

# **Elloughton cum Brough Town Council**

**60 Welton Road, Brough, HU15 1BH**

**Write to: PO Box 124, Brough, HU15 1YH**

**Telephone: 01482 665600**

**Website: [elloughtonbrough-tc.gov.uk](http://elloughtonbrough-tc.gov.uk)**



# **Staff and Office Handbook**

## **Contents**

1. Handbook Introduction
2. Council Staff Structure
3. Equalities Policy
4. Bullying & Harassment Policy
5. Disciplinary & Grievance Policies
6. Sickness Policy
7. Leave Policy
8. Staff Appraisal Policy
9. Training Policy
10. Media, Social Media and Communications Policy
11. Health & Safety Policy
12. Complaints Policy
13. Councillor and Officer Protocol
14. Expenses Policy

## **Document History**

**Adopted by COUNCIL – 15<sup>th</sup> May 2023**

**To be reviewed – May 2024**

**Philippa Beverley**

**Town Clerk**

# 1. Handbook Introduction

- 1.1 The following information, policies and procedures have been compiled primarily for staff and Town Council offices. However, councillors and members of the public might also wish to access the document from time to time.
- 1.2 This document can be treated by staff as a supplementary to the written statement of employment.
- 1.3 This document is for use by all staff and the Council and its committees in making decisions with respect to personnel matters. If you require clarification about any of its contents, please discuss the matter with the Town Clerk.
- 1.4 The information contained in this Staff and Office Handbook applies to all salaried employees of the Town Council, whose conditions of service are determined by the National Joint Council for Local Government Services and as locally agreed by the Personnel Committee of the Town Council.
- 1.5 The Town Council seeks to act as a responsible employer, using as far as is possible for a local council, all reasonable and contemporary personnel practices and compliance in all respects with legislation.
- 1.6 The Town Council will have reference to national local authority and public-sector organisations in determining normative practice. Terms and conditions will be kept under review and National Agreements honoured.
- 1.7 All day to day staff management decisions on personnel matters are delegated to the Town Clerk. Strategic and significant budgetary decisions are taken by the Council and the Personnel Committee.
- 1.8 The Town Council seeks to offer a stable and constructive working environment for staff who are prepared to work in partnership to meet the Council's aim of giving high quality service to the community. Its employment policies are there to encourage and reward dedicated staff who take a professional attitude to work.
- 1.9 This Handbook provides details of the Council's staffing policies and procedures and how they will be implemented. The Town Council recognises that the information may need further revision to take account of changing conditions and circumstances.

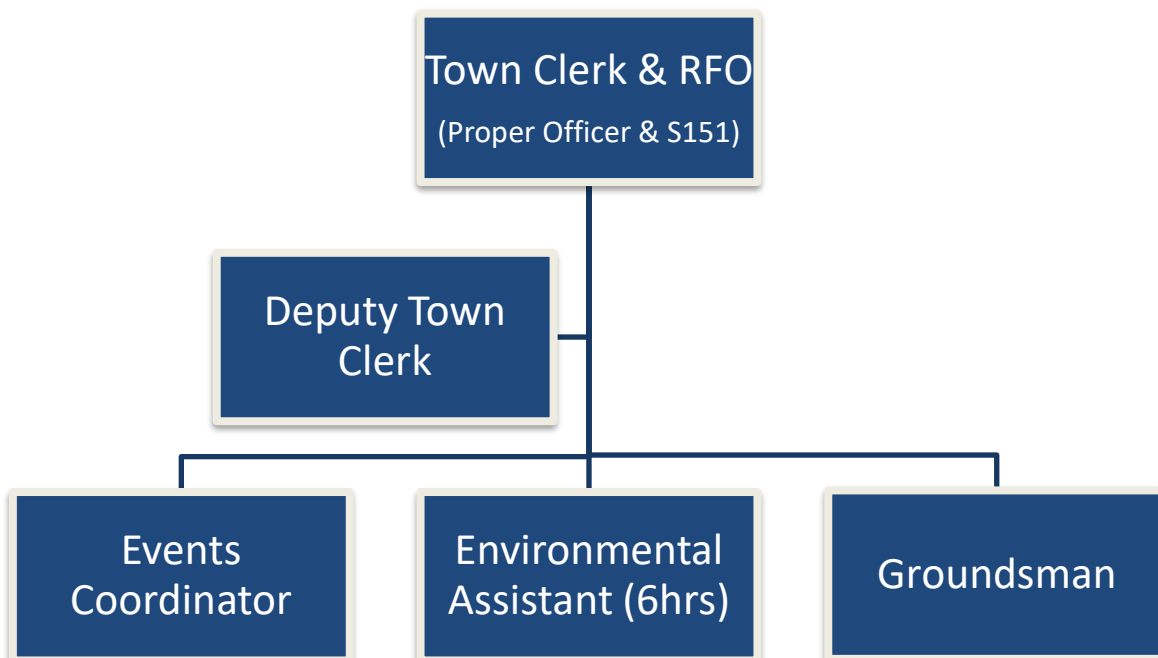
## 2. Council Staff Structure

2.1 The Council currently employs five salaried members of staff, as follows:

- Town Clerk – part time
- Deputy Town Clerk – part time
- Events Coordinator – part time
- Environmental Assistant – part time (6 Hrs)
- Groundsman – part time (16 Hrs)

2.2 The Town Clerk & Responsible Financial Officer (RFO) is the senior officer at the Town Council and fulfils the statutory roles of the Proper Officer and the Section 151 Officer.

2.3 As the Town Council is the size of a small business it has a comparatively straight forward staff structure.



2.4 The Town Council might, when and where required, use the services of agency staff or contractors.

2.5 In broad terms some of the Handbook's policies and procedures might be applicable to contractors and agency staff, for instance Equal Opportunities. However, the Town Council would usually look to regulate and manage the relationship with agencies and contractors through contracts (or similar such written agreements).

# 3. Equalities Policy

- 3.1 **Introduction.** The Town Council has committed itself to a policy of equality of opportunity in employment and to avoiding unlawful discrimination in employment and for those using its services.
- 3.2 Although the overall responsibility for achieving, promoting, and providing equality of opportunity rests with the employer (the Council) employees at every level have a responsibility to own and promote the policy. The active co-operation of Elected Members is also essential for the success of the Council's Equalities Policy.
- 3.3 This document outlines the Council's Equalities Policy, its obligations under existing legislation and its intention to abide by and comply, not only with the requirements, but also the spirit of the legislation.
- 3.4 **Our commitment to diversity**
- **The Council will** in the delivery of its services and in its employment of staff, will be proactive in eliminating discrimination as a result of a protected characteristic.
  - **The Council will** take all reasonable action to ensure disabled persons to have access to our services and to job opportunities that arise within the Council.
  - **The Council will** respect the right of people to have a private and family life and to maximise their potential in all aspects of their lives.
  - **The Council will** promote dignity and respect at work.
  - **The Council will** promote and work towards creating a fairer community without discrimination and prejudice.
  - **The Council will** promote equality of opportunity.
- 3.5 **Policy Statement.** The Council positively supports the principle of equal opportunities in the provision of services and employment. It opposes all forms of unlawful or unfair discrimination. Equality of opportunity means that service users, job seekers, contractors, suppliers, and employees will be treated equally and fairly, regardless of their protected characteristic.
- 3.6 The Council welcomes and values the diversity of its workforce, the people, and the communities in the area, and of the people who use our services. The Council is seeking to ensure that through its policies, service delivery, employment, contracting and funding practices, we achieve the highest possible equality standards. The Council's Equalities Policy has been developed in accordance with Equality Act 2010.
- 3.7 **Legislation.** The Equality Act 2010 has been effective from 1 October 2010. The Act makes it unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion,

or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

- 3.8 Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics. Subject to limited exceptions in some circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimise a member of the public based on any of the protected characteristics in the provision of services or goods.
- 3.9 It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation, or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.
- 3.10 The policy will be implemented within the framework of the relevant legislation, as updated, which includes:
- Equal Pay Act 1970
  - Rehabilitation of Offenders Act 1974
  - Sex Discrimination Act 1975
  - Gender Reassignment Regulations 1999
  - Race Relations (Amendment) Act 2000 (repealed 2010)
  - Disability Discrimination Act 1995 (repealed 2010)
  - The Protection from Harassment Act 1997
  - Equality Act 2010
  - Marriage (Same Sex Couples) Act 2013
- 3.11 **Liabilities.** All employees must be aware of their legal obligations under existing legislation and that unlawful acts of discrimination could render the Council and employees liable to legal proceedings. However, it should be emphasised that employees may be held solely liable in civil proceedings for unlawful acts of discrimination if the Council can establish that it has taken such steps as are reasonably practicable to prevent acts of discrimination. This may also be the case if the act is neither authorised nor a means of doing an authorised act.
- 3.12 **Definition of terms - Protected Characteristics**
- Age
  - Disability
  - Gender Reassignment
  - Marriage and Civil Partnership
  - Pregnancy and Maternity
  - Race
  - Religion or Belief

- Sex
- Sexual Orientation

3.13 This policy document refers to five categories of discrimination which are defined as follows:

- i. **Direct Discrimination** a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.
- ii. **Associative Discrimination** a person (A) discriminates against another (B) if, because of A's association with another person who possesses a protected characteristic, A treats B less favourably than A treats or would treat others.
- iii. **Perceptive Discrimination** a person (A) discriminates against another (B) if, because A perceives that B possesses a protected characteristic, A treats B less favourably than A treats or would treat others.
- iv. **Dual Discrimination** a person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics.
- v. **Indirect Discrimination** arises where A applies a provision, criterion, or practice (PCP) to B or to persons with whom B does not share the relevant protected characteristic. The PCP puts or would put persons with whom B shares the protected characteristic at a particular disadvantage when compared with persons with whom B does not share the characteristic. When the PCP puts or would put B at that disadvantage and the PCP is not a proportionate means to achieving a legitimate aim.

3.14 In addition to these five areas of discrimination there is also:

- i. **Harassment** a person (A) harasses another (B) if A engages in unwanted conduct related to the protected characteristic which has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B. There is no requirement that the complainant possesses the protected characteristic themselves and so this covers association and perception. Harassment also includes the unwanted conduct of third parties.
- ii. **Victimisation** is unfair treatment where a person victimises another person (B) if A subjects B to a detriment because either B does a protected act or A believes that B has done or intends to do a protected act. A protected act is doing anything for the purpose of or in connection with the Equality Act and specifically includes bringing proceedings, giving evidence or information in connection with proceedings, or making an allegation that another person has contravened the Act.

### 3.15 Programme of Action

3.16 The following sections outline the steps which the Council will take to develop and implement good employment and human resource practices in pursuit of its Equalities Policy.

**3.17 Recruitment, Selection and Progression.** The Council will take steps to ensure that:

- i. all sections of the community and the Council's workforce are fully informed of job opportunities within the Council and are encouraged to apply the criteria for selection and progression are determined solely on the basis of the requirements of the job;
- ii. people are selected and appointed solely on the basis of their relevant, assessable experience and abilities;
- iii. all members of selection and interviewing panels will be trained in and expected to demonstrate an understanding of the Council's Equalities Policy;
- iv. all job adverts and descriptions make reference to the Equalities policies;
- v. that a specific question to test the understanding of equalities is asked at interview or during the selection process.

**3.18 Training and Development.** The Council will:

- i. provide the training required to implement this Equalities Policy;
- ii. ensure that all employees will have equal and direct access to training and development opportunities regardless of their protected characteristic, and;
- iii. evaluate all training provision, both internal and external, to ensure that it complies with this Equalities Policy.

**3.19 Retention and Retraining.** The Council will endeavour to retain and retrain as necessary, employees who become disabled or whose disability deteriorates. These employees will be counselled to ensure that alternative job or retraining opportunities offered are in accordance with their wishes and the necessary procedures will be developed.

