incorporation into the recruitment monitoring process;
- All application forms and interview forms should be kept for six months after the end of recruitment action. Annual monitoring forms should be kept indefinitely;
- If any member of an interview panel feels that discrimination has occurred in the selection process, the matter must be reported immediately to the Chairman of the Council. No selection decision should be made until the issue is resolved;
- Candidates of all ethnicities/ethnic backgrounds should not be asked questions that could be seen as directly or indirectly discriminatory, e.g., questions which test their understanding of 'U.K. Customs'. Neither should their fluency in the English language be used as a selection criterion unless it is a bona fide requirement of the job;
- Selection decisions must not be influenced either by the traditional racial or sexual profile of the previous post-holder;
- Informal interviews must not take place unless they are clearly part of the approved or agreed selection process for all short-listed candidates.

**7. Letters of Appointment**

- All appointments will be subject to receiving two satisfactory references, one of which must be from the most recent Employer or educational institution. If satisfactory references are not received, the Council may terminate the employment relationship.
- Appointment letters must make clear the appointment is subject to the receipt of satisfactory references and that council will request these directly from the applicant's nominated contacts in the application form.
- Appointment letters should contain the following statement: "As an Employee of the Council you will be required actively to pursue the Council's policies on Equal Opportunities and Race Relations and to undergo any training associated with this";
- The appointment letter should also be accompanied by a copy, which the applicant is required to sign and return to indicate acceptance of the job offered, and which is retained in the personal record. This should include the following: "I have read and understood the Council's Equal Opportunity Policy, and acknowledge

that the offer of employment is made subject to my agreement actively to pursue that policy during the course of my employment and to undergo any training associated with this";

- Letters to unsuccessful candidates should not enter detail reasons for non-selection. Unsuccessful candidate letters should also indicate to candidates the council email address of the person to contact if further information or feedback is required. All responses to be exclusively in writing by email after approval by council. No verbal discussions will be entered into.;
- Reasons for non-selection may be given to candidates if requested, at the discretion of council. The reasons will be those stated on the recruitment selection form and conveyed in writing only.

## **8. Records**

- All records of job applicants and interview notes should be kept for a minimum of 12 months. These must be held in accordance with the Data Protection Act 1998, which requires records to be accurate and stored confidentially.
- Every individual who decides to leave the Council will receive an exit interview. The results of the interview can be used as feedback into the business to enhance staff retention.

## **9. Staff Retention and Development**

- The Council's strategy is to ensure all staff remain motivated in the working environment. This is done by way of an annual face to face review, where personal progress is discussed along with the individual's requirements to further enhance their work and working environment and where everyone has their input listened to and where they are clearly informed of new or modified requirements.
- Additional ad hoc meetings may be convened at the request of either party.
- Staff development is enhanced by the way of regular internal/external training courses on subjects that are relevant to the business and also to personally develop their own working skills.

## **10. Monitoring**

The Full Council is accountable for the Recruitment and Selection Policy and its execution. The Council will monitor the implementation and effectiveness of the policy, and provide change recommendations as they arise.

## **2. REFERENCE POLICY & PROCEDURE**

### **Introduction.**

References become necessary in several circumstances:

- **When employment references are requested by third parties**
- **When recruitment references are required under Council's own recruitment policy.**
- **When selecting Suppliers.**

### **2.1 Employment References from Council Requested by Third Parties.**

- Please note the Council is under no statutory, or other form, of obligation to provide a reference to any current or ex-Employee of the Council.
- In the event that a reference is provided, it is the Council's duty to ensure that the Council provides an honest, true and factual Employment References, given in an objective, impartial and un-biased manner.
- Whilst every effort is made to ensure that a reference is provided in an objective, factual and accurate manner, the Council does not accept liability for a perceived omissions, faults or inaccuracies which an Employee may feel are contained within a reference concerning themselves, which has been provided by the Council.
- Employees who request a reference from the Council's Management can also request to view the response before it is sent to any third party, to ensure that inaccuracies can be corrected. This does not however, entitle the Employee to request that the information contained within a reference is altered or amended to create what is believed by the Management of the Council, to be a false and misleading reference. Should the Council and the Employee disagree on the contents of a reference, the Council's Management reserves the right to withhold providing the reference.
- The Council will only respond to References requested in writing, and will only respond following confirmation with the Employee concerned. All References will be treated with confidentiality.
- The Council will comply with all its statutory obligations under the Data Protection Act 1998, and all other relevant legislation concerned with the storage, processing and distribution of personal data concerning any current or previous Employee. Personal Data will only be released following receipt of written confirmation from an Employee that they are happy and willing to waive their statutory rights under the Data Protection Act 1998, to allow the Council to provide personal data to third parties.
- Information regarding attendance, sickness record, disciplinary record, domestic arrangements, or interpersonal skills of an individual will not be provided in a reference, unless specifically requested by the individual to whom such data concerns.
- The Council does not supply open References for departing Employees, or give any References by telephone.

**2.2 Experience References Requested under Council Recruitment.**

References will constitute a core element of the council recruitment procedure, detailed in 1. above.

Council will require at least two references, in writing, regarding the previous, employment, experience and interests of successful candidates for the council employee.

The references may be held confidentially from the applicant should the provider request.

References will be held securely by Council under GDPR legislation.

**2.3 Supplier References Requested under Supplier Selection.**

References are a core part of the Council Procurement Policy – see CP15.

Council will request references from previous users of selected suppliers for good and services offered contracts in excess of £500.

The council may decide to exempt suppliers from the references requirement if the Council has excellent experience of the supplier or if the supplier is on the council Preferred Supplier list.

**3. EQUAL OPPORTUNITIES POLICY STATEMENT & PROCEDURE – ref NALC LTN78****Introduction.**

Under the Equality Act 2010 it is unlawful to discriminate against an individual on the following grounds:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.
- trade union membership.

These are known as “protected characteristics” in section 4 of the 2010 Act. Section 149 of the 2010 Act imposes a Duty on Parish Councils to take into account:

- The need to eliminate discrimination and harassment, victimisation and any other conduct that is prohibited by or under the Act;
- To advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- To foster good relations between those who share protected characteristics and those who do not.

