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**NORTHAMPTON TOWN COUNCIL**

**Employee Handbook**

*This Handbook and the Policies contained within it have been adapted from a model supplied by the SLCC.*

# Welcome and Introduction

Welcome to Northampton Town Council. Our strength as an organisation is due to the skills and abilities of colleagues like you.

We look forward to a long and successful working relationship with you and sincerely hope that your time with us is enjoyable and rewarding.

## This handbook

This handbook is designed to explain the way in which we work and to set out the key procedures, rules and policies designed to ensure an efficient workplace and a safe and supportive environment for all employees. The contents of this handbook do not form part of the terms of your contract of employment. The Council may need to alter or amend any policy or procedure contained in this handbook to ensure that it remains relevant and consistent with the needs of the business. Any such change will be notified to all employees and an up-to-date copy of this handbook can be obtained from The Town Clerk.

We do expect you to comply with the requirements set out in this handbook and failure to do so may lead to disciplinary action; in appropriate cases, up to and including dismissal.

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# SECTION 1 – KEY PRINCIPLES

***This section sets out some of the key commitments made by the Council to its employees – and the key commitments expected from employees in return.***

## 1.1 Health and safety

The primary duty owed to you by the Council is to ensure that you are safe while you are at work. Similarly all employees are obliged to carry out their duties in a safe and responsible manner that does not risk harm to either themselves, their colleagues or any other person.

A detailed health and safety policy/handbook identifying the roles and responsibilities of key staff members for ensuring that the Council meets its commitment to health and safety is available from the Town Clerk.

Detailed risk assessments are carried out on all aspects of the Council’s activities and steps have been taken to ensure that all work can be done safely. Any employee who is concerned that any aspect of the Council’s activities poses a risk to health and safety should report this to the nearest available manager immediately. Genuine concerns about health and safety will always be treated with the utmost seriousness and be thoroughly investigated.

Employees are required to comply with all instructions rules and procedures concerning matters of health and safety. Failure to do so may amount to gross misconduct. In particular, where employees are required to wear personal protective equipment such as hard hats, protective footwear or high visibility clothing then failure to do so will be treated as gross misconduct which will usually result in dismissal.

## 1.2 Equality

The Council strives to be an equal opportunities employer. This means that decisions concerning recruitment, promotion, dismissal or any other aspect of employment will be based on the needs of the business and not any assumptions based on sex, race, age, disability, gender reassignment, sexual orientation, married or civil partnership status, pregnancy or maternity, religion or belief. This is an important commitment which all employees are expected to share.

Employees are encouraged to raise with management any discriminatory behaviour, assumptions or attitudes they encounter at work and are entitled to do so free from any reprisal providing they are acting in good faith or in the reasonable belief that they are acting in the public interest.

## 1.3 Dignity at work

All employees are entitled to a working environment free from bullying and harassment. The Council takes all allegations of such conduct extremely seriously and will not tolerate harassment or bullying behaviour. Complaints will be dealt with under the Bullying and Harassment Policy set out in Section 6.3.

All employees are required to behave towards each other with respect. In particular, offensive behaviour which relates to sex, race, age, disability, sexual orientation, religion or belief, pregnancy or gender reassignment will be treated as gross misconduct and will usually lead to dismissal.

## 1.4 Ethical conduct

The Council aims for the highest possible standards of ethical conduct in all of its activities and expects the conduct of individual employees to reflect this. Dishonesty of any kind will be treated as a serious matter, which may amount to gross misconduct and therefore to dismissal without notice.

### Gifts and hospitality

With effect from 1st April 2000 a register for staff has been established to record the offering or receipt of hospitality and gifts. Staff must notify the Town Clerk of all gifts and hospitality received, other than the exceptions set out in 4 below, so these can be recorded in the central register.

You should either register within thirty days of the receipt or offer:-

* All gifts and hospitality received in connection with your employment by the Council;
* Any gifts or hospitality received in another capacity but which may involve any person or organisation with whom the Council has or is discussing a contract.
* Any gifts or hospitality offered to a third party as a direct result of your employment by the Council.

You may, if you wish, register gifts or hospitality that have been offered to you but which you have rejected.

You may accept and not register:-

* Minor personal items or benefits with an aggregate cost or retail value of up to £25 in any financial year.
* Drinks, light refreshments or a meal served during a meeting or other event you are attending which are available for attendees generally.
* A working lunch of a modest standard provided to allow the parties to continue to discuss business.

 You should not accept any gift or hospitability:-

That might reasonably be thought to influence your judgement; or create a conflict of interest, or where to do so could being criticism or discredit upon the Council.

Where a particular person or body has a matter currently in issue with the Council e.g. an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality be refused even if, in normal times, they would be in the acceptable list.

If it is a gift of money or of vouchers capable of being exchanged for money irrespective of the amount.

Any member of the Town Council, officer, or member of the public who wants to inspect the register will be able to so by contacting the Town Clerk.

At each meeting of the Policy and Finance Committee a report of the entries made to the Register since the previous meeting will be submitted.

## 1.5 Whistleblowing

The Council encourages employees to raise any concerns that they may have about any wrongdoing at any level within the business. Wrongdoing in this context means any breach of a legal obligation, risk to health and safety, a criminal offence being committed, a miscarriage of justice occurring or likely to occur, damage to the environment, or an attempt to conceal any of the above.

### Any initial concern should be raised with the town clerk. However, if this is not appropriate then you should contact another member of the management team who will ensure that your concern is properly addressed.

### Employees who raise a concern which is in the public interest under this policy are entitled not to be subjected to any detriment as a result, however the employee must reasonably believe that the disclosure they are making is true.

### Even if your concern proves to be unfounded you will be protected against any reprisals from your manager, colleagues or any other employee of the business. Making a deliberately false allegation, however, against the Council, a fellow employee or any other person will be treated as an act of gross misconduct which will usually result in dismissal.

### If you are the subject of an allegation of wrongdoing then you will be informed of the allegation and given every opportunity to explain the situation and put your side of the story. Disciplinary action will only be taken following a full investigation in accordance with the disciplinary procedure.

## 1.6 Good faith and loyalty

The employment relationship is one built on trust and we all have a mutual interest in making the relationship a success. The Council has a duty to provide reasonable support to employees and employees have a duty of good faith towards the Council.

In practice this means not doing anything that undermines the Council’s position by acting against its interests or undermining the Council’s standing with the people of Northampton, other authorities and fellow employees.

### SECTION 2 – HOW WE DO THINGS

***This section deals with some important administrative requirements to do with your employment and sets out the standards the Council expects of employees in various situations.***

## 2.1 Proof of identity

The Council is legally obliged to ensure that all employees are permitted to work in the UK. It is a condition of your employment that you comply with all reasonable requests to provide details of your identity, right to work in the UK and place of residence. This will include allowing the Council to take copies of your passport or other appropriate documents and to check their authenticity. Copies of any such documents will be kept in your personnel file indefinitely.

The Council may dismiss any employee who cannot demonstrate that they are legally entitled to work in the United Kingdom.

## 2.2 Data Protection

We will process personal data and sensitive personal data (also known as ‘special categories of personal data’) relating to you in accordance with our Data Protection Policy and our Data Protection Privacy Notice (provided to you separately), as well as in accordance with the relevant data protection legislation.

We may monitor staff in accordance with our policies relating to email, internet and communications systems and monitoring at work, as detailed in this Employee Handbook and in accordance with the relevant data protection legislation.

You will comply with your obligations under our Data Protection Policy and other relevant policies as directed.

## 2.3 Dress code

All employees should dress in a manner appropriate to the work that they do. Key factors include whether or not the employee meets clients

/customers/members of the public and whether the requirements of

health and safety require particular clothing. This is largely a matter of common sense.

### Employees Required to wear Uniform

If you are provided with specific uniform for your role, you will be expected to wear this at all times whilst at work, especially if you may come into contact with the public in the performance of your duties.

You must ensure you look presentable for work and your uniform is maintained in a good condition. If you lose your uniform, or do not look after it, then the Council will be entitled to make a deduction from your remuneration to cover the cost of replacing this. General wear and tear will be taken into account and the Council may exercise its discretion to replace uniform.

If your manager feels that you are dressing in an inappropriate way they may ask you to dress differently the next time you come into work. A persistent refusal to comply with a reasonable standard set by a manager will amount to misconduct.

Where an employee dresses in a completely inappropriate way, for example by wearing clothing with offensive images or slogans, then they may be sent home to change. Any time taken to go home and change will be unpaid.

## 2.4 Timekeeping

Good timekeeping is essential in any team. A late arrival at work can put unfair pressure on colleagues and affect the smooth running of the organisation. The Council therefore requires all employees to take responsibility for attending work promptly in accordance with their contract of employment or work roster. You should arrive in time to begin working at your appointed start time.

Where you depend on public transport to come to work you should allow adequate time, including likely delays, for your journey so that you can arrive on time. Similarly, employees who drive to work should make themselves familiar with the level of traffic to be expected and make adequate allowance for rush hour congestion.

Where it is clear that you are going to be late for work you must contact the Town Clerk or your manager as soon as possible to explain the situation and give an estimate of your arrival time. You must make every effort to talk to the Town Clerk or your manager directly rather than leave a message with colleagues or send an email or text message.

If personal or domestic circumstances make it difficult for you to attend work on time then you should discuss this with the Town Clerk or your manager . In some cases, the Council may be able to accommodate a reasonable need for flexibility, but this will be subject to the needs of the organisation and the need to avoid placing an unfair burden on your colleagues (see Section 5).

The Council may ask you to record your arrival and departure times and may keep such records of your working time as it thinks appropriate.

Persistent lateness without proper excuse will be treated as misconduct under the disciplinary procedure.

## 2.5 Severe weather and traffic disruption

Everyone should make a reasonable effort to make their way into work. However, staff who are unable to get to their place of work as a result of severe weather conditions or other factors, can either

1. work from home
2. take a day of annual leave
3. unpaid leave or
4. in the case of flexible working, can make up time authorised and monitored by the Town Clerk or Line Manager.

Staff must inform their Line Manager at the earliest opportunity that they will be absent from work and let them know what course of action they propose to take.

If severe weather conditions cause a substantial delay in arrival at work, staff should contact their line manager within 30 minutes of scheduled start time. Lost time will be unpaid or made up with the prior authority of line manager.

In the event of the Council being unable to open departments for work because the weather has made operations impossible, the Council will pay affected staff at basic rate.

If the Council decides that, in the interests of health and safety, employees should be permitted to leave for home before the end of your normal working day due to weather conditions, then staff will be paid at your basic rate until the end of normal working day / shift.

## 2.6 Rest breaks

The Council encourages all employees to take full advantage of scheduled rest breaks. These are provided not only for comfort, but also to protect the health of employees and prevent excessive fatigue from causing accidents.

A rest break should be taken away from your workstation wherever possible. If you leave the premises you should bear in mind the time that it will take you to return from the break so that you can ensure that you begin work again on time.

Different areas of the organisation may have different arrangements for ad hoc breaks such as to make a cup of tea or coffee. These arrangements are in place to ensure the smooth running of the organisation and to prevent putting unfair pressure on colleagues. You are required to comply with any requirements relating to such breaks as may be in place from time to time.