3.20 Retirement or dismissal on the grounds of ill health will only be considered in the last resort.

**3.21 Terms and Conditions of Employment.** Observance of the Council's Equalities Policy is a condition of employment. The Council will review existing locally determined terms and conditions of service to ensure that they do not discriminate and will amend and develop where necessary to bring them into line with its Equalities Policy.

3.22 The Council will take whatever action is open to it, in the consultative and negotiating process, to ensure that nationally determined terms and conditions of service do not discriminate and are in line with its own Equal Opportunities Policy.

**3.23 Dismissal and Redundancies.** The Council will ensure that dismissal and redundancy decisions are not made on the basis of a protected characteristics.

**3.24 Dignity at Work.** The Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. Some harassment is unlawful discrimination and serious harassment may be a criminal offence. A single incident can be harassment if it is sufficiently serious. All complaints relating to harassment will be investigated promptly.

- 3.25 Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.
- 3.26 Employees have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that it's known to be untrue may lead to disciplinary action being taken against the complainant.
- 3.27 Discipline.** Acts of discrimination, victimisation and harassment as defined in this document, perpetrated by an employee of the Council against other employees, clients or members of the public will result in disciplinary action. This will also apply to employees who attempt to induce other employees to discriminate, victimise or harass. Failure to comply with or adhere to the Council's Equalities Policy will be treated as a disciplinary offence.
- 3.28 Grievances.** The Council will treat seriously and take prompt action on any employee grievance concerning discrimination, victimisation, or harassment. The Council will encourage the development of appropriate support systems and procedures for employees who wish to pursue such grievances – see separate Disciplinary and Grievance Policy.
- 3.29 In addition to the grounds covered by the existing grievance procedure, an employee who considers that she/he has been subjected to discrimination, victimisation or harassment by another employee will have recourse to the grievance procedure.
- 3.30 The Working Environment.** The Health and Safety at Work Act 1974, Section 2 (2), imposes on an employer the duty of the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risk to health and adequate as regards facilities and arrangements for their welfare at work.
- 3.31 The Council will take steps to ensure that:
- i. it will provide a safe and accessible working environment for existing and potential employees;
  - ii. it will provide equipment and facilities, including adaptations to the workplace, to enable people with disabilities to develop their full potential, and;
  - iii. action will be taken to protect employees who are at risk of violence while carrying out their duties.
- 3.32 Consultation.** The Council will consult, where required, with all recognised Trade Unions representing its workforce to secure their support and cooperation in the promotion and implementation of its Equalities Policy. The Council, where required, will seek to consult with all sections of the community in the furtherance of its Equalities Policy.



- 3.33 Implementation.** The Council will ensure that its Equalities Policy is implemented at all levels and locations within the Council.
- 3.34 Overall responsibility for implementation of the policy resides with the Council (the employer) the responsibility for day to day operation of the policy rests with the Town Clerk.
- 3.35 Line Managers must ensure that all employees are aware of the policy and understand their role in its implementation.
- 3.36 Every employee is required to assist the Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.
- 3.37 Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
- 3.38 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's disciplinary procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.
- 3.39 Monitoring.** Monitoring is an essential and integral element of the Council's Equalities Policy.
- 3.40 The Council will monitor the effective implementation of its policy and assess if it is achieving its aims and objectives, and to plan future work in this area.

## 4. Bullying and Harassment Policy

- 4.1 **Statement.** In support of our value to respect others the Town Council will not tolerate bullying or harassment by, or of, any of its employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The Council is committed to the elimination of any form of intimidation in the workplace.
- 4.2 This policy reflects the spirit in which the Council intends to undertake all its business and outlines the specific procedures available to all employees to protect them from bullying and harassment. It should be read in conjunction with the council's policies on Grievance and Disciplinary handling and the Elected Members Code of Conduct.
- 4.3 The Council will issue this policy to all employees as part of their induction and to all members as part of their Welcome Pack. The Council may also wish to share this policy with contractors, visitors, and members of the public.
- 4.4 **Definitions**
- i. **Bullying is:** *“characterised as a pattern of offensive, intimidating, malicious, insulting, or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.”*
  - ii. **Harassment is:** *“unwanted conduct that violates a person’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This usually covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.”*
- 4.5 These definitions are derived from the ACAS guidance on the topic.
- 4.6 Bullying and Harassment are behaviours which are unwanted by the recipient. They are generally evidenced by a pattern of conduct, rather than being related to one-off incidents.
- 4.7 Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, mental health issues, lack of respect for others, turnover, damage to the council's reputation and ultimately, legal proceedings against the council and payment of legal fees and potentially unlimited compensation.
- 4.8 **Examples** of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, making threats of physical violence against a person or their family, deliberately

undermining a competent worker by overloading work and/or constant criticism, blaming a person for others' mistakes, preventing an individual's promotion or training opportunities.

4.9 Bullying and harassment may occur face-to-face, in meetings, through written communication, including electronic communication such as e-mail or on social media, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

**4.10 Penalties.** Bullying and harassment by any employed persons can be considered examples of gross misconduct which will be dealt with through the Disciplinary Procedure at Gross Misconduct level and may result in summary dismissal from the council. If elected Members are bullying or harassing employees, contractors, fellow councillors, others then a referral through the Standards process in place at the time reported as a contravention of the Code of Conduct could be an appropriate measure.

**4.11** If an employee is experiencing bullying or harassment from a third party the council will act reasonably in upholding its duty of care towards its own employees. In extreme cases harassment can constitute a criminal offence and the council should take appropriate legal advice, often available from the council's insurer, if such a matter arises.

**4.12 The Legal positions.** Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. If an employer fails to act reasonably with regard to this duty of care by allowing bullying or harassment to continue unchallenged an employee may decide to resign and claim 'constructive dismissal' at an Employment Tribunal.

4.13 Under the Equality Act 2010 bullying or harassment related to one of the protected characteristics covered by the Act (age, gender, marital status, sexual orientation, race, religion, belief, colour, disability) can be considered unlawful discrimination which could lead to an Employment Tribunal claim for discrimination against the corporate employer, the council, and the perpetrator(s) as individual named Respondents.

4.14 In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim. A harasser may be personally liable to pay damages if a victim complains to an Employment Tribunal on the grounds of discrimination. The 1997 Act was originally designed to assist in stalking situations but case law has demonstrated that it can be relevant to employment disputes, for instance; employers can be vicariously liable for harassment received in the workplace, that the conduct is viewed as 'serious', or 'oppressive and unacceptable', that a 'course of conduct' needs to be established but that this can link incidents which are separated by long time periods and that damages for personal injury and distress can be awarded under the Act.

#### **4.15 Process for dealing with complaints of Bullying and Harassment**

##### **4.16 Informal approach**

4.17 Anyone; employee, contractor, member, or visitor, who feels he or she is being bullied or harassed should try to resolve the problem informally, in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour, or an intermediary, that their conduct is unacceptable, offensive, or causing discomfort. Anyone concerned about being bullied or harassed is encouraged to maintain a journal or other record of the incidents.

##### **4.18 Formal approach**

- **Employees:** Where the employee feels unable to resolve the matter informally any complaint about harassment or bullying can be raised confidentially and informally, initially with the Chair of the Staffing/Personnel committee or another Councillor if more appropriate. It may be appropriate for the complaint to be put in writing after the initial discussion, as this will enable the formal Procedure to be invoked. The employee will be expected to provide evidence of the conduct about which she/he is complaining.
- **Others:** Any other party to the council, other than an employee, who feels he or she is being bullied or harassed should raise their complaint with the council, where possible, if an informal notification to the alleged perpetrator has been unsuccessful at eliminating the problem. The complaint should then be investigated, and a meeting held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any Members or officers of a council should use the council's official Complaints Procedure. It is important that the Officer(s) or Member(s) being complained about do not prevent the council operating impartially in its investigation and decision-making in this regard.

4.19 **Grievance – Employees only** - A meeting to discuss the complaint with the aggrieved party will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's Grievance Procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer, or other duly appointed person as appointed by the committee of the council which is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The Hearing Panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the aggrieved employee to demonstrate how the problem is to be resolved. It may be decided that mediation or some other intervention is required, and the council should contact NALC, an employer's body or ACAS to this effect or the council may offer counselling. The employee will have a right of appeal.

- 4.20 At all times the confidentiality of the grievance will be of paramount importance in order to maintain trust in the process hence details of the full grievance will not be shared with the full council without prior approval by the aggrieved party. The council will commit not to victimize the aggrieved for raising the complaint once the appropriate dispute resolution process has been concluded.
- 4.21 **Disciplinary Action** - Following a Grievance Hearing or investigation into allegations of bullying or harassment a full report will be made to all parties and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.
- 4.22 For an **Employee** found to have been bullying/harassing others this will follow the council's Disciplinary procedure under the ACAS Code of Practice and would normally be treated as Gross Misconduct.
- 4.23 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Procedure or a referral to the Standards process.
- 4.24 Responsibilities.** All parties to the council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed, then everyone can challenge the perpetrator and ask them to stop. There needs to be agreement about how "robust people management" and "bullying" differ; effective management of performance will usually include feedback based on objective evidence, delivered by a committee specifically designated and often trained to manage and appraise staff, with dialogue occurring on a face to face basis in confidential surroundings. Bullying is more likely to be complained about when individual Members criticise staff, often without objective evidence, without the mandate from the corporate body of the council and in environments which are open to the public or other employees or by way of blogs, social media comments, or in the pub or local playground.
- 4.25 The council undertakes to share its policy with all members and workers and request that each party signs to demonstrate acceptance of its terms. All new members and employees will be provided with a copy of this policy.
- 4.26 A review of the policy shall be undertaken each year (or as appropriate). The Council will undertake to ensure that its members and staff are trained in the processes required by this policy.
- 4.27 Useful contacts**
- ACAS [www.acas.org.uk](http://www.acas.org.uk) 0845 7 47 47 47
  - Local Government Ombudsman for England [www.lgo.org.uk](http://www.lgo.org.uk) 0300 061 0614
  - Equalities and Human Rights Commission [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
  - SLCC [www.slcc.co.uk](http://www.slcc.co.uk)

## 5. Disciplinary and Grievance Policies

- 5.1 **Disciplinary Policy Introduction.** 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 grievances at work. The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.
- 5.2 The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.
- 5.3 This policy confirms:
- the Council will fully investigate the facts of each case
  - the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used to when performance management proves ineffective. For more information see the ACAS publication "How to manage performance" at <http://www.acas.org.uk/media/pdf/m/0/How-to-manageperformance-advisory-booklet.pdf>
  - employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
  - employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any disciplinary, investigatory or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
  - the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submission

- If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the Data Protection Act 1998
- recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary action. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include an oral warning, written warning, final written warning or dismissal
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

**5.4 Examples of misconduct.** Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct:

- unauthorised 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.

**5.5 Examples of gross misconduct.** Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct:

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of health and safety rules
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

**5.6 Examples of unsatisfactory work performance.** The following list contains some examples of unsatisfactory work performance:

- inadequate application of office procedures
- inadequate IT skills
- unsatisfactory management of staff
- Unsatisfactory communication skills.

**5.7 Disciplinary investigation.** The Council's staffing committee will appoint an Investigator who will be responsible for undertaking the investigation - a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the staffing committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The staffing committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should deal with the following:

- what the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a report



- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.
- 5.8 The Investigator will be asked to submit a report within 20 working days of appointment. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage (see paragraph 16).
- 5.9 The staffing committee will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least five working days' notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee should be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.
- 5.10 Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.
- 5.11 If there are other persons (e.g. employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.
- 5.12 The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be taken.
- 5.13 The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:
- the employee has no case to answer and there should be no further action under the Council's disciplinary procedure
  - the matter is not serious enough to justify further use of the disciplinary procedure and can be dealt with informally or
  - the employee has a case to answer and there should be action under the Council's disciplinary procedure.

