



# **EMPLOYEE HANDBOOK**

**2019**

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## **WELCOME TO HAYDON WICK PARISH COUNCIL**

**Your relationship with the Council is governed by the policies and procedures in this Handbook and by the terms and conditions in your contract of employment. Please take time to read both documents. If there is a conflict between the two, your contract of employment shall prevail.**

This Handbook is divided into two parts:

### **SECTION 1 – COUNCIL RULES**

Section 1 sets out the Council rules, procedures and general information. To ensure that the Council is a safe, efficient and happy place to work it is very important that you obey the rules and always follow the set procedures.

### **SECTION 2 – POLICIES**

Section 2 sets out the Council policies for dealing with things like discipline, grievances, maternity and stress etc. These policies are in place to help and protect you. Please try to familiarise yourself with them. The Council's policies are not contractual.

If you are unsure about anything mentioned in either this Handbook or your Council's contract of employment, please contact the Clerk.

The Council is very pleased that you have chosen to work for Haydon Wick Parish Council and that your employment will be long, fulfilling and happy.

**Georgina Morgan-Denn BA (Hons) PSLCC**

**Clerk to the Council**

**April 2019**

## **SECTION 1 – COUNCIL RULES**

### **1 YOUR RESPONSIBILITIES**

- 1.1 Whilst working for the Council your overriding responsibilities are:-
  - 1.1.1 To observe all safety rules and to act in a manner that ensures your own health and safety and the health and safety of others; and
  - 1.1.2 To act wholeheartedly in the best interests of the Council.
- 1.2 Any conduct that either puts your own health and safety at risk or the health and safety of others at risk will normally be treated as **gross misconduct**.
- 1.3 Any conduct that is detrimental to the best interests of the Council or its relations with customers/clients, suppliers or the general public will normally be treated as **gross misconduct**.
- 1.4 Your general duties include the following:-
  - 1.4.1 To work hard, conscientiously, safely and loyally on behalf of the Council.
  - 1.4.2 Not to be involved in any work or activity which is in competition with the Council or which might adversely affect the Council's best interests.
  - 1.4.3 To obey the reasonable and lawful instructions of the Council and to be flexible in helping the Council achieve its objectives.
  - 1.4.4 To produce work of the best possible quality.
  - 1.4.5 To respect and care for the Council's property.
  - 1.4.6 To strictly obey all Rules and Regulations relating to health and safety and report to your supervisor any hazards to safe working arrangements.
  - 1.4.7 To comply with the Council's equal opportunities policy and to co-operate with it to ensure a working environment that is free from discrimination and prejudice and the fear of harassment or violence.
  - 1.4.8 Whilst working for the Council to devote all of your time and attention to your duties. You must not engage in any other business, activity or employment (either inside or outside your normal working hours) that interferes with this duty.
  - 1.4.9 To notify the Council at the earliest opportunity about any change in your personal circumstances such as your name, address or telephone number.

## 2 ATTENDANCE AND TIMEKEEPING

- 2.1 The Council expects excellent attendance and timekeeping.
- 2.2 Persistent lateness will normally be treated as misconduct. Unauthorised absence will normally be treated as **gross misconduct**.
- 2.3 It is your responsibility to make sure that you are at work and ready to start work at your scheduled starting time.
- 2.4 If you are sick or injured and cannot attend work then you must comply with the Council's sickness/injury rules. The sickness/injury rules are set out at part 3 of this Handbook.
- 2.5 If you arrive at work late you must immediately report to your supervisor, if they are unavailable or absent on that day you should report to the Clerk or Assistant Clerk.
- 2.6 If you need to leave work before your scheduled finish time you must obtain the prior authority of your supervisor or the Clerk and have your time sheet signed.

### **3 SICKNESS, INJURY AND SICK PAY**

- 3.1 You are expected to be available to work during your normal working hours. You must make every effort to attend work.
- 3.2 If you cannot attend work you must comply with the following rules:-
  - 3.2.1 You must personally telephone your supervisor or the Clerk within a minimum of one hour of your scheduled start time on your first day of absence. You should not leave a message at reception or with a colleague, nor should you send a text or e-mail. If you cannot make contact with your supervisor or the Clerk you should try to speak to another supervisor or the Clerk. You must state the reason for your absence and the date on which you expect to return to work. You should also leave a telephone number on which you may be contacted, should your supervisor or the Clerk need to contact you.
  - 3.2.2 If you are unable to return to work on the date expected you must call your supervisor or the Clerk again as outlined above.
  - 3.2.3 If your absence lasts for less than 8 calendar days, on your return to work you must complete an Absence Self-Certification (which is available from your supervisor or the Clerk) explaining the reason for your absence.
  - 3.2.4 If your absence lasts for 8 or more consecutive calendar days then you must:-
    - 3.2.4.1 Complete a Fit note (MED3) from your GP confirming your inability to attend work. This form must be sent to your supervisor or the Clerk immediately.
    - 3.2.4.2 If you cannot return to work when your medical certificate expires, you must obtain another medical certificate from your GP and send it to your supervisor or the Clerk immediately. Certificates are required to cover the total period of your absence with no gaps.
    - 3.2.4.3 You must telephone your supervisor or the Clerk at least one working day before you return to work so that arrangements can be made for your return.
    - 3.2.4.4 If your last medical certificate does not specify a date on which you can resume your duties or indicates that your doctor needs to assess your fitness for work again at the end of the period before you return you must supply the Council with a medical clearance certificate confirming that you are fit to return to work. Your doctor can provide this for you.
- 3.3 The Council reserves the right to require you to produce a medical certificate from your GP to cover absences of less than 8 days.
- 3.4 All medical certificates must specify the nature of the illness / reason for the absence. Back dated / undated medical certificates will not be accepted.
- 3.5 The Council reserves the right to withhold sick pay for any periods not covered by a medical certificate or where the Council is not satisfied as to the validity of the medical certificate.
- 3.6 Should your GP issue a "may be fit to work note" the Council will take into account any advice / recommendations given by your GP in that note.
- 3.7 The Council may request that you attend a meeting to consider the following:
  - 3.7.1 the advice that has been given by your GP and whether further advice is required;

- 3.7.2 your ability to return to/remain in your job in view both of your capabilities and the Council's business needs and any adjustments that can reasonably be made to your job or work area etc;
  - 3.7.3 possible redeployment opportunities and whether any adjustments can reasonably be made to assist you to redeploy;
  - 3.7.4 whether you are able to return to your job or a redeployed job, lighter duties; agreeing a return to work programme.
- 3.8 Where you are suffering longer term ill-health, you should at all stages seek to inform the Council as to any duties/roles that you feel that you might be able to still safely undertake despite your ill health.
  - 3.9 The Council may at its discretion obtain a further opinion from an alternative medical expert / occupational health advisor or may write to your GP requesting further information.
  - 3.10 The Council cannot guarantee that it will be able to implement any adaptations / adjustments recommended by your GP or any other medical or occupational health advisor.
  - 3.11 If it is not possible for the Council to implement such adaptations / adjustments it will explain the reasons for this to you. If this is the case, the Council will agree a time-scale for review and/or a further meeting.
  - 3.12 Upon your return to work after any period of absence due to ill health you are required to complete a Return to Work Form.

### **Sickness Scheme**

- 3.13 The scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.
- 3.14 Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.
- 3.15 Employees are entitled to receive sick pay for the following periods:
 

During 1 <sup>st</sup> year of service	1 months full pay and (after completing 4 months service) 2 months half-pay
During 2 <sup>nd</sup> year of service	2 months full pay and 2 months half pay
During 3 <sup>rd</sup> year of service	4 months full pay and 4 months half pay
During 4 <sup>th</sup> & 5 <sup>th</sup> years of service	5 months full pay and 5 months half pay
After 5 years' service	6 months full pay and 6 months half pay
- 3.16 The Council shall have discretion to extend the period of sick pay in exceptional cases.
- 3.17 The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
- 3.18 In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit receivable will secure the equivalent of normal pay.
- 3.19 In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity Benefit receivable, so long as the total sum does not exceed

normal pay.

- 3.20 Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
- 3.21 The social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:
- the conditions for the reporting of sickness as required by the Council;
  - the claiming of benefits
  - the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.
- 3.22 An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.
- 3.23 If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The Council shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the appropriate committee of the Council. If the Council decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme will be dealt with under the disciplinary procedure.
- 3.24 Where, for the purpose of qualifying for sick pay under the scheme, the Council requires a doctor's statement from an employee, the Council will reimburse the employee the cost of such a statement on the provision of a receipt.
- 3.25 An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a doctor's statement.
- 3.26 Where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday should be given.
- 3.27 Widows and married women exercising their right to be excepted from the payment of full rate National Insurance Contributions shall be deemed to be insured in their own right for all National Insurance benefits.
- 3.28 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sick pay.

### **Medical Examinations**

- 3.29 Should the Council have concerns about your number of days absence due to ill health it may require you to attend with a medical advisor at an Occupational Health meeting. As part of the responsibilities you owe to the Council you are expected to fully support the Council in its attempts to ascertain the extent of your illness by reasonably complying with any such request. Any unreasonable refusals to attend at any such meeting will be dealt with by way of the disciplinary procedures and could result in your dismissal.

### **Ill Health Capability**

- 3.30 The Council is sympathetic to health issues of its employees but this always has to be balanced against the business needs and any disruption that this is causing the Council. The Council requires you to fully assist it and co-operate with it by attending at any meetings to discuss your ill-health and providing the Council with as much information as possible to enable it to cope with your absence and make any necessary arrangements required to assist you back to work.
- 3.31 The Council expects you to keep in regular contact during any absence period and to discuss with your GP any alternative duties/job roles you feel you could safely undertake despite your ill-health or any changes to your current job that you feel could be made to allow you to return to work.
- 3.32 Where appropriate the Council will consider redeploying an employee to different duties or agreeing a return to work programme.

### **Sickness Monitoring and Triggers**

- 3.33 The Council recognizes that there are a number of genuine reasons for an employee's absence from work. Occasional absence from work due to sickness may be acceptable, however frequent short-term absence may indicate that further issues need to be explored with the employee. It can also cause operation difficulties and may become unsustainable. The Council is committed to providing support for employees to ensure a successful return to work at the earliest stage possible.
- 3.34 Continuous absences due to ill health lasting for four or more weeks is considered long-term sickness (and must be covered by a current Fit Note).
- 3.35 The Clerk is responsible for retaining regular contact with any employee who is on long-term sick leave. The frequency and the type of contact will depend on the individual circumstances.
- 3.36 The Council has a system to monitor and trigger sickness absences and attendance management.
- 3.37 Monitoring commences from the 1<sup>st</sup> April every year.

### **Sickness Monitoring Model**

#### **3.38 Stage One Trigger**

Absence reaches 12+ days and/or 4+ episodes on any rolling 12-month period or 4-week long term sickness.

*Action:* Review Meeting with Informal Warning and a target is set

Possible medical referral and reasonable adjustments

*Action:* For Long-Term Sickness where absence is ongoing and employee is unfit to return to work.

Where sickness continues beyond a reasonably sustainable level the following measures may be considered:

Ill health retirement

Redeployment

Dismissal on the grounds of medical capability

*Action:* Referral to Occupational Health (OH) – at any of the Three Stages a referral to Occupational Health may be made. A further meeting will be arranged on receipt of the OH report at whichever stage the procedure is already at.

*Any support provided to assist the employee in achieving the required attendance should be revised and if no support was required this should be stated.*

*The employee should be told that it is expected their improved attendance will continue and should a further sickness absence meeting be triggered; further action will be taken.*

### **3.39 Stage Two Trigger**

Continued periods of absence

*Action:* Formal Review Meeting with Formal Warning and a target is set

Possible OH referral and any continued absences may jeopardize employment

*Any support provided to assist the employee in achieving the required attendance should be revised and if no support was required this should be stated.*

*The employee should be told that it is expected their improved attendance will continue and should a further sickness absence meeting be triggered; further action will be taken.*

### **3.40 Stage Three Trigger**

Continued periods of absence

*Action:* Formal Review and Dismissal

Not attending work on a regular basis and Dismissal

Alternately Extend Formal Warning with a final target set

## **4 DENTISTS, DOCTORS, OPTICIANS AND OTHER APPOINTMENTS**

- 4.1 Whenever possible such appointments should be made outside of working hours. There is no right to time off for non-emergency check-ups.
- 4.2 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. The Council acknowledges that on occasions employees are unable to get an appointment outside working hours and will take a flexible approach for allowing time off.
- 4.3 Time off for such appointments will normally be **unpaid** unless:
  - 4.3.1 Lost time is made up with the prior authority of your supervisor or the Clerk;
  - 4.3.2 You take the time off as holiday in which case you will need to comply with the Council's holiday rules.
  - 4.3.3 Your supervisor or the Clerk authorises time off during your working shift
- 4.4 The Council will provide an eyesight test for a display screen equipment (DSE) user if they request one. The Council may pay for the test which should be a full eye and eyesight test by an optometrist or doctor, including a vision test and an eye examination. The cost of the test can be reimbursed.
- 4.5 The Council will only have to pay for glasses for the DSE work if the test shows an employee needs special glasses prescribed for the distance the screen is viewed at. If an ordinary prescription is suitable, the Council does not have to pay for glasses.

### **Time off for Medical Screening**

- 4.6 Necessary paid time off will be granted for the purpose of cancer screening.

## **5 HOLIDAYS**

- 5.1 Your annual holiday entitlement is set out in your contract of employment. A week for the purposes of holiday calculation is your normal working week.
- 5.2 You are not entitled to carry forward any holidays from one holiday year to the next except in exceptional circumstances you may carry forward up to 5 days leave with the express prior written authority of the Clerk.
- 5.3 No payments will be made in lieu of holiday not taken except in respect of your last year of employment as set out below – unless in exceptional circumstances and authorized by the Clerk.
- 5.4 In addition, the Council is prepared to consider requests for the bringing forward of leave from a future year but will not normally accede to such requests if the request is in respect of a period not falling within the last two months of the leave year or involves the bringing forward of more than five days leave.
- 5.5 Holidays must be arranged at the mutual convenience of both you and the Council. You must give the Council reasonable notice of your intention to take your holiday. All applications for holiday must be made using the Council's holiday application form. Forms may be obtained from your supervisor or the Clerk. You are only allowed to take holidays if the Council has approved them in advance.
- 5.6 You are not allowed to take more than 10 consecutive working days holiday unless you have obtained the express prior written permission of your supervisor or the Clerk to do so. Requests of this nature will also be referred to the Clerk to the Council for approval.
- 5.7 The Council may object to you taking holiday on dates requested by you and/or on bank/public holidays if it is inconvenient to it. Holiday requests will be granted on a first come, first served basis.
- 5.8 If you start or leave your employment during the holiday year you shall be entitled to pro rata annual entitlement for each week of service in that holiday year.
- 5.9 Upon termination of your employment you will be entitled to pay in lieu of any holiday accrued in your last holiday year but not taken. If you have taken holidays in excess of entitlement the Council shall be entitled to deduct the excess pay from your final salary payment.
- 5.10 The Council may require you to take (or not to take) any outstanding accrued holiday entitlement during your notice period.
- 5.11 In the event of you falling sick during the period of your annual leave, you will be regarded as being on sick leave from the date of your medical certificate and further annual leave will be suspended from that date.