## 2.7 Smoking

The Council operates a smoke-free workplace. Smoking (which includes the use of e-cigarettes and personal vaporisers) is only permitted in clearly designated outside areas. Smoking in any undesignated place for example, in front of the Council offices is an act of gross misconduct that will usually result in dismissal.

Employees should try to keep smoking breaks to a minimum and should be aware of the amount of time they spend on smoking breaks over the course of the day. Employees should be particularly careful to avoid taking smoking breaks at busy periods or at a time that will cause increased work or pressure for colleagues.

## 2.8 Computer use

It is very important that the Council is able to keep its data secure. To assist with this, all employees are required to comply with instructions that may be issued from time to time regarding the use of Council-owned computers or systems.

Council portable IT devices must be kept secure and password protected at all times.

Your computer password is an important piece of confidential information and you should treat it that way. Do not share it with others, and make sure that it is not written down anywhere where an unauthorised person can find it.

Unauthorised access to any of the Council’s systems will amount to gross misconduct.

### Email

All email correspondence should be dealt with in the same professional and diligent manner as any other form of correspondence.

If you have a Council email account you should be mindful of the fact that any email that you send will be identifiable as coming from the Council. You should therefore take care not to send anything via email that may reflect badly on the Council. In particular, you must not send content of a sexual or racist nature, junk mail, chain letters, cartoons or jokes from your Council email address.

Using a Council email address to send inappropriate material, including content of a sexual or racist nature, is strictly prohibited and may amount to gross misconduct. Should you receive any offensive or inappropriate content via email you should inform the Town Clerk of this as soon as possible so that they can ensure that it is removed from the system.

You should also take care that emails will be seen only by the person intended. Particular care should be taken when sending confidential information that the email has been correctly addressed, marked ‘private’ and not copied in to those not authorised to see the information. Sending confidential information via email without proper authorisation or without taking sufficient care to ensure that it is properly protected will be treated as misconduct.

While a reasonable amount of personal use of email is perfectly acceptable, your email remains the property of the Council and you should not use your Council email to send or receive any information that you regard as private. The Council may, in the course of its operation, read emails that you have sent or received - although in the absence of evidence of wrongdoing the Council will try to avoid reading personal emails if possible.

### Internet use

Employees with access to the internet on Council-owned devices should use that access responsibly. Excessive personal use during working hours will be treated as misconduct. From time to time the Council may block access to sites which it considers inappropriate but whether or not a specific site has been blocked, employees must not use the internet to view or download offensive or sexually explicit material. Any attempt to do so may, depending on the circumstances, amount to gross misconduct leading to dismissal.

Employees must not download any software, plug-ins or extensions on to Council-owned devices unless this is first cleared by the Town Clerk. Nor must employees use Council-owned devices to download music, video or any other entertainment content.

Firewalls and anti-virus software may be used to protect the Council’s systems. These must not be disabled or switched off without the express authorisation of the Town Clerk.

### Social media

An employee’s behaviour on any social networking or other internet site must be consistent with the behaviour required of employees generally. Where it is possible for users of a social media site to ascertain who you work for, then you should take particular care not to behave in a way which reflects badly on the Council. Inappropriate or disparaging comments about the Council, colleagues or the town will be treated as misconduct. Because social media interactions can be copied and widely disseminated in a way that you may not be able to control, the Council will take a particularly serious view of any misconduct that occurs through the use of social media.

You must not operate a social media account or profile that purports to be operated on or on behalf of the Council without express permission to do so from the Town Clerk.

## 2.9 Driving

Where driving is required as part of your job, it is your responsibility to ensure that you are legally qualified to drive.

Licences will go through the Council inspection procedure which requires us to check individual licences once a year with the DVLA, or as otherwise requested. The Council will require you to share your driving licence information by supplying it with your driving licence number and a check code provided by the DVLA. If you receive any points on your licence you must inform the Council of this immediately.

If you use your own vehicle to drive on Council/work-related business, it is your responsibility to arrange to be insured for that business use. The Council may require you at any time/annually to allow a copy of your insurance and any MOT test certificate to be made and kept in our records.

You are responsible for any driving offences committed while driving as part of your duties, including any parking fines. Dangerous, careless, inconsiderate or aggressive driving as well as causing a risk to others can be damaging to the Council’s reputation and can amount to gross misconduct. If you are banned from driving for any reason, the Council is not obliged to find alternative work for you and may choose to dismiss you if the ban renders you incapable of performing your duties as required.

It is illegal to use your mobile phone whilst driving. This includes texting etc.

Employees should never use their mobile phone whilst driving on Council business unless they do so on a properly installed hands-free system and traffic conditions mean that it is safe to do so. In most cases, it would be preferable to make any calls when the vehicle is stationary.

Any journey carried out on Council business must be scheduled in such a way as to allow adequate rest breaks – usually one break of 15 minutes for two hours of driving. Where possible, driving on Council business should be avoided either late at night or very early in the morning.

Safety is the Council’s prime responsibility and you should not be required to compromise safety in any way when driving on Council business. If you are concerned about any driving requirements you may have, then you should discuss these with the town clerk and appropriate arrangements will be made to ensure that any work-related journey can be completed safely.

**Council Vehicles**

If a Council vehicle is provided to you as part of your contract of employment or you are required to drive a Council vehicle as part of your job, it is your responsibility to take care of the vehicle, keeping it in a clean and roadworthy condition, including checking the oil/water levels are at the required levels. You should report any damage or fault immediately. The Council will arrange for appropriate maintenance or servicing to be carried out. If you incur any reasonable expenses in connection with the vehicle then these will be reimbursed, but you must check with the town clerk first and comply fully with our expenses policy. The Council will not be obliged to reimburse any expenses incurred without authorisation.

Any personal use of a Council vehicle, other than a vehicle provided for your exclusive use as part of your contract is at the sole discretion of the Council and must in any event be kept within reasonable limits. Your manager may at any time instruct you not to use – or to cease using - a Council vehicle for private purposes.

If you have possession of a Council vehicle overnight or at the weekend then you must ensure that it is securely parked in an appropriate location. In general, equipment or stock should not be left in a vehicle overnight. Where this is unavoidable then you must ensure that the vehicle is parked in a locked garage. If this is not possible then you should discuss appropriate parking and security arrangements with the town clerk.

## 2.10 Alcohol and drugs

The Council’s approach to the consumption of alcohol and drugs is based on the need to ensure a safe and productive working environment. Because of the serious nature of the risks posed by the abuse of alcohol and drugs in the workplace, any breach of the rules in this area will be treated as gross misconduct which will usually result in dismissal.

An employee will be regarded as ‘under the influence’ of alcohol or drugs if their behaviour, speech, ability to concentrate or otherwise perform their duties is in any way affected. An employee will also be regarded as under the influence if they fail a drug or alcohol test.

### Dependency

Employees who have a dependency on alcohol or drugs may be offered support and encouraged to seek appropriate counselling or medical help. Absence arising from treatment or counselling related to drug and alcohol abuse will be treated as sickness absence under the Council’s absence management policy. However, while the Council will always try to be supportive toward employees with a drug or alcohol problem, this will not prevent disciplinary action being taken when employees act in breach of the rules laid out in this policy.

Wherever an employee informs the Council that they have a drug or alcohol problem this will, as far as possible, be treated in the utmost confidence. However the Council may need to disclose particular circumstances to managers, regulatory authorities or others should this be necessary to ensure safety or compliance with legal requirements.

### Drugs

The consumption, storage, distribution or sale of illegal drugs or any other behaviour-altering substance on Council premises or during working time is strictly prohibited. The Council will report any illegal activities to the police or other relevant authorities.

You must not present yourself for work under the influence of illegal drugs or any other substance taken for non-medical purposes.

### Medicines and Prescription drugs

If you are taking prescription drugs or any other medicine that may affect your performance at work or your ability to carry out any of your duties, then you must inform the Town Clerk or your manager of this so that steps can be taken to ensure that the work can be done safely. It is your responsibility, when beginning any course of medication, to check whether it may adversely affect your ability to work.

### Alcohol

Consumption of even a small amount of alcohol may be sufficient to adversely affect the work of an employee and could pose a risk to health and safety. Remember that alcohol remains in the bloodstream for up to 24 hours following consumption and that the consumption of a significant amount of alcohol in the evening may leave you unfit to work in the morning.

You must not present yourself for work under the influence of alcohol.

You must not consume any alcohol during working time, lunchtime or during any break unless this has been specifically authorised by the Town Clerk or your manager.

Where alcohol is available at Council organised events or occasions when you are representing the Council – even outside working hours - it is important to behave responsibly and not drink to excess. Behaviour that reflects badly on the Council will be a disciplinary matter and in serious cases may amount to gross misconduct.

### Drug and alcohol testing

The Council may require you to submit to drug or alcohol testing where there is reason to believe that you may have acted in breach of this policy.

This may include a standard breathalyser test administered by the Town Clerk or your manager. Arrangements for blood or urine testing may vary from time to time, but such tests will always be carried out by suitably qualified, independent professionals.

An employee will be treated as having failed a drug or alcohol test if the test shows the presence of illegal drugs or a level of alcohol in excess of the UK drink driving limit (80 mg of alcohol per 100 ml of blood, 35 mcg per 100 ml of breath or 107 mg per 100 ml of urine).

Refusal, without proper excuse, to undergo a test will be treated as gross misconduct.

Whether a test needs to be conducted is a matter for the Council to decide. In cases where an employee is clearly under the influence of alcohol or drugs or there is other clear evidence of a breach of this policy then disciplinary action may still be taken even if no test is carried out.

## 2.13 Employee Training

At the commencement of your employment you will receive appropriate training for your specific job, and as your employment progresses your skills may be extended to encompass new job activities within the Council.

## 2.14 Personal Development

All staff are involved this and each year are given the opportunity to discuss with their Line Manager their past year's achievements, future targets and identify training needs.

## 2.15 Statements to the Media

Any statements to reporters from newspapers, radio, television, etc. in relation to Council business will be given only by the Town Clerk or the Mayor.

## 2.16 Freedom of Information Act

All staff should be aware that, for the purposes of the Freedom of

Information Act, the Council is a Public Body. This means that the Council must comply with the requirements of the Act. In particular, staff need to be aware that ANY written or recorded information or data must be supplied to a member of the public if a request is received in accordance with the Act.

Any such request or approach from a member of the public must be **immediately** referred to the Town Clerk.

## 2.17 Security of Premises

If you are a key holder for any of the Council's premises, it is your responsibility to ensure that the keys are kept safe and secure at all times. They must not be copied or allowed to be used by any unauthorised person. If the keys are lost or stolen at any time, the Town Clerk must be informed immediately. Failure to comply with these requirements will result in disciplinary action being taken. A spare set of up to date premises keys are to be kept at the Town Council Offices.

Any keys which have been issued to you, remain the Council's property and must be returned to the Council at the time of the termination of your employment, or at any other time upon demand.

The last person to leave the premises at the end of each day must ensure that lights are turned off, electrical equipment, as appropriate is switched off, windows are closed, alarms are activated, doors are locked and the premises are left safe and secure.

## 2.18 Housekeeping

Both from the point of view of safety and of appearance, all work areas must be kept clean and tidy at all times.