5.14 The Investigator will submit the report to the staffing committee which will decide whether further action will be taken.

5.15 If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

**5.16 The disciplinary meeting.** If the staffing committee decides that there is a case to answer, it will appoint a staffing sub-committee of three councillors. The staffing sub-committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:

- the names of its Chairman and other two members
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she has sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least five working days before the meeting
- that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

5.17 The disciplinary meeting will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee
- the Investigator will present the findings of the investigation report
- the Chairman will set out the Council's case and present supporting evidence
  - (including any witnesses)
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses)

- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or the companion) will have the opportunity to sum up his/her case
- the Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision
- the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

**5.18 Disciplinary action.** If the sub-committee decides that there should be disciplinary action, it may be any of the following:

**a) Oral warning.** An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:

- of the reason for the warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- of the right to appeal
- that a note confirming the oral warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for six months.

**b) Written warning.** If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A written warning will set out:

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- the employee's right of appeal
- that a note confirming the written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 12 months.

**c) Final written warning.** If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 18 months.

**d) Dismissal.** The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period in the conduct which has been the subject of a final written warning
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

5.19 The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal.

5.20 If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal

**5.21 The appeal.** An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

5.22 The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's decision was not supported by the evidence • the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

- 5.23 The Appeal will be heard by a panel of three members of the staff committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.
- 5.24 The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.
- 5.25 At the appeal meeting, the Chairman will:
- introduce the panel members to the employee
  - explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
  - explain the action that the appeal panel may take.
- 5.26 The employee (or his companion) will be asked to explain the grounds for appeal.
- 5.27 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal hearing.
- 5.28 The appeal panel may decide to uphold the decision of the staffing committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.
- 5.29 If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.
- 5.30 The appeal panel's decision is final.

5.31 **Grievance policy introduction.** 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 grievances at work. It aims to encourage and maintain good relationships between the Council and its employees by treating grievances seriously and resolving them as quickly as possible. It sets out the arrangements for employees to raise their concerns, problems or complaints about their employment with the Council. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

5.32 Many problems can be raised and settled during the course of everyday working relationships. Employees should aim to settle most grievances informally with their line manager.

5.33 This policy confirms:

- employees have the right to be accompanied or represented at a grievance meeting or appeal by a workplace colleague, a trade union representative or a trade union official. The companion will be permitted to address the grievance/appeal meetings, to present the employee's case for his /her grievance/appeal and to confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
- the Council will give employees reasonable notice of the date of the grievance/appeal meetings. Employees and their companions must make all reasonable efforts to attend. If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date
- any changes to specified time limits must be agreed by the employee and the Council
- an employee has the right to appeal against the decision about his/her grievance. The appeal decision is final
- information about an employee's grievance will be restricted to those involved in the grievance process. A record of the reason for the grievance, its outcome and action taken is confidential to the employee. The employee's grievance records will be held by the Council in accordance with the Data Protection Act 1998

- recordings of the proceedings at any stage of the grievance procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- if an employee who is already subject to a disciplinary process raises a grievance, the grievance will normally be heard after completion of the disciplinary procedure
- if a grievance is not upheld, no disciplinary action will be taken against an employee if he/she raised the grievance in good faith
- the Council may consider mediation at any stage of the grievance procedure where appropriate, (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process which requires the Council's and the employee's consent.

**5.34 Informal grievance procedure.** The Council and its employees benefit if grievances are resolved informally and as quickly as possible. As soon as a problem arises, the employee should raise it with his/her manager to see if an informal solution is possible. Both should try to resolve the matter at this stage. If the employee does not want to discuss the grievance with his/her manager (for example, because it concerns the manager), the employee should contact the Chairman of the staffing committee or, if appropriate, another member of the staffing committee.

**5.35** Any complaint about a councillor's conduct should be regarded as a code of conduct complaint even if the complainant is an employee and it is raised in a grievance.

**5.36** Where a complaint relates to the conduct of a councillor and falls into the provisions of the council's code of conduct, the council can and should attempt to resolve it informally.

**5.37 Formal grievance relating to the code of conduct.** If it is not possible to resolve the grievance informally, the employee may submit a formal grievance.

**5.38** Where a formal complaint relates to the conduct of a councillor and falls into the provisions of the council's code of conduct it must be passed to the monitoring officer of the principal authority.

**5.39** Any sanctions relating to the provisions of the code of conduct can only be imposed after the finding of a breach and must not go beyond those proposed by the Principal authority.

**5.40 Formal grievance outside the code of conduct.** Details of the allegation or issue should be submitted in writing to the Chairman of the staffing committee, along with any evidence so that they can provide a response.

5.41 The staffing committee will appoint a sub-committee of three members to investigate the grievance. The sub-committee will appoint a Chairman from one of its members. No councillor with direct involvement in the matter shall be appointed to the subcommittee.

**5.42 Investigation.** The sub-committee will investigate the matter before the grievance meeting which may include interviewing others (e.g. employees, councillors or members of the public).

**5.43 Notification.** Within 10 working days of the Council receiving the employee's grievance, the employee will be asked, in writing, to attend a grievance meeting. The sub-committee's letter will include the following:

- the names of its Chairman and other members
- a summary of the employee's grievance based on his/her written submission
- the date, time and place for the meeting. The employee will be given reasonable notice of the meeting which will be within 25 working days of when the Council received the grievance
- the employee's right to be accompanied by a workplace colleague, a trade union representative or a trade union official
- a copy of the Council's grievance policy
- confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least five working days before the meeting
- confirmation that the employee will provide the Council with any supporting evidence at least five working days before the meeting.

**5.44 The grievance meeting.** At the grievance meeting:

- the Chairman will introduce the members of the sub-committee to the employee
- the employee (or companion) will set out the grievance and present the evidence
- the Chairman will ask the employee what action does he/she wants the Council to take
- any member of the sub-committee and the employee (or the companion) may question any witness
- the employee (or companion) will have the opportunity to sum up the case



- the Chairman will provide the employee with the sub-committee's decision, in writing, within five working days of the meeting. The letter will notify the employee of the action, if any, that the Council will take and of the employee's right to appeal
- a grievance meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

5.45 Any measures taken by the Council relating to grievance complaint must be proportionate and limited to the minimum required to stop the issue recurring. The measures should also be kept under regular review and their effectiveness evaluated.

**5.46 The appeal.** If an employee decides that his/her grievance has not been satisfactorily resolved by the sub-committee, he/she may submit a written appeal to the staffing committee. An appeal must be received by the Council within five working days of the employee receiving the sub-committee's decision and must specify the grounds of appeal.

5.47 Appeals may be raised on a number of grounds, e.g.

- a) a failure by the Council to follow its grievance policy
- b) the decision was not supported by the evidence
- c) the action proposed by the sub-committee was inadequate/inappropriate
- d) new evidence has come to light since the grievance meeting.

5.48 The Appeal will be heard by a panel of three members of the staffing committee who have not previously been involved in the case. There may be insufficient members of the staffing committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the staff committee. The appeal panel will appoint a Chairman from one of its members.

5.49 The employee will be notified, in writing, within 10 working days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will take place within 25 working days of the Council's receipt of the appeal. The employee will be advised that he/she may be accompanied by a workplace colleague, a trade union representative or a trade union official.

5.50 At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee
- explain the action that the appeal panel may take.

- 5.51 The employee (or his/her companion) will be asked to explain the grounds of his/her appeal.
- 5.52 The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal meeting.
- 5.53 The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
- 5.54 The decision of the appeal panel is final.

## 6. Sickness Policy

- 6.1 Purpose and Scope.** The purpose of this policy is to ensure that the operational efficiency of the organisation can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security, and support to employees during periods of ill-health.
- 6.2 Introduction.** The Town Council is committed to the provision of good working conditions, where the highest standards of health and safety are observed, and where all employees seek to maintain high levels of attendance.
- 6.3 Employees are entitled to fair treatment if they are absent from work, and procedures for managing absence must be applied consistently and equitably.
- 6.4 When employees are sick they will be supported during their absence from, and assisted in making a return to, work. If there are concerns about their sickness absence, they are entitled to be informed about these concerns, when they arise.
- 6.5 It is the intention of the Town Council's policy to promote good work attendance levels and reduce absence, which is due to sickness, through positive counselling and employee support.
- 6.6 Good work attendance is vital if the Town Council is to provide effective and efficient services. High levels of attendance will help the Town Council to plan and provide quality services and assist in maintaining morale amongst employees. Low levels of attendance, on the other hand, will result in poor provision of services, increased costs and potentially low morale.
- 6.7 The following has been prepared to inform employees, managers and Trade Union Representatives of the Town Council's policy that will be applied in dealing with cases of sickness absence.
- 6.8 Who does the policy apply to?** The policy applies to all employees, whether part-time or full-time, temporary, or permanent.
- 6.9 What should the policy be used for?** The policy is to be used in order to manage cases of sickness absence within the Town Council.
- 6.10 The policy is not appropriate to be used in cases involving:
- Performance issues
  - Redundancy
  - Disciplinary issues
- 6.11 These issues are dealt with under other policies and procedures, for instance the disciplinary procedure.

- 6.12 Confidentiality.** All information relating to individual employees' absence at work must be kept strictly confidential by all those concerned. Any correspondence relating to the management of absence at work will be sent in envelopes marked '*Private and Confidential*'—to be opened by addressee only.
- 6.13 Timescales.** The Town Council is committed to dealing with all stages of the procedure within acceptable timescales reflecting good practice and will not deal with any matter in such haste as to be detrimental as to the needs of the individual concerned.
- 6.14 Representation.** Employees must be informed of the right to be represented, if they so wish, by a Trade Union Representative or by a fellow work colleague of their choice, at any stage of the formal sickness absence procedure.
- 6.15 Employee's obligations.** All Town Council employees have obligations under the Sickness Absence Procedure to:
- Recognise their contractual commitment to attend work;
  - Report absence as soon as possible in line with the Reporting Procedure;
  - Maintain contact with line managers throughout protracted periods of absence;
  - Be available to attend meetings/reviews at request during normal office hours to discuss ongoing issues at a mutually convenient time subject to their health condition;
  - Attend appointments with Occupational Health Physicians as arranged, and;
  - Be informed of their right to be represented/accompanied at any formal meeting by a Trade Union Representative or a colleague not acting in a legal capacity.
- 6.16 Notification.** When an employee falls sick, for Statutory Sick Pay (SSP) purposes, he/she must report the sickness as follows.
- 6.17 First Day of Absence From Work:** If an employee is sick, he/she is responsible for ensuring that the Town Clerk is notified as soon as is practicable and preferably before 10.00 a.m. on the first day of absence, indicating the reason for the absence and, if possible, an indication of how long he/she is expected to be absent so that arrangements can be made for cover if required.
- 6.18 If the Town Clerk is not in the office, you should make every effort to speak to the Deputy Town Clerk. A telephone call from either themselves or from a relative or friend on their behalf will be sufficient. Notification must not be made through a fellow employee (unless he/she is a spouse or partner or living in the same household).
- 6.19 After speaking to the employee, the Town Clerk/Deputy Town Clerk is required to note the details provided by the individual.