### **Unpaid Leave**

- 5.12 After 12 months continuous service you may be granted unpaid leave of up to 5 days per holiday year. Unpaid leave should only be requested if all your holiday year entitlement has been used and it is solely within the discretion of the Clerk to grant your request based on the circumstances.

## 6 ACCIDENTS

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

## **7 SMOKING**

### **7.1 Purpose**

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

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

### **7.2 Policy**

It is the policy of the Council that all of its workplaces are smoke-free and all employees have a right to work in a smoke-free environment.

Smoking is prohibited throughout the entire workplace with no exceptions. This includes Council vehicles. This policy applies to all employees, consultants, customers and visitors.

For the purpose of this policy, "smoking" includes the use of e-cigarettes and other similar devices.

### **7.3 Implementation**

Overall responsibility for policy implementation and review rests with the Personnel Sub Committee. All staff are obliged to adhere to and to facilitate the implementation of the policy.

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

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

### **7.4 Non-compliance**

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

## **8 FIRE**

- 8.1 In general, employees should seek to ensure good standards of housekeeping at all times. A clean and tidy workplace is less likely to be a source of fire. Any act or omission, which you believe may constitute a fire risk, should be immediately notified to your supervisor or the Clerk, who will take the appropriate action.
- 8.2 All potential fire hazards will be identified and the risks assessed and reduced to an acceptable level.
- 8.3 Firefighting equipment will be provided and emergency lighting and fire alarm points fitted as appropriate, following a fire risk assessment. The fire alarm will be tested at weekly intervals by activating an alarm point in rotation, such as to test every alarm point over a set period of time.
- 8.4 Fire marshalling areas will be identified and located in areas beyond any danger from fire. Employees will be made aware of where they have to report in case of fire. Fire alarms will be activated periodically, without prior notice to employees.
- 8.5 Details of the Council's fire/emergency procedures, exit and assembly points, are displayed on notice boards around the Council's premises. You must familiarise yourself with the Council's emergency procedures to minimise the dangers caused by fire.
- 8.6 You must ensure that you are aware of the nearest fire exit, and its alternative, for emergency use.
- 8.7 You must ensure that you are aware of the nearest fire extinguisher to your work location, its type and know how to operate it (if it is safe to do so)
- 8.8 Regular fire drills will be held to ensure the Council's fire procedures are effective and to ensure you are familiar with them. These drills are important and must be taken seriously.
- 8.9 Remember:
  - 8.9.1 On discovering a fire:
    - 8.9.1.1 Operate the nearest fire alarm;
    - 8.9.1.2 Alert other people within your immediate vicinity;
    - 8.9.1.3 Do not attempt to tackle the fire unless you have been trained;
  - 8.9.2 On hearing the fire alarm
    - 8.9.2.1 Do not delay - evacuate the premises immediately;
    - 8.9.2.2 Do not stop to collect personal possessions;
    - 8.9.2.3 Remain calm and proceed in an orderly manner;
    - 8.9.2.4 Do not re-enter the premises or site until the Fire and Rescue Service is satisfied that the premises and site are safe to re-enter.
- 8.10 Under no circumstances must employees put themselves or others at risk in a fire situation.

## **9 INTERNET ANDEMAIL**

### **Introduction**

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

### **Legal Action Against the Council**

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

### **The Council's Rights**

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

### **Security**

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

### **General Rules**

- 9.9 Should you receive an e-mail message which has been wrongly delivered to your e-mail address you should notify the sender of the message by redirecting the message to that person but NOT in the case of SPAM which should be deleted immediately. Further in the event the e-mail message contains confidential information you must not disclose or use that confidential information. Should you receive an e-mail which contravenes this policy the e-mail should be brought of the Clerk.
- 9.10 Misuse of the e-mail system in breach of these rules will be treated as misconduct.

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

### **Internet**

- 9.12 If you are given access to the Internet you must use it for legitimate Council business only. Searching for or viewing or downloading web pages, the content of which is offensive, obscene or discriminatory, will constitute gross misconduct.

### **SOCIAL MEDIA SITES**

#### **Council Equipment**

- 9.13 Use of the internet (especially chat rooms and community sites such as Facebook) slows the system and encourages accidental downloading of viruses.
- 9.14 Employees are prohibited from using social networking website such as Facebook or instant messaging services on Council computers or during working hours other than for business purposes.
- 9.15 Employees are prohibited from downloading or saving music on the Council's computer systems.
- 9.16 Access to certain web-sites may be blocked.
- 9.17 Your business email address must not be used:
- to register an account on any website being used for personal reasons, or to receive communications from such websites e.g. Social networking sites such as Facebook and eBay or similar sites, message boards or any blog sites;
  - to receive communications relating to any personal businesses or income generating ventures, such as property letting;
  - to subscribe to regular update emails for social activities such as cinema or theatre listings or other non-business purposes.
- 9.18 Employees should not under any circumstances use our systems to participate in any internet chat room, "twitter" system, any on-line auction website, post messages on any internet message board or set up or log text or information on a blog or wiki, even in their own time.

#### **Personal Equipment**

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

or your colleagues when on line.

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

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

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

## **10 JURY DUTY**

- 10.1 Leave of absence will normally be granted to employees called for jury duty. If you receive a notice of jury duty you must notify your supervisor or the Clerk as soon as possible in order that arrangements may be made to cover your position.
- 10.2 An employee on jury duty will be expected to work as much of his/her regularly scheduled work week as the jury duty schedule permits, to the extent that combined time on jury duty and at work does not exceed the number of hours he/she is normally scheduled to work during a normal working week (unless additional time is absolutely necessary and mutually agreed upon by the employee and Council).
- 10.3 If you hold a position crucial to the operation of the Council, or in the event that your absence from work over a long period of time could cause hardship to the Council, the Council may petition the jury selection committee to excuse you from jury duty. Also, you may personally petition to be excused from jury duty if jury duty would cause hardship to your family.
- 10.4 An employee serving on jury duty must present the official court cheque or other documentation of remuneration to their supervisor or the Clerk so that arrangements for the payment of any difference between regular pay and jury duty compensation can be made. In no event will make-up pay exceed compensation for the number of hours the employee is normally scheduled to work during a given work week, and in any case, payment will only be made to cover the period that the jury is expected to attend the court.

### **Public Duties**

- 10.5 Paid leave of absence will be granted for employees serving on public bodies or undertaking public duties. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the Council.

## **11 UNAUTHORISED ABSENCE**

- 11.1 Any absence which does not comply with the provisions of your contract of employment relating to holidays or sickness or which has not been expressly authorised by the Council in advance shall be regarded as an unauthorised absence and will result in disciplinary action being taken.

## **12 TELEPHONES (OFFICE & MOBILE)**

- 12.1 Telephone calls of a personal nature should be kept to an absolute minimum.
- 12.2 Employees' personal mobile telephones must be on silent mode during working hours. Employees should normally restrict personal mobile telephone calls and text messages to their rest breaks.
- 12.3 On an occasional basis you agree to be contacted outside working hours by the Council and/or clients and customers to assist with operational matters.
- 12.4 You may be provided with a mobile telephone in order to assist with the proper performance of your duties. The mobile telephone remains the property of the Council and the Council may withdraw its use and it must be returned to the Council on the termination of your employment. The mobile telephone is your responsibility and if it is lost you will be responsible for the replacement cost.
- 12.5 Unless the mobile telephone contract permits unlimited calls or data you are not permitted to make and receive personal telephone calls or personal data usage on any mobile telephone issued to you by the Council except in cases of emergency or exceptional circumstances. All unauthorised usage will be recharged to the employee in question. If misuse of Council mobile telephones is found to be persistent then this will result in disciplinary action.

### **Use Of Mobile Phones in Vehicles**

- 12.6 It is unlawful to use a hand held mobile telephone when driving. Time spent waiting at traffic lights or in a traffic jam is still considered to be driving.
- 12.7 All employees who drive vehicles whilst carrying out their work will be required to comply with this law. If you do not comply, you will be subjected to disciplinary proceedings. Repeated breach of this policy will result in dismissal.
- 12.8 You must not use your Council mobile phone whilst driving even with a hands free kit. If you receive or make a mobile telephone call whilst driving you should stop the car in a safe place, turn off the engine and then make or receive the call once satisfied that it is safe to do so.
- 12.9 All employees must adhere to the Council's Vehicle Policy and Use of Mobile Phone Policy whilst driving.

### **13 DRESS CODE**

- 13.1 Proper attire is necessary to maintain an image which reflects the Council's professionalism and high standards. It is important that dress is appropriate for the Council's environment in either an office or outdoor role.
- 13.2 Jeans or other casual clothing, including walking barefoot in office hours are not considered to be appropriate attire.
- 13.3 If further guidance regarding attire is required, this should be discussed with your supervisor or the Clerk.
- 13.4 If you arrive at work inappropriately dressed the Council reserve the right to require you to go home and get changed and not to pay you in respect of any time lost.

#### **Protective Clothing**

- 13.5 The Council will provide protective and/or uniform clothing to appropriate members of staff as and when necessary.
- 13.6 Any such clothing provided by the Council should not be worn other than in direct connection with employees' work and individual employees are responsible for the laundering of it.
- 13.7 Any protective and/or uniform clothing provided by the Council must be returned in good and clean condition (fair wear and tear only excepted) when the employee to whom it has been issued leaves the Council's service.

## **14 SEARCH**

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

## **15 PAY AND GRADING**

- 15.1 The pay and grading of jobs must be fair and non-discriminatory, complying with equal pay legislation and associated Codes of Practice.
- 15.2 The Council will continue to rely on the national pay negotiating machinery and will therefore continue to define salary grades by references to spinal column points. A copy of the revised spinal column will be provided to all members of staff on an annual basis on request. Further guidance on the equal pay aspects of local grading structures is included in Part 4 of the national agreement.
- 15.3 An employee dissatisfied with the grading of his job is entitled to appeal for a reconsideration of the grading and referred by the Clerk to the Personnel Sub Committee
- 15.4 Increments will be paid on 1 April each year until the maximum of the employee's scale is reached, subject to the following:
- Increments may be withheld following an adverse report on an employee subject to a right of appeal to the Council. Any increment withheld may be paid subsequently if the employee's services become satisfactory.
  - Any employee required to undertake some or all of the duties of a higher graded post for a period of at least four weeks will receive an enhancement of salary of a proportion appropriate to the range of additional duties covered.
- 15.5 Payment of salaries to all employees will be by way of direct credit transfer on or before the 23<sup>rd</sup> of each month.

## **16 WORKING ARRANGEMENTS AND OVERTIME PAYMENTS**

- 16.1 The standard working week for all employees is one of 37 hours; this may be calculated over a period other than a week in accordance with the provisions of Part 3 of the national agreement. The actual working times vary and are subject to individual agreement with the different classes of employees.
- 16.2 The Council will make additional payments to all staff if they work more than their normal working hours, then subject to the Council's approval they will be reimbursed at the appropriate hourly rates for these hours or they may take time off in lieu at a time to be agreed between the employee and the Council

## **17 WORKING TIME**

- 17.1 Employees who are required to work non-standard patterns of work shall be compensated in accordance with the provisions of Section 2 of Part 3 of the national agreement.
- 17.2 Variations to the established working week or patterns of work will be reasonable and subject to adequate

notice.

- 17.3 Working arrangements will comply with relevant Health and Safety legislation, including the European working time directive and its associated UK legislation.

## **18 PART-TIME EMPLOYEES**

- 18.1 Part-time employees shall have applied to them the pay and conditions of service pro-rata to comparable full-time employees in the same authority, except for:
- 18.2 Training and development – where part-time employees should have access equal to that of full-time employees and when on training courses outside their contracted daily hours shall be paid on the same basis as full-time employees.

## **19 TEMPORARY EMPLOYEES**

- 19.1 Temporary employees shall receive pay and conditions of service equivalent to that of permanent employees.

## **20 TRAINING AND DEVELOPMENT**

- 20.1 Training and development to meet both the individual needs of employees and the corporate needs of the Council should be placed firmly in the forefront of the Council's service delivery plans.
- 20.2 The Council and recognised unions shall co-operate to establish and implement schemes on training and development. All training and development provision should be planned, delivered and monitored on the basis of equality of access for all, including part-timers.
- 20.3 Resources for training and development should be shared equitably across all categories of employee and occupational groups. Employees attending or undertaking approved training and/or development are entitled to payment of normal earnings, all prescribed fees and other relevant expenses arising.
- 20.4 In consideration of the Council providing the employee with any training course the during term of the employee's employment with the Council, the employee agrees and hereby undertakes to a Learning Agreement that seeks to reimburse the Council the full cost of any such course should the employee leave the said employment within a certain period of time following the delivery of such a course.

### **Leave for Examinations**

- 20.5 Employees are entitled to paid leave of absence for the purpose of sitting for approved examinations. In addition, leave may be granted for the purpose of final revision for approved examinations at the discretion of the Clerk to the Council

### **Resources**

- 20.6 The National Joint Council recommends that resources should be shared equitably across all categories of employee and occupational groups.
- 20.7 The delivery of training and development can be achieved in a variety of ways to suit the needs and circumstances of individuals and authorities. The necessary resources should be allocated accordingly.

### **Financial Assistance**

- 20.8 Employees attending or undertaking approved training and/or development are entitled to payment of normal earnings, all prescribed fees and other relevant expenses arising from these activities.

## **21 REIMBURSEMENT OF EXPENDITURE**

- 21.1 Employees necessarily incurring additional expense in the course of their work in respect of travel, meals or overnight accommodation will be reimbursed approved expenses, subject to appropriate evidence of expenditure being produced.
- 21.2 Employees will be reimbursed the additional costs arising from a compulsory change in their place of work, according to locally negotiated schemes establishing approved items of expenditure and periods of reimbursement.
- 21.3 Where an authority requires an employee to possess a Heavy Goods Vehicle, Passenger Service Vehicle and/or other special driving license, the authority shall meet the renewal costs.