**Definitions**

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

**PURPOSE**

The purpose of this policy is to provide equal opportunities to all employees, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken).

Council opposes all forms of unlawful and unfair discrimination whether it be direct or indirect discrimination, victimization or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

**SCOPE**

- All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally.
- Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of merit, aptitude and ability.
- All employees will be helped and encouraged to develop their potential to the fullest extent of their talents and resources available to them to maximise the efficiency of the council.

**AIMS & OBJECTIVES**

- All Members, Employees and applicants to be made aware of this Policy and will be given fair and equal treatment in all opportunities in employment rights regardless of any protected characteristic above.
- All persons to be treated with dignity and respect in an environment free from all forms of discrimination, intimidation, harassment, bullying and victimisation.
- A commitment to equal opportunities in the workplace being good management practice and sound business sense as it seeks to utilise the talents available from the local community, representing Society as a whole.
- To select, recruit, develop and promote the very best people through objective assessment based solely upon suitability for the job.
- Any complaints of this nature will be fully investigated and treated with the strictest confidence and, if so proved as to breach this Equal Opportunities Policy, will be regarded as serious misconduct and could lead to disciplinary proceedings.
- Employees are entitled to complain about discrimination or harassment or victimization through the council's Grievance procedure in Section 5.
- This Policy is fully supported by all Members of the council and is incorporated into the council employment contract.
- The Council is directly responsible for the actions of its Employee as well as for their protection from harassment and discrimination. As such, the Council takes an active role in protecting those for whom it is responsible.

### **Implementing the Objectives**

#### **I. Recruitment and Selection**

- All positions are open to all individuals who have the required level of skill, knowledge and / or experience.
- All job adverts are to be Council approved and placed in locations serving a diverse population.
- All job applicants are to be made aware of this and related Policies as published to the council website as well as a standardised for all applicants' job description to enable them to assess their suitability for the position.
- All individuals appointed to the employed position will receive the same terms and conditions.

#### **II. Training – see Section 5**

- Appropriate training on and off the job will be accessible to all Employees as may be available from time to time. All Employees will be encouraged to take advantage of all relevant training opportunities.
- Where an individual is returning to a job following a prolonged absence, additional training and support will be offered as may be available from time to time.
- Where a position changes due to technology and / or reorganisation, appropriate training and support will be offered to the affected individuals as may be available from time to time.

#### **III. Health and Safety – ref Council Health & Safety Policy CP11**

- Discrimination, intimidation and harassment can seriously compromise Health and Safety in the work environment. As such it is the responsibility of anyone who becomes aware of such activity to bring it to the attention of the Chairman, quickly and discreetly (or another Member if the incident involves the Chairman). All reported incidents will be treated in confidence subject to legal requirements.
- Management will work with disabled Employees to ensure their Health and Safety in the workplace through objective assessments of the safety of their working environment and where appropriate offering alterations / adaptations to the position, or examining the possibility of alternative work given due consideration that any resolution will incur a fiscal risk to public money.

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

- Ability, motivation, commitment, past experience and qualifications are the qualities used to determine an individual's promotion potential.
- Development and training will be offered to all suitably motivated individuals where such opportunities exist.
- Length of service will not determine suitability for promotion as it can indirectly discriminate against those who may have had long term illnesses or career breaks or are employed on a fixed term basis.

#### **V. Discipline and Termination of Employment**

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

### **Monitoring & Review.**

The Policy will be monitored and reviewed at the annual meeting of council together with other personnel related policies and updated to ensure it conforms to all relevant legislation.

In the event of an alleged breach of this Policy, Council will nominate an Elected Member to initially conduct an informal investigation to determine if there is a case worthy of further investigation. Should the initial, informal investigation find that action needs to be taken, the Council will act in accordance with its formal disciplinary procedure, as detailed in its Employment Contract.

**4. EXPENSES****4.1 CLERK'S EXPENSES**

The Clerk will be able to claim the following out of pocket expenses subject to Council authorisation prior to the expense being incurred and supported by receipts:

- stationery, postage, printing costs and other office consumables by agreement.
- all necessary computer software or upgrades to that supplied by Council as required to fulfil council business.
- travelling and associated travel expenses incurred on journeys on council business - to include public transport fares, car mileage at the current Inland Revenue non-profit making rate and parking fees.
- expenses arising from the Clerk's choice to work from home rather than at the council place of work will not be eligible for re-imbursement.
- other expenses which may include overnight accommodation and meals will not be authorised by Council and will not therefore be eligible for re-imbursement

**4.2 COUNCILLOR EXPENSES**

Parish Councillors are unpaid volunteers and do not receive an annual allowance. They are entitled to claim the following out-of-pocket expenses when supported by receipts:

- travelling and associated travel expenses on journeys on council business - to include public transport fares, car mileage at the current Inland Revenue non-profit making rate and parking fees.
- other expenses which may include overnight accommodation and meals incurred in the performance of Council business provided they have been approved by the Council prior to incurring the expense.
- items purchased specifically at the direction of the Council. Councillors should make every effort to obtain a VAT receipt in the name of the Council and pass this to the Clerk.

**5. TRAINING POLICY FOR EMPLOYEES**

- Council will provide on the job training, as deemed necessary, to supplement existing skills and experience by way of shadowing, mentoring and observation.
- In addition, Council will require employee participation in third party training as it may become available from time to time. This will be subject to out-of-pocket expense re-imbursement.
- The employee may also request support for third party training as it may be made known to the employee. The council decision is discretionary and final.
- Where an individual is returning to the Council following a prolonged absence, additional training and support will be offered.
- Where a position changes due to technology and / or re-organisation, appropriate training and support will be offered to the affected individuals.

**1. Procedure**

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

- a) The Council, in collaboration with the employee, will identify any training need and the method of study which is most appropriate to achieve council objectives.
- b) The employee is encouraged to attend any courses that the council feel will benefit the carrying out of employee duties and reduce stress levels in achieving them.

**2. Financial support**

The employee may claim any out-of-pocket expenses, including course fees, travel and subsistence incurred by attending council approved third party training on the council approved expense claim form.