## 2.19 Expenses

The Council will reimburse you for any reasonable expenses properly and wholly incurred in the performance of your duties. The rules relating to expenses will be issued separately. You must provide receipts for expenditure.

## 2.20 Employees' Property

The Council does not accept liability for any loss of, or damage to, property that you bring onto the premises. You are requested not to bring personal items of value onto the premises and, in particular, not to leave any items overnight on Council premises.

## 2.21 Parking

Where parking facilities are available for your use, to avoid congestion, all vehicles must be parked only in the designated parking areas. No liability is accepted for damage to private vehicles, however it may be caused.

## 2.22 Telephones

Council telephones must be used for legitimate business purposes only. Reasonable personal use is permitted in an emergency with prior permission provided calls are kept short and no calls are made to premium rate numbers or abroad.

Personal mobile telephones must be switched off working hours. If there is an emergency reason contrary to this it needs to be cleared with your Line Manager.

## 2.23 Buying or Selling Goods

You are not allowed to buy or sell goods on Council premises, or during your working hours.

## 2.24 Friends and Relative Contact

You should discourage your friends and relatives from either calling on you in person or by telephone except in an emergency.

## 2.25 Pension Scheme

The Town Council adheres to the Government policy on auto enrolment. Current details of the Scheme and your rights relating to it, and contribution rates will be provided to you.For queries and further information please contact the Town Clerk.

## 2.26 Stress Policy

Life and work have become much busier in recent times. There seems to be too much to do and too little time to do it in. As a consequence, more employees are experiencing stress at work.

 Stress at work can come about for a variety of reasons. It may be excessive workload, unreasonable expectations, or overly-demanding work colleagues. As a reasonable Council, we try to ensure that you are in a pleasant working environment and that you are as free from stress as possible.

 If you experience unreasonable stress which you think may be caused by work you should raise your concerns through the Council’s grievance procedure.

 Managers, when performing risk assessments on the activities of their department, will pay special attention to potential risks from stress and signs of stress at work will be noted.

 The Council (if deemed appropriate) will offer an employee assistance scheme which will offer confidential and individual counselling to employees who may need it.

 Any employee with clear stress-related problems shall receive (if requested) appropriate counselling help from the Council but it is understood that this is not an alternative to looking at the cause of the stress and, if work-related, seeking to alter the structure and working arrangements of the job.

 Following action to reduce the risks, they shall be reassessed. If the risks remain unsustainable by the employee concerned, efforts shall be made to reassign that person to other work for which the risks are assessed as tolerable.

### SECTION 3 – CODE OF CONDUCT

***The behaviour of employees is central to the continued success of the Council. This section sets out what is expected of all employees in terms of their personal conduct when at work and their behaviour towards colleagues.***

## 3.1 Misconduct

Behaviour which is disruptive, disrespectful to colleagues, councillors or members of the public or which falls short of the requirements set out in this handbook will be treated as misconduct under the disciplinary procedure. While employees will not usually be dismissed for a first offence unless in their first two years of employment, a failure to remedy the behaviour or to adhere to required standards may ultimately lead to dismissal once appropriate warnings have been given.

## 3.2 Gross misconduct

Gross misconduct is behaviour which is fundamentally at odds with an employee’s duty to the Council and their colleagues. In accordance with the disciplinary procedure, gross misconduct will usually result in dismissal without notice or payment in lieu even in cases of a first offence.

It is not possible to list every example of gross misconduct which may arise, but the following provides an illustration of the sort of conduct that will fall into this category – some of which are then explained in more detail below:

* Theft
* Dishonesty
* Deliberate acts of discrimination or harassment
* Refusal to carry out reasonable instructions
* Violent or intimidating behaviour
* Wilful damage to property
* Reckless behaviour posing a risk to health and safety
* Any illegal act during working time or on Council premises
* Any act described as gross misconduct elsewhere in this handbook

### Dishonesty

It is important to stress that any form of dishonesty, however minor, will be regarded as gross misconduct. This includes theft of property, whether belonging to the Council, colleagues or any third party. However it also includes an employee seeking to gain any advantage through deception - such as making a false claim for expenses or overtime, falsely claiming to be sick or falsely claiming to have completed a particular task.

It does not matter if any amount of money at issue is small. The Council regards any dishonesty by employees as gross misconduct which will usually result in dismissal.

### Refusal to carry out instructions

The Council expects employees to work in a spirit of cooperation with their colleagues and manager for the good of the organisation as a whole. Employees are required to carry out their manager’s instructions and a deliberate and wilful refusal to do so will be gross misconduct.

If you believe that you have been instructed to do something that does not fall within your duties or which is in some other way unreasonable then the appropriate way of dealing with this is to raise a grievance under the grievance procedure set out in Section 6. However doing so will not prevent a refusal to carry out an instruction from amounting to gross misconduct if it is found to have been a reasonable one in all the circumstances.

### Breach of a requirement set out in this handbook

This handbook sets out a number of requirements aimed at ensuring the smooth running of the Council and the fair treatment of all employees. A number of these are so important that any breach of them will amount to gross misconduct and these are clearly identified throughout the handbook. Your attention is drawn in particular to the following:

* The rules on gifts and hospitality (Section 1.4)
* The policies on smoking (Section 2.7) and alcohol and drugs (Section 2.10)
* The rules on the use of computers, the internet, email and social media (Section 2.8)
* The policies on driving and the use of Council vehicles (Section

2.9)

## 3.3 Allegations of misconduct and gross misconduct

The Council is committed to treating all employees fairly and allegations of misconduct and gross misconduct will be dealt with in accordance with the disciplinary procedure set out in Section 6.4.

# SECTION 4 – Absence

***This section sets out the approach the Council takes when you are unable to attend work, are taking annual leave or need time off.***

## 4.1 Unauthorised absence

The obligation on an employee to attend work at the times agreed is a fundamental part of the contract of employment. Employees who deliberately fail to attend work without proper excuse or in breach of management instructions will be committing gross misconduct which could result in dismissal without notice or payment in lieu.

## 4.2 Medical appointments

Whenever possible such appointments should be made outside of working hours. There is no right to time off for non-emergency checkups.

 Where it is absolutely essential that such appointments are arranged during your working day, disruption must be kept to a minimum by arranging the appointment at the very start of the day or at the end of the day.

 Time off for such appointments will be **unpaid** unless:

* lost time is made up with the prior authority of **Line Manager**
* you take the time off as holiday in which case you will need to comply with the Town Council’s holiday rules.
* Appointment is for purpose of cancer screening

## 4.3 Ante-natal care

Employees who are pregnant are entitled to paid-time off to attend antenatal appointments provided that attendance is based on medical advice. For second and subsequent appointments you may be required to produce an appointment card or similar evidence of the date and time of the appointment.

While there is no limit on the number of appointments that an employee can attend, the Council does have the right to refuse time off where it is reasonable to do so. Employees are therefore expected to take reasonable steps to arrange antenatal appointments at a time that will require the minimum amount of time off. Part-time workers should attempt to arrange appointments for days when they are not required to work and all employees should try to avoid appointments in the middle of the working day in order to minimise disruption.

If your partner is pregnant, you are entitled to unpaid time off for up to two antenatal appointments. If you wish to exercise this right you should notify your manager of the date and time of the appointment. You may be asked to provide written evidence that an appropriate appointment has in fact been made.

## 4.4 Sickness absence

###  Notification of Incapacity for work

You must notify the Council by telephone at the earliest possible opportunity on the first day of incapacity and again on 4th day of incapacity. Notification should be made personally (or if you are unable to do so, then by a relative, neighbour or friend) to a member of Town Council staff – where possible your Line Manager. You should try to give some indication of your expected return date and notify the Council as soon as possible if this date changes.

 If you incapacity extends to more than seven days you are required to notify the Council of your continued incapacity once a week thereafter, unless otherwise agreed (or doctor's certificate advises alternatively).

###  Evidence of Incapacity

The Council requires any absence of more than 4 days to be certified by a ‘self-certification form’ (Form SC2). Any absence of more than a week must be certified by a ‘Fit Note’ (Forms Med 3 or Med 10). Uncertified absence may be treated as misconduct and will not be paid.

Where any period of sickness absence occurs immediately before or immediately after a period of annual leave then the Council may require such absence to be certified by a Fit Note at your own expense.

Where you are absent for an extended period of time (three weeks or more) the Council may refer you to an occupational health professional or seek a medical report from your GP. The purpose of this will be to ascertain when you are likely to be able to return to work and to identify any measures that can be taken to help you return as soon as possible.

###  Payments

You are entitled to statutory sick pay (SSP) if you are absent because of sickness or injury provided you meet the criteria in the current SPP regulations. When you are absent for four or more consecutive days you will be paid SSP by the Council if you are eligible. This is treated as pay and is subject to normal deductions.

 Qualifying days are the only days for which you are entitled to SSP. These days are normally your working days unless otherwise notified to you. The first three qualifying days of absence are waiting days for which SSP is not payable. Where a second or subsequent period of incapacity (of four days or more) occurs within 56 days of a previous period of incapacity, waiting days are not served again.

 Any contractual sickness / injury payments are shown in your individual Statement of Main Terms of Employment. The Council reserves the right to withhold payment under the Sickness / Injuries Payments Scheme if it considers the scheme is being abused. The scheme does not preclude termination of employment during a period of sickness / injury, even if payment under the scheme has not been exhausted. Repeated abuse of the scheme will result in disciplinary action.

###  Scale of sickness payments where applicable

|  |  |
| --- | --- |
| During 1st 6 months of service or probation period  | No sick pay, only SSP  |
| From month 7 to month 12  | ½ month full pay, 1 month half pay  |
| During 2nd year of service  | 1 month full pay, 1 month half pay  |
| During 3rd year of service  | 2 months full pay, 2 months half pay  |
| During 4th year of service  | 2 ½ months full pay, 2 ½ months half pay  |
| During 5th year of service  | 3 months full pay, 3 months half pay  |

 **Payment under the scheme may be withheld if the absence from** work due to sickness or injury is due or attributable to deliberate conduct prejudicial to recovery or your own misconduct or neglect or active participation in professional sport or injury whilst working in the Council's own time on your own account for private gain or for another employee.

 Any days of contractual sickness / injury payments which qualify for SSP will be offset against SSP on a day-to-day basis. A deduction will be made for any other state benefits received if you are excluded or transferred from SSP.

 If you are entitled to any payments in excess of SSP and your entitlement expires, full or part payment may be allowed at the Council's discretion where it is considered that there are special circumstances warranting it.

 Where the circumstances of your incapacity are such that you receive or are awarded any sum by way of compensation or damages in respect of the incapacity from a third party, then any payments which the Council may have made to you because of an absence (including SSP) shall be repaid by you to the Council up to an amount not exceeding the amount of the compensation or damages paid by the third party and up to, but not exceeding, any amount paid by the Council.

### RETURN TO WORK

You should notify your Line Manager as soon as you know on which day you will be returning to work, if this differs from a date previously notified.

If you have been suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must not report for work without clearance from your own doctor.

On return to work after any period of sickness / injury absence (including absence covered by a medical certificate) you are also requested to complete a self-certification absence form and hand this to the Town Clerk.

Upon returning to work you may be required to attend a return to work interview to discuss your state of health and fitness for work.