## **22 CAR ALLOWANCES**

- 22.1 The Council will pay allowances to employees in respect of the use of personal vehicles for Council purposes in accordance with current Local Government rates.
- 22.2 The Council expects any journeys involving a round trip of over 50 miles to be undertaken by public transport whenever practicable taking into account the length of time taken for the journey.
- 22.3 The Council will reimburse actual traveling and other expenses incurred by any employee in the execution of his duty outside Haydon Wick subject to the production of evidence of expenditure incurred, to travel expenses not exceeding the costs of second class rail fare and to reasonable expenses claimed in respect of meals.
- 22.4 Use of private vehicles for Council business will be reimbursed based on the NJC mileage rates for essential and non-essential user allowances. Employees will be required to complete a claim form for mileage expenses.

## **23 CONTINUOUS SERVICE**

- 23.1 For the purposes of entitlements regarding Annual Leave, the Occupational Sickness Scheme and the Occupational Maternity Scheme continuous service will include continuous previous service with any public authority to which the Redundancy Payments Modification Order (Continuity of Employment in Local Government etc.) (Modification) Order 1999 applies.
- 23.2 Where an employee returns to local government service following a break for maternity reasons, she will be entitled to have previous service taken into account in respect of the sickness and maternity schemes provided that the break in service does not exceed eight years and that no permanent paid full-time employment has intervened. For the purpose of the calculation of entitlement to annual leave the eight years' time limit does not apply provided that no permanent full time employment has intervened.

## **24 TRADE UNION FACILITIES**

- 24.1 The Council shall provide the recognised trade unions with facilities necessary to carry out their functions.

## **25 OFFICIAL CONDUCT**

- 25.1 The Council has established Disciplinary Rules and Procedures and a Grievance Procedure in accordance with paragraph 2.16 and 2.17 of the Key National Provisions.
- 25.2 In addition the Council endorses the Code of Conduct for Local Government Employees published by the Local Government Association and the Local Government Management Board.

## **26 INDEMNITY OF EMPLOYEES**

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

## **27 APPRAISAL**

27.1 You will receive an annual Appraisal/Development Review. Should there be any concern about your performance, other than matters of a disciplinary nature, the Council undertakes to work with you to seek to ensure that necessary training, mentoring and support is provided to ensure that agreed standards of performance are reached in a reasonable agreed time frame.

## **28 OVERTIME AND TOIL (Time off in Lieu)**

28.1 Employee's contracts of employment will state the terms of / and whether they are entitled for overtime payments or time off in lieu for hours worked in excess of 37 hours. Employees shall submit completed time sheets to their supervisors or the Clerk on a monthly basis for verification.

28.2 The Clerk shall calculate any overtime payments due.

28.3 Overtime rates shall be calculated as follows:

- Weekdays and Saturdays – time and a half
- Sunday, Public Holidays including Christmas Day and Boxing Day – doubletime

28.4 Prior approval **must** be obtained from the Clerk to the Council in respect of time worked in excess of 37 hours per week, if that time is to be expected back as overtime or TOIL. Employees must be reasonable in finishing a task before requesting an overtime payment or TOIL, and if it is considered reasonable to expect the task to be completed within normal working hours the Clerk to the Council reserves the right not to approve it.

28.5 Overtime and accumulation of TOIL should not be considered as routine and will be closely monitored.

28.6 Call out payments for alarms will be calculated at the overtime rates as detailed above.

28.7 If TOIL is agreed then it must be arranged for a time that is convenient for the Council.

28.8 No more than eight hours may be accumulated in any one month and the time off must be taken once the eight hours is reached. Accumulated TOIL must be taken in the same month or the following month.

28.9 No entitlement can be carried forward past the month following without prior agreement. Any entitlement not taken will be lost.

28.10 The minimum amounts of recorded time for TOIL are as the rates when overtime becomes payable above.

28.11 TOIL will be calculated at the previously agreed overtime rates.

## SECTION 2 – POLICIES

### 1. DISCIPLINARY POLICY

#### Purpose and scope

- 1.1 This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The Council rules this procedure apply to all employees/workers. The aim is to ensure consistent and fair treatment for all in the organisation.
- 1.2 Many potential disciplinary or grievance issues can be resolved informally. A quiet word is often all that is required to resolve an issue. However, where an issue cannot be resolved informally then it may be pursued formally. In matters where an allegation is made which relates to members of staff the Clerk (or Assistant Clerk if the Clerk is absent) will take the appropriate action under this procedure. If the allegation is made against the Clerk then any reference in this procedure to the role of the Clerk should be read as the role of the Chair of the Personnel Sub-Committee.
- 1.3 This policy is based on and complies with the 2015 ACAS Code of Practice. It also takes account of the ACAS guide on discipline and grievance as at work.

#### Principles

- 1.4 Informal action will be considered, where appropriate, to resolve problems.
- 1.5 No disciplinary action will be taken against an employee until a reasonable investigation of the allegations has been undertaken.
- 1.6 The employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- 1.7 Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. Witness statements may be, in appropriate circumstances, anonymised.
- 1.8 At all stages of the procedure the employee will have the right to be accompanied by a trade union representative, or work colleague.
- 1.9 No employee with over 2 years' service will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- 1.10 An employee will have the right to appeal against any disciplinary action.
- 1.11 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

#### The Procedure

##### *First stage of formal procedure*

- 1.12 This will normally be either:
  - *an improvement note for unsatisfactory performance* if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for twelve months, but will then be considered spent – subject to achieving and sustaining satisfactory performance.

*or*

  - *a first warning for misconduct* if conduct does not meet acceptable standards. This will be in writing

and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change.

#### *Final written warning*

- 1.13 If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after twelve months subject to achieving and sustaining satisfactory conduct or performance.

#### *Dismissal or other sanction*

- 1.14 If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal or in appropriate cases, some other action short of dismissal such as demotion, disciplinary suspension with no pay or transfer. Dismissal decisions can only be taken by the Clerk, and the employee will be provided in writing an outline of the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.
- 1.15 If some sanction short of dismissal is imposed, the employee will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement in the future, and will be advised of the right of appeal.

#### **Unsatisfactory work performance**

- 1.16 The following list provides some examples of unsatisfactory work performance:
- Inadequate application of procedures
  - Inadequate IT skills
  - Unsatisfactory interaction with colleagues
  - Unsatisfactory communication skills.

#### **Misconduct**

- 1.17 The following list provides some examples of offences which are normally regarded as misconduct and can lead to the employer taking disciplinary action:
- Unauthorized absence
  - Poor timekeeping
  - Misuse of the Council's resources and facilities including telephone, email and internet
  - Inappropriate behaviour
  - Refusal to follow reasonable instructions
  - Breach of health and safety rules.

#### **Gross misconduct**

- 1.18 The following list provides some examples of offences which are normally regarded as gross misconduct:
- Theft, dishonesty, falsification of documents or fraud
  - physical violence/intimidation/aggressive behaviour or bullying
  - deliberate/willful negligent damage to property
  - serious misuse of an organisation's property or name
  - deliberately accessing internet sites containing pornographic, inappropriate, offensive or obscene material
  - serious insubordination
  - unauthorised absence
  - failing to follow a reasonable management instruction

- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a breach of trust & confidence.

1.19 If you are accused of an act of gross misconduct, you may be suspended from work on full pay, whilst the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is reasonably satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

### **Appeals**

1.20 An employee who wishes to appeal against a disciplinary decision must do so within five working days. A nominated senior officer will hear the appeal and his/her decision is final.

## **2 GRIEVANCE POLICY**

### **Dealing with grievances informally**

- 2.1 If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your supervisor. You may be able to agree a solution informally between you.

### **Formal grievance**

- 2.2 If the matter is serious and/or you wish to raise the matter formally you should set out the grievance in writing to your supervisor. You should stick to the facts and avoid language that is insulting or abusive. Where your grievance is against your supervisor and you feel unable to approach him or her you should talk to another supervisor or the Clerk. If your grievance is against the Clerk, the role of the Clerk should be read as the role of the Chair of the Personnel Sub Committee.

### **Grievance hearing**

- 2.3 Your supervisor will call you to a meeting, normally within 5 days, to discuss your grievance. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request. After the meeting your supervisor will give you a decision in writing, normally within 24 hours.

### **Appeal**

- 2.4 If you are unhappy with your supervisor's decision and you wish to appeal you should let your supervisor know. You will be invited to an appeal meeting, normally within 5 days, and your appeal will be heard by a more senior officer or the Clerk. You have the right to be accompanied by a colleague or trade union representative at this meeting if you make a reasonable request.
- 2.5 After the meeting the supervisor or Clerk will give you a decision, normally within 24 hours and their decision is final.

### **Mediation**

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

### 3 EQUAL OPPORTUNITIES POLICY

- 3.1 The Council is an equal opportunity employer. We are committed to ensuring within the framework of the law that our workplaces are free from unlawful or unfair discrimination because of Protected Characteristics as defined by the Equality Act 2010. We have adopted this policy as a means of helping to achieve these aims.
- 3.2 The Protected Characteristics are –
- Age
  - Disability
  - Gender Reassignment
  - Race
  - Religion or Belief
  - Sex
  - Sexual Orientation
  - Marriage and Civil Partnership
  - Pregnancy and Maternity
- 3.3 We aim to ensure that our employees achieve their full potential and that all employment decisions are taken without reference to irrelevant or discriminatory criteria.

#### **What is discrimination?**

- 3.4 **Direct discrimination** – when someone is treated less favourably than another person because of a Protected Characteristic.
- 3.5 **Associative discrimination or discrimination by association** – direct discrimination against someone because they associate with another person who possesses a Protected Characteristic.
- 3.6 **Discrimination by perception** – direct discrimination against someone because it is thought that they possess a particular Protected Characteristic even if they do not actually possess it.
- 3.7 **Indirect discrimination** - occurs where an individual's employment is subject to an unjustified provision criterion or practice which e.g. one sex or race or nationality or age group finds more difficult to meet, although on the face of it the provision, criterion or practice is 'neutral'.
- 3.8 **Harassment** – unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees may complain of such offensive behaviour even if it is not directed towards them personally.
- 3.9 **Victimisation** – when an employee is treated less favourably because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or are suspected of doing so.

#### **Commitment**

- 3.10 We are committed to ensuring that all of our employees and applicants for employment are protected from unlawful discrimination in employment.
- 3.11 Recruitment and employment decisions will be made on the basis of fair and objective criteria.
- 3.12 Person and job specifications shall be limited to those requirements which are necessary for the effective performance of the job.

- 3.13 Interviews will be conducted on an objective basis and personal or home commitments will not form the basis of employment decisions except where necessary and relevant.
- 3.14 All employees have a right to equality of opportunity and a duty to implement this policy. Discrimination is a serious disciplinary matter which will normally be treated as gross misconduct.
- 3.15 Anyone who believes that he or she may have been disadvantaged on discriminatory grounds should raise the matter through the Council's grievance procedure.

## **4 HARASSMENT POLICY**

- 4.1 Harassment pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. It may also have a damaging effect on other employees not themselves the object of unwanted behaviour who are witness to it or who have knowledge of the behaviour. All employees are entitled to a working environment which respects their personal dignity and which is free from such objectionable conduct. Harassment is a disciplinary offence and it will normally be treated as gross misconduct.
- 4.2 Harassment is either:
- 4.2.1 Unwanted conduct related to a relevant Protected Characteristic which affects the dignity of men or women at work; or
  - 4.2.2 Bullying of colleagues by intimidatory behaviour; or
  - 4.2.3 Unfavourable conduct at work, whether verbal or non-verbal, towards someone based on a Protected Characteristic which could affect his/her dignity at work.
- 4.3 A single incident can amount to harassment if sufficiently grave.
- 4.4 Examples of harassment include:
- 4.4.1 Insensitive jokes and pranks.
  - 4.4.2 Lewd comments about appearance.
  - 4.4.3 Unnecessary body contact.
  - 4.4.4 Displays of sexually offensive material, e.g. Pin-ups.
  - 4.4.5 Repeated instances of minor harassment acts.
  - 4.4.6 Requests for sexual favours.
  - 4.4.7 Speculation about a person's private life and or sexual activities.
  - 4.4.8 Threatened or actual violence.
  - 4.4.9 Threat of dismissal, loss of promotion, etc. for refusal of sexual favours.
  - 4.4.10 Jokes about a person being either too old or too young to do a job properly.
  - 4.4.11 Age related jokes.
- 4.5 Bullying is defined as any form of physical or verbal attack and/or threat of such, or the abuse of position, in order to attack or undermine the confidence or ability of another, or to place another employee under unreasonable pressure or subjecting another to detrimental treatment, by either act or omission.
- 4.6 Employees may complain of behavior that they find offensive even if it is not directed at them personally and they do not personally possess the relevant Protected Characteristic.
- 4.7 Employees are also protected from harassment related to Discrimination by Perception and Associative Discrimination.

- 4.8 Where harassment arises from people not directly employed by the Council e.g. customers or clients, such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available.
  
- 4.9 Anyone who believes that he or she may have been the victim of harassment should raise the matter through the Council's grievance procedure.

## **5 EQUAL PAY POLICY**

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

## **6 DIGNITY AT WORK POLICY**

- 6.1 The Council aims to ensure that all its employees have dignity at work. That means that there are some types of behaviour that are unacceptable which will include the following:
- 6.1.1 being offensive, abusive, malicious, insulting or intimidating to a fellow employee; or
  - 6.1.2 engaging in unjustifiable criticism towards a fellow employee; or
  - 6.1.3 imposing a punishment upon a fellow employee without reasonable justification; or
  - 6.1.4 changing an employee's duties or responsibilities to his or her detriment without reasonable justification
  - 6.1.5 spreading rumours or engaging in malicious gossip about a colleague
- 6.2 This policy applies to all employees, regardless of their rank or seniority. Breach of this policy will be treated as misconduct.
- 6.3 If you feel that your dignity at work has been compromised you should raise the matter through the Council's grievance procedure.

## **7 STRESS POLICY**

- 7.1 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.
- 7.2 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, the Council 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 this with your supervisor in the first instance and ask for support in managing this.
- 7.3 Supervisors and Officers, 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.
- 7.4 The Council (if deemed appropriate) will offer an employee assistance scheme which will offer confidential and individual counseling to employees who may need it.
- 7.5 Any employee with clear stress-related problems shall receive (if requested) appropriate counseling and help from the Council (employee) assistance scheme but it is understood that this is not an alternative to looking at the cause of the stress and, if work-related, seeking to alter the structure and working arrangements of the job.
- 7.6 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 suitable and acceptable work for which the risks are assessed as tolerable.