The Council expressly reserves the right to recover from the employee all costs and fees so incurred should the employee leave council employment within 6 months of receiving expenses or use the training, either in whole or in part, to the benefit of another employer.

The council is not in a position to support any extended course of study, books or study materials or examination fees.

**3. Study Leave**

The Council is not authorised to incur public money expense on paid study leave.

**4. Practical experience and training records**

The Council will provide opportunities for the employee to obtain practical experience covering a wide range of situations. It will introduce the employee to a variety of tasks and provide the necessary software and documentation to successfully carry out council processes and procedures.

The council will require any Training Records or any other training record specified by The Council, available to The Council when requested.

## 6. APPRAISAL SYSTEM

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

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

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

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

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

### **Procedure**

Appraisals take place in NAME OF MONTH. Appraisals follow a standard format and a report is produced to reflect an accurate summary of the discussion.

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

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

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

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

## 7. MANAGING STRESS IN THE WORKPLACE POLICY

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

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

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

- The Council must look out for changes in the behaviour of Employees, as this may be an indication that they are suffering from stress.
- The Council should be supportive and treat any Employee who says they are suffering from stress compassionately.
- Be prepared to offer additional support, whenever necessary.

**Employee Responsibilities:**

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

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

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

**Scope**

This policy applies to all Employees of the Council.

**Purpose**

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

These are our core principles:

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

**Absence Definition**

This policy refers to sickness absence that may or may not be paid. Sickness can be defined as: *Incapacity to carry out the duties and responsibilities which the Employee is contractually obliged to do because of their own illness or accident.*

**Reporting Sickness**

The general procedure for reporting sickness is:

The Employee must notify the Chairman, by email on the day of absence that they are absent due to sickness and that they are unable to get to work.

The Chairman may contact them to discuss expected return dates.

When contacting the Council Employees must provide the following information:

- When you became ill
- The broad nature of your illness (e.g. sickness, diarrhoea, Chest infection)
- Whether the illness is due to an accident or injury at work
- Whether you will be seeking medical attention
- The likely date of return (if known)

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

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

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

After the Employee has notified the Council of the absence, the Clerk will record the Employee's absence in their personnel file.

On the Employee's return from sickness of less than 7 days a Self-Certification Form must be completed, signed by their Manager as soon as practically possible.

If the Employee's sickness exceeds 7 days a Fit Note must be provided no later than the eighth day of absence. If subsequent fit notes are required these should be with continuous dates and forwarded to Management no later than the previous fit note expired otherwise pay may be affected.

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

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

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

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

For periods of sickness that exceed 7 calendar days (including weekends and Bank Holidays) a Fit Note completed by a qualified medical practitioner must be submitted to the Clerk.

#### **Fit Notes**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Maintaining Contact**

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

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

The Employee should keep the Clerk informed throughout the period of absence, initially on a daily basis unless their expected date of return is known.

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

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

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

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

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

If the Employee appears to have a health problem, the Council may ask for the Employee's permission to obtain a medical report from their GP or specialist, or to arrange a consultation with an Occupational Health Consultant.

If there is no identifiable reason for so many absences, the Employee will be advised that disciplinary procedure may result if attendance does not improve.

**Disability**

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

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

**Access to Work**

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

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

**Withholding Sick Pay**

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

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

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

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

**Grounds for Formal Disciplinary Action**

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

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

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

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

**Managing Absenteeism and Sickness**

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

However, unnecessary and unmerited absenteeism, unrelated to long term health problems, causes disruption, affects staff ratios and damages morale. The Council has a statutory duty to address unacceptable and unexplained absenteeism through Formal Disciplinary action.

**8 CAPABILITY PROCEDURE**

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

There can be reasons for poor job performance other than misconduct. In the interests of dealing with such problems fairly and consistently, the Council has set out the following procedures, which are not part of the disciplinary procedures that apply to misconduct.

The Council recognises its responsibilities for Employees and duties under the Health and Safety at Work Act 1974 and the Equality Act 2010, to manage issues relating to staff capability sensitively, in so far as is reasonable and able to do so. These procedures will be adopted in the interests of fairness for the Management and support of Employees who, due to capability are unable to attend work. Such systems should assist the Employee in making a return to work, in so far as it is practicable.

Capability is dealt with by the Council under 2 headings:

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

**Procedures****Managing Performance - Investigation**

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

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

Incapacity/poor performance will arise where you have been set realistic targets and objectives and cannot achieve them through no fault of your own. (An example of incapability is failure due to medical conditions).

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

At each stage of the procedure and as specified below you will normally be interviewed by the Clerk to review the relevant factors.

At any interview or an appeal meeting, you will have the opportunity to state your case and will be encouraged to do so. You also have the right to be accompanied by a work colleague, or recognised Trade Union Representative. Legal representation will not be permitted; the Council Capability Procedure is an internal process and will be conducted as such.

All warnings will be confirmed in writing.

**Stage One: Training and Supervision**

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

- Appropriate training in-house and/or externally sourced, if this has not already been done.
- More frequent supervision and support
- Assessment of the post to ensure the role is not inconsistent with your selection for the appointment.

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

**Stage Two: First Written Warning**

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

- The reason for the warning;
- The level and improvements in performance required;
- A realistic time limit for achieving that performance;
- The form in which monitoring will take place;

- That the consequence of failure to achieve and maintain the improvement would result in a final written warning being given;
- The duration of the warning held on your personnel file;

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

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

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

### **Stage Four: Dismissal**

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

### **Appeals**

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

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

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

### **Managing Attendance:**

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

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

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

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

### **Short Term Sickness Absence**

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

### **Long Term Sickness Absences**

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

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

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

### **Stage One:**

The Council will:

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

**Stage Two:**

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

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

The Council will:

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

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

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

**Stage Three:**

The Council will:

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

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

**Stage Four:**

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

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

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

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## **9 COUNCILLOR/OFFICER RELATIONSHIPS**

**Introduction.**

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

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

**How the Relationship Works.**

- a) Councillors are responsible to the Electorate as a whole, whilst Employees are responsible to the Council as a whole. The role of Employees is limited to giving advice to Councillors and help them carry out council work.
- b) Council business will be conducted more effectively if there is mutual respect and courtesy in all meetings and interactions, both formal and informal, between Councillors and Employees.
- c) Where Councillors have concerns about individual Employees, or Employees have concerns relating to individual Councillors, these should be pursued with the Chairman or another Councillor if the concern is about the Chairman.