If the period of absence from work has either been covered by a Fit Note for a period exceeding fourteen days or where more than one Fit Note has been necessary, you must provide a Fit Note confirming your fitness to return to work.

### GENERAL

Submission of a Fit Note or sickness self-certificate absence form, although giving the Council the reason for your absence, may not always be regarded by the Council as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick you may need time off, continual or repeated absence through sickness may not be acceptable to the Council.

In deciding whether your absence is acceptable or not the Council will take into account the reasons and extend of all your absences, including any absence caused by sickness. The Council cannot operate with an excessive level of absence as all absence, for whatever reason, reduces its efficiency.

A serious view will be taken if you take sickness / injury leave which is not genuine, and it will result in disciplinary action being taken.

 If the Council considers it necessary, you may be asked for your permission to contact your Doctor or for you to be independently medically examined.

## 4.5 Time off

There are a number of circumstances in which employees have a right to time off from work either with or without pay. These include jury service and certain public duties such as serving as a local councillor, magistrate or school governor. Where a need for such time off arises you should discuss the matter with the Town Clerk or your manager who will consider what arrangements should be put in place.

While the Council will do its best to accommodate time off in these circumstances, the requirements of an employee’s role may mean that the amount of time off granted may be limited. Where serving on a jury would lead to a level of absence that would be detrimental to the organisation, the Council may require you to seek a deferment.

## 4.6 Compassionate leave and domestic emergencies

If you suffer bereavement or face some other personal emergency you should talk to the Town Clerk or your manager who will discuss what arrangements can be made to grant you compassionate leave. These arrangements will always be at the discretion of the Council and will depend on the circumstances of the case and the impact that any absence on your part may have on the organisation. However, the Council will be sympathetic to your need for time off (which may be paid or unpaid at our discretion) to deal with the situation and make any arrangements that may be necessary.

Up to a maximum of 5 days paid compassionate leave (pro rata for part time staff) may be granted by the Town Clerk on the death of an employee's immediate relative, e.g. spouse / partner, mother, father, sister, brother or child. This may be extended to include a resident relative or in-law at the Town Clerk's discretion on the individual circumstances.

Where an employee is attending or nursing a terminally ill family member, a maximum of 3 days paid compassionate leave (pro rata for part time staff) can be granted by the Town Clerk in consultation with the Chairman of the Staffing Sub-Committee.

Once you have discussed the matter with the Town Clerk or your manager , the arrangements will be confirmed to you in writing. If paid time off has been granted, then the amount of time that will be paid will be clearly set out. While on compassionate leave you should wherever possible inform the Town Clerk or your manager of any developments that will affect your needs.

If an emergency occurs and it is not possible for you to inform the Town Clerk or your manager in advance of any absence you should contact the Town Clerk or your manager as soon as possible to inform them of the situation. Appropriate arrangements may then be put in place.

4.7 Parental Bereavement Leave

Employees are entitled to statutory parental bereavement leave (SPBL) if a child for whom they have or were due to have parental responsibility has died or been stillborn after 24 weeks of pregnancy, on or after 6 April 2020.

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

**Notification**

During the first eight weeks after a child has died, you, or someone on your behalf as necessary, need only give notice to the Council to take SPBL before you are due to start work on the first day of leave. If you have already started work, then officially your SPBL period will start on the following day. If you want to cancel it at any time during the first seven weeks you can do so as long as it has not started.

After eight weeks, you need to give at least a week’s notice to the Council to take SPBL. You can cancel it with a week's notice, or re-book it by giving a week's notice.

When giving notice to take SPBL, you must tell the Council: the date of the child’s death; when you want your leave to begin; and whether you want to take 1 or 2 weeks leave). You can give notice by telephone or by email or by letter.

**Parental Bereavement Pay**

To qualify for statutory parental bereavement pay (SPBP) during such leave you must have at least six months’ continuous employment and normal weekly earnings of at least the lower earnings limit. It is paid at the same rate as other statutory family leave pay, which is subject to change every year. You can check the most up-to-date figure with your line manager.

To claim SPBP, you must confirm the following information in writing within 28 days of starting any period of SPBL: your name; your entitlement to SPBP; the dates of SPBL you want to claim the pay for; the date of the child's death; and your relationship to the child. You can provide this information at the same time as giving notice to take SPBL, as set out above, so long as it is in writing.

**Other leave entitlements**

In addition to parental bereavement leave, if you qualified for:

* maternity or paternity leave and pay and your child has died or been stillborn, you are still entitled to such leave and pay.
* adoption leave and pay, then the adoption leave entitlement runs for another eight weeks from the end of the week in which the child died (unless it would already have ended sooner).

If your planned period of SPBL coincides with another statutory family leave right, your SPBL will end at the start of that other leave. If you wish to take SPBL at the end of the other statutory family leave period, then a fresh notice to take the leave will be required, as per the above notice requirements.

Compassionate or Dependants leave may be available under our Compassionate or Dependants Leave Policy at our discretion. Please speak to your manager if you require time off in addition to parental bereavement leave.

## 4.8 Annual leave

Your individual holiday entitlement, including the calculation of any holiday pay, is set out in your contract of employment. This section of the handbook outlines the general approach taken by the Council to requests for annual leave.

All annual leave must be agreed in advance with the town clerk. You should not make firm travel plans or commitments until a request for leave has been granted and the Council will not take such plans into account when dealing with conflicting holiday requests.

Further, no more than two consecutive weeks’ holiday can be taken at one time. In certain circumstances, and at the discretion of the business, a longer period may be permitted. If this is required, you should discuss this with the town clerk, to establish whether this can be accommodated.

**What notice do I need to give?**

All requests for leave should be made at least 4 weeks in advance. The means of requesting leave may change from time to time and you should comply with whatever procedure is in place at the time of the request.

Your manager may refuse any request for leave if it would result in the workplace being understaffed or otherwise prejudice the business. Leave is likely to be refused if it is requested for a particularly busy period or a time when other employees have already had leave approved.

Certain times of year are particularly popular times for requesting holiday.

Generally, subject to the needs of the business, leave will be granted on a first come first served basis, but exceptions may be made in the interests of ensuring that holiday is spread through the year on a fair and equitable basis.

**Our Holiday Year**

All employees are encouraged to take their full holiday entitlement during the holiday year which runs from 01 April to 31 March. However it is your responsibility to schedule your holiday so that it can be taken at an appropriate time.

Employees will not usually be permitted to carry over holiday entitlement into the following holiday year.

In certain circumstances, at the Council’s discretion and subject to certain rules, the carrying over of a proportion of annual leave may be allowed.

Employees who leave their employment during the course of a holiday year will be entitled to a pro-rata payment reflecting leave accrued but not taken. Where an employee has, at the time their employment ends, taken a larger proportion of their leave entitlement than the proportion of the holiday year that has expired, then a deduction will be made from the final payment of salary to reflect the holiday which has been taken but not accrued.

The Council may insist on annual leave being taken at particular times depending on the needs of the business and these are set out in your contract of employment. We will give reasonable notice of any such requirement (the length of the notice given will be at least twice the duration of the leave the Council requires the employee to take).

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

## 4.9 Reserve forces

Employees who are members of the Reserve Forces are required to attend regular training. It is usually a 2 week training camp each year. There is no legal right to time off for this purpose and employees may use part of their annual holidays.

If a reservist is called up for duty they have the right to apply for their old job when they return and they are protected from being dismissed on the grounds that they may be called up for active duty.

# Section 5 – Flexible Working and Family-Related leave

***The Council understands the particular issues faced by employees trying to balance their work and family life. This section sets out the Council’s policies in this area and the specific rights given to new parents.***

## 5.1 Flexible working

### Qualification

To make a flexible working request, you must:

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

### Scope of a Request

If you qualify, you may request:

* a change to hours worked;
* a change to the times you are required to work;
* a change in duties;
* a change to any other terms of your employment.

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

### Your Application

Before making a flexible working request you should consider:

* what working pattern you are seeking;
* the financial implications a change might have on you;
* what effects, if any, the change will have on the Council’s business and on your colleagues and how these might be accommodated.

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

* state that it is an application under the right to apply for flexible working arrangements;
* specify the change applied for;
* specify the date on which you would like the change to be

effective;

* explain what effect, if any, you think making the change applied for would have on the Council; and
* explain how you meet the eligibility requirements.

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

### Our Response

Unless we jointly agree otherwise, we will deal with your application, from start to finish, within a maximum of three months.

We may agree to your request without discussing it with you. If so, we will notify you of this, in writing.

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

### The Meeting

At the meeting, we will discuss your requested work pattern in detail and consider and how it might be accommodated. We may also discuss alternative working patterns.

### After the Meeting

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

The grounds on which we can reject your request are:

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

### The Appeal Procedure

You may appeal our decision in writing within 7 days of receiving it, setting out your grounds of the appeal.

We will either invite you to an appeal meeting within 14 days of receiving your appeal, or allow your appeal without a meeting.

We will give you a written appeal outcome within 7 days of the hearing. If we allow the appeal, we will specify the variation agreed and the date from which it is to take effect. Where we reject your appeal, we will explain why. This decision will be final.

## 5.2 Maternity leave

All employees who give birth are entitled to take maternity leave which lasts for a maximum of 52 weeks. Employees with at least six months’ service will also be entitled to be paid Statutory Maternity pay (SMP) for up to 39 weeks of their absence. Because this is a statutory payment there are a number of procedural requirements that must be met in order to make sure that an employee qualifies. The most important requirements are set out below, but if you have any doubts about the rules that apply you should speak to the Town Clerk or your manager who will make sure that you have all the appropriate information.

### Notification

To qualify for maternity leave you must notify the Council that you are pregnant, giving the date of the week your baby is due (your expected week of childbirth or EWC) and indicating when you intend your maternity leave to start (this date can be changed later – see below).

You should give the Council this information no later than the end of the 15th week before your EWC (when you are approximately 6 months pregnant). If this is not possible then you should give the information as soon as is practicable.

You must also give the Council the Maternity Certificate (MATB1) that will be issued to you by your doctor or midwife some time after the 20th week before your EWC. In some circumstances the Council may be able to accept other medical evidence of when your baby is due, so if there is any difficulty in providing the MATB1 certificate you should discuss this with the Town Clerk.

If you intend to take advantage of the right to shared parental leave, you should inform the Council of this fact at the same time as you notify the intended start date of your leave.

### Start of maternity leave

Generally it is up to you to decide when to start your maternity leave. However, your leave cannot begin any earlier than the beginning of the 11th week before your EWC.

Where it is safe to do so, you may choose to continue working right up to your child’s birth. However, your maternity leave will begin automatically if you are off sick for a pregnancy-related reason at any stage in the four weeks immediately before your EWC.

If your baby is born before the date that you have notified as the start date for your maternity leave, then your maternity leave will begin on the day following the birth.

You may change the date on which you intend to start your maternity leave, but you must notify the Council of your new start date at least 28 days before the original date given (or the new date, if that is sooner). If there is a reason why you cannot give this notice then you should explain the situation to the Town Clerk or your manager and the Council will attempt to accommodate your changed circumstances. However, the Council may need to insist on delaying the start of your leave until at least 28 days have passed since your notification of a changed date.