- 6.20 If the first day of absence from work is a Monday, the employee should inform the Town Clerk/Deputy Town Clerk whether they had been sick on Saturday and/or Sunday as well as Monday.
- 6.21 **Fourth Day of Absence From Work:** Where it becomes apparent that absence due to sickness is to continue beyond the third day (including Saturday and/or Sunday, as appropriate), the employee (or relative or friend on his/her behalf) must again notify the Town Clerk, giving the reason for the absence and the expected date of return to work.
- 6.22 If it is being claimed that the sickness absence is as a result of an industrial injury or an industrial disease, this must be made clear by the employee.
- 6.23 Form SC1, containing this information, must be completed on the first working day after returning to work following sickness absence.
- 6.24 **Absences Between Four and Seven Qualifying Days:** When an employee returns to work, he/she must also complete and sign form SC2 and forward it to his/her line manager. This form can be obtained from the local Department of Social Security, Doctor's Surgery, or from the Town Council's Payroll Manager.
- 6.25 **Absences of More Than Seven Qualifying Days:** If sickness continues for more than seven consecutive calendar days, including Saturday and Sunday, the employee must complete form SC2 for the first seven days of absence and forward it to the Town Clerk immediately, and, on the eighth day of absence, a Doctor's certificate/statement must be submitted to the Town Council.
- 6.26 **Continuing Sickness.** An employee must submit a Doctor's certificate/statement as often as required for State Benefit purposes. These certificates/statements should be sent to the Town Clerk.
- 6.27 **Fit notes.** From April 2010 GPs have been required to provide simple, clear, and practical advice in relation to an employee's fitness for work by issuing a 'fit note'. In cases of continuing sickness absence, the fit note will provide, where possible, medical guidance around the opportunities for the employee and the Council to work together in order to consider arrangements to enable a speedier return to work including:
- Phased return to work
  - Altered hours
  - Amended duties
  - Workplace adaptations
- 6.28 **Return to Work.** In circumstances where either more than one Doctor's certificate/statement is necessary, or the first Doctor's certificate/statement has covered a period of sickness absence of more than 14 days, an employee cannot return to work until the expiry of the certificate/statement indicating fitness to resume normal duties.

- 6.29 Any employee, returning to work, must comply with this condition by reporting personally to his/her line manager to confirm the expiry of the Certificate/Statement.
- 6.30 When an employee returns to work, his/her direct line manager will discuss the absence with him/her informally and try to assist with any particular difficulties, which may have arisen as a result of the absence.
- 6.31 If the employee concerned has had several periods of absence, the direct line manager will want to know more about the circumstances and may decide to invoke the procedure for dealing with short-term absence.
- 6.32 Failure to Comply With Notification Requirements.** Failure to comply with this procedure may result in an employee receiving the wrong pay or no pay.
- 6.33 Failure to report sickness absence properly and/or to submit the necessary documentation may be treated as an abuse of the sick pay scheme and may be dealt with under the Town Council's Disciplinary Procedure.
- 6.34 If, after investigation, it is demonstrated that any false information has been submitted, knowingly, with regard to sickness absence, it will be treated as gross misconduct and may lead to the instant dismissal of the employee concerned.
- 6.35 Statutory Sick Pay and Benefits.** The Town Council recognises that from time to time an employee will suffer from sickness absence and has agreed a scheme to provide financial assistance and procedures for dealing with such absence. Sickness absence represents a cost to the Town Council and its services, and will, therefore, be monitored carefully by management. The authority reserves the right to review levels of sickness absence periodically and to counsel employees to minimise the impact of the absences on their particular service.
- 6.36 Within any span of twelve months, payment of an allowance shall be made for the appropriate periods according to length of service. It should be noted that these provisions should not be treated as a right and that sick pay allowances are the maximum periods during which salary or wages are normally paid and do not imply time limits for other action being taken. The Council therefore reserves the right to withdraw the payment of sickness entitlement and/or to dismiss an employee before he/she has exhausted their entitlement to occupational sick pay.
- 6.37 An employee's entitlement to sickness allowance is as follows: -

During 1st year of service	1 month's normal pay and (after completing 4 months' service) 2 months' half pay
----------------------------	--

During 2nd year of service	2 months' normal pay and 2 months' half pay
During 3rd year of service	4 months' normal pay and 4 months' half pay
During 4th and 5th year of service	5 months' normal pay and 5 months' half pay
After 5 years' service	6 months' normal pay and 6 months' half pay

- 6.38 Normal pay includes all earnings that would be paid during a period of normal working for normal contractual hours.
- 6.39 Abuse of the sick pay scheme may result in the suspension of payment of sickness allowance and/or disciplinary action.
- 6.40 If, for any reason, there is no entitlement to SSP, the Payroll Manager will send the employee form SSP1, which will enable him/her to claim State Benefit.
- 6.41 There may be occasions, when an employee is notified by the DSS that he/she is not entitled to SSP. On receipt of such notification, the information must be forwarded to the appropriate Payroll Manager.
- 6.42 If sickness continues after the employee has received SSP for 28 weeks, he/she will transfer to State Benefit. The Payroll Manager will send a sickness benefit claim Form SSP1, which will enable him/her to claim State Benefit, if his/her period of sickness continues beyond the 28th week. This Form must be completed by the employee and forwarded to the DSS.
- 6.43 When an employee is in receipt of State Benefit, he/she must forward details of their giro cheque or DSS Forms BS12, BS49 or BS50 to the Payroll Manager.
- 6.44 Sickness and Holiday.** In the event of an employee falling sick during a period of annual leave, he/she may be regarded as being on sick leave from the date of his/her Doctor's certificate/statement and further holiday entitlement will be suspended until the employee concerned is fit to return to work.
- 6.45 Self-certification is not sufficient in such circumstances. A Doctor's certificate/statement must be submitted to the direct line manager as soon as is practicable. If sickness occurs, when the holiday is abroad, the Town Council is prepared to accept other documentary evidence of medical attention and/or treatment rather than the certificate/statement, which is commonplace within the United Kingdom.
- 6.46 It is recognised that, because of operational requirements, holidays of a week's duration or more are customarily booked well in advance. It is only much later nearer the date of the holiday that absence on account of sickness occurs.

- 6.47 Where an employee wishes to take annual leave during a period of absence, he/she must provide written confirmation from their GP prior to the period of absence that the “holiday” would assist in progress to recovery or could be treated as a period of convalescence and therefore would not have a detrimental impact on their health. This requirement is designed to avoid a situation where an employee goes ahead with a pre-planned holiday, notwithstanding medical or other advice, which had been received, and thereby renders him/herself liable to disciplinary action on return to work.
- 6.48 Industrial injury or disease.** Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault out of or in the course of employment with the Town Council.
- 6.49 If an employee is claiming that sickness absence arises from an industrial injury or disease, he/she must give details of when the incident was reported and to whom. It is essential that the Town Council’s Incident Reporting Procedures are also followed, and adequate records are kept.
- 6.50 Return to work interview.** When an employee returns to work after a period of sickness absence, their line manager will conduct a return to work interview. This will be done either on the employee’s first day of return to work, or as soon as practicable thereafter, if the line manager him/herself is absent on that day.
- 6.51 The purpose of this meeting is to enquire about the employee’s health, discuss the individual’s absence record (where there is cause for concern), inform him/her of any significant events at work, bring him/her back into the work environment after the period of absence, to ensure that the appropriate paperwork is completed and that the employee concerned has the necessary documentation, which indicates that he/she is fully fit to return to work on the particular day.
- 6.52 The discussion with the employee will also assist the manager in identifying any underlying problems/issues, which they may be able to help the employee address. Where appropriate, staff should also be made aware of the Town Council’s medical referral and counselling services.
- 6.53 Short term absence.** Short-term absence is defined as sickness absence that lasts no more than four weeks.
- 6.54 To assist line managers in dealing with cases of short-term absence the following trigger points will be used as an indicator as to when the short-term absence procedure should be used.
- Three periods of absence in a three-month period.
  - Four or more periods of absence in a six-month period.
  - An established pattern of absence for example Mondays/Fridays.



- 6.55 Please note that where employees have not met the above trigger points but have a high level of sickness absence within a period of time, consideration should be given to using the following procedure.
- 6.56 Employees should be made aware of these trigger points, the possible actions that could be taken where trigger points are met and the procedure for dealing with short-term absences.
- 6.57 Sickness counselling is part of a broad process, by which the Town Council as an employer aims, through various methods, to achieve better employee attendance at work. Central to this, is better communication with employees, greater awareness of employees' absences, and a proactive approach to addressing, where appropriate, an individual employee's absence record. The principal objectives of sickness counselling are:
- To establish systems for reviewing individual sickness records in order that Managers, employees, and Trade Union Representatives can objectively assess the absence(s) and decide on appropriate action;
  - To establish, if the absence is genuinely due to sickness or whether absence is being used for other reasons i.e. family related problems;
  - To review compliance with sickness rules and conditions; and
  - To explore reasons for sickness absence in order to prevent the absence recurring, address any welfare problems, and ensure appropriate medical/ specialist assistance is being provided.
- 6.58 Sickness counselling is not an attempt to "forbid" sickness and to require employees to work, when they are sick, rather it is a means of managing sickness absence within limits, which reflect the operational circumstances of Services.
- 6.59 The non-attendance of employees as a result of sickness does lead to obvious difficulties. Clients and customers can suffer because a service is not being provided; other employees in the work group can become under increased pressure due to absence.
- 6.60 Management will respond actively to sickness absence and will take steps to counsel employees about their individual sickness levels.
- 6.61 The following stages outline the process that must be followed in managing persistent short-term absences and may ultimately end in the dismissal of an employee. There are additional flexibilities within the procedure, which can assist line managers in reducing abuse of these trigger points, and review periods and these are outlined below.
- 6.62 If an employee meets any of these trigger points but does not have any absences during the three-month review period the matter would not progress to the next stage. However, if an employee then reaches another trigger point immediately, the line manager can set a 6, 9 or 12-month review period next time, if there is a suspicion that the system is being abused. Where potential abuse of the scheme

is alleged the employee will be made aware of the potential consequences of this.

- 6.63 Line managers do not have to wait for the review period to end to set up an absence review meeting. For example, if an employee has three absences in one month it is possible to set up the meeting immediately and set the new review period under Stage 2. This also applies to the review periods and should help to make the process of managing absence more effective and efficient. Where possible it is important to fix review-meeting dates in advance in order to prevent timescales slipping beyond the agreed periods.
- 6.64 Stage 1 – Informal Warning:** If the situation is reached, whereby an individual employee's sickness over a particular period is a matter of concern, arrangements will be made for an informal Sickness Counselling meeting to be held with the employee. Although this will be an informal interview, the employee concerned will be informed that they may be accompanied by a work colleague or Trade Union Representative.
- 6.65 Line managers should discuss with the employee their concerns regarding their sickness absence. They should establish the reason for the absence and what can be done to resolve the problem. Line managers can make a referral to the Medical Officer via ERYC's Human Resources Department for guidance and advice if deemed appropriate. The action decided should be noted and the situation monitored for an agreed period of time. The employee should also be advised that should high levels of sickness absence continue or trigger points be reached that it may be necessary to invoke the formal stage of this procedure.
- 6.66 Stage 2 – First Formal Warning:** Line managers should discuss with the employee their concerns regarding their sickness absence. They should establish the reason for the absence and what can be done to resolve the problem. Line managers can make a referral to the Medical Officer via ERYC's Human Resources Service for guidance and advice if deemed appropriate. At this stage of the process a formal warning may be issued to the employee, which states that if there is not a substantial and sustained improvement in their sickness absence record over an agreed period of time, normally three months, then further action may be taken. Details of the meeting should be confirmed in writing to the employee within five working days. The sickness absence record of the employee should then be monitored for a three-month period.
- 6.67 Stage 3 – Second Formal Warning:** At the end of the three-month period, if the employee's sickness absence is still unacceptable, a formal review meeting should be arranged with the appropriate line manager. Employees should be given five working days' notice of the meeting and offered the right to representation. Where appropriate discussions will take place with the Trade Union Representative dealing with the specific case in order to agree a date for the meeting. A referral to the Medical Officer must be made via ERYC's Human Resources Department before the interview.