- d) Any formal disciplinary action will only be initiated by the Full Council. No individual Elected Member has the ability to unilaterally initiate formal disciplinary action.
- e) If an Employee has a concern or a grievance or wishes to comment on Council policy so far as it affects them as an Employee, they should take the matter up with the Chairman initially, in confidence if necessary, so long as all discussions are fully documented. The Chairman may decide to raise the matter to an agenda item for full council but should this not be acceptable to the employee, the employee may request the Chairman to initiate the formal Grievance Procedure or raise it to an agenda item as appropriate for full council to consider.
- f) Councillors and Employees of the Council have a duty to conduct themselves in a professional and impartial manner, in accordance with the stated aims and requirements of the Council.
- g) No individual should conduct themselves in a manner which is unfavourable to the reputation or stated interests of the Council, or could be interpreted as favouring third party interests against those of the Council.
- h) Councillors' concerns regarding procedural matters relating to any Council business should be placed on the agenda of the next full meeting of Council employee concerns should be taken up with the Chairman, initially on an informal basis, as above.
- i) Employees are employed by the Council as a whole, and are directed by the Full Council, committees and working groups alone, not by individual Councillors.
- j) The Clerk may execute certain actions to implement resolutions made at meetings under delegated powers, subject to the power being delegated by full council and minuted with the reasons why. No Employee shall take action upon the instruction of an individual Councillor.
- k) Should an Elected Member be called upon to discuss or debate any aspects of an Employee's employment with the Council, and they genuinely believe that they have an interest in that Employee, such as an involvement with them outside of the Council, they should declare the matter in accordance with the Council's Standing Orders.
- l) All Councillors have a right of access to the Clerk, during normal working hours. Where a Member requires information, it will be provided if it is available or if the Clerk can readily obtain it. The Clerk is not a 'gatekeeper' such as to prevent or refuse a councillor access to any council information, as provided to the Clerk as the public interface of the council, even if such provision has been provided subject to a confidentiality requirement.
- m) The Clerk is free to give advice on a confidential basis about procedural matters to any Councillor so long as the Councillor does not act on behalf of the council based on such advice. In doubtful cases the Clerk should seek advice and instruction from the Chairman or other appropriate Councillor before responding.
- n) Councillors should not raise matters relating to the conduct or capability of Employees at meetings held in public or before the Press, as Employees have no means of responding to the same in public, and such conduct could breach the trust and confidence the Employee is entitled to expect from the Council as their Employer.
- o) If any Councillor feels they have not been treated with the proper mutual trust, respect or courtesy or has any concerns about the conduct or capability of an Employee, they should raise the matter, in private, with the Chairman.
- p) Councillors should be aware that Employees are constrained in the response they may make to public comment from Councillors and should not abuse officers in public or through the press nor seek to undermine their position by abuse, criticism or ridicule. In meetings, the Chairman should be vigilant in discussions which may become abusive towards an Employee and must protect that Employee
- q) Councillors and Employees should work together in a healthy environment for engendering mutual trust, openness, honesty, fairness, transparency, respect or courtesy.

### **Conclusion**

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

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

## **10 SMOKE FREE POLICY**

### **Purpose**

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

### **Policy**

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

The Council mandates that all workplaces are smoke-free, including Council vehicles and all enclosed workspaces. Dangerous exposure is not prevented by the separation of smokers and non-smokers or by the deployment of ventilation or air conditioning.

**Implementation**

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

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

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

**Policy review**

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

**Non-compliance**

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

**NHS support**

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

**11 DRUG & ALCOHOL ABUSE POLICY****Introduction**

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

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

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

**Assistance For A Member Of Staff**

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

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

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

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

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

- Where a member of staff fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the Disciplinary Procedure;
- If the process of referral and treatment is completed but is not successful, and failure in work performance or behaviour occurs, these will be dealt with through the Disciplinary Procedure; and
- A member of staff's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of the Council at that time.

**Procedures**

The procedures define management responsibilities and provide guidelines on:

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

**Use of External Agencies by the Council**

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

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

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

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

**Disciplinary Action**

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

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

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

**Situations Where Use Of The Disciplinary Procedure Is Appropriate****Recognition of the existence of a possible alcohol or drug abuse problem**

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

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

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

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

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

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

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

If a positive diagnosis of an alcohol or drug abuse problem is made, and the member of staff agrees to co-operate in

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

The Occupational Health Service provider / Council Approved Doctor will advise on whether a situation has been reached where there is a lack of progress with treatment or lack of co-operation by the member of staff. Members must review the facts and consider whether or not there needs to be a return to the use of Disciplinary Procedures.

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

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

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

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

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

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

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

These steps cannot be taken without the co-operation of the member of staff. If the member of staff does not wish to co-operate, no further action should be taken. Should a member of staff take up the opportunity of assistance on this voluntary basis there need be no further formal involvement of Management in terms of action or the right to learn of progress with treatment. It may be however that the member of staff would wish, or agree to, further involvement of Management as a means of assisting progress with treatment.

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

## **12 MOBILE PHONE POLICY**

### **Introduction.**

The Council does not encourage the use of mobile phones during working hours either for council or private business unless essential for emergency or immediate response.

All council communications should be by email to ensure good record keeping, transparency and accountability.

**Scope**

This policy applies to all Employees of the Council who are required to abide by these guidelines wherever possible.

**Responsibilities.**

Safety at work is a dual responsibility for both the Council and the Employee.

If Employees ignore the Mobile Phone Policy recommendations, they may be considered **personally** negligent should an incident occur or what they say is construed, rightly or wrongly, as coming from the Council and acted upon accordingly and may also be subject to a criminal prosecution.