## **8 RELATIONSHIPS AT WORK**

- 8.1 This policy covers all employees of the Council. It is intended to provide guidance in areas where personal relationships overlap with working relationships and is intended to ensure that individual members of staff are not open to allegations of impropriety, bias, abuse of authority or conflict of interest. It is also intended to set out employees' rights and responsibilities to one another.
- 8.2 The Council values the integrity of professional relationships between its employees and in order that the Council's business is conducted in a professional manner and perceived to be conducted in a professional manner it is necessary to distinguish between, and take account of, personal relationships which overlap with professional ones.
- 8.3 In the context of this policy, a personal relationship is defined as:-
- 8.3.1 a family relationship; or
  - 8.3.2 a sexual/romantic relationship.
- 8.4 Both the Council and any employees who are in personal relationships with any other Employee shall take all reasonable steps to ensure that personal relationships neither advantage nor unfairly disadvantage those involved.
- 8.5 If an Employee becomes involved in a personal relationship with a fellow employee, it is the responsibility of both individuals to deal appropriately with any potential conflicts of interest. Ideally, such relationships should be reported, in confidence, to the Clerk, particularly where the relationship is between a supervisor and his/her subordinate.
- 8.6 Employees should take care that financial, familial or personal relationships entered into on a consensual basis do not advantage or unfairly disadvantage any member of staff or other individuals.
- 8.7 Employees involved in personal relationships should exercise due regard for the professional nature of the workplace and behave in a professional manner at all times paying due consideration to colleagues, customers and clients.
- 8.8 Where a personal relationship exists between employees who are in a line management or supervisory relationship at work those employees must not be involved in recruitment, selection, appraisal, promotion or in any other management activity or process involving the other party whereby there may be a conflict of interest or perceived conflict of interest as a result of the personal relationship. In such circumstances the Clerk or relevant supervisor should be informed and will, where appropriate, make alternative arrangements and confirm them in writing. The Clerk or relevant supervisor will treat these matters in confidence.
- 8.9 If there is any inequality or perceived inequality in the relationship, extra care should be taken and employees' attention is drawn to the sexual harassment policy. Sexual harassment is defined as "any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which occurs with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment". Employees involved in personal relationships at work should ensure that any such relationships are fully consensual and are not and cannot be perceived as an exploitation of one party's position in relation to another.
- 8.10 Any employee who is, or who has been, involved in a sexual/romantic relationship with another member of staff, and who does not consider their involvement to be truly consensual, will have the right to complain under the Council's harassment policy / grievance procedure.

- 8.11 Applicants for employment within the Council will be asked to declare whether they are in a personal relationship with any existing employee of the Council. The existence of a relationship between an applicant and an employee will not bar anyone from applying to the Council for employment, but relationships must be declared at the outset.
- 8.12 External and internal applicants for posts will be asked to declare relevant personal relationships when applying for the post to ensure that the member of staff they are related to / in a relationship with, has no involvement in the application process.
- 8.13 Staff who are uncertain about whether they should take action regarding a personal relationship (whether their own or someone else's relationship that is affecting them) are invited to seek guidance in confidence from the Clerk.
- 8.14 Employees should be aware that a breach of this policy could lead to disciplinary action being taken.

## **9 MATERNITY POLICY**

### **Ante-natal Care**

- 9.1 You have the right not to be unreasonably refused paid time off during working hours to receive ante-natal care.
- 9.2 The appointment must be made on the advice of a registered doctor, midwife or health visitor. After the first appointment, you must be prepared to produce a certificate confirming your pregnancy and your appointment card. Time off for ante-natal classes will be paid at the appropriate hourly rate, the calculation of which depends on whether or not you have regular hours.

### **Maternity Leave**

- 9.3 You are entitled to a maximum of 52 weeks maternity leave comprising of Ordinary Maternity Leave and Additional Maternity Leave.
- You are entitled to Maternity Leave provided you notify the Council on or before the 15<sup>th</sup> week before the baby is due of:
- 9.3.1 Your pregnancy; and
- 9.3.2 Your Expected Week of Childbirth (EWC); and
- 9.3.3 The date on which you intend your Ordinary Maternity Leave to start. This date cannot be earlier than the 11<sup>th</sup> week before the EWC; and
- 9.3.4 You must also provide the Council with the original Maternity Certificate (MAT B1) issued by your doctor.
- 9.4 Ordinary Maternity Leave is a maximum of 26 weeks in duration.
- 9.5 You can choose to work right up to childbirth unless there are health and safety reasons which prohibit this.
- 9.6 Ordinary Maternity Leave commences on the date chosen by you except:
- 9.6.1 Where Ordinary Maternity Leave commences early due to pregnancy related sickness absence.
- 9.6.2 Ordinary Maternity Leave will commence on the day of childbirth if this is earlier than your chosen start date.

### **Additional Maternity Leave**

- 9.7 You will be entitled to Additional Maternity Leave. This is an additional period of 26 weeks' maternity leave following immediately after the end of the Ordinary Maternity Leave. You therefore receive a total maximum period of maternity leave of 1 year.

### **Information from you - Intended Start of Maternity Leave**

- 9.8 At the same time as giving the Council the Maternity Certificate and informing us of your pregnancy, you should also give notice of the date on which you intend to start maternity leave. If you cannot provide this information on or before the 15<sup>th</sup> week before the EWC you should do so as soon as is reasonably practicable.

- 9.9 If you change your mind about your intended start date of leave, you must give the Council at least 28 days' notice either before the original or new start date of leave, whichever is the earliest.
- 9.10 If you give less than 28 days' notice of the date on which you intend to start maternity leave, you must also give an explanation for the delay. Depending on circumstances, the Council may refuse to allow you to start your maternity leave until the 29<sup>th</sup> day after receipt of notice.

### **Information from the Council - Expected Date of Return**

- 9.11 Within 28 days of receiving your notice of intended start of Maternity Leave, the Council will send you a letter stating the expected date of your return from maternity leave.
- 9.12 The Council will assume unless otherwise advised by you that you wish to take your full *ordinary* maternity leave entitlement.

### **Maternity Payment Period**

- 9.13 Most employees are entitled to maternity benefit for the first 39 weeks of Maternity Leave. Maternity benefit is either Statutory Maternity Pay paid by the Council or Maternity Allowance paid by the Department of Work and Pensions.

### **Maternity Pay**

- 9.14 Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP).
- 9.15 Payments for employees who have completed not less than one year's continuous local government service at the 11<sup>th</sup> week before the EWC shall be as follows:
- 9.16 For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- 9.17 If having declared her intention to return to work then for the subsequent 12 weeks she shall be paid half a week's pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependants' allowances if the employee is not eligible for SMP) exceeds full pay.
- 9.18 For employees not intending to return to work payments during the subsequent 12 weeks shall be the employee's entitlement to SMP.
- 9.19 Payments made by the Council during maternity leave under 9.17 above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

### **A Week's Pay**

- 9.20 The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### **Statutory Maternity Pay**

- 9.21 You will qualify for Statutory Maternity Pay (SMP) if:
- 9.21.1 You have been employed by the Council for 26 weeks prior to the 15<sup>th</sup> week before EWC; and
  - 9.21.2 You pay sufficient National Insurance Contributions; and
  - 9.21.3 You notify the Council at least 28 days before the date you want payments of SMP to commence, or if not reasonably practicable, as soon as is reasonably practicable. If giving late notice, you should give the Council an explanation of the delay.
- 9.22 SMP will not be paid before the 11<sup>th</sup> week before the EWC.
- 9.23 There are two rates of SMP, an earnings related rate and a prescribed rate. The earnings related rate is paid during the first 6 weeks of Ordinary Maternity Leave and the prescribed rate is paid during the following 33 weeks of Maternity Leave giving a total of 39 weeks maximum entitlement of SMP.
- 9.24 The earnings related rate of SMP is 90% of your average weekly earnings. Your average weekly earnings are calculated on the basis of average earnings during the 8 weeks immediately preceding the 14<sup>th</sup> week before the EWC.

### **Maternity Allowance**

- 9.25 If you do not qualify for SMP, the Council will give you a form SMP1 to explain why you do not qualify. Employees who do not qualify for SMP will normally qualify for Maternity Allowance.
- 9.26 Maternity Allowance is paid at either 90% of average weekly earnings or the prescribed rate whichever is less.
- 9.27 Maternity Allowance is claimed by you from the Department of Work and Pensions (DWP). You would receive Maternity Allowance from the DWP not the Council. It is your responsibility to claim Maternity Allowance from the DWP at a Benefits Office.

### **Working during the Maternity Payment Period (MPP)**

- 9.28 If you work for the Council during the 26 weeks of your MPP you will receive normal remuneration for the periods you work.
- 9.29 If you:
- 9.29.1 Are taken into legal custody, or
  - 9.29.2 Work for another Council

During the Maternity Pay Period you must notify the Council (and the DWP if you are claiming Maternity Allowance) as soon as possible, as your entitlement to SMP or Maternity Allowance may be affected.

### **Notice of Actual Date of Birth**

- 9.30 You should inform the Clerk as soon as reasonably practical of your baby's actual date of birth.

### **Returning To Work**

- 9.31 As set out above, you will have received a letter from the Council stating the expected date of return to work. The expected date of return will be the first working day after the end of the full period of maternity leave to which you are entitled.

### **Returning to Work Earlier than the Expected Date of Return**

- 9.32 If you wish to return before the expected date of return, you must give notice to the Council at least 8 weeks before your new intended return date, or if that is not reasonably practicable, as soon as reasonably practicable. If the notice is given late, it must be accompanied by an explanation for the delay.
- 9.33 The Council will write to you within 28 days of receipt of your notice to confirm the new intended start date.
- 9.34 If less than 8 weeks' notice is given by you, the Council may be entitled to refuse to allow you to return to work until the 8 week period has been given.
- 9.35 In any event you are not permitted to return to work within 2 weeks" of the actual date of birth.

### **Returning to Work Later than the Expected Date of Return**

- 9.36 If you wish to postpone your return to work until after the end of your full entitlement to maternity leave, you must contact your supervisor or the Clerk and submit a medical certificate confirming that you are suffering from a medical condition which prevents you from working, or provide another authorised reason (such as holiday or parental leave), for your returning late.

### **The Job**

- 9.37 If you return at the end of Ordinary Maternity Leave, you are entitled to return to the same job.
- 9.38 It may not be practicable for the Council to offer you the same job after taking Additional Maternity Leave. If this is the case, the Council will offer you suitable alternative employment (unless a redundancy situation arises).

### **Keeping in Touch Days**

- 9.39 By agreement you may be entitled to work for up to 10 days during your maternity leave period.
- 9.40 If you wish to consider working during this period please contact the Clerk who will notify you and agree terms and remuneration.

### **Health & Safety**

- 9.40 Some circumstances exist where the Council may have to suspend you on full pay because of your condition. These circumstances might include:
- 9.40.1 Where your pregnancy makes you unable to do your job adequately
  - 9.40.2 Where it is unlawful for a pregnant woman to do a particular job
  - 9.40.3 Where you are engaged on night work and produce a medical certificate that states that for health and safety reasons you should not continue working at night
  - 9.40.4 Where a health and safety risk to yourself and/or the baby has been identified but cannot be eliminated.

9.41 Before such action is taken, every possible effort will be made by the Council to change your hours of work or working conditions if there is a health and safety risk, or to find suitable alternative work for you.

9.42 The Council is required to assess the risks to health and safety to which pregnant employees and others could be exposed. Please refer to the Council's Health and Safety Policy for details.

### **Shared Parental Leave**

9.43 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. This will be available for parents of children expected to be born from 5th April 2015 onwards.

9.44 Please see the Council's Shared Parental Leave Policy set out at the end of this Handbook.

## **10 PATERNITY LEAVE POLICY**

- 10.1 Paternity leave and paternity pay are available to employees who are the father of a new born child or the spouse or partner of the mother or adoptive parent.
- 10.2 **Newborn children**; paternity leave and pay applies to employees whose child was born on or after 6 April 2003
- 10.3 **Adopted children**; paternity leave and pay applies to employees who receive notice from an approved adoption agency that a match with a child (under 18) has been made and placement started on or after 6 April 2003.

### **Qualification**

- 10.4 Paternity leave is available to you if you:
- 10.4.1 have worked continuously for the Council for not less than 26 weeks by the 15<sup>th</sup> week before the child is expected to be born; and
  - 10.4.2 are the biological father of the child or the mother's husband or partner or the adopter's husband, wife or partner; and
  - 10.4.3 have or expect to have responsibility for the child's upbringing; and
  - 10.4.4 give appropriate notification to the Council; and
  - 10.4.5 give the Council a self-certificate to support your entitlement to paternity leave.
- 10.5 You cannot take both adoption leave and paternity leave in respect of the same child. Therefore if adopting a child as a couple - it is up to you to decide who will take adoption leave and who will take paternity leave.

### **Duration of Leave**

- 10.6 Up to 2 weeks' leave can be taken.
- 10.7 The leave must be taken either as 1 week or 2 consecutive weeks' leave. The leave cannot be taken as 2 separate weeks leave. Only one period of leave is available, irrespective of whether more than one child is born at the same time. Therefore, if twins are born, your entitlement is still up to 2 weeks' leave and not four weeks.

### **When Leave can be Taken**

- 10.8 You can choose to start your leave:
- 10.8.1 from the date of the child's birth (or date of placement in adoption cases); or
  - 10.8.2 from a chosen number of days or weeks after the date of the child's birth or placement; or
  - 10.8.3 from a chosen date.
- 10.9 The leave must be completed:
- 10.9.1 within 56 days (8 weeks) of the actual date of birth of the child; or

- 10.9.2 if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

### **Notification**

- 10.10 You must inform the Council of your intention to take paternity leave by the 15<sup>th</sup> week before the baby is expected. If this is not reasonably practicable, you must give notice as soon as reasonably practicable and should provide a written explanation for the delay.
- 10.11 You must also inform the Council:
- 10.11.1 of the Expected Week of Childbirth (the week the baby is due);
  - 10.11.2 whether you wish to take one or two weeks' paternity leave;
  - 10.11.3 of the date on which you want your leave to start.
- 10.12 You can change your mind about the date you want your paternity leave to begin or the length of your paternity leave, provided you give the Council at least 28 days' notice, ending at the original start date or new start date, whichever is the earlier. If this is not reasonably practicable, you must give notice as soon as reasonably practicable and should provide a written explanation for the delay. If notice is given late and the explanation for the delay is inadequate the Council can postpone the start of your paternity leave until the 29<sup>th</sup> day after receipt of the notice.
- 10.13 It is not necessary for you to give notice of expected return date, since the leave is only one or two weeks in duration.