- 6.68 At this stage of the process a formal warning may be issued to the employee, which states that if there is not a substantial and sustained improvement in their sickness absence record over an agreed period of time, normally three months, then their employment may be terminated on the grounds of inability to maintain an acceptable attendance level. Actions should be confirmed in writing to the employee within five working days.
- 6.69 Stage 4 - Potential Dismissal:** If there continues to be no improvement in attendance after the agreed review period, or before if trigger points have been met, a further formal meeting should be arranged. The Line manager/supervisor should write to the employee informing them of the continued sickness absence, confirming that they may be dismissed as a result of the absence. Employees should be given five working days' notice of the meeting and offered the right to representation.
- 6.70 The line manager should, via ERYC's Human Resources Service, make a further referral to the Medical Officer if they think this is appropriate. The Chairman of the Town Council's Staffing Committee should conduct the formal meeting, supported by the Town Clerk and if appropriate a representative of ERYC's Human Resources Service. At this meeting, the line manager will firstly detail the sickness record and all actions/measures that have been taken. The employee and/or their representative will have the opportunity to question the line manager. The employee and/or their representative will then explain their position and put forward any evidence, which may be relevant. The line manager will have the opportunity to question the employee/representative. The line manager will then summarise the management case. The employee and/or their representative will then summarise their case.
- 6.71 If after hearing all the evidence, the Chairman of the Town Council's Personnel Committee believes that the attendance levels are unacceptable, they will present a written detailed report to the Town Clerk outlining their wish to proceed with recommendations to terminate the employee's contract on the grounds of inability to maintain an acceptable attendance level. This report should include details of the sickness record, all action taken to date and results of the Medical Officers reports.
- 6.72 Stage 5 – Dismissal:** If there continues to be no improvement in attendance after the agreed review period, or before if trigger points have been met, a further formal meeting should be arranged to consider the continued employment of the employee. The employee should be advised in writing and invited to attend an interview with Chairman of the Town Council's Staffing Committee, supported by the Town Clerk. At this interview, the Town Clerk will firstly detail the sickness record and all actions/measures, which have been taken. The employee and/or their representative will then be given the opportunity to question the presenting Town Clerk. The employee and/or their representative will then explain their position and put forward any evidence, which may be relevant. The

Town Clerk will have the opportunity to question the employee/representative. The Town Clerk will then summarise the case and the employee and/or their representative will then summarise their case. If the Chairman of the Town Council's Staffing Committee is satisfied that the employee is unable to maintain an acceptable attendance level and all reasonable measures have been taken to assist the employee they should dismiss the employee. The employee should receive the appropriate period of notice and receive written notification of the reasons for their dismissal. The employee should also be informed of their right to appeal.

**6.73 Appeal Against Formal Action.** The employee has the right to appeal against the dismissal. The Appeals Committee hears appeals against dismissal. The Appeal will review the reasonableness of the decision made by the Chairman of the Town Council's Personnel Committee and will not rehear the entire case. The employee should appeal to Town Clerk in writing within ten working days of receiving the letter confirming dismissal. The grounds for an appeal must fall within one of the following criteria:

- In the light of the facts of the case the judgement was unfair
- In the light of the facts of the case the sanction was too severe
- Procedural irregularities/inaccuracies

6.74 Employees must be advised of their appeal rights within this procedure in the letter confirming any formal action. In addition, in any such letter, the fullest information should be supplied to the employee for the purpose of preparing his/her defence, including precise reasons for the action taken or proposed.

6.75 Appeals against written warnings will be heard and determined by a Chief Officer who has not been previously involved in the case.

6.76 Appeals against dismissal will be heard and determined by Members of the Appeals Committee. The Appeal will review the reasonableness of the decision made by the Director and will not re-hear the entire case. The employee should appeal to the Town Clerk in writing within ten working days of receiving the letter confirming dismissal.

**6.77 Long term absence.** Long-term absence is defined as sickness absence that exceeds a four-week period.

6.78 Employees should be made aware of the procedure set out below for taking action where the above criteria is met.

**6.79 Managing Long Term Absence.** During a period of long-term absence, line managers should keep in regular contact with the employee either by telephone or by letter, to enquire about the employee's health and keep them up to date on any key developments at work.

- 6.80 Where an employee's period of continuous absence extend to four weeks or more, consideration should be given to a referral being made to the Town Council's Medical Officer in order to determine the extent of the medical problem, when he/she may reasonably be fit to return to work, and his/her suitability for continued employment with the Town Council. Please note that the four-week qualifying period may be extended or reduced, depending upon the circumstances of each case.
- 6.81 Where a referral is to be made a home visit or office meeting should be offered to the employee by the line manager. The meeting to be conducted by the appropriate line manager and the Chairman of the Town Council's Personnel Committee and in addition to providing continued support to the individual should include a discussion regarding the specific details of the absence, how the employee is feeling/progressing, what stage of their absence the employee is at and an indication of the timescales for a return to work. The medical referral process and should also be explained to the individual at the meeting.
- 6.82 Return to Work.** The Medical Officer may be of the opinion that the employee is fit to return to work and provide detailed advice and guidance as to how this can be achieved. In such circumstances the line manager should meet with the employee to discuss the recommendations of the Medical Officer and agree a return to work programme in line with this advice. Managers are encouraged to consider a phased return to work if supported by the Council's Medical Officer as a means of supporting the employee's successful return. This can involve an ascending scale of days 'hours attendance per week over a strictly defined period of time, say 4 weeks. The employee will be paid in accordance with the hours worked, but in many cases will be able to make up their pay to the full contractual hours by using accumulated annual leave. If the employee is not fit to return to work and their absence continues the Medical Officer will review the case at regular intervals.
- 6.83 Managers are encouraged to consider whether it is feasible, for example, for an employee to work from home rather than taking sickness absence. Where possible, Managers should explore the opportunities for an individual to work in a different role within either the employing service.
- 6.84 Terminal Illness.** In the case of a terminally ill employee, there is a need to consider the individual's circumstances and their continued employment in a sensitive and compassionate way as possible. Advice should always be sought from ERYC's Human Resources Service on the issue of continued employment and the details of pension benefits for a spouse or dependants. It is important to consult the employee about their wishes and also to be in a position to provide them with all information they might require on the options available to them.
- 6.85 Redeployment.** The Medical Officer may be of the opinion that the employee is temporarily or permanently unfit to carry out their duties. In such circumstances it may be possible to redeploy the individual to other work in the Town Council.

- 6.86 Ill Health Retirement.** If the Town Council's Medical Officer, after a number of medical interviews, considers that a particular employee is not able to carry out his/her contractual duties as a result of a permanent incapacity, he/she will recommend to a Medical Officer designated by the Pension Fund that his/her employment should be terminated on the grounds of ill-health. Ill health retirement is only granted where the Medical Officer confirms that an individual is deemed permanently unfit, that is unfit for any suitable Town Council work until retirement age.
- 6.87 If the recommendation is confirmed by the second Medical Officer, the Human Resources Service, in conjunction with the Chairman of the Town Council's Personnel Committee and the Town Clerk, will arrange for a capability Interview to be held in order to confirm the Medical Officers recommendation and discuss the arrangements with respect to the termination of employment on the grounds of ill health retirement.
- 6.88 Dismissal on the Grounds of Ill Health Capability Owing to Protracted Sickness Absence.** If the Town Council's Medical Officer indicates, after a number of medical interviews, that a particular employee, who has had a protracted period of sickness absence, is still unfit and unlikely to return to work to carry out his/her contractual duties in the foreseeable future, the Chairman of the Town Council's Personnel Committee and the Town Clerk will arrange for a capability Interview to be held.
- 6.89 Initially, and subject to prevailing circumstances within the employment of the Town Council, redeployment to alternative employment may be considered, which could afford the opportunity of a trial period to determine its suitability to the individual's needs and preferences provided that reasonable adjustments can be made in accordance with the provisions of the Disability Discrimination Act.
- 6.90 Should no alternative employment be available within the service of the Town Council as a whole at the particular time, consideration will be given to termination of employment on the grounds of ill health capability owing to protracted sickness absence.
- 6.91 Appeal.** The employee has the right to appeal against the dismissal. The Appeals Committee hears appeals against dismissal. The Appeal will review the reasonableness of the decision made by the Chairman of the Town Council's Staffing Committee and will not rehear the entire case. The appeal should be made by the employee in writing to the Town Clerk within ten working days of receiving the letter confirming dismissal.
- 6.92 Maintaining Contact.** It is important and good practice for line managers to maintain contact in a sensitive way with employees during periods of sickness

absence. A supportive role will be taken, which promotes the key objective of attendance at work.

- 6.93 Under the Town Council's guidelines for the notification of sickness absence, it is the employee who initiates contact during any period of absence. Line managers will themselves sustain this contact with telephone calls and, as a situation develops, consider when to activate other measures, which would be appropriate for longer-term absence.
- 6.94 The Council encourages use of the facility to carry out home visits and it is recognised that there are numerous benefits both to the Town Council and its employees in such visits. Unless there are exceptional circumstances, the visits will be pre-arranged with the employee concerned during normal working hours. They can take place at other times by mutual agreement. An appropriate record must be kept of the outcome and the employee will be provided with a copy.
- 6.95 The purpose of maintaining contact both in the form of home visits during sickness absence, and through discussions following a return to work is to ensure that employees know that their absences are noted and are taken seriously. They provide the opportunity to identify any underlying problems that may then be referred to the Town Council's Medical Officer, or specialist external agencies.
- 6.96 **Medical Referral.** Referrals can happen at any time, whether the employee is on long term sick or whether they are at work and we can insist as a Town Council that employees attend.
- 6.97 Should an employee fall ill, and his/her period of continuous absence extend to four weeks or more, details of the absence may be referred to the Council's Medical Officer to determine the extent of the medical problem, when he/she may reasonably be fit to return to work, and his/her suitability for continued employment with the Council. The four-week qualifying period may be extended or reduced, depending upon the circumstances of each case.
- 6.98 The results of medical referrals may not be known for several weeks. It is important, therefore, that line managers maintain regular contact with the employee, particularly if there is a possibility of a return to work or a wish to take "holiday". Contact will always be established if there is a prospect of the employee moving from either full pay to half pay or from half pay to no pay, in the period whilst the outcome of a medical referral is awaited.
- 6.99 The Medical Officer may either indicate that the employee is fit to return to carry out his/her full contractual duties or may propose some modifications to existing work arrangements. It is likely that there will be follow-up visits to the Medical Officer.

6.100 On receipt of the medical report, an interview will also be held with the employee so that the appropriate line manager can follow through any recommendations from the Medical Officer.

**6.101 Disability.** The employee's illness may be defined as a disability under the Disability Discrimination Act 1995 if they:

- Have a physical or mental impairment which has a substantial and 'long term' adverse effect on their ability to carry out normal day to day activities.

6.102 The definition states that for an effect to be substantial and long term, it must be more than minor and have lasted at least 12 months or are likely to last at least 12 months or are likely to last for the rest of the life of the person affected. Normal day-to-day activities are those carried out by most people on a regular and frequent basis. This would not include activities, which are normal for only a particular group of people such as playing a sport to a professional standard.

6.103 The Act covers mental as well as physical disabilities and therefore many people with mental health problems will be covered by the legislation. In reviewing if the employee does meet the definition of a disability, the manager should consult the Medical Officer and ERYC's Human Resources Service. The Act places a duty on employers to make 'reasonable adjustments' for disabled employees. These are not only physical adjustments but also adjustments to working practices. Examples of reasonable adjustments include; redeployment of the disabled person, altering their working hours, allowing absences for treatment/rehabilitation, providing additional training, assigning them to another place of work, adjustment to premises, acquiring or modifying equipment.