**Mobile Phone Procedures - Users**

a) Council Phones - Council mobile phones are not provided to Employees for the purpose of conducting business for the Council and must not be considered as an essential part of the role of the Employee.

b) Personal Phones - Council accepts mobile phones are a useful tool when accessing information, websites or media necessary for council reference where hard copy access is not possible. However, phone should be on silent or disabled for voice calls when representing the Council in meetings, in sensitive areas or areas where you are asked to do so, i.e., hospitals, communications rooms etc.

Make the Chairman aware if you are receiving unwelcome or persistent calls, at work, where this inhibits your ability to do your job or causes a health and safety risk to you.

Do not use voice communications in public places for council business and guard against eavesdropping.

**13 INTERNET POLICY AND PROCEDURE**

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

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

**Email**

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

You should ensure that your correspondents know that they should not send you "humorous" or illegal attachments such as pictures or executable programs. Personal emails should be dealt with outside of normal office hours and all external non-work related email messages should be deleted on receipt. Anyone found with offensive or pornographic material on his or her computer will be subject to investigation, which could result in disciplinary action and dismissal for gross misconduct.

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

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

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

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

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

**Guidance for appropriate use**

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

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

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

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

**Inappropriate use**

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

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

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

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

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

**Internet access**

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

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

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

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

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

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

- 1 Unauthorised or inappropriate use of the Internet, Email and Social Networking Sites may result in formal disciplinary action which could include dismissal.
- 2 The Council will not tolerate the use of E-Mail, Internet or any Social Networking Site by Employees for unofficial or inappropriate purposes, including:-

- i) Any messages produced by Employees, either during or outside of normal working hours that could constitute bullying, harassment or other detriment to colleagues, our business or anyone associated with the business.
- ii) Personal use during working hours (e.g. social invitations, personal messages, jokes, cartoons, chain letters or other private matters)
- iii) On-line gambling.
- iv) Accessing or transmitting pornography.
- v) Transmitting copyright information and/or any software available to the user.
- vi) Posting confidential information about other Employees, the Council or its customers or suppliers.
- vii) Posting any comments, opinions, views or remarks, either during or outside of normal working hours, which could be considered detrimental to the Council, its Employees, customers, suppliers or anyone else connected to the business, or bring the Council into disrepute.

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

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#### **14 FLEXIBLE WORKING TIME REQUESTS**

Employees with six months continuous employment are able to request an adjustment to their working hours under certain circumstances.

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

1. The additional costs to the public purse.
2. Reduced ability of council to carry out its statutory duties in the interests of residents.
3. Reduced ability to carry out council business lawfully and in a timely fashion.
4. Potentially damaging effects upon the quality of work produced.
5. Potentially damaging effects upon performance.
6. Inability to recruit extra staff to provide cover.

Requests to change working hours must be made in writing to the Chairman who may refer it to full council to convene a meeting with the Employee making the request, and providing a written response to them should take no more than 28 days.

If the Employee who made the request is unhappy with the decision, they must address the issue through the Council's grievance procedure.

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#### **15 WHISTLE BLOWING POLICY & PROCEDURE**

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

This policy applies to all Employees of the Council and other workers including temporary, subcontracted and agency workers.

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

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

Issues which fall under this policy include:

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

**The Council's Guarantee**

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

- The Council will treat their concern seriously and act according to this policy. They will not be asked to provide anything about the allegation they raise, but they must reasonably believe that the information they have tends to show some malpractice. If an Employee asks for a matter to be treated in confidence, the Council will respect their request.
- Employees should raise their issues with their immediate Manager. There are no specific requirements to do this. They can inform their Manager verbally or in writing if they prefer.
- If they feel that they cannot deal with their Manager, for whatever reason, they should address their concerns to the Chair of the Council.

**How the Council will respond**

- Once a concern has been raised the Council will decide how to respond in a responsible and appropriate manner under this policy. Usually this will begin with internal enquiries, but may progress to either a formal or informal investigation, depending upon the nature of the concern. The Council will endeavour to complete the investigation within a reasonable time scale.
- The investigation may be conducted by the Clerk alone, or a team of three Councillors, selected by the Full Council, depending upon the nature of the concern.
- The Council will keep the Employee informed of the progress of the investigation. However the Council will not be obliged to reveal information which would infringe the confidentiality of others, the Data Protection Act or any other Statutory obligation.

**Raising your concerns externally**

- The purpose of this policy and procedure is to give Employees the opportunity and protection they need to raise concerns internally. The Council would expect that in almost all cases, raising concerns internally would be the most appropriate action to take.
- However, if for whatever reason Employees feel that they cannot raise their concerns internally and reasonably believe that the information and allegations are substantially true, they can consider raising the matter with the appropriate regulator, such as the Standards Board or Association of Local Councils.
- Public Concern at Work is an independent charity whose main objective is to promote compliance with the law and good practice in the public, private and voluntary sectors. They can be contacted at [www.pcaw.co.uk](http://www.pcaw.co.uk)
- If you have any questions regarding this policy and procedure, please feel free to discuss the matter with the Chair of the Council.

**16 HOME WORKING POLICY & PROCEDURE****The Council's lone workers fall into the following two groups:**

1. People in fixed establishments where:
  - Only one person works on the premises, e.g. the Council Offices.
  - People work separately from others.
  - People work outside normal hours.
2. Mobile Workers working away from their fixed base:
  - Service workers, e.g. cemeteries, parks, street cleaning.

**Safe working arrangements for lone workers**

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

**The Risk Assessments will address:**

- 1 Can the risks of the job be adequately controlled by one person?
  - Is there a safe way in and a way out for one person? Can any temporary access equipment which is necessary, such as portable ladders or trestles, be safely handled by one person?