### **Statutory Paternity Pay**

- 10.14 Subject to your satisfying the qualifications set out below, Statutory Paternity Pay (SPP) will generally be payable for paternity leave taken within 56 days of the date of the child's birth (or placement for adoption).

### **Qualification**

- 10.15 To qualify for SPP, you must:
- 10.15.1 have continuous service with the Council for not less than 26 weeks by the 15<sup>th</sup> week before the child is expected to be born (or placed for adoption); and
  - 10.15.2 have continuous service with the Council from that 15<sup>th</sup> week up to the child's date of birth (or placement); and
  - 10.15.3 be the biological father of the child or the mother's husband or partner or the adopter's husband, wife or partner; and
  - 10.15.4 have or expect to have responsibility for the child's upbringing; and
  - 10.15.5 give appropriate notification; and
  - 10.15.6 give the Council a self-certificate to support your entitlement to SPP;
  - 10.15.7 have average weekly earnings equal to or above the Lower Earnings Limit applying to National Insurance Contributions (NICs).

### **Amount Paid**

- 10.16 SPP will be the lesser of the current weekly prescribed rate or 90% of the employee's average weekly earnings.
- 10.17 If you do not qualify for SPP you may be eligible for income support whilst on paternity leave.
- 10.18 You should discuss your particular circumstances with your local social security office (Department for Work and Pensions) as you may be eligible for further financial support, such as housing benefit, council tax benefit, tax credits or a Sure Start Maternity Grant.

### **Shared Parental Leave**

- 10.19 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. This will be available for parents of children expected to be born or placed for adoption from 5th April 2015 onwards.
- 10.20 If the child's mother / main adopter does not opt to take shared parental leave, the child's other parent will be entitled to take two weeks ordinary paternity leave and pay.
- 10.21 Please see the Council's Shared Parental Leave Policy set out at the end of this Handbook.

### **Ante-Natal Appointments**

- 10.22 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 supervisor or the Clerk of the date and time of the appointment.

## **11 ADOPTION LEAVE POLICY**

### **Qualification**

- 11.1 Adoption leave and pay is available to individuals who adopt, or one member of a couple where a couple adopt jointly.
- 11.2 Both paid adoption leave and paid paternity leave will be available to employees who qualify where an approved adoption agency notified the adopter of a match with a child on or after 6 April 2003.
- 11.3 To qualify for adoption leave, you must:
  - 11.3.1 have been notified that you have been matched by an adoption agency with a child for the purposes of adoption; and
  - 11.3.2 give the Council appropriate notice; and
  - 11.3.3 give the Council a Matching Certificate as evidence of entitlement to adoption leave.

### **Notification**

- 11.4 You are required to inform the Council of your intention to take adoption leave within 7 days of being notified that you have been matched with a child for adoption, unless this is not reasonably practicable. If not reasonably practicable, you should notify the Council as soon as reasonably practicable with a written explanation for the delay.
- 11.5 The notice must include the following information:
  - 11.5.1 when the child is expected to be placed with you;
  - 11.5.2 when you want to start the adoption leave;
- 11.6 You can change your mind about the date you want your leave to start provided you give at least 28 days' notice in advance (again unless this is not reasonably practicable). If 28 days' notice is not reasonably practicable, you should give notice as soon as reasonably practicable with a written explanation of the delay.
- 11.7 The Council will respond within 28 days of receipt of your notification. The Council will write to you setting out the date on which the Council expects you to return to work if the full entitlement to adoption leave is taken. This date is the Expected Return Date.

### **Matching Certificate**

- 11.8 You must provide a completed matching certificate (available from the Agency who is placing the child with you).

### **Duration of Leave**

- 11.9 You will be entitled to a maximum of 52 weeks Adoption Leave; 26 weeks Ordinary Adoption leave and 26 weeks Additional Adoption Leave.

### **When Leave Can Be Taken**

11.10 You can choose to start your leave either:

11.10.1 from the date of placement (whether this is earlier or later than expected); or

11.10.2 from a fixed date which can be up to 14 days before the expected date of placement.

11.11 Only one period of leave is available regardless of whether more than one child is placed for adoption as part of the same arrangement.

11.12 Sometimes the placement ends during the adoption leave period, for instance when the adoption agency that matched the employee with the child notifies the employee that the child will not in fact be placed with him or her or if the child dies or the match is considered unsuitable. If this happens, you are entitled to continue the adoption leave for up to 8 weeks after the end of the placement.

11.13 It should be noted that adoption leave is in addition to parental leave (currently 18 weeks).

### **Returning to Work**

#### **Right to Return**

11.14 Where you take Ordinary Adoption Leave only (ie: up to 26 weeks) you have the right to return to the same job as you left and to be treated as if you had never been absent.

11.15 Where you take Additional Adoption Leave (ie: more than 26 weeks and up to 52 weeks' leave) you have the right to return to the same job, or if that is not reasonably practicable, to another job which is both suitable and appropriate in the circumstances.

#### **Notice of Return**

11.16 Where you intend to return to work on the Expected Return Date no notice is required to be given to the Council.

11.17 Where you wish to return to work before the Expected Return Date, you must give the Council at least 8 weeks' notice of the date you intend to return. This notice may be verbal.

11.18 If you fail to give at least 8 weeks' notice then the Council is entitled to postpone your return and is not obliged to pay you your normal remuneration until the agreed return date.

#### **Adoption Pay**

11.19 Statutory Adoption Pay (SAP) is available if you:

11.19.1 have 26 weeks continuous service by the week in which you are notified by an approved adoption agency that match has been made with a child; and

11.19.2 give appropriate notification to the Council; and

11.19.3 give the Council a completed Self Certificate; and

11.19.4 have average weekly earnings of not less than the lower earnings limit apply to National Insurance Contributions.

### **Notification**

- 11.20 You must give the Council at least 28 days' notice of the date upon which you expect any payment of Statutory Adoption Pay to begin, unless this is not reasonably practicable.
- 11.21 You can change your mind about the date you want your SAP to start provided you give at least 28 days' notice in advance (again unless this is not reasonably practicable).
- 11.22 If 28 days' notice is not reasonably practicable, you should give notice as soon as reasonably practicable with a written explanation for the delay.

### **Amount Paid**

- 11.23 SAP will be paid at the same rate as for Statutory Maternity Pay.

### **Alternative / Additional Financial Help for Adopters**

- 11.24 If you have average weekly earnings below the lower earnings limit for National Insurance Contributions purposes and do not qualify for SAP you may be eligible for income support whilst on adoption leave.

### **Shared Parental Leave**

- 11.25 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 with their adoptive family. 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. This will be available for parents of children expected to be placed for adoption from 5th April 2015 onwards.
- 11.26 Please see the Council's Shared Parental Leave Policy set out at the end of this Handbook.

## **12 PARENTAL LEAVE POLICY**

- 12.1 The Council recognises the importance of balancing the Council's working lives with home and family commitments.
- 12.2 In line with the Council's policy to adapt to developments in employment law and follow best practice in employment relations, the Council set out below the scheme adopted by the Council and the key facts about parental leave.

### **Eligibility**

- 12.3 To be eligible to take parental leave you must be a parent (including adoptive parents) of a child born (or adopted) after 15<sup>th</sup> December 1999; or anyone who has obtained formal parental responsibility for a child under the Children Act or its Scottish equivalent after 15<sup>th</sup> December 1999. The Council may need to request evidence of this, for example in the form of a birth certificate.
- 12.4 In addition you must have completed one year's service with the Council.

### **Entitlements**

- 12.5 If you meet the conditions set out above you are entitled to a total of 18 weeks (unpaid) parental leave in respect of each child.

### **Time Limit**

- 12.6 Parental leave can be taken up until the child's 18<sup>th</sup> birthday.

### **Parental Leave Scheme**

- 12.7 You must take parental leave in blocks or multiples of 1 week (blocks of one day for parents of disabled children).
- 12.8 You are required to give 21 days' notice before you intend to take this leave.
- 12.9 If you intend to take leave immediately after the birth or placement for adoption you should give notice 21 days before the beginning of the expected week of childbirth, or placement. In rare cases where it is not possible to give 21 days' notice of the date of placement for adoption, you should give the notice as soon as reasonably practicable.
- 12.10 You can take up to a maximum of four weeks leave in any calendar year.
- 12.11 The leave can be postponed by the Council for up to 6 months where the business cannot cope; but leave cannot be postponed if you give notice to take this leave immediately after the time your child is born or is placed with your family for adoption.

### **Your Rights Whilst on Leave**

- 12.12 At the present time there is NO ENTITLEMENT TO REMUNERATION, i.e. the leave is unpaid. However, you are guaranteed the right to return to the same job as before you the Went on leave.

- 12.13 In the case of mothers taking parental leave immediately following maternity leave there are special provisions depending on whether the mother has taken ordinary or additional maternity leave;
- 12.14 **Ordinary** maternity leave period (26 weeks) - return to the same job;
- 12.15 **Additional** maternity leave period - return to the same job unless this would not have been reasonably practicable at the end of the additional leave period and is still not reasonably practicable, in which case a similar job which has the same or better status, terms and conditions as the old job.
- 12.16 During the period of parental leave you are entitled to the benefits of your terms and conditions of employment relating to notice of termination, compensation in the event of redundancy and disciplinary and grievance procedures.

### **Postponement of Leave**

- 12.17 If the Council considers that your absence will unduly disrupt the business, the Council can postpone the leave for no longer than 6 months from the beginning of the period that you requested to start your parental leave;
- 12.18 Examples of the reasons which might justify the Council postponing parental leave include work being at a seasonal peak, a significant proportion of the workforce applying for parental leave at the same time or if your role is such that your absence at a particular time would unduly harm the business.
- 12.19 If this is the case and the Council need to postpone your leave the Council will discuss the matter with you and confirm the postponement arrangements in writing no more than 7 days after your notice to take leave. The notice will set out the reason for the postponement and the new dates of parental leave. If leave is postponed, the length of the leave will still be the equivalent of your original request.
- 12.20 The Council trusts that the above guidance is helpful in setting out the right to take parental leave, however, if you have any further questions, please do not hesitate to raise them with the Clerk.

## **13 TIME OFF FOR DEPENDANTS POLICY**

- 13.1 The Council recognises that situations arise where you need to take time off work to deal with an emergency involving someone who depends on you. Provided the reasons for such a request are genuine and you inform the Council as soon as possible that you need this time off, you will be allowed reasonable **unpaid** time off work to deal with such emergencies.
- 13.2 The Clerk is authorised to grant special leave for all employees on unforeseeable compassionate grounds of up to ten days unpaid leave in any leave year.

### **Dependants**

- 13.3 Your husband, wife or partner, child or parent, or someone living with you as part of your family can all be considered as depending on you. Others who rely solely on you for help in an emergency may also qualify. For further detail as to who counts as depending on you and guidance on individual circumstances, please speak to the Clerk

### **The Emergency**

- 13.4 The right to time off only covers emergencies. If you know in advance that you're going to need time off, you may be able to arrange this with the Council by taking another form of leave, such as parental, maternity, paternity or adoption leave.
- 13.5 For these purposes, an emergency is an unexpected situation that arises where someone who depends on you:
- 13.5.1 is ill and needs your help
  - 13.5.2 is involved in an accident or assaulted
  - 13.5.3 needs you to arrange their longer term care
  - 13.5.4 needs you to deal with an unexpected disruption or breakdown in care, such as a child minder or nurse failing to turn up
  - 13.5.5 goes into labour
- 13.6 You can also take time off if a dependent dies and you need to make funeral arrangements or attend the funeral.

### **Length of Time Off**

- 13.7 You can only take off as long as it takes to deal with the immediate emergency. For example, if a dependent is ill you can take enough time off to deal with their initial needs, such as taking them to the doctor and arranging for their care. You cannot take time off work to provide that care yourself and will need to make alternative arrangements for their longer term care. If you want to stay off work longer to care for them yourself you will normally need to take this as part of your annual leave entitlement.
- 13.8 As a general benchmark, no more than a day should be necessary.

### **Notice**

- 13.9 You must tell the Council as soon as possible why you are away from work and how long you expect to be off. In extreme cases of emergency where you cannot inform the Council of your absence before your return to work, on your return you should still inform your supervisor or the Clerk as to why you were absent.

## **14 FLEXIBLE WORKING POLICY**

### **Qualification**

14.1 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**

14.2 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.

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

### **Your Application**

14.4 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.

14.5 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.

14.6 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**

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

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

14.9 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**

14.10 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**

- 14.11 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.
- 14.12 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**

- 14.13 You may appeal our decision in writing within 7 days of receiving it, setting out your grounds of the appeal.
- 14.14 We will either invite you to an appeal meeting within 14 days of receiving your appeal, or allow your appeal without a meeting.
- 14.15 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.

## **15 HEALTH AND SAFETY AT WORK POLICY STATEMENT**

- 15.1 The Council recognises that it has a legal duty of care towards protecting the Health and Safety of its employees and others who may be affected by the Council's activities.
- 15.2 In order to discharge its responsibilities the management will:
- 15.2.1 provide an organisational structure that defines the responsibilities for health and safety
  - 15.2.2 ensure that the systems and procedures relating to this Policy Statement are rigorously applied
  - 15.2.3 provide adequate control of the health and safety risks arising from the Council's work activities
  - 15.2.4 consult with the Council's employees on matters affecting their health and safety
  - 15.2.5 provide and maintain safe plant and equipment
  - 15.2.6 ensure the safe handling and use of hazardous substances
  - 15.2.7 provide information, instruction and supervision for employees
  - 15.2.8 provide adequate training and ensure that all employees are competent to do their tasks
  - 15.2.9 maintain safe and healthy working conditions
  - 15.2.10 satisfy itself that any organisation which is contracted to carry out work for the Council is able to demonstrate that it pays due regard to health and safety matters
  - 15.2.11 bring this Policy Statement to the attention of all employees and seek their co-operation in supporting the management in its efforts to establish and maintain a safe and healthy working environment.
- 15.3 This Health and Safety Policy Statement and its associated organisational arrangements, systems and procedures, will be reviewed at least annually and revised as necessary to reflect changes to the business activities. Any changes to the Policy will be brought to the attention of all employees.
- 15.4 It is the responsibility of all employees to co-operate in the implementation of this Health and Safety Policy within their areas of influence. All employees have a legal duty to ensure their own safety and the safety of others (for example, colleagues, visitors, contractors) under the Health and Safety at Work etc Act 1974. Employees must therefore:
- 15.4.1 Comply with any safety instructions and directions issued by the Council.
  - 15.4.2 Take reasonable care for their health and safety and the health and safety of other persons (e.g. other employees, contractors, customers, workmen, etc.) who may be affected by their acts or omissions at work, by observing safety rules which are applicable to them.
  - 15.4.3 Co-operate with the Council to ensure that the aims of the Health and Safety policy are achieved and any duty or requirement on the Council by or under any of the relevant statutory provisions is complied with.
  - 15.4.4 Report and co-operate in the investigation of all accidents or incidents that have led to or may lead to injury.
  - 15.4.5 Use equipment or protective clothing provided in accordance with the training they have received.