6.104 The basis of Disability Discrimination law is that in order to achieve equality of outcome, it may often be necessary to treat disabled people more favourably. By adhering strictly to trigger points in absence procedures that apply equally to all workers, employers risk treating their disabled workers unfairly and possibly illegally if they have failed to take account of their obligation to consider reasonable adjustments.

**6.105 Records.** All correspondence and associated documentary evidence will be held on the employee's personnel file and be available for inspection by the employee on request.



## 7. Leave Policy

- 7.1 Annual Leave.** The Town Council takes a positive view on work/life balance issues and believes that employees should take responsibility for regularly taking annual leave to ensure their own health, safety, and wellbeing in accordance with the Working Time Directive.
- 7.2 Annual leave must only be taken with approval. For the Town Clerk approval should be sought from either the Chairman of the Personnel Committee or the Chairman of the Council. For all other staff approval should be sought from the Town Clerk.
- 7.3 Employees must give as much notice as possible when requesting annual leave. Such notice should be at least twice the number of days' leave that the employee wishes to take as annual leave.
- 7.4 The annual leave year runs from 1 April to 31 March.
- 7.5 The minimum paid annual leave entitlement is 21 days, rising to 25 days after five years' continuous local government service. Employees are also entitled to two extra statutory holidays per year; the timing of these will be decided by the Council. Those employed part-time will be entitled to leave on a pro-rata basis.
- 7.6 Employees who join and/or leave the Council during the annual leave year will receive a holiday entitlement proportionate to their completed service during the leave year.
- 7.7 In the event of the employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.
- 7.8 Bank and Public Holidays.** All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the year, although the dates of these may vary from year to year.
- 7.9 Part-time employees have a pro rata entitlement to bank/public holiday leave. This is calculated with reference to the annual entitlement of a fulltime employee.
- 7.10 Carry over of annual leave.** All annual leave should be taken in the leave year during which it is accrued. A maximum of five days' leave can be carried over into the next leave year. Only in exceptional circumstances can leave be 'brought forward' from the next year's leave.
- 7.11 Compassionate paid leave.** Up to 3 days' compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes:
- Husband, wife, or partner;
  - Mother or father;

- Child, including any adopted child; and
- Sister or brother

7.12 A further day may be granted for attending the funeral.

7.13 All applications for Compassionate Leave must be made to the Town Clerk for determination.

7.14 In exceptional circumstances, the Town Clerk will consider granting a maximum of a further seven days' compassionate leave in any one year.

#### **7.15 Public duties**

7.16 Up to 5 days' leave with pay per year may be given with the permission of the Town Clerk for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

7.17 Where an allowance is claimable for loss of earnings, employees should claim and pay the allowance to the Council.

**7.18 Jury service.** Paid leave of absence will be granted for employees undertaking jury service. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.

**7.19 Additional leave.** Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk.

**7.20 Parental leave.** Parental leave will conform to the latest legislation and best practice.

**7.21 Time off for dependents.** Under the Employment Rights Act 1996, all employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work in order to deal with particular unexpected emergencies affecting their dependants. A dependant is:

- A spouse;
- A civil partner;
- A child;
- A parent;
- A person who lives with the employee other than as his or her employee, tenant, lodger, or boarder;
- Any other person who would reasonably rely on the employee for assistance if he or she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.

7.22 Under this provision, an employee is entitled to take time off work:

- Where a dependant falls ill, gives birth, or is injured or assaulted;
- To provide assistance following the death of a dependant;
- Where there has been an unexpected disruption to, or termination of, the arrangements for the care of a dependant; and
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.

7.23 Although there is no requirement to give notice the employee must, as soon as possible, tell their line manager the reason for their absence and how long they expect to be away from work.

## 8. Staff Appraisal Policy

- 8.1 Introduction.** This procedure reflects the aims of the Council to provide a framework through which the appraising manager (appraiser), and the employee (appraisee), to maximise their achievements, output, quality of work and effectiveness.
- 8.2 Appraisals take place on an annual basis, with line managers and employees being encouraged to hold regular 1-2-1 meetings throughout the year to review progress.
- 8.3 The procedure gives guidance on the implementation and recording of appraisals and should be followed for the appraisal of all permanent full and part time employees.
- 8.4 Temporary and casual employees and volunteers may undergo an appraisal, as considered appropriate.
- 8.5 Procedure.** The Chairman of the Council's Personnel Committee will appraise the Town Clerk. All other staff will be appraised by the Town Clerk.
- 8.6 The procedure for appraisals of salaried staff will be as follows:
- i. The appraiser and appraisee set a date for an appraisal meeting;
  - ii. The appraiser will send over a self-appraisal form and this policy;
  - iii. The appraisee will complete the self-appraisal form which will be the basis of the appraisal;
  - iv. The appraisal meeting will take place on agreed date and time at which the following will be discussed:
    - Review past 12 months performance and previous appraisal goals and objectives;
    - Discuss the information gathered in the self-appraisal form;
    - Agree and set future goals and objectives;
  - v. The appraiser completes and signs a joint review form which is to be given to the appraisee within 14 working days of the meeting;
  - vi. The appraisee reviews and signs the joint review form, they retain one copy the other is attached to the employees personal file, and;
  - vii. The appraiser provides a brief report to the Staffing Committee outlining any areas that require review or further consideration.
- 8.7 General Principles**
- Information collection for the purpose of the appraisal of a member of staff should be designed to assist discussion in an appraisal interview.
  - Where it has been agreed that the appraisal should concentrate on specific aspects of the appraisee's job, information collection should likewise concentrate on those aspects.
  - Appraisers should act with sensitivity to all concerned and should not exhibit any bias in collecting information.
  - Those giving information should not be put under any pressure except that of relevance and accuracy.

- General comments should be supported by specific examples.
- Interviews for the purpose of information collection should be held on a one-to-one basis.
- Any information received anonymously should not be used.
- Information which does not relate to the professional performance of a member of staff should not be sought or accepted.
- Appraisee's should not adopt an obstructive attitude to reasonable proposals for the collection of appropriate information.
- Neither appraisers nor appraisee's should act in any way that is likely to threaten the trust and confidence on both sides upon which successful appraisal depends.

**8.8 Other guidance to the appraiser.** The appraiser should agree with the appraisee at the initial meeting what information it would be appropriate to collect for the purpose of the appraisal, from what sources and by what methods.

8.9 When interviewing people providing information as part of an appraisal, the appraiser should explain the purpose of the interview and the way in which information will be treated.

8.10 Those giving information should be encouraged to make fair and considered comments which they are prepared to acknowledge and to substantiate if required.

8.11 Any written submissions should remain confidential to the author, the appraiser and the appraisee and will be held on the individual's personal file.

8.12 The substance of grievance or disciplinary proceedings should never be used in the appraisal process. In the circumstances that information givers make significantly critical comments, these should not be used as part of the appraisal process.

# 9. Training Policy

- 9.1 Introduction.** The Town Council is committed to ensuring its councillors and staff are trained to the highest standard and kept up to date with all new legislation. To support this, funds should be allocated to a training budget each year to enable staff and councillors to attend training and conferences relevant to their office.
- 9.2** In this document training and development are defined as follows:
- **Training** is a form of development which specifically addresses the acquisition and development of new knowledge and skills, or fills gaps in existing knowledge and skills, both of which are required for adequate performance in the workplace (i.e. the town council).
  - **Development** is a short-form for people development, which can involve a wide range of learning activities (including training) all of which are aimed at improving and sustaining workplace performance in terms of knowledge, skills and behaviours.
- 9.3 Policy Statement.** The Town Council is committed to ensure that it continues to fulfil its duties and responsibilities to residents professionally. To that end the Council's intention is that councillors, staff and volunteers are suitably equipped with knowledge and skills to carry out their roles and maintain effective working practices. The Council will procure or provide such training and development opportunities as it deems necessary and relevant.
- 9.4** The Council's goal will be to support achievement and success for all. This will be achieved through:
- **Identifying Training needs**
  - **Planning and resourcing suitable training**
  - **Delivering the training**
  - **Evaluating**
- 9.5 Training and Development Scope.** The Town Council consists of 12 elected councillors and four employees. Training and development for each of these groups will be regularly reviewed.
- 9.6** The Council has a responsibility to ensure that contractors are suitably trained to carry out their roles. When applying for tender contracts evidence of trained personnel will be required to be submitted.
- 9.7 Training and Development for Councillors.** Training to include:
- Attendance at induction sessions explaining the role of councillors;

- provision of a folder (digital and/or physical) containing copies of the Standing Orders, Financial Regulations, Code of Conduct, policies of the Council and other information deemed relevant;
- training on Standing Orders, Financial Regulations and Code of Conduct;
- access to relevant courses provided by bodies such as ERNLLCA;
- the Chairman and Vice-Chairman of the Council will be encouraged to undertake 'Chairmanship' training and gain a detailed understanding of the Council's Standing Orders and Financial Regulations;
- expenses for attending briefings, events and other general meetings for councillors in the East Riding of Yorkshire and North Lincolnshire area, and;
- circulation of documentation such as briefings, newsletters and magazines.

**9.8 Training and Development for Staff.** Training to include:

- Induction session explaining the role;
- provision of copies of the Standing Orders, Financial Regulations, Code of Conduct, policies of the Council and other information deemed relevant;
- attendance at a foundation "Working With Your Council" course;
- gaining the Certificate in Local Council Administration (CiLCA) or ILCA, where appropriate, within 12 months of appointment;
- any other training relevant to the proficient discharge of their duties such as IT, legal powers, finance and understanding the planning system, identified through regular training needs assessments;
- opportunity to attend relevant local meetings of bodies such as the Society of Local Council Clerks (SLCC) and briefings by the ERNLLCA;
- subscription to relevant publications and advice services;
- provision of Arnold Baker's Local Council Administration and other relevant publications, which will remain the property of the Council;
- arranging mentoring opportunities with suitably qualified staff from neighbouring parishes, and;
- feedback as part of an annual appraisal from the Chairman of the Personnel Committee or their line manager about their performance.

**9.9 Training and Development for Volunteers.** Training to include:

- Briefings on relevant health and safety matters and the scope of their work prior to starting;
- assessment of their skill, knowledge and capacity to complete the task in hand;
- briefing on the safe use of any equipment provided by the Council, and;
- training for volunteers will not be beyond that which is deemed necessary for the role.

**9.10 Study Leave and Course Attendance.** Employees who are given approval to undertake external qualifications are granted the following:

- a) Time to attend courses;
- b) time to sit examinations and study time of one day per examination (to be discussed and agreed by the Personnel Committee in advance);
- c) councillors and staff attending approved short courses/workshops/ residential weekends can expect the following to be paid:
  - i. the course fee;
  - ii. travelling expenses in accordance with the Council's current policy, and;
  - iii. subsistence in accordance with the Council's current policy.

**9.11 Identification of Training Needs.** Training requirements for councillors will usually be identified by themselves, the Chairman of the Personnel Committee and the Town Clerk.

9.12 Opportunities to attend courses will be investigated by the Town Clerk and brought to member's attention.

9.13 Training needs for staff will be identified through the recruitment process, including an application form and interview, formal and informal discussions and annual staff appraisal.

**9.14 Training Resources.** Annually, an allocation should be made in the budget each year as required to enable reasonable training and development. The amount will be reviewed at the meeting where the Council sets a budget.

9.15 Annually, the Council will consider an allocation in the budget for subscriptions to professional bodies (ERNLLCA, SLCC, etc.) to enable staff and Councillors to take advantage of their training courses and conferences.

9.16 The purchases of relevant resources, such as, publications and books will be considered on an ongoing basis.

**9.17 Evaluation and Review.** All training undertaken will be subsequently evaluated by the Personnel Committee to gauge its relevance, content and appropriateness. Training will be reviewed in the light of changes to legislation or any quality systems relevant to the Council; new qualifications; new equipment; complaints received or incidents which highlight training needs and requests from Councillors, the Clerk or volunteers.