- Can all plant, substances and goods involved in the work be safely handled by one person?
  - Is there a risk of violence?
  - Are women especially at risk if they work alone?
  - Are young workers especially at risk if they work alone?
- 2 Is the person medically fit and suitable to work alone?
  - 3 What training is required to ensure competency in safety matters?
  - 4 How will the person be supervised?
    - Supervisors periodically visiting and observing people working alone?
    - Regular contact between the lone worker and supervisor using either a telephone or radio?
    - Automatic warning devices which operate if specific signals are not received periodically from the lone worker, e.g. systems for security staff?
    - Other devices designed to raise the alarm in the event of an emergency and which are operated manually or automatically by the absence of activity?
    - Checks that a lone worker has returned to their base or home on completion of a task.
  5. What happens if a person becomes ill, has an accident, or there is an emergency?
    - Lone workers should have access to adequate first aid facilities and mobile workers should carry a first aid kit suitable for treating minor injuries.
    - Occasionally risk assessment may indicate that lone workers need training in first aid.
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## **17. BULLYING AND HARASSMENT POLICY AND PROCEDURE**

### **Purpose**

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

### **Statement**

The Council recognises the right of every individual to be treated with dignity and respect and to work in an atmosphere free of bullying and harassment.

### **Principles**

The Council is opposed to bullying or harassing behaviour in the work place and will respond seriously, sensitively, confidentially and fairly to any allegations of such behaviour.

The Council recognises that bullying or harassing behaviours in the workplace are not only damaging to the individual recipient(s), but that they are also damaging to the Council.

All Employees and Councillors are responsible for ensuring that their own behaviour is sensitive to others and for ensuring that they do not condone or support the bullying or harassing behaviours of others.

Councillors are responsible for leading by example and will be expected to treat their staff and other Members with respect, dignity and sensitivity. They are also required to comply with the Local Government Association Code of Conduct which states:

### **General Conduct**

#### **1 Respect**

As a Councillor:

Treat other Councillors and members of the public with respect.

Treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

## 2 Bullying, harassment and discrimination

As a Councillor:

Do not bully any person.

Do not harass any person.

Do not discriminate unlawfully against any person.

### Definitions Of Bullying And Harassment

**Bullying** may be characterised as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient

**Harassment**, in general terms, is:

Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, sexual orientation, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

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

### Procedure

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

Complaints of bullying and harassment will be investigated by the Staffing Committee, and if deemed necessary, will conduct appropriate formal grievance and disciplinary action, or in the case of the problem having been caused by an Elected Member, recommend to Full Council whether or not to refer the problem to the Monitoring Officer at the principle Authority.

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

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

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

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

Acts of bullying and harassment by Employees are considered to be Gross Misconduct by the Council and would usually result in dismissal.

If a Councillor is found to have been guilty of bullying and harassment, the Council will take all appropriate action available to it within the current statutory framework, to resolve the problem. Any Formal Grievance complaint, which concerns the conduct of a Councillor, will be addressed as a Code of Conduct complaint by

the Council and will be referred to the Principal Authority's Monitoring Officer. This Council will not address the Employee's Formal Grievance against an Elected Member. It will be addressed by the Monitoring Officer.

## **18 ILLNESS AND STATUTORY SICK PAY**

Employees should report all accidents immediately, or as soon as possible, to the Clerk or HR Committee; or whoever is deputising in their absence.

In the event of time off due to illness:

1. Notification should be given as soon as possible during the first day of incapacity.
2. Employees need to complete a Council Sickness Self-Certification Form after 3 consecutive days of sickness absence.
3. A GP's Statement of illness is required after seven consecutive day's absence.
4. Unacceptable absenteeism will be addressed through disciplinary procedure.

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

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

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

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

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

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

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

**Medical Appointments:** Staff are required to make GP and Dentist appointments outside of normal working hours. Staff attending hospital appointments are required to show an appointment card to the HR Committee prior to attending the appointment.

## **17 HOLIDAY ENTITLEMENT**

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

Part time staff entitlements are pro-rata those of full time staff.

All holiday requests will be considered by the Chairman, depending upon:

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

The Council's holiday year runs from 1<sup>st</sup> April to 31<sup>st</sup> March each year. No unused entitlement can be carried over into the following year. In the event that an Employee has been prevented from using their full holiday entitlement because of reasons outside of their control, they need to discuss their concerns with the Clerk or HR Committee.

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

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

#### **Extra Statutory Holidays**

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

For hourly paid staff all holiday will be based on average weekly earnings.

For salaried staff all holiday payments will be based on the salary detailed in clause 8.

## **20 MATERNITY LEAVE – pro-rata**

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

Statutory Maternity Pay will be paid for the first 9 months if the Employee's average weekly wage exceeds the National Insurance lower earnings limit and have been employed for a period of 6 months at the 15th week prior to the due date of the birth of their child. Employees need to discuss all arrangements with their line manager prior to beginning this leave, including providing the Clerk/Council with a copy of the MAT B1 by week 16 of the pregnancy.

The remaining three months Additional Maternity Leave is optional and unpaid.

Employees will need to give the Clerk/Council 8 weeks prior notice if they wish to return to work early from Maternity Leave within the first nine months.

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

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

## **21 ADOPTION LEAVE**

Employees with more than six months continuous employment (by the week in which an approved match with the child is made) are entitled to 39 weeks paid Adoption Leave. Employees with more than 12 months continuous employment (by the week an approved match with the child is made) will be able to take an additional 13 weeks of adoption leave, and return to work at any time up until the end of 52 weeks from the Sunday before the child was placed for adoption. Statutory Adoption Pay (SAP) is payable for a maximum of 39 weeks.

Whilst on adoption leave, 'Keeping in Touch' days will allow employees to do up to 10 days work (with pay at their normal rate) without ending that leave or affecting the right to Statutory Maternity Pay. Work can include training and any part of a day equates to one day.

Employees with more than six months continuous employment are entitled to attend up to 2 adoption appointments with their partner after they have been matched with a child.

**22 BREASTFEEDING / EXPRESSING MILK POLICY****Purpose**

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

**Legal background**

The Council takes its obligations under health and safety legislation seriously and views the welfare of its employees as a priority. An element of this is to carry out risk assessments where it is deemed that an employee's role may pose a risk to their welfare. Risk assessments will always be carried out in respect of employees who have returned from maternity leave and are breastfeeding/expressing milk.