15.4.6 Report any potential risk or hazard or malfunction of equipment to the appropriate authority.

15.5 Any failure by an employee to comply with any aspect of the Council's health and safety procedures, rules or duties will be treated by the Council as serious or gross misconduct.

15.6 Employees have a responsibility to observe all safety rules and to co-operate with the officer charged with responsibility for the implementation of the Council's health and safety policy to achieve a healthy and safe workplace and to take reasonable care of themselves and others.

## **16 ALCOHOL AND DRUG ABUSE POLICY**

- 16.1 Employees must not drink alcohol on the Council's premises or the premises of its customers or clients whilst on duty except with the express permission of the Clerk to the Council.
- 16.2 Any employee who is found consuming alcohol on the Council's premises or the premises of its customers and clients or is found to be intoxicated at work will normally face disciplinary action on the ground of gross misconduct under the Council's disciplinary procedure.
- 16.3 Existing and prospective employees may be asked to undergo a medical examination, which will seek to determine whether he/she has taken a controlled drug or has an alcohol abuse problem.
- 16.4 A refusal to give consent to such an examination or a refusal to undergo the screening will result in the immediate withdrawal of any offer made to prospective employees and will normally be treated as gross misconduct for employees.
- 16.5 The possession, use or distribution of drugs for non-medical purposes on the Council's premises is strictly forbidden and a gross misconduct offence.
- 16.6 If you are prescribed drugs by your doctor which may affect your ability to perform your work you should discuss the problem with your supervisor or the Clerk.
- 16.7 If the Council suspects there has been a breach of this policy or your work performance or conduct has been impaired through substance abuse, the Council reserves the right to require you to undergo a medical examination to determine the cause of the problem.
- 16.8 If you refuse to undergo a medical examination in such circumstances your refusal will normally be treated as gross misconduct.
- 16.9 If, having undergone a medical examination, it is confirmed that you have been positively tested for a controlled drug, or you admit there is a problem, the Council reserves the right to suspend you from your employment (with or without pay) to allow the Council to decide whether to deal with the matter under the terms of the Council's disciplinary procedure and/or to require you to undergo treatment and rehabilitation.
- 16.10 The Council reserves the right to search you or any of your property held on Council premises at any time if there are reasonable grounds to believe that this policy is being or has been infringed. If you refuse to comply with these search procedures, your refusal will normally be treated as gross misconduct.
- 16.11 The Council reserves the right to inform the police of any suspicions it may have with regard to the use of controlled drugs by its employees on the Council's premises.

## **17 BEREAVEMENT POLICY**

- 17.1 It is the policy of the Council to grant all employees up to ten days bereavement time off without loss of pay when a death occurs in an employee's immediate family (i.e. mother, father, wife/husband, live in partner, sister, brother, daughter, son or grandchild). An employee will not be eligible to receive paid bereavement time-off benefits while off or absent from work because of holiday, sickness (paid or unpaid) or for any other reason.

## 18 DATA PROTECTION POLICY

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

### **What Sensitive Personal Data Do The Council Hold?**

- 18.2 The Council believe that the vast majority of the information which it holds is not considered (under the terms of the Act) to be sensitive personal data. The Council believe that the only exceptions to this are:
- 18.2.1 racial or ethnic origin - which the Council hold for the purposes of equal opportunity monitoring;
  - 18.2.2 pre-employment health questionnaire and other information relating to your health and sickness absence - which the Council holds so it can monitor and control sickness absence and ensure that it can pay you sick pay; and
  - 18.2.3 any disciplinary or other records to the extent that they relate to criminal offences. For example, this would include criminal offences which you disclosed when you applied for a job with the Council (and which are not exempt from disclosure under the Rehabilitation of Offenders Act) and data created in the thankfully infrequent event of allegations being made against employees that involve or could involve a criminal offence, such as theft.
- 18.3 Subject to some exceptions, the Data Protection Act requires the Council to obtain your explicit consent to hold and process sensitive personal data. Without this consent the Council will not be able to process this data which would for example potentially produce the result that the Council could not pay you if you were off sick.

### **What Other Personal Data Do The Council Hold About You?**

- 18.4 In general terms, the Act entitles you, on making a written request and paying the required fee, to obtain access to the data that the Council holds and processes about you. Precise details of what data the Council holds will vary from person to person. Broadly, however, the types of data that the Council will hold and process about you will include:
- 18.4.1 Personal Details
    - 18.4.1.1 Title, Name, Address - for contact purposes;
    - 18.4.1.2 Home and mobile phone numbers (if supplied) - for contact purposes;
    - 18.4.1.3 National Insurance number - for payroll processing and tax purposes;
    - 18.4.1.4 Date of birth and age - in order to address benefit related queries where age is a relevant factor;
    - 18.4.1.5 Emergency contact (possibly next of kin) details - for emergency contact purposes and for administration of flexible benefits; and
    - 18.4.1.6 Marital status - in order to address benefit related queries where marital status may be a factor and for tax purposes.

18.4.2 Employment record

- 18.4.2.1 Start date and length of service - for processing and informational purposes and so as to determine employment rights and eligibility for some benefits;
- 18.4.2.2 Employment history - in order to monitor career development;
- 18.4.2.3 Holiday entitlement - for payroll processing and informational purposes;
- 18.4.2.4 Pension scheme member - in order to respond to enquiries;
- 18.4.2.5 Health and safety roles - if applicable;
- 18.4.2.6 Accidents at work - if applicable for health and safety reasons; and
- 18.4.2.7 Any current disciplinary warnings.
- 18.4.2.8 Any health or disability information that the Council require in order to make reasonable adjustments to accommodate the employee

## **19 VEHICLE POLICY & USE OF MOBILE PHONE POLICY**

### **General**

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

### **Choice of vehicle**

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

### **Running and Other Costs**

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

### **Employee Obligations**

- 19.7 Employees provided with a Council vehicle are required to comply with the following requirements, which are conditions of entitlement to the use or benefit of a Council vehicle:-
- 19.7.1 to take reasonable care of the vehicle and to keep it in a clean condition;
- 19.7.2 to keep the vehicle in a roadworthy condition and to take appropriate action to remedy any faults;
- 19.7.3 to report at the earliest opportunity to the Council any damage to the vehicle or any accident arising from its use, regardless of how such damage or accident occurred. Failure to do so may lead to loss of insurance cover for such damage or accident, in which event the Employee will be liable to indemnify the Council for such loss;
- 19.7.4 to report at the earliest opportunity any incident concerning the police which arises from the use of the Council vehicle;
- 19.7.5 to comply with the provisions and conditions of any policy of insurance relating to the vehicle and the Council's requirements in respect of assisting with insurance claims or investigations into accidents, damage or police enquiries arising from the use of the Council vehicle. The employee is responsible for the above matters, even if not personally driving the Council vehicle at the relevant time. No person other than the authorised employee is allowed to drive the vehicle unless they have the written permission of the Council.

## **Accidents**

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

## **Criminal Proceedings**

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

## **Termination of Employment**

- 19.11 Where any employee is summarily dismissed or is not required by the Council to work out the notice period (regardless of who gave notice), the employee will be obliged to return the Council vehicle on the last day of work in accordance with the Council's instructions and shall not be entitled to any further use or benefit of the vehicle or to any monetary value in lieu thereof.
- 19.12 You shall inform the Council immediately if you are convicted of any offence under road traffic legislation in the United Kingdom or elsewhere. If you are disqualified from driving for any period the Council reserves the right to dismiss you, provided driving is an essential requirement of your job.

## **Use of Mobile Phones in Vehicles**

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

Clerks & Officers must:

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

Supervisors must ensure that:

- they also lead by personal example
- they do not expect staff to answer calls when they are driving
- staff understand their responsibilities not to use a hand-held or hands-free mobile phone while driving

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

Staff who drive for work must:

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

### **Variations**

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

## **20. ANTI-BRIBERY STATEMENT**

- 20.1 The Council is committed to applying the highest standards of ethical conduct and integrity to its business activities. When acting on behalf of the Council you are responsible for maintaining the Council's reputation and for conducting business honestly and professionally.
- 20.2 The integrity and reputation of the Council depends on the honesty, fairness and integrity brought to the job by everyone associated with the Council.
- 20.3 The Council will not tolerate any form of bribery, whether direct or indirect, by, or of, its employees, officers, agents or consultants or any persons or companies acting for it or on its behalf.
- 20.4 The senior management are committed to implementing and enforcing effective systems throughout the Council to prevent, monitor and eliminate bribery, in accordance with its obligations under the Bribery Act 2010.
- 20.5 The Council's Anti-Bribery procedures apply to all employees, as well as agency workers, consultants and contractors both in the UK and overseas.
- 20.6 All employees and any other individuals acting on behalf of the Council are required to familiarise themselves with and comply with the Council's Anti-Bribery Procedures.
- 20.7 A bribe is defined as a financial advantage or other reward that is offered to, promised to, given to, or received by an individual or company to induce or influence that individual or company to perform its public or corporate functions or duties in an improper manner (i.e not in good faith, not impartially, or not in accordance with a position of trust).
- 20.8 All employees and any other person acting on behalf of the Council are prohibited from offering, giving, soliciting or accepting any bribe, whether cash or other form of inducement to or from any person or company in order to gain any commercial, contractual or regulatory advantage for the Council in a way which is unethical or in order to gain any personal advantage, monetary or otherwise, for themselves or anyone connected with them.
- 20.9 The Council will continue to provide bona fide hospitality to clients and incur promotional expenditure. However, all such expenditure must be transparent, proportionate, reasonable and authorised in advance, in accordance with the Council's anti-bribery procedures.
- 20.10 In the course of providing services to clients, or in dealings with suppliers, or any other person having similar connections to the Council, employees should under no circumstances accept money, gifts or other forms of reward with a value exceeding £25 without prior consent from the Clerk to the Parish Council. All such reported gifts shall be recorded.
- 20.11 Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Clerk to the Parish Council or the Chair of Council and/or the Chair of the Personnel Sub Committee before proceeding.
- 20.12 Any breach of the Council's Anti-Bribery procedures will normally be treated as Gross Misconduct.
- 20.13 Employees should also note that bribery is a criminal offence.
- 20.14 The Council will not conduct business with third parties including clients, suppliers, agents or representatives who are not prepared to support its anti-bribery objectives.

- 20.15 The Council depends on all employees, and those acting for the organisation, to assist in the prevention of bribery. Therefore, all employees and others acting for, or on behalf of, the Council are expected to report any suspected bribery to the Council following the Council's Anti-Bribery procedures.
- 20.16 All employees will receive the support of the Council if they report of suspected bribery in good faith even if, following an investigation, it is found that no bribery took place.

## **21 WHISTLEBLOWING POLICY**

### **What Is Whistleblowing?**

- 21.1 A whistleblower is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law recognises that Whistleblowing occurs and protects employees who are whistleblowers from detrimental treatment such as dismissal. To be protected by the law, the act of whistleblowing must fall within the legal rules and the whistleblower must reasonably believe that their disclosure of wrongdoing is made in the public interest.

### **The Council's Policy**

- 21.2 The Council's business is run in accordance with the law. It is the Council's policy as an employer to ensure that at every level of management the Council's business is conducted in such a way as to comply with all legal requirements that govern the Council's activities. This policy applies to the way that the Council employs and manages the Council's staff. The Council operates as a team and expects the Council's employees to all play their part as members of the team for the good of the business as a whole. The Council does not believe that any of its employees will ever feel the need to become a whistleblower. There is no reason for any employee to believe that he or she will suffer detriment for speaking up if they believe that something is wrong or that if the Council is alerted to it the Council will conceal or destroy evidence. However the Council is fully aware of the Council's responsibility under the law and the Council will respect the legal protection afforded to a whistleblower.

### **Public Interest Disclosure Act 1998**

- 21.3 The Act protects "whistleblowers" from suffering detriment in employment and makes dismissal for certain disclosure automatically unfair. There is no qualifying period of employment for this protection.
- 21.4 Police officers, civilian police employees and those who work in the Security Service, Secret Intelligence Service or Government Communications Headquarters are NOT protected.

### **Who is protected?**

- 21.5 A worker who makes a qualifying disclosure that is made to one of a category of persons set out in the Act and which is therefore a protected disclosure.
- 21.6 "Worker" is widely defined and includes employees and other workers as normally understood by the expression but also contractors under an employer's control, persons on training schemes and also doctors, dentists and other professionals providing National Health Service schemes.

### **What is protected?**

- 21.7 A 'qualifying disclosure' is one of information that in the reasonable belief of the disclosing worker shows wrongdoing of one or more of the following kinds:
- (1) A criminal offence was committed or is being or is likely to be committed
  - (2) A person has or is or is likely to fail to comply with a legal obligation
  - (3) A miscarriage of justice has occurred or is or is likely to occur
  - (4) The health and safety of any individual has been or is being or is likely to be endangered
  - (5) The environment has been, is being or is likely to be damaged
  - (6) That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

- 21.8 However if the person making the disclosure commits a criminal offence by making it or makes it in breach of legal professional privilege (e.g. solicitor's secretary disclosing client information) it is not a qualifying disclosure.
- 21.9 To be a Protected Disclosure the Qualifying Disclosure must only be made to one of the following categories of person:
- a) The employer or (where the disclosure relates to the conduct of another person or matters for which another person other than the employer has legal responsibility) that other person
  - b) A legal adviser in the course of getting legal advice
  - c) A Minister of the Crown (where the worker is employed by someone appointed by a Minister of the Crown or a body whose members are so appointed)
  - d) To one of the prescribed persons set out in the Public Interest Disclosure (prescribed Persons) Order 1999 (e.g. health and safety problem disclosure is to the Health and Safety Executive; Fraud : Secretary of State for Trade and Industry; consumer protection matters: Local Authority Consumer Protection unit; tax matters: the Inland Revenue)
  - e) A person other than those set out above where the worker acts in the public interest, reasonably believes the information to be substantially true, does not make the disclosure solely for personal gain, and it is in all the circumstances reasonable to make the disclosure. AND
    - i. the worker reasonably believes he will be subjected to a detriment if the disclosure is made to his employer or the prescribed person;
    - ii. there is no prescribed person and the worker believes that the wrongdoing will be concealed or destroyed by the employer;
    - iii. the worker has previously disclosed the same information to the employer or the prescribed person;
  - f) Any other person where the disclosure is one of an exceptionally serious failure where it was reasonable to make the disclosure.