9.18 The Town Clerk will maintain a record of the training that staff, councillors and volunteers attend, and; annually, the Council will formally review this policy and the training needs of councillors and the Clerk at the Annual Meeting of the Town Council.



# 10. Media, Social Media and Email Policy

- 10.1 **Introduction.** The purpose of this policy is to define the roles and responsibilities within the Council for interacting with the media and with the public through social media channels.
- 10.2 It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, the intention is to establish a framework for achieving an effective working relationship with both the public and the media.
- 10.3 The Council welcomes the opportunity to talk with media channels and, through them, to debate issues in the public arena.
- 10.4 This policy is based upon three key principles:
- i. **Communication** – directly communicate important and timely messages, news and information, promote events and improve awareness of services by providing direct digital access to them.
  - ii. **Engagement** – seek opinions, share conversations and better engage with residents. We can help to improve residents’ knowledge and correct misconceptions.
  - iii. **Collaboration** – find more efficient ways of working together and sharing information which can change or enhance the perception of the council and that of specific service areas or projects
- 10.5 In particular, officers and members should always have due regard for the long-term reputation of the Council in all their dealings with the media.
- 10.6 Confidential documents, exempt minutes, reports, papers and private correspondence should not be leaked to media channels. If such leaks do occur, an investigation will take place to establish who was responsible and take appropriate action.
- 10.7 There are a number of personal privacy issues for officers and members that must be handled carefully and sensitively. These include the release of personal information, such as home address, private e-mail address and telephone numbers (although member contact details are in the public domain), annual leave, disciplinary procedures and long-term sickness absences that are affecting service provision. In all these and similar situations, advice must be taken from the Town Clerk before any response is made to the media.
- 10.8 It is illegal to use graphics or photographs without permission. Ensure that anyone giving permission to use an image is the original copyright owner and check the licensing agreement of photographs in any existing archives before use.
- 10.9 Do not take or use any photographs of children who appear to be under the age of 18 without permission from a parent or guardian. Permission is non-transferable from a third party, such as a school.

- 10.10 Contact with the media.** When responding to approaches from the media, the Town Clerk is usually the main contact. The Chairman of the Council and the Chairmen of Committees, by the nature of their position are also authorised contacts with the media in consultation with the Town Clerk.
- 10.11 Statements made by the Chairman of the Council or the Chairmen of Committees should reflect the Council's corporate position and set policies.
- 10.12 If other councillors are contacted directly by the media for comment, they should liaise with the Town Clerk before responding to the request.
- 10.13 Other Councillors can talk to the media on an individual basis, but it must be made clear that the opinions given are their own and not necessarily those of the Council.
- 10.14 Caution should be exercised when submitting letters to the editor for publication in newspapers. There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents. However, such letters should be kept brief and balanced in tone and correspondence should not be drawn out over several weeks.
- 10.15 Letters representing the views of the Council should only be submitted by the Chairman of the Council or the Chairmen of Committees or the Town Clerk. At all times consideration should be given as to how the correspondence may affect the reputation of the Council.
- 10.16 Attendance of media.** The media are encouraged to attend Council and Committee meetings. Where possible, seating and workspace will be made available.
- 10.17 Elections.** The Code of Recommended Practice on Local Authority Publicity contains guidance for providing publicity for members and for publicity around elections.
- 10.18 The Code makes it clear that Council resources should not be used on publicising individual members unless it is relevant to the particular position they hold in the Council. These extracts from the Code illustrate the main points:
- *Publicity about individual councillors may include the contact details, the positions they hold in the council (for example, Town Mayor or Chairman of a committee), and their responsibilities. Publicity may also include information about individual councillors' proposals, decisions and recommendations only where this is relevant to their position and responsibilities within the Council. All such publicity should be objective and explanatory, and ... personalisation of issues or personal images making should be avoided."*
  - *"Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe policies put forward by an individual councillor which are relevant to their position and responsibilities within the council, and to put forward their justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies*

*of those of a particular party or directly attacking policies and opinions of other parties, groups or individuals.”*

- *“The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election.*

10.19 In line with practice elsewhere in the country, the Council will not quote any Councillor in a news release or involve them in proactive publicity events during the election period, regardless of whether or not they are standing for election. The only exception to this (as laid down in the Code of Recommended Practice on Local Authority Publicity) is during an emergency or where there is a genuine need for a member level response to an important event outside the control of the Council. In this situation, members holding key civic positions should be able to comment.

**10.20 Press releases.** The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council’s position on a particular issue. It is the responsibility of all officers and members to look for opportunities where the issuing of a press release may be beneficial.

10.21 All press releases are to be factual, non-political, not written to cause offence and must be in accordance with Council’s corporate position and set policy.

10.22 All press releases are to be issued by the Town Clerk (but may be drafted by other officers, subject to approval) in order to ensure that the principles outlined in Legal Framework section are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored, having consulted with the Chairman of the Council or Chairman of the relevant committee on the proposed wording as appropriate.

**10.23 Social media.** The importance of the internet in shaping public thinking about the Council and community is recognised, as is the importance of employees, Councillors and volunteers joining in and helping shape local government conversation and direction through interaction in social media.

10.24 Whenever permitted to use social media in accordance with this policy, the following general rules must be adhered to:

- Do not upload, post or forward a link to any abusive, obscene, discriminatory, harassing, derogatory or defamatory content.
- Any employee, Councillor or volunteer who feels that they have been harassed or bullied, or are offended by material posted or uploaded by a colleague onto a social media website should inform the Town Clerk.
- Never disclose commercially sensitive, personal, private or confidential information. If unsure whether information to be shared falls within one of these categories, this should be discussed beforehand with the Town Clerk.
- Before including a link to a third party website, confirm that the third party's consent has been given and check that any terms and conditions of that website permit the link to it.

- When making use of any social media platform, its terms of use must be read and complied with.
- Do not escalate heated discussions, try to be conciliatory, respectful and quote facts to lower the temperature and correct misrepresentations.
- Do not discuss employees without their prior approval.
- Always consider others' privacy and avoid discussing topics that may be inflammatory e.g. politics and religion.
- Do not publish personal contact details where they can be accessed and used widely, and never publish anyone else's personal contact details.

10.25 Employees and Councillors should be aware that any use of social media websites (whether or not accessed for council purposes) may be monitored and, where breaches of this policy are found, action may be taken against employees under the Disciplinary Procedure and members under the Code of Conduct.

10.26 Misuse of social media websites can, in certain circumstances, constitute a criminal offence or otherwise give rise to legal liability against the Council and its employees.

10.27 In particular, a serious case of emailing, uploading, posting, forwarding or posting a link to any of the following types of material on a social media website, whether in a professional or personal capacity, will possibly amount to gross misconduct (this list is not exhaustive):

- material in breach of copyright or other intellectual property rights, or which invades the privacy of any person
- pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature)
- a false and defamatory statement about any person or organisation
- material which is offensive, obscene
- material which is criminal, discriminatory, derogatory or may cause embarrassment to the Council, members, or employees
- confidential information about the Council or anyone else
- any other statement which is likely to create any liability (whether criminal or civil, and whether for employees or the Council)

**10.28 Emails.** Emails are the primary method to promote effective communication on matters relating to Council business, and therefore should be used for that purpose only. If necessary, consider speaking to the recipient(s) first by telephone or in person, then follow up with an email.

10.29 Emails should not be used for spreading gossip, or for personal gain, or in breach of any of the Council's policies relating to bullying, intimidation, sexual or racial harassment.

- 10.30 Messages sent by email 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 Council best practice.
- 10.31 Messages should be clear and concise and directed to those individuals with a “need to know”. However, when responding to a large group of recipients, the “reply to all” facility should be used to ensure all parties receive the same information you wish to impart.
- 10.32 Confidential information should not be sent externally without the approval of the Chairman of the Council or the Town Clerk.
- 10.33 Erroneous email messages can give rise to legal action against the Council or individual Councillors. Claims for defamation, harassment, breach of confidentiality or contract could result. It is therefore vital for email messages to be treated like any other form of correspondence and, where necessary, hard copies or copies saved to file should be retained.
- 10.34 Messages are disclosable in any legal action commenced against the Council or Councillors relevant to the issues set out in the email.

# 11. Health and Safety Policy

**11.1 Introduction.** The aim of this Policy is to assist the Town Council in providing a safe and healthy workplace and working environment for all of its employees, and to protect all other persons not employed by the Council, but who may be affected by their work activity.

11.2 The policy provides the framework by which the management of health and safety within the Council will be carried out, including all necessary arrangements and organisation.

11.3 Effective communication and competence throughout the organisation will be essential to the success of the policy.

**11.4 Statement.** The Council is committed to meeting its responsibilities to safeguard the health, safety and welfare of its employees, elected members, contractors, volunteers, agency staff and any other person who may be affected by its activities.

11.5 To enable the Council to carry out these responsibilities it will, so far as is reasonably practicable, take steps to:

- Make the workplace safe and without risks to health where possible;
- ensure that plant and machinery are safe and that safe systems of work are set and followed;
- keep dust, fumes and noise under control;
- ensure that articles and substances are stored, moved and used safely;
- providing adequate welfare facilities;
- provide such information, instruction, training and supervision as is needed;
- provide free any protective clothing or equipment required by law and determined by suitable and sufficient risk assessments;
- report certain injuries, diseases and dangerous occurrences to the enforcing authority;
- provide adequate first aid facilities, and;
- consult with staff about matters affecting employees' health and safety.

11.6 The Council delegates the main responsibility for health and safety to the Town Clerk and RFO, but in order for this policy to be successful, it is the personal responsibility of each employee, member, contractor, volunteer and agency staff member to:

- Take reasonable care in carrying out their activities to minimise the risk to their own health, safety and welfare and that of their colleagues or others who may be affected by their actions;
- co-operate with management and colleagues in the carrying out of their duties to establish safe systems of work, and;
- bring to the attention of their line manager any hazards, dangerous practices, accidents or incidents of which they become aware.

11.7 The allocation for safety matters and the particular arrangements that the Town Council will make to implement the policy are set out below. The policy will be kept up to date, particularly as the organisation changes in nature and size. This policy and the way it is operated will be reviewed annually.

11.8 This policy will be supplemented by further policies and procedures relating to work activities.

**11.9 The Council.**

11.10 The Council will make sure that sufficient budget is made available annually for the purposes of meeting Health and Safety Obligations in relation to council activities.

11.11 The Council through the Personnel and Environment Committees will monitor Health and Safety issues and compliance with this policy.

11.12 The Committees will:

- Review accident and “near miss incident” data;
- receive and consider policies and procedures developed by the Town Clerk, before passing them to Council for approval;
- receive and consider reports from the Town Clerk, Health and Safety Executive and Trade Union representatives;
- assist in the development of safety rules, and;
- monitor and review health, safety and welfare training.

11.13 The Council has the ultimate responsibility for ensuring that the Council fulfils its legal responsibilities, that the policy’s objectives are achieved and that effective management is in place to secure its implementation and review as appropriate.

11.14 To these ends delegated authority is given to the Town Clerk to ensure the allocation of the resources necessary to maintain sound and efficient health and safety arrangements on an operational basis.