When your baby is born you should inform the Council of this fact as soon as is reasonable practicable.

### Duration of maternity leave

The standard length of maternity leave is 52 weeks. Once you indicate the intended start date of your leave, the Council will send you a written notification of your expected date of return.

Unless you give due notice to the Council of an earlier date of return, it will be assumed that you intend to take your full 52-week entitlement and you will not be expected back at work before your leave ends. You do not then have to give any notice of your return although it would be sensible to contact your manager some time in advance to discuss any arrangements that may need to be made.

At the end of your maternity leave you are generally entitled to return to the same job as you had before your leave began. If you are away for more than 26 weeks, however, there may be circumstances in which that is not reasonably practicable. In that case, the Council will provide you with a suitable and appropriate role at the same level of seniority and on no-less favourable terms and conditions.

### Dismissal or resignation

While on maternity leave you remain employed by the Council and bound by your contract of employment. If you decide that you want to leave your employment you will need to submit your resignation in the normal way.

The Council will not dismiss you for any reason related to your pregnancy or your exercise of any right which arises from it. However, if separate circumstances require your dismissal (for instance, because of redundancy) then that will bring your maternity leave to an end.

If your position becomes redundant during your maternity leave then you will be offered any suitable alternative work that is available.

### Maternity pay

Statutory Maternity Pay (SMP) is paid to employees who have at least 26 weeks’ service immediately before the 15th week before the expected week of childbirth and whose pay is above the Lower Earnings Limit for paying National Insurance Contributions (this changes each year). Employees who earn below that amount may be entitled to a state benefit called Maternity Allowance (MA). The Council will provide you with an appropriate form to help you claim this, where appropriate.

To pay SMP, the Council needs to be given at least 28 days’ notice that you intend to claim it. This will normally be given when you inform the Council of your intended start date for maternity leave. If it is not possible to give 28 days’ notice, you should give as much notice as is reasonably practicable.

SMP is paid for a maximum total of 39 weeks. The first 6 weeks are paid at 90 per cent of your normal weekly earnings[[1]](#footnote-1) and the remaining 33 weeks are paid at a flat rate specified in legislation. This changes from year to year.

Your entitlement to SMP will be affected if you undertake any paid work (other than Keeping in Touch days, described below) or are taken into legal custody at any time during your period of SMP entitlement. You should inform the Council immediately of any such change in your circumstances.

### Returning to work early

Not every employee will want to take the full 52 weeks of maternity leave. Some may simply want to return to work early and others may wish (with their partner) to take advantage of the right to shared parental leave (see below).

In order to make arrangements to accommodate an early return the Council is entitled to ask for 8 weeks’ notice of the new date, and if that is not given may delay your return until 8 weeks have passed since your notification.

In any event the law requires that you must not be permitted to return to work during the two weeks immediately following the birth.

### Returning to work late

Following your maternity leave, you are required to return to work on the date notified to you as your expected date of return. If you are unwell on that date then you should follow the sickness absence procedure set out in Section 6.2 of this handbook.

If you are entitled to begin some other period of leave (such as annual leave or parental leave) then you should ensure that you have followed the appropriate procedure for taking such leave as set out in this handbook.

### Maternity suspension (health and safety reasons)

Depending on the nature of your job, there may be circumstances in which it is unsafe for you to continue working while you are pregnant. In some circumstances the law requires a pregnant employee to be suspended on full pay or transferred to alternative duties. Jobs which may come under this category are identified in the risk assessments that the Council has carried out under its health and safety policy. If you are affected by any health and safety issues connected with your pregnancy then the Council will discuss any detailed arrangements that need to be made until it is safe for you to return to your original duties.

## 5.3 Adoption leave

Employees who are matched with a child for adoption may be entitled to take up to 52 weeks’ adoption leave. Where two parents are adopting a child, only one of them may take adoption leave, and the other (whether a man or woman) is entitled to take paternity leave. If both adoptive parents qualify, they may each take shared parental leave.

The arrangements for taking adoption leave are similar to the arrangements for taking maternity leave, but there are several important differences. The key ones are set out below, but if you believe you are entitled to adoption leave you should discuss the situation with the Town Clerk who will ensure that you have all the necessary information.

If you intend to take adoption leave you should notify the Council of this within seven days of being notified that you have been matched with a child for adoption (or as soon as is reasonably practicable).

Your notification should set out the date when the child is expected to be placed with you and the date when you want to start your adoption leave. You can change your mind about the start date provided the Council is given at least 28 days – or as much notice as is reasonably practicable.

The Council is entitled to require proof of the adoption which usually takes the form of a matching certificate provided by the agency placing the child.

Adoption leave will last for 52 weeks unless you choose to return early or take advantage of shared parental leave. You may choose to start the leave from the date when the child is placed with you or at any time in the preceding two weeks.

If, for any reason, the placement is brought to an end – for example because the match turns out to be unsuitable – then adoption leave will continue for 8 weeks beyond the end of the placement. After that period you will be expected to return to work as normal.

The arrangements for statutory adoption pay are similar to those for SMP.

Your return to work at the end of your adoption leave is on the same basis as for the end of maternity leave (set out above).

## 5.4 Paternity leave

Employees with six months’ service will be entitled to take paternity leave if they expect to have parental responsibility for a child and they are either the mother’s partner or one of the adoptive parents. The purpose of the leave must be either to care for the child or to provide support for the child’s mother or adoptive parent.

There are a number of administrative requirements that must be met in relation to taking paternity leave and employees should discuss their plans with their line manager at as early a stage as possible. The following paragraphs set out the basic requirements, but there are additional requirements that must be met when adopting a child from overseas and employees in this position should talk to their manager who will make sure that full information is provided.

Employees entitled to take paternity leave are entitled to take either one or two weeks of leave. If two weeks are taken they must be consecutive and no individual days can be taken except with the agreement of the Council.

Paternity leave cannot start before a child is born and must be taken at some stage within the first eight weeks following birth (except when the child is born prematurely in which case the leave must be taken within the eight weeks following the expected week of childbirth).

Most new parents choose to begin paternity leave on the date their child is born, but you may if you wish begin the leave at any time you choose provided that the whole of the leave is taken by the end of those eight weeks.

In order to qualify for paternity leave you must notify the Council at least

15 weeks before the expected week of your child’s birth or within 7 days of having been notified that a child will be placed for adoption. Your notification should specify how much leave you intend to take and when you intend the leave to begin. Should your plans change, you will need to give the Council 28 days’ notice of any revision.

Paternity leave is payable at the statutory rate, which is subject to change every year. You can check the most up-to-date figure with the Town Clerk or your manager.

## 5.5 Parental leave

Parental leave is a flexible form of unpaid leave designed to help employees spend time caring for children. It is usually taken in instalments over the first 18 years of a child’s life and is available to employees who have at least one year’s service and who have formal parental responsibility for a child.

The basic entitlement is to 18 weeks of unpaid leave in respect of each child. It must usually be taken before each child’s 18th birthday.

Parental leave must usually be taken in blocks of one week or more and no more than four weeks’ leave will be granted in a single year. However, more flexibility is available in respect of disabled children and you should discuss your requirements with the Town Clerk or your manager if this applies to you.

A request to take parental leave should be submitted 21 days in advance. While the Council will always try to accommodate requests for parental leave, it has the right to postpone any leave for up to six months in order to accommodate the needs of the organisation.

No postponement will be required if you choose to take your first instalment of leave immediately after the birth or adoption of your child. In such circumstances you need only inform the Council of your intention 21 days before the expected date of birth or placement. The leave will then begin automatically when your child is born or placed with you.

Parental leave is an entitlement that can be transferred from one employment to another. You may therefore join the Council with some outstanding parental leave attaching to a particular child. In such circumstances you should be aware that the qualifying period for taking parental leave still applies and you will need to have been employed for at least one year before you can resume taking parental leave.

## 5.6 Shared parental leave

Shared parental leave is a flexible form of leave available to both parents designed to encourage shared parenting in the first year of a child’s life. It allows a more flexible pattern of leave than the traditional arrangement under which the mother takes extensive maternity leave and the father takes a short period of paternity leave.

Employees who give birth or adopt remain entitled to take the full 52 weeks of leave if they choose to do so and the arrangements described above for maternity and adoption leave continue to apply. However, an employee may choose to share part of that leave with their partner provided that certain qualifying conditions are met. When leave is shared in this way, there is no need for the ‘primary’ leave taker to have returned to work. Both parents can be on leave at the same time, provided that the combined amount of leave taken by the parents does not exceed 52 weeks and provided that all of the leave is taken before the end of 52

weeks following the birth of the child or its placement for adoption.

Generally, parents will qualify for shared parental leave provided that both are working and that each has at least 26 weeks’ service with their respective employers. To exercise the right, both parents must inform their employer that they intend to take shared parental leave – usually at the same time as the employer is notified that an employee is pregnant or plans to adopt. They must also give an indication of the pattern of leave that they propose to take.

A parent proposing to take a period of shared parental leave must give the Council 8 weeks’ notice of any such leave. Depending on the circumstances, it may be possible for the Shared Parental Leave to be taken in intermittent blocks, with one parent returning to work for a time before taking another period of shared parental leave. Such an arrangement can only be made with the agreement of the Council. While every effort will be made to accommodate the needs of individual employees, the Council may insist on shared parental leave being taken in a single instalment. Any decision as to whether to permit intermittent periods of leave is entirely at the Council’s discretion.

An employee absent on shared parental leave will be entitled to a weekly payment equivalent to the lower fixed rate of SMP. The number of weeks for which payment will be made will vary depending on the amount of SMP paid to the mother while on maternity leave. Essentially, if the mother ends (or proposes to end) her leave with 10 weeks of SMP entitlement remaining, the parent taking shared parental leave will be entitled to be paid for the first 10 weeks of leave.

Because of the number of options available, shared parental leave can be quite a complicated entitlement. If you want to take advantage of shared parental leave you should discuss this with the Town Clerk or your manager who will check that you qualify and help guide you through the procedure.

## 5.7 Keeping in touch days

We may agree, during your period of maternity or shared parental leave, that you will come into work to catch up on the latest developments, undergo training or some other development activity or to take part in important meetings. These ‘keeping in touch days’ are entirely voluntary and employees will not be required to take part. Nor is the Council under any obligation to arrange for keeping in touch days. Any payment for attending work on such days will be agreed between the Council and the employee at the time the keeping in touch day is arranged.

## 5.8 During maternity or shared parental leave

The Council is keen to keep in touch with employees who are on extended periods of leave, to inform them of any news and consult them over any changes which may take place in the organisation. However, we appreciate that many employees would prefer to be left alone at this very important time in their lives. In order to get the balance right, the Town Clerk or your manager may, before your leave begins, discuss with you how best we can keep in touch while you are away.

Please be aware, however, that if an important issue arises on which you need to be consulted, the Council may have a legal obligation to discuss the issue with you and keep you informed.

### SECTION 6 – HOW WE RESOLVE ISSUES

***When problems arise in the employment relationship it is important that they are dealt with fairly and promptly. This section sets out the procedures that the Council will follow in such cases.***

## 6.1 Performance improvement procedure

It is in everybody’s interests for employees to perform well at their jobs and the Council aims to ensure that all employees are given the support needed to ensure that they do so. Where there are issues with performance then the employee should receive feedback from their manager setting out any concerns. Discussions should take place about how that performance can be improved. This procedure is designed to be used when such informal discussions do not lead to the employee’s performance improving to an acceptable level.