### **What Protection does the worker have?**

- 21.10 The worker is protected from detriment or dismissal as a result of making a protected disclosure. Dismissal is automatically unfair, and there is no limit on compensation for such a dismissal. Complaint of detriment or dismissal is made to an Employment Tribunal.

### **How to raise a concern internally**

- 21.11 Employees who raise concerns that fall within the scope of other Council procedures will not be dealt with in this procedure, but will be advised on the appropriate procedure to use. Such employees will still receive protection as detailed in this policy.
- 21.12 As a first step, staff should normally raise concerns with their supervisor or the Clerk. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If the allegation is made against the Clerk in this procedure to the role of the Clerk should be read as the role of the Chair of the Personnel Sub-Committee.
- 21.13 Concerns are better raised in writing. Staff are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If staff do not feel able to put their concern in writing, they can telephone or meet the Clerk. The earlier staff express the concern, the easier it is to take action.
- 21.14 Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.
- 21.15 Advice and guidance on matters of concern may be pursued and can be obtained from the Clerk.
- 21.16 Staff may invite a trade union representative or work colleague to raise a matter on their behalf.

### How the Council will respond

- 21.17 The action taken by the Council will depend on the nature of the concern and may:
- a) be resolved by agreed action without the need for investigation
  - b) be investigated internally
  - c) be referred to the Police;
  - d) be referred to the external auditor;
  - e) form the subject of an independent inquiry.
- 21.18 In order to protect individuals and the Council, initial enquiries will be forwarded to the Clerk who will consult with the Chair of Personnel Sub-Committee and the Chairman of the Council to decide whether an investigation is appropriate and, if so, what form it should take. The Clerk can decide to take no further action if a complaint appears to be trivial or vexatious. All such decisions will be reported to the next meeting of the Personnel Sub-Committee. Concerns or allegations that fall within the scope of specific procedures, for example discrimination issues, will normally be referred for consideration under those procedures.
- 21.19 Some concerns may be resolved by agreed action without the need for investigation and staff will be involved in those discussions. The Clerk shall report periodically thereon to the Personnel Sub-Committee.
- 21.20 If an investigation is required, the Clerk will consult with the Chair of Personnel Sub-Committee and the Chairman of the Council and designate an appropriate person or external consultant to investigate the concern. Following this that officer will, within ten working days, write to the member of staff:
- a) Acknowledging that an investigation will be carried out
  - b) Indicating how he/she proposes to deal with the matter
  - c) Giving an estimate of how long it will take to provide a final response
  - d) Telling them whether any initial enquiries have been made
  - e) Telling them whether further investigations will take place, and if not, why not
  - f) Advising them that any investigation will be carried out in the strictest confidence; and
  - g) Keeping them informed of the progress of the investigation.
- 21.21 The amount of contact between the officers considering the issues and the staff member will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from staff.
- 21.22 When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union representative or work colleague who is not involved in the area of work to which the concern relates.
- 21.23 The Council will take steps to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure.
- 21.24 The Clerk will report on the outcome of any investigation to the Personnel Sub Committee who will monitor the implementation of the recommendation of the investigation.

### How the matter can be taken further

- 21.25 This policy is intended to provide staff with an avenue to raise concerns **within** the Council. The Council hopes staff will be satisfied. If they are not, and feel that it is right to take the matter outside the Council, the following are possible contact points:
- a) Council member (if staff member lives in the area of the Council)
  - b) The External Auditor
  - c) Relevant professional bodies or regulatory organisations
  - d) Solicitor
  - e) The Police
  - f) An independent person or organisation nominated for the purpose by the Council
- 21.26 Protect (formerly Public Concern at Work) is a website and service that offers advice on whistle blowing. If staff do take matters outside the Council, they need to ensure that issues they are raising qualify as protected disclosures - seeking advice from this service may be beneficial in this regard.

## **22 PROBATIONARY PERIOD POLICY**

- 22.1 The object of the probationary period is to enable you to demonstrate to the satisfaction of the Council your suitability to perform the duties of the post to which you have been appointed. During this period every endeavour will be made to give you adequate instruction and guidance, together with the opportunity for you to discuss any problems which you experience in relation to your work.
- 22.2 The period normally allowed for an assessment is six months and in exceptional circumstances this period may be extended. The following approach will normally be adopted to ensure that you have the opportunity to demonstrate your suitability.
- If during the probationary period you experience any difficulties to your work or other aspects of your employment, you should raise them immediately with your supervisor.
  - Equally, if your supervisor identifies any shortcomings in relation to your work performance or attitude, these will be discussed with you and, where appropriate, additional instruction or guidance will be given.
  - Normally after three months you will be interviewed by your supervisor of the Clerk to review your progress and give you an opportunity to raise any questions relating to your work or other aspects of employment.
  - At the conclusion of the six month period you will be informed whether (a) you have been recommended for confirmation in your appointment (b) your period of probation is to be extended or (c) your services are to be terminated.
- 22.3 If at any time during the probationary period, there are serious reservations regarding your eventual suitability for the post which could not reasonably be remedied under this procedure, you may be (a) given notice of termination or (b) warned officially that failure to improve will lead to dismissal.

## **23 SEVERE WEATHER CONDITIONS POLICY**

### **Introduction**

23.1 This procedure defines the manner in which Haydon Wick Parish Council approaches severe weather conditions.

### **Scope**

23.2 Severe weather is defined as extreme high winds, flooding, heavy snow and icy conditions, and heat waves. The policy applies to Parish Council owned or managed land only. Individual landowners are responsible for dealing with their own property and Swindon Borough Council for highways, pavements, schools etc.

### **Responsibilities**

23.3 The Council will endeavour to open for business every normal working day regardless of weather conditions.

23.4 Clerk to the Council will identify and prioritise where action is required and allocate the Council's resources as effectively as possible.

23.5 Councillors will ensure sufficient resources are allocated to deal with severe weather conditions, recognise that employees may have difficulties in travelling to and from work and the effect on their starting and finishing times.

### **Non-attending employees**

23.6 If you are absent from your usual workplace due to inclement weather, you have one of the following options:

- Take unpaid leave
- Use your annual leave allowance
- Make up the lost time.

23.7 Alternatively if you are able to work from home and are given permission to do so, you will be paid at your normal hourly rate for hours worked from home.

### **Attending employees**

23.8 If inclement weather conditions cause a substantial delay in your arrival at work, you should notify your supervisor or the Clerk within 30 minutes of your scheduled start time. Lost time will be unpaid or made up with the prior authority of your supervisor.

23.9 If you attend work but the Council is unable to offer you work because the weather has made operations impossible, the Council is obliged to pay you at your basic rate.

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

### **Procedure**

23.11 A list of sites which are most likely to be affected by severe weather will be compiled and updated periodically.

- 23.12 Sufficient numbers of staff dealing with issues arising from severe weather will be adequately trained. This will include gritting and first aid.
- 23.13 High Winds – following periods of high wind sites will be inspected for damage.
- 23.14 Flooding – during and following periods of flooding, drains will be checked and cleared as necessary. The ditches shall also be checked and maintained at least once a year to help prevent blockages. The streams running through the parish shall be checked at least every six months and large obstructions removed.
- 23.15 Heavy snow and ice – the Council shall keep a limited supply of grit in order to deal with snow and ice on its property.
- 23.16 Heat Waves – Work patterns and tasks may be altered to avoid outside work during heat waves. This is for staff safety and as well as avoiding damage to plants through watering in daytime. The Council will comply with any water restrictions.
- 23.17 Plant, equipment, signs, PPE and materials shall be checked at least every six months and prior to use in preparation of severe weather.
- 23.18 Staff will endeavour to pass on reports about severe weather problems outside of the scope of this policy to the appropriate bodies such as Swindon Borough Council.

### **Records**

- 23.19 The following records are to be kept in support of this procedure: -
- Maintenance records
  - Time Sheets
  - Training Records
- 23.20 All records are to be retained for one year after the end of the period of severe weather or until any claims arising have been settled (whichever is the longer).
- 23.21 The Clerk to the Council will be responsible for ensuring that the above records are retained and eventually destroyed.

## **24 LONE WORKING POLICY**

### **Introduction**

- 24.1 People who work by themselves, either on a regular, permanent or occasional basis can be at greater risk from assaults and accidents than other workers. This guidance is to assist supervisors and staff, to reduce the risk of harm occurring to loneworkers.
- 24.2 With proper management and control of the risks those who work alone can be as safe as everyone else at work.

### **Who is a lone worker?**

- 24.3 Lone workers are simply those people who work by themselves, without close or direct supervision. This situation can occur in fixed establishments, where one person works in an area separate from others, or works outside of the normal office hours. More frequently it is staff working away from their fixed base e.g. maintenance workers.
- 24.4 People will generally know when they are working alone, but there are situations where, even when an office is normally crowded, people can be working in isolation e.g. in a meeting or interview room.

### **Risk assessment**

- 24.5 The need to assess the risks associated with any work activity applies to staff who work alone. The risk assessment process is the responsibility of supervisors, and this will ensure that the hazards and level of risks are identified, and if necessary action taken to avoid and/or control the risks.
- 24.6 Control measures may include; issuing safe working instructions, training, supervision, issuing personal protective equipment. Supervisors should ensure that control measures are implemented. The risk assessment should be reviewed regularly to ensure that it is always kept up to date if situations change.
- 24.7 It is important that employees are consulted on the risk assessment, as they can provide valuable information and advice. Where risk assessments identify that it is not possible for the work to be done safely by a lone worker, arrangements for providing help or back up should be put in place.
- 24.8 If a lone worker carries out their work at another employer's site, information should be provided about any risks for the supervisor to carry out the risk assessment and ensure that the right action is taken to ensure the safety of the lone worker.

### **Lone worker advice**

- 24.9 It is impossible to identify all of the hazards that a lone worker may face, many may be transient in nature. It is important to protect staff against all known risks and to equip them with adequate training and information to assist them in dealing with any risky situations that they may encounter ranging from dealing with aggressive clients to entering an unsafe building. Specific safe working arrangements should be implemented and developed.
- 24.10 The following may be drawn from for local guidance.

### **Lone working in premises**

- Ensure that you know the relevant emergency procedures and can act appropriately when an alarm is raised
- Be aware of any other procedures intended for your safety and use them.
- If dealing with clients/the public find out if there have been problems in the past that may affect your safety and use them. If in doubt, have another member of staff available.
- Know where and how to obtain help if needed, e.g. first aid assistance.
- Know the security measures for your workplace and use them correctly.

### **Lone working in the community**

- Ensure that your supervisor knows your intended movements and inform them if they change.
- Ensure that any communication device, such as a telephone, or alarm, works and that it is checked regularly.
- Plan your route to avoid quiet streets, dark areas and possible dangerous areas.
- Use well frequented streets on your route.
- When travelling at night stay in well lit areas.
- If travelling by car, park as close to the site you are visiting as possible.
- Do not leave items within clear sight in a vehicle.
- If you feel threatened in any way, do not continue to your destination.

### **Visiting other people and unknown premises**

- Ensure that your supervisor/colleague is aware of your intended visit and inform them if there is any problem or changes.
- Follow the procedures for maintaining contact with your supervisor.
- If you have doubts about potential risks, from the place or person you are planning to visit, check if it is safe to visit alone.
- Try not to visit alone for the first time, and especially not after dark.

- Do not allow any doors to be locked behind you.
- Always follow other people into a room and make sure your exit is clear.
- Be aware of dogs, other animals or other people at the site.
- Suggest that dogs and other animals be kept in a separate room if possible.
- If you are in any doubt about your safety, do not enter the premises.
- Be aware of your surroundings and look out for unstable or slippery surfaces,
- Do not under any circumstances enter confined spaces or dangerous structures.
- Report incidents or hazardous conditions.

### **Manual handling**

- Avoid manual handling, if at all possible, by using mechanical aids,
- Always assess the situation, and if there is any doubt about the safety of carrying out a manual handling task, do not do it.
- Follow good practice handling technique as you have been advised in your training and safe working instructions.
- If the task requires more than one person, do not do it until assistance is provided.

### **Working at home**

- Develop a routine; this will help to avoid stress.
- Communicate regularly with your supervisor.
- Be aware of any hazards around and inside the house.
- Know what to do in an emergency situation.
- Check that equipment is safe to use.
- Follow the good practice as advised in your safe working instructions.

### **Other risks**

**24.11** It is not always possible to be prepared for every eventuality but you need to be aware and judge the risks and take appropriate action. If you are unsure of what to do, talk to your supervisor. **Above all do not put yourself at risk, if there is any danger stop work or leave the location.**

### **What to do if an incident occurs**

- Try to remain calm.
- In a potentially violent situation, talk quietly, as your training advises.
- Whenever possible, remove yourself from the scene as soon as possible.
- Do not attack a potential assailant, - run away if possible towards a friendly group or busy and well populated area.
- If you witness an incident, try to remember as much as you can to help in any investigation.
- Report the incident immediately to your supervisor.
- Complete an incident report form and follow your reporting procedures.
- Report the incident to the police, if necessary.

### **Further assistance and advice**

The Health and Safety Executive Leaflet - Working Alone In Safety INDG 73, available from [www.hse.gov.uk/](http://www.hse.gov.uk/)  
Tel: 08701 545500

## 25 MEMBER/OFFICER PROTOCOL

### 25.1 Introduction

- 25.1.1 The public is entitled to expect the highest standards of conduct of Council employees. The protocol will apply to all Haydon Wick Parish Council employees, volunteers, agency workers, contractors, casual workers, consultants and anyone else who is providing a service on behalf of the Council in all activities in which they are engaged in, whether or not they take place at their normal place of work. This included work-related functions that take place outside normal working hours.
- 25.1.2 This protocol aims to provide guidance on the complex relationships between Members and Officers of the Council.
- 25.1.3 The protocol supplements the separate Code of Conduct for Members which should be read in conjunction with this document.
- 25.1.4 The seven principles of public life as stated by the “Nolan” Committee (the Committee on Standards of Conduct in Local Government), which are set out in the Members’ Code of Conduct (selflessness, integrity, objectivity, accountability, openness, honesty and leadership) should inform the relationships between Members and Officers.