Risks identified must be addressed. The Council will seek ways to eliminate the risk fully or alternatively a reduction in the risk where this is acceptable. Adjustments will be made to the employee's role in order to eliminate or reduce the risk for the period that the employee continues to breastfeed/express milk.

If no adjustments can be made which have the desired effect, the Council will seek suitable alternative work to be offered to the employee on a temporary basis until the risks are removed or breastfeeding/expressing milk ends. Maternity suspension on full pay will be the last resort should no alternative work be available.

The risk assessment will focus on all relevant areas including physical, biological and chemical agents and any operational methods adopted by the Council.

**Provision for expressing milk at work**

Employees who are breastfeeding/expressing milk at work should, wherever possible, do this during their contractual rest breaks (e.g. lunchtime). If this is not possible a time should be agreed between the employee and the line manager.

Private facilities for breastfeeding/expressing milk will be provided. If milk is to be kept in a communal fridge, it must have a clearly visible label.

**Time off to breast feed**

An employee may make a request for flexible working in order to take time off for the purposes of breastfeeding her baby. This may be the case if the baby is on the premises at the Council crèche, for example). However, the Council policy is to agree a permanent change to working hours as a result of a flexible working request and therefore this may not be in the employee's best interests.

Any other arrangements regarding time off for the employee to breastfeed must be discussed and agreed in advance with her line manager. The arrangements must be reviewed and a date of the review set if working hours have been reduced as part of the arrangements.

**Dismissal**

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

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**23 PATERNITY LEAVE**

New Fathers with more than six months continuous employment are entitled to two weeks paid paternity leave, paid at the same rate as SMP.

This leave must be taken within the first eight weeks of the child's birth.

Employees are required to show the Council's Management a relevant MAT B1 when making a request to take this leave.

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**SHARED PARENTAL LEAVE**

Parents who both have 26 weeks or more continuous employment, and who earn above the National Insurance Lower Earnings Limit, can take SPL.

Both Parents can share a total of 37 weeks statutory paid leave and 12 week's unpaid leave, following their child's birth.

Mothers must take two weeks compulsory Maternity leave immediately after the birth, (four weeks for manual workers). Following that compulsory period, both Parents can request dates to take leave totalling 37 weeks paid (35 for manual workers) and 12 weeks unpaid.

Leave can be taken by both Parents at the same time, or in alternating periods.

To take leave:

1. Both Parents must qualify in terms of earnings and length of service. An Employee's partner must have been an employed or self-employed earner in Great Britain for a total 26 weeks (not necessarily continuously) in the period of 66 weeks leading up to the week in which the child is due.
2. The Mother must give her Employer eight weeks' notice that she is ending her Maternity Leave. This can be done as early as eight weeks before the birth, (starting from February 2014).
3. The Council requires eight weeks prior notice of the dates an Employee wishes to take SPL.
4. The Council requires the following evidence that an Employee's Partner/Spouse is also entitled to SPL:
  - The Partner/Spouse's name.
  - Their National Insurance number.
  - Copies of the Partner/Spouse's pay slips for the past eight weeks.
  - A letter from the Partner/Spouse's Employer to confirm that they are entitled to SPL.
5. The Council will automatically allow any requests for just one continuous period of leave.
6. If an Employee requests two or more separate/discontinuous periods of SPL, the Council can discuss dates with the Employee, which are unacceptable for business reasons.  
The Council will discuss problem dates with an Employee during the first two weeks of the eight-week notice period.  
If agreement cannot be reached, the Employee will be entitled to one continuous period of SPL, starting from the date the discontinuous leave request was due to start.
7. Parents are paid at the same rate as Statutory Maternity Pay when taking SPL.

## **24 GRIEVANCES & DISCIPLINE**

### **Introduction.**

**The Council's aim is to encourage fairness and development in its staff and their performance, without reference to gender, age, nationality, religion, sexual orientation or any other basis of discrimination.**

**This Policy describes the procedures which aim to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance or disciplinary status. This policy complies with the 2015 ACAS Code of Practise.**

### **GRIEVANCE PROCEDURE**

- This procedure is designed to establish the facts quickly and to deal consistently with grievance issues.
- No action will be taken until the matter has been fully investigated.
- At every stage the parties involved will be informed in writing of what is alleged and will have the opportunity to state their case at an investigatory meeting.
- They may be represented or accompanied, if they wish, by a trade union representative, friend or work colleague.
- A party to the dispute has the right to appeal against any decision.

### **THE PROCEDURE**

- An employee who wishes to raise a grievance should notify the Chairman and/or Vice Chairman of the council who shall seek to resolve the matter informally in the first instance.
- If informal resolution is not possible or is not effective then a tribunal consisting of the Chairman or Vice Chairman and two other Councillors shall conduct a full investigation into the allegation.
- The tribunal shall hear the details of the case from each party, and written notes shall be taken of the process. The tribunal shall give written notice of its findings-decision to all parties.
- The tribunal shall also report to the council at its next meeting having first excluded members of the public and press.

### **APPEALS**

- An employee who wishes to appeal against a decision must do so to the Chairman or Vice Chairman of the council within five working days.
- The employer will hear the appeal and decide the case as impartially as possible.

#### **24.1 Informal Grievances**

- If an employee is unhappy with, or arising from, an element of their employment with the Council, they should initially discuss the matter with the Chairman on an informal basis.
- If the matter concerns the Chairman, another Elected Member should be approached.
- If the Council is unhappy with either an Employee's conduct or performance, the Chairman will initially discuss their concerns with that Employee on an informal basis and may convene an informal meeting, should that be agreed.

#### **24.2 Informal Grievance Meeting-**

The purpose of this meeting will be to assess claims and counter-claims with a view to provide guidance and support to address the problem. For this reason, clear, unambiguous notes will be taken during this meeting of anything said, alleged or promised in detail. All present will be asked to sign the notes.

A Panel of at least three Elected Members of the Council and the Employee, together with a representative or adviser, on request, will attend this meeting.

#### **24.3 Mediation-**

In the event that an Employee is unhappy with the outcome of the Informal Grievance Meeting, or either party do not feel that performance / conduct issues are being addressed effectively, either the Employee or the Council may request that the matter be subjected to mediation.