Where an employee’s poor performance is believed to be the result of deliberate neglect, or where serious errors have been made to the detriment of the Council then it may be more appropriate to use the disciplinary procedure. Which procedure to use shall be at the discretion of the Council as will the decision whether to follow these procedures where the employee has short service (under two years).

### The right to be accompanied

Employees are entitled to be accompanied at any meeting held under this procedure by a fellow employee or trade union official of their choice. The Council will provide any chosen companions with appropriate paid time off to allow them to attend the meeting. It is, however, up to the employee in question to arrange for a companion to attend the meeting.

If your chosen companion cannot attend on the day scheduled for the meeting then the Council will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you may need to find someone else to take their place.

The Companion’s role is to advise you during the meeting and make representations on your behalf. However, both you and your companion are required to cooperate in ensuring a fair and efficient meeting.

### Stage one

The Town Clerk *or* line manager will inform the employee of the nature of the problem and confirm this in writing. The employee will be invited to a meeting to discuss the issues raised by the Town Clerk or manager’s concerns. The meeting will be conducted by the Town Clerk or line manager and will consider any representations the employee may make about their performance, whether it needs to be improved, and if so what steps can be taken to help the employee reach the appropriate level.

Following discussion of the problem, the Town Clerk or line manager may choose to take no further action; to refer the matter for investigation under the disciplinary procedure or to issue a formal Performance Improvement Plan.

### Performance Improvement Plan

A Performance Improvement Plan (PIP) is a series of measures designed to help improve the employee’s performance. Each measure will ideally be agreed with the employee, though the Council reserves the right to insist on any aspect of the PIP in the absence of such agreement.

Each PIP will be tailored to the particular situation, but will contain the following elements:

**Timescale:** the overall timescale in which the necessary improvement must be achieved will be set out, together with the timescale for reaching individual milestones where appropriate.

**Targets:** The PIP will specify the particular areas in which improvement is needed and set out how and on what criteria the employee’s performance will be assessed. Where appropriate, specific targets will be set which will need to be achieved either by the end of the plan or at identifiable stages within it.

**Measures:** The PIP will specify what measures will be taken by the Council to support the employee in improving their performance. Such measures may include training, additional supervision, the reallocation of other duties, or the provision of additional support from colleagues.

**Feedback:** As part of the PIP the employee will be given regular feedback from the Town Clerk or their line manager indicating the extent to which the employee is on track to deliver the improvements set out in the plan

If at any stage the Council feels that the PIP is not progressing in a satisfactory way, a further meeting may be held with the employee to discuss the issue. As a result of such a meeting the employer may amend or extend any part of the plan.

### Review

At the end of the PIP the employee’s performance will be reviewed. If satisfactory progress has been made the employee will be notified of this fact in writing. If the Town Clerk or Line manager feels that progress has been insufficient then they may decide to extend and /or amend the PIP to such extent as seems appropriate. Alternatively the Town Clerk or line manager may refer the matter to a meeting under Stage two of this procedure.

Following the successful completion of a PIP the employee’s performance will continue to be monitored. If at any stage in the following 12 months, the employee’s performance again starts to fall short of an acceptable standard, the Town Clerk or their line manager may decide to institute stage two of this procedure.

### Stage two

If a PIP has not led to sufficient improvement in the employee’s performance, the employee will be invited to attend a formal performance management hearing. The invitation will set out the respects in which the line manager believes that the employee’s performance still falls short of an acceptable standard.

The hearing will be conducted by Line Manager/Town Clerk

At the hearing, the employee will be given an opportunity to respond to any criticism of their performance and to make representations about any aspect of the way in which the process has been managed.

If the hearing concludes that reasonable steps have been taken which should have allowed the employee to perform to an acceptable standard but that these measures have not worked then a **formal warning** may be issued. The warning will explain the nature of the improvement which is required in the employee’s performance and state that the improvement must be immediate and sustained. It will also explain that if this improvement does not take place then the employee may be dismissed. Where it is appropriate, the warning may be accompanied by an extended or revised PIP.

The warning will remain current for a period of 12 months, after which time it will cease to have effect.

### Stage three

If an employee has been issued with a warning under stage two which remains current, and the Town Clerk or line manager believes that the employee’s performance is still not acceptable then the matter may be referred to a further performance management hearing.

The employee will be informed in writing of the grounds of which the hearing is being convened and in particular will be told of the respects in which their performance continues to fall below an acceptable standard.

The hearing will be conducted by a senior manager / the Town Clerk.

At the meeting the employee will be able to respond to any criticisms made of their performance and make representations about how the situation should be treated.

The person conducting the meeting may take such action as is judged appropriate up to and including a decision to dismiss the employee.

Any dismissal under this procedure will be with notice or payment in lieu of notice and the decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the employee.

### Appeals

An employee may appeal against any decision taken under this procedure. The appeal should be submitted in writing within one week of the action complained of. An appeal hearing will then be convened to consider the matter. Any PIP that is in force, together with any measures or objectives included within it, will continue in place during the appeal process.

The outcome of the appeal will be confirmed to the employee in writing explaining the grounds of which the decision was reached. The outcome of the appeal will be final.

### Redeployment

There may be circumstances in which it becomes clear that an employee would be better suited to a different role within the Council. However, any offer to redeploy the employee will be entirely at the Council’s discretion and will only be made when the Council is confident that the employee will be able to perform well in the redeployed role and where there is a suitable available vacancy.

Redeployment may be offered as an alternative to dismissal where the Council is satisfied that the employee should no longer be allowed to continue to work in their current role. While the employee is free to refuse any offer of redeployment, the only alternative available in these circumstances will usually be dismissal.

## 6.2 Sickness absence procedure

The Council may need to dismiss an employee whose attendance does not meet an acceptable standard either because of a long-term absence or because of a series of short-term absences. Such dismissals do not depend on any wrongdoing on the employee’s part and do not mean that the Council does not accept that their absences are genuinely due to illness or injury. Rather, dismissal is recognition that unfortunately the employee is no longer able to perform their role, or attend work on a sufficiently regular basis to make their continued employment a viable option.

### Short-term absence

An employee who is absent on more than three occasions within a six month period will be invited to a meeting to discuss their attendance. The meeting will usually be conducted by the Town Clerk or employee’s line manager and the employee will have a right to be accompanied by a fellow employee or a trade union official on the same basis as set out in the performance management procedure (page 36).

At the meeting the employee will be asked to explain the level of their absence. Where there is any indication that the absences are caused by an underlying medical condition then the matter may be dealt with under the procedure for long-term absence set out below. The Council may also seek medical evidence from either the employee’s doctor or an occupational health specialist in which case the meeting will be adjourned for a report to be obtained

Subject to any medical evidence, the person conducting this first-stage meeting may decide to issue a warning to the employee setting out the Council’s expectations regarding attendance and indicating the level of improvement needed. A review period will normally be set which may range from one month to 12 months depending on the circumstances.

If the employee’s attendance does not improve to the extent required they may at any stage in the review period be invited to attend a second stage meeting to discuss the matter. The meeting will again be conducted by the Town Clerk or employee’s line manager and the employee will be entitled to be accompanied by a fellow employee or trade union official. This meeting may result in an extension of the review period or the issuing of a final written warning requiring the employee’s attendance to improve and setting out the level of improvement required over a specified period of up to one year.

If the employee does not meet this standard and there is no underlying condition where reasonable adjustments would assist the employee to attend then they may be dismissed. A final meeting will be convened which shall be conducted by the Town Clerk and will consider any representations made by or on behalf of the employee who will once again have the right to be accompanied by a fellow employee or trade union official.

Any dismissal arising out of this meeting will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

### Long-term sickness absence

Where an employee is absent for an extended period – or it is clear that their absence is likely to continue for some time – then the Council will want to investigate the prospects for their return and consider what actions can be taken to facilitate this. The extent to which the Council can continue to accommodate an employee’s absence will depend on a range of factors, including the role of the employee and the prevailing circumstances of the organisation.

The Council will seek medical advice as to the employee’s condition either from the appropriate professionals caring for the employee or from a specialist occupational health practitioner. The focus will be on ascertaining when the employee will be able to return to work and what steps the Council can take to facilitate this.

An employee is not obliged to consent to any medical reports or records being shared with the Council as part of this process. However, in the absence of medical evidence the Council will have to work on the basis of what information is available in reaching its decision.

One or more meetings will be arranged with the employee to discuss their condition, the prospects for any return to work, and whether anything more can be done by the Council to help. The employee will be entitled to be accompanied at the meeting by a fellow employee or trade union official.

Every effort will be made to make suitable arrangements for the meeting to allow the employee to attend. Where the employee is simply too ill to take part in the process, however, the Council may proceed to dismissal in the absence of a meeting taking into account any representations made on the employees behalf.

Where it appears that the employee will be unable to return to work within a reasonable time frame then the Council may need to consider dismissal. Any dismissal will be with notice.

There is a right of appeal against a decision to dismiss which must be exercised within five working days of the decision being communicated.

Any appeal will be heard by members of the Personnel Committee not previously connected with the process. In the case of the Town Clerk, the appeal will normally be conducted by three members of the Council who do not sit on the Personnel Committee.

## 6.3 Bullying and harassment procedure

It is not possible to define precisely what amounts to bullying or harassment. Usually this is a matter of common sense and the Council expects employees to consider how their words and actions may be seen by others and avoid behaving in such a way as to cause offence or create an unpleasant working environment.

Employees should be aware that what one person considers to be a harmless joke may be offensive to others. It is the responsibility of each individual employee to ensure that their behaviour does not cause offence and to stop immediately if a colleague tells them that their behaviour is unwanted or offensive to them.

It is also extremely important that the views of those who object to behaviour in this way are respected and that they are not subjected to any adverse comment or behaviour.

### Making a complaint

Employees who feel that they are being bullied or harassed in the workplace or that such behaviour is taking place should raise their concerns with the Town Clerk or their line manager. Every attempt will be made to treat allegations in confidence. However if the Council decides that formal disciplinary action needs to be taken then it may be necessary to disclose enough information to the accused employee to enable them to put their side of the story.

All complaints will be taken seriously and fully investigated. Disciplinary action will be taken where it appears to the Council that an employee has engaged in bullying or harassment. In serious cases this may result in dismissal for gross misconduct.

Because of the serious nature of such complaints, the making of any malicious or deliberately false complaint will itself be treated as gross misconduct that will usually result in dismissal.

## 6.4 Disciplinary procedure

The Council always tries to deal with disciplinary issues fairly and promptly. This procedure sets out the framework under which allegations of misconduct will be investigated and considered. While the procedure set out in this policy will be appropriate in most cases, there may be situations in which it is not practicable to comply with a particular requirement of it. When this happens the Council will do its best to deal with the matter fairly and will pay particular attention to the need to give the employee every opportunity to explain their version of events.

This procedure will not apply in full to employees during the first two years of employment.