### 25.2 The Role of Members

- 25.2.1 The roles of the Councillor are set out in the Members’ Code of Conduct. This states that a Councillor may have a number of complex roles including politician, policy maker, representative, constituent advocate and Council/Committee worker. It is not the role of the Councillor to involve themselves in the day to day management of Council services.
- **Councillor** – In this capacity Councillors may belong to particular groupings represented on the Council and will express political values and support the policies of the group to which they belong. There are also independent Councillors whom belong to no particular group.
  - **Policy Maker** – Members may have personal, individual or collective responsibility depending on their role for the local authority organisation and its activities. They set the direction of the Council; are responsible for ensuring that adequate management arrangements are in place; develop and allocate the Council’s physical, financial and human resources and monitor the performance, development, continuity and overall well-being of the organisation.
  - **Ward Member** – In this capacity Councillors interpret and express the wishes of the electorate, advocate on behalf of constituents and seek to account for service priorities, allocation of resources and ultimate performance of the Council. Councillors may also be appointed to outside bodies and the role can vary from representing the views of the Council to acting according to individual judgement.

### 25.3 Members, collectively, therefore need to:

- Determine vision and values and ensure staff commitment;
- Ensure standards are properly established and monitored;
- Link service and corporate objectives;
- Enable local people to resolve problems and issues faced by the community;
- Ensure community needs are fed into strategy formulation and service provision;
- Develop and support community leadership.

### 25.4 All Members

All Members, not just those of the majority group, if there is one, are entitled to receive confidential, but not covert support and advice. All Members shall be given timely access to information required in their role as Councillors and shall have the same rights and obligations in their relationship with Officers.

## **25.5 Chairman of the Council**

The Chairman has a representative role of behalf of the Council to local residents and those who work or study in the Parish. The position is non-political and this must be reflected when invitations to functions are accepted. It is reasonable for the Chairman to be supportive of local business, but the Office should not be used for commercial promotions. The Chairman should not use his or her Office, nor Council Officers, to by-pass recognised systems of working.

## **25.6 All Employees**

25.6.1 It is the responsibility of all employees to read, understand and work in the accordance with the Member/Officer code of conduct and to:

- maintain conduct of the highest standard such that public confident in their integrity is sustained
- be fair and honest in all activities at work
- incorporate and promote equality and diversity in all that is done
- ask for clarification on any aspects of the Code when there is uncertainty

In addition to the above, the Officers shall:

## **25.7 The Role of Officers**

25.7.1 Officers of the Council have, in broad terms, the following main roles:

- Be role models of the required standards of behaviour
- Reinforce the required standards of behaviour through appropriate communications with their teams
- Coach, support and provide feedback to employees on their performance in relations to the required standards of conduct
- Take appropriate action at the earlier opportunity to deal with noncompliance with the standards of the Code
- Initiate policy proposals;
- Implement all Council policies;
- Manage the services for which the Council has given them responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and taking decisions, within agreed policy;
- Provide professional advice to the Council, its Committees and Members and the public in respect of their service;
- Ensure that the Council acts in a lawful way.

25.7.2 Members can expect Officers to:

- maintain confidentiality;
- perform their duties effectively, efficiently and with political neutrality
- behave in a professional and courteous manner;
- be helpful to Members and respect their role;
- avoid personal close familiarity with Members and not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- report to the Clerk of the Council any time that a Member asks or pressurises the officer to deal with a matter outside of Council procedure or policy;
- demonstrate an understanding of and support for respective roles, workload and pressures;
- compliance with the relevant Codes of Conduct.

25.7.3 Officers can expect from Members:

- political leadership and direction;
- respect, dignity and courtesy;
- an understanding of and support for respective roles, workload and pressures;
- not to be subject to bullying or undue pressure;
- not to use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- compliance with the relevant Codes of Conduct.

- 25.8 Members and Officers will wish to discuss policy issues and Officers will often require political guidance in framing proposals. However, when Officers write reports for Member decision they have a duty to give the advice dictated by their professional expertise and in accordance with their own professional codes of conduct. In some situations an officer will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Council or a committee they cannot professionally support.
- 25.9 An officer's first duty is to the Council as a whole and not to an individual Member, or to a political or other group of Members. However, Officers may be called upon to provide advice to the majority group or Chairs. This should not preclude them offering a similar service to the all Members whether politically affiliated or independent.
- 25.10 The Clerk of the Council, Assistant Clerk, Parish Council Officers and the Parks & Open Spaces Team Supervisors are likely to develop a close working relationship with Committee Chairs and Vice Chairs. They may meet on a regular basis to discuss current issues, reports to be considered by committee and budgets.
- 25.11 Members' complaints about council services or Officers should be referred to the Clerk of the Council in the first instance. If the matter is not resolved, the Member should follow the formal Council complaints procedure.
- 25.12 Officers with Specific Responsibilities
- 25.12.1 A number of individual Officers have specific roles including the Clerk to the Council, the Assistant Clerk, Parish Council Officers and the Parks & Open Spaces Team Supervisors.
- 25.12.2 The Clerk to the Council will endeavour to provide advice on vices issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members of the Council. For advice on the application of Local Codes of Conduct, maintenance of a register of interests for Council Members, and promotion of high standards of conduct through support to the Standards Committee the Monitoring Officer at Swindon Borough Council.
- 25.13 Politically Restricted Posts
- 25.13.1 Section 2 of the Local Government and Housing Act 1989 introduced restrictions on the political activities of Officers holding politically restricted posts. It prevents certain Officers from being Councillors in another council and restricts certain political activity such as canvassing, speaking in public or writing on party political matters. In discharging their duties employees must follow every lawful policy of the Council and must not allow their own personal views or political opinions to interfere with their work. This includes the Clerk who regularly advise Members and speak to the media on behalf of the Council.
- 25.14 Other Officers**
- 25.14.1 All other Officers and Managers of the Council should not go beyond the bounds of their delegated authority. If Officers do not have regular contact with Members they may be asked to inform their manager if they are asked to provide assistance to a Member. Members must not request Officers to carry out research for them covertly. Members' access to information will be on a „need to know“ basis. The „need to know“ must be decided by the Clerk of the Council and Members should not exert pressure on any Council Officer to circumvent the process.
- 25.14.2 Bullying or harassment of Officers, including sexual and racial, by Members is unacceptable. Members should not use their position and knowledge of the Council to place undue pressure on Officers to take a different course of action than they would otherwise have done.

*(Workplace bullying is defined by Unison, the public sector union, as 'offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or*

*group of employees and which may cause them to suffer stress.’ The Council has defined racial harassment as ‘offensive conduct of a racial nature, or conduct based on race, which is offensive to the recipient’. Sexual harassment has been defined as ‘unwanted conduct of a sexual nature, or conduct based on sex, which is offensive to the recipient.’)*

## **25.15 At Meetings**

- 25.15.1 Officers and Members will most frequently come into contact with each other at the variety of meetings held to conduct the Council’s business. The respective roles of the participants may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. The examples provided below are merely illustrative and not intended to be exhaustive.
- 25.15.2 At all times Officers and Members should show respect to one another and although Members are entitled to question Officers at meetings they should avoid personal attacks on Officers and ensure that criticism is constructive and well-founded. Officers would expect to have the opportunity to explain what appears to be a performance failure or inconsistency.
- 25.15.3 Whenever a public meeting is organised to consider a Parish issue, all Members should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a Parish issue, all Members should be notified at the outset of the exercise.

### ***Council, Committee and Sub-Committee Meetings.***

- 25.15.4 These bodies have delegated authority and as such are run in a formal manner. They are subject to the Council’s rules and procedure which can only be amended or waived by decision of the Council. Members of the relevant body are required to consider and take decisions on the matters falling within the Terms of Reference of the body. The Clerk of the Council and/or Assistant Clerk attend these meetings. Other Officers and/or employees of the Council will attend on a regular basis if reports are written in their name or at the request of the Chair to answer any detailed questions and provide appropriate advice. Questions and answers are dealt with via the Chair. Officers and Members will generally address each other in terms of Councillor “A” and “Mr./Mrs./Ms. A”.

### ***Working Groups/Working Parties/Advisory Committees***

- 25.15.5 These are more informal bodies that have no delegated authority, and may make recommendations to the relevant body, or advise an officer to whom delegated authority has been given. Officers are likely to have a more participative role, joining in the debate and contributing their own views and comments.

### ***Meetings With Outside Organisations And Meetings Of Outside Bodies***

- 25.15.6 Local authorities are often invited and in some instances have a right to be represented on other bodies, both statutory and voluntary and these may be executive, influential or advisory bodies and may involve agency arrangements. The role to be exercised by the representatives may be to represent the collective view of the nominating local authority or to act according to individual judgement. Members may also have to represent the Council at meetings with outside organisations where they may be negotiating or putting forward the Council’s views. Officers may need to attend to provide professional advice to the Member representative and may also be asked to provide appropriate briefings. Members should note that declaration of interest requirements apply to their service on outside bodies. Further guidance is available for Members and Officers as issued by the Standards Committee.

## **25.16 Delegated Authority of Executive Functions**

- 25.16.1 The Council may delegate authority for exercising executive functions in certain circumstances to the relevant Committee or Sub-Committee and to one or more Officers, but not to individual Members. There is a difference between one-off delegations to deal with a particular issue and permanent delegations which can only be agreed by the whole Council and needs to be recorded in documentation that is open to public inspection. Powers must be delegated to a single officer and if

in practice they are sub-delegated by a scheme of management, this should be recorded and open to public inspection. In some cases authority is delegated to an officer in consultation with the chair of Council or Committee. However, the officer must not act under the dictation of a Member and the officer remains accountable for the action taken.

**25.17 Delegated Authority of Non-Executive Functions**

25.17.1 The delegation of non-executive functions will be determined by the Full Council.

## **26 CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES**

### **Introduction**

- 26.1 The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist local authorities and their employees in their day-to-day work. The Code is produced in the light of the challenges that employees face in the new and more commercially orientated environment. This includes the introduction and extension of compulsory competitive tendering (CCT), market testing, changes in the management of the education and housing services, care in the community, management buyouts, etc.

### **Status of the Code**

- 26.2 The Code is voluntary for local authorities to adopt but sets out the minimum standards that should apply. The aim of the Code is to lay down guidelines for the local government employees which will help maintain and improve standards and protect employees from misunderstanding or criticism.
- 26.3 The Code has been approved by the local authority associations in England and Wales and the Local Government Management Board (LGMB) in consultation with other bodies.

### **Who the Code is aimed at**

- 26.4 The Code applies to all local government employees in England and Wales.
- 26.5 Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a contract of employment within local government, including office holders such as registrars. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

### **Standards**

- 26.6 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.
- 26.7 Employees must report to the Clerk any impropriety or breach of procedure.

### **Disclosure of information**

- 26.8 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.
- 26.9 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.

### **Political neutrality**

- 26.10 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 26.11 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 26.12 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 26.13 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

### **Relationships**

#### ***Councillors***

- 26.14 Please see Member/Officer Relationship Protocol.

#### ***The Local Community and Service Users***

- 26.15 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

#### ***Contractors***

- 26.16 All relationships of a business or private nature with external contractors, or potential contractor, should be made known to the appropriate supervisor. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 26.17 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate supervisor.

### **Appointment and other Employment Matters**

- 26.18 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 26.19 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

### **Outside Commitments**

- 26.20 Some employees have conditions of service which require them to obtain written consent from the Clerk to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.
- 26.21 Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

### **Personal Interests**

- 26.22 Employees must declare to the Clerk any non-financial interests that they consider could bring about conflict with the authority's interests.
- 26.23 Employees must declare to the Clerk any financial interests which could conflict with the authority's interests.
- 26.24 Employees should declare to the Clerk membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership conduct.

### **Equality Issues**

- 26.25 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

### **Separation of Roles during Tendering**

- 26.26 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 26.27 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 26.28 Employees who are privy to confidential information or tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 26.29 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

### **Corruption Awareness**

- 26.30 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or

disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

### **Use of Financial Resources**

- 26.31 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

### **Private Purchasing**

- 26.32 Employees must not use the Council's purchasing systems to purchase items for private use or to secure personal advantage. Employees are not entitled to receive any discount or advantage as a result of their employment with the Council unless this is expressly permitted by the Council, for example through corporate employee discount or voluntary benefit schemes which have been agreed for all employees.

### **Hospitality**

- 26.33 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded.
- 26.34 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 26.35 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 26.36 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions with the authority may be taking affecting those providing the hospitality.
- 26.37 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

### **Sponsorship – Giving and Receiving**

- 26.38 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation, or voluntarily the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 26.39 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without their being full disclosure to an appropriate supervisor of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **27 RECRUITMENT AND SELECTION POLICY & PROCEDURE**

### **Policy**

- 27.1 The recruitment and selection decision is of prime importance to ensure that the Council employs the best possible person-to-job fit. This will contribute significantly towards the Council's effectiveness. It is also becoming increasingly important, as the Council evolves and changes, that new recruits show a willingness to learn, adaptability and ability to work as part of a team. The Recruitment & Selection procedure should help the Clerk to ensure that these criteria are addressed.
- 27.2 The Council Recruitment and Selection Policy will :
- be fair and consistent;
  - be non-discriminatory on the grounds of sex, race, age, religion or disability;
  - conform to statutory regulations and agreed best practice.
- 27.3 To ensure that these policy aims are achieved, all appointing officers will receive training in effective recruitment and selection.

## 28 SHARED PARENTAL LEAVE POLICY

***(Please note this section only applies where a birth is expected or a child is placed for adoption on or after 5 April 2015)***

- 28.1 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.
- 28.2 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.
- 28.3 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.
- 28.4 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 installment. Any decision as to whether to permit intermittent periods of leave is entirely at the Council's discretion.
- 28.5 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.
- 28.6 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 your supervisor who will check that you qualify and help guide you through the procedure.

## **29 GLASSES FOR DSE WORK POLICY**

HSE's guidelines states that employers only have to pay for glasses for DSE work if the test shows an employee needs special glasses prescribed for the distance the screen is viewed at. If an ordinary prescription is suitable, employers do not have to pay for glasses.

### **Entitlement**

1. Qualifying employees are entitled to reimbursement for eye and eyesight test expenses up to a limit of £19.95 once every two years, except where it is stated by an optician that more frequent tests are required for reasons relating to DSE use.
2. Qualifying employees are also entitled to reimbursement for lenses prescribed to correct vision defects at the viewing distance specified for display screen work (including basic frames) up to a limit of £55.00 once every two years. An exception to this time frame is also applicable where a change of prescription for DSE use is made by an optician.
3. If an employee elects to purchase spectacles which exceed their minimum requirement for DSE use, the council's liability for reimbursement will be limited to a proportion of the cost equivalent to that of a basic pair of spectacles. This will be disclosed by your optician in your optician in your Eyecare Reimbursement Form (available from the Parish Office).