This will involve the use of a third-party Mediator. In its simplest form, Mediation will involve the Mediator talking to either party individually, to listen to their side of the issue. If the Mediator feels that a resolution to the problem is possible, a meeting will be arranged between all parties at which the Mediator will set out their assessment of the issues and invite both parties to reach their own resolution.

The resultant action plan should have the agreement and support of both parties, be set out in writing and be signed by all involved in the Mediation process.

#### **24.4 Formal Grievances-**

In the case of Grievances not being fully resolved at the informal stage, a formal written grievance submission will be required by the Council from the employee. As a consequence, a formal Grievance Hearing will be held to address the matter, within twenty-eight days of receipt of the Employee's submission.

The Hearing will be conducted by a Panel of between two and three Elected Members who will be appointed by the Council and who may be the same as those attending the Informal Grievance Meeting.

At this meeting Employees are entitled – and encouraged – to be accompanied by a friend, family member, colleague or Trade Union Representative. Employees will be informed in writing of the outcome of the meeting within seven days.

If the Employee making the grievance is unhappy with the response to the meeting, they can issue an appeal, in writing. This Appeal must be submitted within seven days of receiving the response to the original grievance meeting.

#### **Note**

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

#### **24.5 The Process**

- Upon receipt of a complaint, the Council will conduct an informal investigatory meeting with the Employee to establish if there are any issues that can be addressed by the Council, or is it solely concerned with the Code of Conduct. This should be arranged within seven days of receipt of the complaint.
- If there are non-Code related issues, such as work environment, or hours of work, the Council could conduct a Formal or Informal Grievance process to address those problems.
- However, Code of Conduct related complaints must be referred to the Monitoring Officer of the Unitary Authority, by Council, in accordance with guidance from the Committee on Standards in Public Life.

- iv. The Council should keep the Employee fully informed of the progress of the complaint.

#### **24.6 Formal Discipline (for Employees with two years or more continuous employment)-**

- If an issue regarding an Employees conduct, behaviour or performance is not fully addressed by the Formal or Informal Grievance Procedure, the Council will pursue the matter through its formal Disciplinary Procedures. Typical examples of areas of concern may be poor performance, unacceptable and unexplained absenteeism, poor conduct and behaviour at work, or lack of capability by an Employee to carry out their job (subject to disability as a protected characteristic consideration).
- This is a four-step procedure, which increases in the severity of its outcome if the issue is not resolved at the previous step.
- Each step involves a formal meeting between the affected Employee and a Disciplinary Panel, at which the Employee will be given every opportunity to put their side of the issue.
- Meetings will be conducted as soon as reasonably possible after the incident(s), which are being investigated to ensure that facts and witness statements are clear and up to date.
- At this meeting Employees are entitled - and encouraged - to be accompanied by a colleague or Trade Union/SLCC Representative of their choice.

If the allegation of misconduct is proven, the meeting may result in the following action being taken by the Council Management against the Employee:

| STEP No | ACTION TAKEN                          | LIVE PERIOD   | RESPONSIBILITY     |
|---------|---------------------------------------|---------------|--------------------|
| 1       | Formal Oral Warning                   | Six months.   | Disciplinary Panel |
| 2       | Formal Written Warning                | Twelve months | Disciplinary Panel |
| 3       | Final Written Warning                 | Twelve months | Disciplinary Panel |
| 4       | Termination of Contract of Employment | N/A           | Disciplinary Panel |

Particularly severe acts of indiscipline or criminal activity may result in Council by-passing Steps 1 and 2.

Employees will be informed by letter that they are required to attend a formal disciplinary meeting. This letter will include details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a supporter of their choice.

#### **25.6 Gross Misconduct-**

Acts of Gross Misconduct, if proven after an appropriate investigation and a Disciplinary Hearing, will result in Dismissal without notice and loss of entitlements.

Employees accused of Gross Misconduct will be suspended on full pay and receive a written invitation to a Formal Disciplinary Hearing, giving them details of the allegation they are to answer, the date, time and venue of the meeting, and also inform them of their right to be accompanied by a work colleague from the Council or trade union/SLCC representative. The letter will provide a minimum of 2 working days prior notice to the meeting.

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

- a. Theft, misappropriation embezzlement of public funds.
- b. Abusive or threatening behaviour of any nature.
- c. Being under the influence of alcohol or drugs.
- d. Dishonesty in dealings with Council or residents.
- e. Sexist, racist or any other behaviour against an individual, which could be classed as creating a hostile, intimidating or threatening environment.
- f. Breach of confidentiality.
- g. Use of council IT equipment & accounts for personal benefit or gratification (pornography, gaming, social media gossip, hobbies & vested interests).
- h. Failing to carry out reasonable instructions.
- i. Fighting and acts of aggression.
- j. Deliberately damaging Council property.
- k. Deliberate breaches of Council Health and Safety procedures.
- l. Unauthorised access to or destruction of Council data, media or files (electronic or hard copy), software or any other such breach of confidentiality.

Employees who have been dismissed for acts of Gross Misconduct do have a right to Appeal against their dismissal. Appeals should be submitted within a reasonable timescale following the dismissal, and addressed to the Chairman of the Council. A reasonable timescale would normally be no longer than a week following the

dismissal. Employees submitting an appeal must make it clear that they are appealing against the decision to dismiss them, and set out the reasons for their appeal.

Once the Management have received notice of the Employee's decision to Appeal, they will follow the Appeal Procedure detailed below.

#### **25.7 Appeal Procedure-**

Employees have the right to Appeal against a decision made at any Formal Disciplinary step. Appeals should be made to the Chairman of the Council in writing, and submitted within seven working days of the disciplinary meeting having occurred.

A Formal Appeal Hearing, involving the Employee and an Appeal Panel, will be held within fourteen days of receipt of the appeal request. At this meeting, Employees are entitled - and encouraged - to be accompanied by an adviser of their choice.

The Employee making the appeal will be informed in writing of the outcome of the Appeal Hearing within seven days.

Authorised & Adopted: **GRENDON UNDERWOOD PARISH COUNCIL**

DRAFT