### Informal action

Most minor acts of misconduct can be dealt with informally through discussions between an employee and the Town Clerk *or* their line manager. This may consist of management guidance or an informal warning given orally or in writing. These steps are an everyday part of the management process and no formal procedure needs to be followed in respect of them.

Where informal action of this kind fails to resolve an issue, or where the misconduct alleged is considered too serious, then the matter will be dealt with formally under this procedure.

Disciplinary action taken against you will be based on the following procedure:-

Disciplinary action taken against you will be based on the following procedure:-

|  |  |  |  |
| --- | --- | --- | --- |
|   | **FIRST**  | **SECOND**  | **THIRD**  |
|  **OFFENCE**  | **OCCASION**  | **OCCASION**  | **OCASSION**  |
|  **UNSATISFACTORY**  | Written  | Final Written  | Dismissal  |
|  **CONDUCT**   | warning  | warning  |   |
|  **MISCONDUCT**  | Written warning  | Final written  | Dismissal  |
|    |   | Warning  |  |
|  **SERIOUS**  | Final written  | Dismissal  |  |
|  **MISCONDUCT**   | warning  |  |  |
|  **GROSS**  **MISCONDUCT**  | Dismissal  |  |  |

### Investigation

If it is alleged that you have committed misconduct, an appropriate investigation will be carried out aimed at gathering all of the relevant evidence. You may be interviewed as part of this investigation and will have the opportunity to point the investigator towards any evidence that you feel is relevant. The right to be accompanied (see below) does not apply to any investigatory interview.

### Suspension

If an allegation of misconduct is made against you, then you may be suspended from your duties on full pay while the matter is being dealt with. The Council will make every effort to ensure that any period of suspension is kept as short as possible. The purpose of a suspension is either to allow an investigation to take place, or to protect the interests of the Council and its employees. During any period of suspension you may be instructed not to contact other members of staff except for the purposes of preparing for any disciplinary hearing, where specific arrangements will be made with you.

### Hearing

Once the investigation has been carried out, the investigating officer will make a decision about whether there is sufficient evidence to warrant a disciplinary hearing. If there is you will be informed of this and an appropriate date for the hearing will be arranged. This will take place within normal working hours wherever possible.

To ensure that you have adequate time to prepare for the hearing, the Council will provide you in advance with a copy of all of the written evidence that will be considered at the hearing. In exceptional cases the Council may need to withhold the identities of certain witnesses or hold back sensitive items of evidence. This will only be done where it is considered necessary to protect individuals or the essential interests of the Council and every effort will be made to ensure that you are given as much information as possible so that a fair hearing can be conducted.

You will be given sufficient notice of any hearing to allow you to prepare for it. While this will vary from case to case, the Council will generally try to give at least two days’ notice of any hearing and in complicated cases a longer period of notice may be given.

The purpose of the hearing will be to consider the evidence gathered during the investigation and to consider any representations made by you or on your behalf. The hearing will be conducted by an appropriate manager who, wherever possible, has not previously been involved in the case and who was not responsible for carrying out the investigation.

### The right to be accompanied

Employees are entitled to be accompanied at any disciplinary hearing by a fellow employee or trade union official of their choice. The Council will provide any chosen companion with appropriate paid time off to allow them to attend the hearing. It is, however, up to the employee in question to arrange for a companion to attend the hearing.

If your chosen companion cannot attend on the day scheduled for the hearing then the Council will agree a new date. This will usually be within 5 working days of the date originally scheduled. If your companion is not available within that timescale then you may need to find someone else to take their place.

The companion’s role is to advise you during the hearing and make representations on your behalf; it is not to answer questions for you. However, both you and your companion are required to cooperate in ensuring a fair and efficient hearing.

### Evidence

The hearing will consider any evidence you choose to present. Should witnesses be prepared to appear on your behalf they will be permitted to do so provided that their evidence is relevant to the issues that need to be decided. The Council will not compel or require any employee to appear as a witness on your behalf and in most circumstances evidence arising from the investigation will be presented in written form. You will be entitled to challenge any of the evidence presented but will not be entitled to cross-examine witnesses.

### Disciplinary action

After considering all of the evidence, including any submissions made by you or on your behalf, the person conducting the hearing will decide on the outcome. If misconduct is found to have taken place then the usual outcome will be a **written warning** which will be placed on your personnel file.

A warning will stay active for a period of six months, after which it will not be taken into account in any future disciplinary action.

If however a further instance of misconduct is found to have occurred (in accordance with this procedure) during the currency of a warning – or if any misconduct is considered to be serious enough to warrant it – then, subject to the formal process above being followed, you will be issued with a **final written warning**.

A final written warning will usually remain active for one year, but a longer period may be specified if the manager conducting the hearing feels that the circumstances warrant it.

An employee who is found to have committed further misconduct during a period covered by a final written warning will, following a hearing conducted in accordance with this procedure, generally be dismissed.

Northampton Town Council has a policy that it will not award pay increases to employees that have been the subject of a proven disciplinary procedure during the preceding 12 months.

### Dismissal

An employee will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred then dismissal without notice or payment in lieu will be the usual outcome.

Gross misconduct is misconduct that is so serious that it fundamentally undermines the relationship between employer and employee. If you are accused of gross misconduct this will be made clear when you are invited to a disciplinary hearing. A wide range of behaviours can amount to gross misconduct but the most common involve dishonesty, violent or aggressive behaviour, the wilful destruction of Council property or a deliberate refusal to obey a reasonable instruction. Further details of what constitutes gross misconduct are found in the Code of Conduct (Section 3).

**DISCIPLINARY AUTHORITY**

The operation of the disciplinary procedure contained in the previous section, is based on the following authority for the various levels of disciplinary action.

**PERSONS AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:**

 **TOWN CLERK OTHER**

**EMPLOYEES**

Written warning Chair of the Line Manager / Town Clerk

 Policy and Finance

 Committee

 Final Written Warning Chair of the Town Clerk

 Policy and Finance

 Committee

 Dismissal Chair of the Town Clerk Policy and Finance

 Committee

#### Appeal

An employee may appeal against the outcome of a disciplinary hearing by doing so in writing within one week of being notified of the outcome. The person to whom an appeal should be directed will be detailed in the disciplinary outcome letter.

Any appeal will be heard by three members of the Policy and Finance Committee not previously connected with the process. In the case of the Town Clerk, the appeal will normally be conducted by three members of the Council who do not sit on the Policy and Finance Committee.

The appeal will consider any grounds the employee chooses to put forward and they will have the same right to be accompanied as at a disciplinary hearing. The result of the appeal hearing will be final.

#### Employee absence

It is important that disciplinary issues are dealt with promptly. The Council may therefore need to proceed with a disciplinary hearing even if the employee is absent due to ill health or simply does not attend. Before hearing the matter in an employee’s absence, the Council will attempt to arrange the hearing in such a way that the employee will be able to attend or to submit written representations to the hearing and/or to arrange for an appropriate representative to attend the hearing on their behalf.

## 6.5 Grievance Procedure

The Council aims to be responsive to concerns raised by employees and if you are unhappy with something affecting you at work you are encouraged to raise this with the Town Clerk or your manager. The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.

Examples of issues that could be dealt with under the grievance procedure include:

(a) terms and conditions of employment;

(b) health and safety;

(c) work relations;

(d) bullying and harassment;

(e) new working practices;

(f) working environment;

(g) organisational change; and

(h) discrimination.

The Grievance Procedure should not be used to complain about issues which do not directly relate to, or impact on, you and your work/ working environment.

The Grievance Procedure should not be used to complain about disciplinary action, reasonable action taken under the Performance Management Procedure or Sickness Absence Procedure. Any such complaints should be dealt with under the relevant appeal procedure.

### Raising a grievance

If you feel that the matter needs to be raised formally you should raise a grievance by making a written complaint, stating that it is being made under this procedure. You should give as much information about your grievance, including any relevant dates and times, as you can, so as to allow for any investigation into your concerns to take place.

A grievance will normally be dealt with by the Town Clerk or your manager and should be addressed to them directly. Where the grievance is directly concerned with the Town Clerk or line manager’s behaviour, however, you should submit your grievance to the Chairman of the Personnel Committee who will arrange for somebody who is not directly involved in the issue to deal with it.

### Grievance hearing

A grievance hearing will then be arranged so that you can explain the issue and suggest how it can be resolved. You will have the right to be accompanied by a fellow employee or trade union official as described in Section 6.1, above. The person conducting the hearing will consider what you have said and may either deal with the matter immediately or decide to carry out further investigations. In that case the hearing will be adjourned until the investigation has been completed.

Once the investigations are concluded the meeting will then be reconvened and you will have the opportunity to consider and respond to the findings of the investigation. Only then will a decision on the outcome of your grievance be made.

### Allegations of misconduct

Where an employee is making allegations of misconduct on the part of other employees then the Council may need to carry out an investigation into the allegations and pursue the matter through the disciplinary procedure. Where this happens the grievance will be held over until the disciplinary process has been concluded.

### Relationship with other procedures

Where your grievance relates to the conduct of other procedures such as the disciplinary or performance management procedures then the Council may choose to either delay the consideration of the grievance until that procedure has been completed or to deal with the grievance in the course of that procedure or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

### Appeals

If you wish to appeal you must inform the Chair of the Policy and Finance Committee within five working days. You will then be invited to a further meeting, which you must take all reasonable steps to attend. As far as reasonably practicable, the Council will be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).

 In any case where it is not possible or desirable to arrange an appeal involving a different and more senior manager, the Chair of the Policy and Finance Committee, or in their absence, the Vice Chair, will arrange with the Town Clerk for the appeal to be heard by a panel of three councillors.

 Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.

 In any case where the Town Clerk is the subject of the grievance or where the Town Clerk raises a grievance against treatment by one or more Councillors, the Town Clerk will be invited to a meeting with three Councillors, preferably who have not been involved with the grievance at an earlier stage. The Town Clerk will have the right to be accompanied at any stage by a fellow employee or trade union officer. Legal representation will not be permitted.

 If the Town Clerk wishes to appeal against the decision of the panel he/she will notify the Chair of the Policy and Finance Committee within five working days who will arrange an appeal meeting involving three different Councillors than those who were involved with the panel

In the absence of the Chair of the Policy and Finance Committee, the above responsibilities should be adopted by the Vice Chair.

You will have the right to be accompanied at the appeal by a fellow employee or trade union official as described in Section 6.1.

The outcome of any appeal will be final.

**SECTION 7 – SAFEGUARDING**

## 7.1 Criminal Record Disclosure(s)

Your initial employment is conditional upon the provision of a satisfactory Criminal Records Disclosure of a level appropriate to your post. You may be required to consent to subsequent criminal record checks from time to time during your employment as deemed appropriate by the Council. In the event that such disclosure(s) are not supplied or are not satisfactory, your employment with the Council will be terminated.

During your employment, you are required to immediately report to the Council any convictions or offences with which you are charged, including traffic offences.

**7.2 Policy statement on the secure storage of DBS information handling, use, retention and disposal of disclosures and disclosure information.**

As an organisation using the Disclosure and Barring Service (DBS) and / or Disclosure Scotland Service to help assess the suitability of applicants for positions of trust, the Council complies fully with the DBS/ Disclosure Scotland Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. The Council also complies fully with its obligations under the Data Protection Act.

Disclosure information is never kept on an applicant's personnel file. It is always kept separately and securely in lockable, non- portable storage containers with access strictly controlled and limited to those who are authorised to see it as part of their duties in accordance with Section 124 of the Police Act 1997. The Council maintains a record of all those to whom disclosures and disclosure information has been revealed and recognises that it is a criminal offence to pass the information to anyone who is not entitled to receive it.

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Once a recruitment (or other relevant) decision has been made, the Council does not keep disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, the Council considers it necessary to keep disclosure information for more than six months, the DBS/Disclosure Scotland will be consulted and full consideration will be given to the data protection and human rights of the individual.

Once the retention period has elapsed, the Council will ensure that any disclosure information is immediately destroyed by secure means, i.e.

by shredding, pulping or burning. While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. a waste bin or confidential waste sack). The Council will not keep any photocopy or other image of the disclosure or any copy or representation of the contents of the disclosure. However, the Council may keep a record of the date of issue of the disclosure, the name of the subject, the type of disclosure requested, the post for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment (or other relevant) decisions taken.

## 7.3 Policy on the recruitment of ex-offenders

As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants suitability for positions of trust. We comply with the DBS Code of Practice and undertake to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

We are committed to the fair treatment of all our staff and potential staff regardless of any offending background.

This is our policy on the recruitment of ex-offenders, and this can be made available to all Disclosure applicants at the outset of the recruitment process, or at any other time, upon request.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and accept applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience, as set out in our person specifications.

A Disclosure is only requested after a thorough risk assessment had indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, job adverts and recruitment brief will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. This information will only be seen by those who need to see it as part of the process.

Unless the nature of the position allows us to ask questions about your entire criminal record we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those who are involved in the recruitment and selection process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of offer of employment.

We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. **Having a criminal record will not necessarily bar you from working with us.** This will depend on the nature of the position and the circumstances and background of your offences.

## 7.4 Child protection policy & code of practice

### Introduction

This policy applies to all staff, town councillors and volunteers working for the Council as part of the Town Council’s activities. It is designed to safeguard children and young people (up to the age of 18 years) from potential abuse as well as protect Northampton Town Council, its staff, elected town councillors and volunteers from potential false allegations of abuse. Northampton Town Council is committed to taking all reasonable precautions to safeguard the welfare of children that use its services and promotes a safeguarding culture and environment.

Staff do in the following areas of the Town Council’s work have regular contact with children and young people:-

Children and young people have the right to have fun and be safe in the services provided for them and the activities they choose to participate in.

The Council is not an investigative or intervention agency for child protection. Council staff have a responsibility to refer suspected cases of abuse to the appropriate safeguarding officer of West Northants Council

### Aims

The council aims to:

1. Raise awareness of the duty of care responsibilities relating to children and young people throughout the Council;
2. Actively encourage good practice amongst staff, elected town councillors and volunteers throughout the Council;
3. Create a safe and healthy environment within all our services, avoiding situations where abuse or allegations of abuse may occur;

iv) Respect and promote the rights, wishes and feelings of children and young people;

1. Listen to children and young people, minimising dangers and working closely with other agencies;
2. Recruit, train, supervise and support staff, elected town councillors and volunteers who work with and come into contact with children and young people to adopt best practice to safeguard and protect children and young people from abuse, and themselves against false allegations. Staff, town councillors and volunteers who work with children and young people will be subject to the appropriate level Disclosure and Barring Service check;
3. Respond to any allegations appropriately and implement the appropriate disciplinary and appeals procedures;
4. Require staff, town councillors and volunteers to adopt and abide by the Council’s Child Protection Policy and Code of Practice.

### Objectives

Objectives to achieve these aims:

1. To provide appropriate information, guidance and where appropriate training for staff, town councillors and volunteers, to enable them to recognise the potential signs and indicators of abuse and to improve good practice;
2. ii) To aid staff, town councillors and volunteers to respond sensitively and seriously to a child or young person who discloses information about abuse, and be confident and able to take appropriate action swiftly, regardless of whom the allegation is about, e.g. carer/staff member; iii) To maintain a level of good working practice at all times and therefore reducing the risk to children and young people during and within Council services;
3. To develop and implement effective procedures for recording and responding to incidents and accidents;
4. To develop and implement effective procedures for recording and responding to complaints of alleged or suspected child abuse.

**Categories of Abuse**

### Physical Abuse

Physical Abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to the child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.

### Emotional Abuse

Emotional Abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving children opportunities to express their views deliberately silencing them or ‘making fun’ of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. It may include interactions beyond the child’s developmental capability, overprotection, limitation of exploration or learning, and/or prevention of normal social interaction. It may involve seeing or hearing ill-treatment of another. It may involve serious bullying, causing children to frequently feel frightened or in danger, or exploitation and corruption of children. Some level of emotional abuse is involved in all types of ill treatment of a child, although it may occur alone.

### Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

### Neglect

Neglect is the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

* provide adequate food, clothing and shelter (including exclusion from home or abandonment);
* protect a child from physical and emotional harm or danger;
* ensure adequate supervision (including the use of inadequate care-givers);
* ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.

#### Code of Behaviour and Good Practice Guidelines

As part of the overall Child Protection Policy the Council will carry out Disclosure and Barring Service (DBS) checks on those whose role within the Council engage with children. In line with best practice, these checks will be repeated every three years for the appropriate people. Whilst the information provided by the DBS is important in terms of staff employment, the Council recognises that this is only part of the overall policy to create and sustain a safe environment for children that use our services and engage with staff, town councillors and volunteers.

The following guidelines apply to those working with children or young people in activities organised by or on behalf of Northampton Town Council.

###  YOU MUST YOU MUST NOT

|  |  |  |  |
| --- | --- | --- | --- |
| •  •  •  •  •  | treat everyone with respect provide an example of good conduct you wish others to follow plan activities which involve more than one other person being present, or at least which are within sight or hearing of others respect a person’s right to personal privacy provide access for young people to talk to others  |  | * have any inappropriate verbal or physical contact with children, young people or make suggestive remarks or gestures

 * permit abusive youth peer activities (e.g. initiation ceremonies, ridiculing, bullying)

 * play physical contact games with young people

 * jump to conclusions about others without checking facts

 * ask young people to do things that are potentially dangerous, illegal or otherwise unreasonable
 |
|  | about any concerns they  |  |   |
|  •  •  •  •  •  | may have encourage young people to feel comfortable and caring enough to point out attitudes or behaviour they do not like avoid physical horseplay such as wrestling or tickling remember that someone else might misinterpret your actions, no matter how well intentioned challenge unacceptable behaviour and report all allegations/suspicions of abuse be identifiable and wear a name badge at all times  |  | * exaggerate or trivialise abuse issues

 * show favouritism to any individual

 * rely on your good name to protect you

 * believe ‘it could never happen to me’

 * take chances when common sense, policy or practice suggests a more prudent approach

 * allow allegations made by a child to go unchallenged, unrecorded

or not acted upon  * be alone in a car with a child
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#### Complaints Procedure

It is important that the Council maintains an open culture where employees, town councillors, volunteers, children and parents/carers feel able to express concerns both about the child protection issues and issues of poor practice. The Council’s Complaint’s Policy is available at Northampton Town Council Offices or via its website

#### Recruitment and Training

All people required to carry out duties which involve working with children and those whose roles mean they come directly in contact with children shall undergo appropriate checks through the DBS.

Northampton Town Council will provide all staff with access to this policy and will encourage good practice and identify any training needs required.

#### Responding to Allegations or Suspicions

If you suspect a child or young person is being abused; emotionally,

Physically or sexually:

1. Tell your line manager.
2. Record any facts which support your suspicions.
3. Agree with other adults involved what action, if any, to be taken. If a person discloses to you abuse by someone else:
4. Allow the person to speak without interruption, accepting what is said, but do not investigate.
5. Alleviate feelings of guilt and isolation, while passing no judgement. vi) Advise that you will try to offer support, but you must pass the information on.
6. Same steps as 1-2 as in suspecting a person is being abused.

**If you receive an allegation about any other adult or about yourself:**

1. Immediately tell your line manager. ix) Record the facts as you know them.

x) Try to ensure no one is placed in a position which could cause further compromise.

**You must refer; you must not investigate.**

#### Procedure following allegation or suspicion of child abuse

1. All allegations/reasonable suspicions are to be referred immediately and directly to the Town Clerk.

1. No investigation or questioning is to be undertaken. If the Town Clerk is implicated, refer directly to the Chair of the Policy and Finance Committee. If a town councillor is implicated refer directly to the Town Clerk. All allegations/reasonable suspicions are to be referred.

1. Action to be taken by the person receiving the referral as soon as possible and, in any event, within 24 hours.

1. Write down notes, dates, times, facts, observations, verbatim speech if possible, as soon as possible/as soon as practicable after the incident or disclosure has occurred.

1. Ensure correct details available: Young person’s name and address, and name and address of parent/guardian.

1. Immediately contact West Northants Council’s Safeguarding Officer,
2. If the allegation involves a town councillor, inform the West Northants Council’s Monitoring Officer.

1. Prepare a confidential file. Record all notes, all conversations. Every effort should be made to ensure confidentiality is maintained for all concerned.

1. Information should be stored in a secure place with limited access to designated people, in line with the data protection laws.

1. Follow advice from West Northants Council – take no other action unless advised to by relevant officer of that Council.

If in doubt about the advice you have received at any stage refer to West Northants Council for guidance.

Incidents of serious abuse are likely to be rare, but it is important that all involved in the Town Council conduct themselves at all times in ways which will not lead to their actions being misconstrued or misinterpreted.

## 7.5 Lone Working Policy

The council will ensure, so far as is reasonably practicable, that employees and self-employed contractors who are required to work alone or unsupervised for significant periods of time are protected from risks to their health and safety.

The council will determine, by risk assessment, those activities where work can actually be done safely by one unaccompanied person. This will include the identification of hazards from means of access and/or egress, plant, machinery, goods, substances, environment and atmosphere, etc.

Particular consideration will be given to:

* the remoteness or isolation of workplaces
* any problems of communication
* the possibility of interference, such as violence or criminal activity from other persons
* the nature of injury or damage to health and anticipated "worst case" scenario

### Information and Training

Employees and others will be given all necessary information, instruction, training and supervision to enable them to recognise the hazards and appreciate the risks involved with working alone.

Employees will be required to follow the safe working procedures devised including:

* when working alone, e.g. in an isolated area of a building with all doors closed, ensure that someone is aware of your presence

* check that work being done has been subject to risk assessment and check the assessment yourself – some work may have been identified as requiring the assistance of a second person

* if possible and arranged beforehand, keep in regular contact with someone else, e.g.
* use a mobile phone to call into the office every couple of hours indicating your movements

* do not put yourself at risk; if you do not feel safe discuss the situation with your immediate manager

* report all accidents, injuries, near-misses and dangerous occurrences to your immediate manager

* working at height should not take place.

1. This is based on an average of your total earnings in the eight weeks immediately preceding the

14th week before your expected week of childbirth

[2For these purposes, a week’s pay is as stated in the contract of employment for normal working hours or, where there are no normal working hours, the average over the last 12 working weeks.] [↑](#footnote-ref-1)