11.15 The Town Clerk supported by staff will:

- Make sure that staff implement the requirements of the Councils health and safety policy;
- make sure assets are maintained, repaired and operated in a safe manner;
- make sure that all risk assessments are undertaken and safe systems of work established, for all tasks and places of work and that the significant outcomes of the risk assessments are made known to employees and any other parties who may need to be made aware;
- make sure all current and past risk assessments are stored using an appropriate format for recording the relevant risk assessments;
- make sure that risk assessments are reviewed regularly, or immediately after an accident / “near miss” incident or change in work process;

- make sure authorised, qualified and competent people are assigned tasks and that appropriate safe systems of work are in place with consideration to any potentially vulnerable people (e.g. expectant and nursing mothers, young persons and persons with a disability) and any appropriate levels of supervision are provided;
- report and investigate accidents, near misses, ill health and incidents of violence or abuse to the Administration Committee and /or full Council;
- make sure that all employees accept their own health and safety responsibilities and that induction and training initiatives are developed which provide safe work practices considering hazardous operations, substances, machinery or equipment;
- make sure appropriate personal protective equipment is made available (free of charge), suitable and worn as identified by the process of risk assessment, and that records are held of this equipment and it is replaced as required;
- take appropriate action and ensure prompt attention on any representation submitted by any employee who has comments or concerns regarding health and safety;
- make sure that existing fire procedures for occupied premises are adhered to in accordance with the Evacuation Policy;
- undertake regular checks to ensure that fire exits, corridors, stairs, landings and walkways in offices are kept clear at all time;
- identify training needs through the risk assessment and performance review processes;
- ensure that the Council's Health and Safety Policy is available to all new and temporary employees and volunteers, and that health and safety awareness is included in the Council's induction training;
- maintain corporate accident and near miss incident sheets, and;
- review accident and incident data to identify trends and any appropriate remedial action as necessary.

**11.16 Employees and where applicable members.** All employees have a duty to take reasonable care of their own health and safety and that of others and to co-operate with their manager on health and safety issues.

11.17 All employees must ensure that they will:

- Carry out all work and tasks in the prescribed manner and follow any training, information and instruction provided;
- use equipment correctly at all times and not intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare (for example firefighting equipment, protective guards or devices, personal protective equipment, warning signs, etc.);
- familiarise themselves with the evacuation procedures on the sites that they work from or visit regularly;
- make themselves familiar with the Health and Safety policy, health and safety information any other documents provided for their safety;
- wear or use appropriate personal protective equipment as provided;



- report immediately to the Town Clerk all accidents, incidents, unsafe acts or damage including any “near misses”;
- co-operate in the investigation of accidents with the objective of introducing methods to prevent re-occurrence;
- take part in risk assessments, workplace inspections and audits when necessary;
- observe safe systems and methods of working at all times, avoiding taking short cuts which would entail unnecessary risks;
- ensure that when driving while at work that they are fit to do so and drive in a safe and proper manner, and;
- report any of the following to the Town Clerk:
  - i. incidents of any pain or discomfort arising out of the carrying out of their work activity;
  - ii. any physical injury resulting from the carrying out of their work activity;
  - iii. any incident of violence or abuse aimed at the employee, and;
  - iv. all cases where work equipment or personal safety equipment becomes defective.

**11.18 Contractors.** Contractors will be reminded of all their legal obligations, including the reporting of accidents and “near miss” incidents.

11.19 All contractors must take reasonable care to make sure that their employees and others are safe in and about their work, and competent to undertake the work required. To fulfil these obligations the contractor must provide:

- Competent employees and craftsmen who have received adequate training to enable them to safely perform the job;
- adequate supervision of untrained staff or young workers;
- safe plant, i.e. equipment and appliances in good working order
- safe systems of work, and;
- adequate third party liability insurance as specified by any contract.

11.20 Any employee of the Council, who brings in a contractor to carry out works for or on behalf of the Council, is responsible for ensuring that contractor, and any sub-contractors they may appoint, are competent to undertake the necessary works.

11.21 They must also ensure that suitable systems are in place before the works start to ensure the contractor undertakes work as per their own documented health and safety procedures, and that all works are carried out in a safe manner.

**11.22 Agency Staff.** Agency staff and volunteers will be reminded of their legal obligations, including the reporting of accidents and “near miss incidents”. All agencies and voluntary agencies (where involved) must ensure the individuals they appoint to work for us are competent to undertake the work required. A copy of this policy will be given to all staff, elected members and contractors undertaking duties and tasks on behalf of the Town Council.

# 12. Complaints Policy

- 12.1 Introduction.** The Town Council has adopted this policy to give clarity to the public to ensure complaints are properly and fully considered.
- 12.2 The Council recognises that it is not subject to the jurisdiction of the Local Government Ombudsman, but has adopted this policy to ensure that complainants are properly and fully considered.
- 12.3 The Council does not consider formal complaints against councillors. These are dealt with in accordance with the adopted Code of Conduct by the East Riding of Yorkshire Council's (ERYC) Monitoring Officer.
- 12.4 All other complaints should be addressed to the Town Clerk and will be dealt with promptly to maintain public confidence. Should the complaint be in regard to the Town Clerk, it should be addressed to the Chairman of the Town Council.
- 12.5 A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.
- 12.6 Informal complaint.** The Town Council will seek to resolve all complaints informally prior to a formal complaint being lodged.
- 12.7 An informal complaint is made to the Town Clerk who will liaise with the complainant and relevant members and/or officers to seek resolution.
- 12.8 Should it not be possible to resolve a complaint informally the complainant may escalate the complaint to a formal complaint.
- 12.9 Should, in the opinion of the Town Clerk or Chairman of the Council, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.
- 12.10 There is no defined process for an informal complaint; but records should be kept of any communications and attempts at resolution.
- 12.11 Formal complaint.** Where possible, the Town Council would wish to solve any complaint informally prior to a formal complaint being lodged.
- 12.12 Formal complaints about councillors.** The Town Council does not consider formal complaints about its members. Members are required to comply with an adopted Code of Conduct. A formal complaint about a member should be addressed to the ERYC Monitoring Officer who will arrange the investigation of the complaint. ERYC has its own policies for dealing with such complaints.
- 12.13 Formal complaints about employees.** Formal complaints about an employee of the Town Council must be made in writing to the Town Clerk; setting out the reasons for

the complaint and providing any supplementary information that will assist an investigation.

12.14 Complaints will be processed in accordance with the Council's disciplinary procedure.

12.15 Complaints about the Town Clerk must be made in writing to the Chairman of the Town Council, setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.

**12.16 Other formal complaints.** Complaints about a decision, the general operations of the Council or the Council as a body should be made to the Town Clerk in writing, providing any additional information that will enable the complaint to be investigated.

12.17 The complaint shall first be considered by the Town Clerk, Chairman of the Town Council and the Chairman of the relevant committee(s) who shall seek to resolve the issue or explain the background to the decision.

12.18 Should it not be possible to resolve the complaint, it shall be referred to the relevant committee for consideration or, at the discretion of the Chairman of the Town Council, be referred to Full Council. The complainant shall be invited to address the committee/Full Council to outline the background to the complaint.

12.19 Records shall be kept detailing all complaints, actions undertaken and the outcome.

**12.20 Vexatious complaints.** A vexatious complainant is one who persists unreasonably with their complaints, or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly.

12.21 If such complaints affect the Council's ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints.

12.22 If a complainant is to be classified as vexatious they shall be informed so and given a timescale of how long this will remain the case.

12.23 However, complaints will still be read in case they contain new information. And should a vexatious complainant make a new complaint it will be treated on its merits.

# 13. Councillor and Officer Protocol

- 13.1 Introduction.** Councillors and Employees of the Council are servants of the public and they are indispensable to one another, but their responsibilities are distinct.
- 13.2 Councillors are responsible to the electorate and serve only as long as their term of office lasts (4 years or part thereof).
- 13.3 Employees of the Council have responsibility to the Council as a whole, not to any individuals or group. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under its direction or as delegated powers dictate.
- 13.4 Role of councillors.** Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budgets.
- 13.5 Every elected Councillor represents the interests of, and is an advocate for their area and constituents. Councillors represent the area, respond to the concerns of constituents and are encouraged to serve on local bodies.
- 13.6 Some Councillors will have roles relating to their position as Chairman of the Council or as a Committee Chairman.
- 13.7 Individual Councillors are not authorised to instruct employees other than:
- Through the formal decision-making process;
  - to request the provision of consumable resources provided by the Council for Councillors use;
  - Where staff have been specifically allocated to give support to a member or group of members (i.e. committees, working groups, etc.).
- 13.8 Councillors are not authorised to initiate or certify financial transactions, or to enter into any contract (written or verbal) on behalf of the Council.
- 13.9 Councillors must avoid taking actions that are unlawful, financially improper or likely to amount to maladministration.
- 13.10 Members also have an obligation under their adopted, signed code of conduct to give careful regard when making and reaching decisions, to all advice provided by the Town Clerk, representative or Monitoring Officer.
- 13.11 Role of officers.** Officers are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, officers will take into account relevant and legislative factors.
- 13.12 Officers have a duty to implement lawful decisions of the Council, committees, sub-committees, which have been properly approved in accordance with requirements of the law and the Council's Standing Orders and Financial Regulations.
- 13.13 Officers have a contractual and legal duty to be impartial.

- 13.14 Officers must be alert to issues that are, or are likely to be contentious or politically sensitive and be aware of the implications for Councillors, the media or other sections of the public.
- 13.15 Officers are required to be politically neutral in their dealings with members and all council business activities.
- 13.16 An Officer must not allow their interests or beliefs to conflict with their professional duty. They must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others.
- 13.17 Employees should abide by the rules of the Town Council about the declaration of gifts offered to or received by them by any person seeking to do business with the Town Council or which would benefit from a relationship with the Town Council. Employees should not accept benefits from a third party unless authorised to do so by the Council.
- 13.18 Relationship between officers and councillors.** The conduct of Councillors and officers should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publically and privately being mindful of public perception.
- 13.19 Councillors and officers should inform the Monitoring Officer, as per the Code of Conduct, of any relationship within the Council which might be seen as unduly influencing their work in their respective roles.
- 13.20 Councillors and officers need to respect each other's roles and duties.
- 13.21 The Town Clerk is responsible for day-to-day management and operational decisions. Councillors are requested not to approach an employee directly to undertake tasks on their behalf.
- 13.22 Any problem referred to a Councillor by the public should firstly be passed to the Chair of the relevant committee and shared with the Town Clerk.
- 13.23 Councillors should make appointments to see officers wherever possible to ensure minimal disruption to workloads and priorities.
- 13.24 Officers will do their best to give timely responses to Councillors enquiries. However, officers should not have unreasonable requests placed on them. Councillors must avoid disrupting officers' work by imposing their own priorities as opposed to corporate priorities.
- 13.25 Councillors will endeavour to give timely responses to enquiries from officers.
- 13.26 Councillors and officers should respect each other's free (i.e. non-Council) time.

- 13.27 Personal relationships with officers and Councillors are inevitable, however such relationships must not cloud the judgment of either party or lead to any preferential treatment or favouritism.
- 13.28 Meetings.** When presenting reports to Committees, the Town Clerk should assume that Councillors have had sufficient time to consider written material and must keep presentations short, to the point and focused on the determining issues only along with any recommendation(s).
- 13.29 The Town Clerk has a duty to answer questions at Council or Committees and to advise Councillors on the implications of any particular actions, including the consequences of not accepting Officer recommendation(s).
- 13.30 At Full Council and Committees, Councillors will consider the advice of officers both in main reports and on any matter arising out of debate but it is, ultimately, the responsibility of Councillors to formulate a decision, having regard to the advice provided and any other considerations taken in respect of the issue.
- 13.31 Once lawful decisions have been taken (by way of resolution) it is the duty of the Town Clerk to implement such decisions in a timely manner.
- 13.32 Correspondence.** Official letters from the Council on day-to-day matters must be sent out in the name of the Town Clerk, not individual Councillors. Letters that create obligations or give instructions must not be sent out in the name of a Councillor.
- 13.33 Non-adherence to the protocol.** Serious breaches of this protocol by officers should be dealt with under the Council's disciplinary procedures.
- 13.34 Breaches by Councillors must be reported to the Town Clerk and where appropriate the Monitoring Officer. If necessary the issue will be subject to further consideration by the Town Clerk together with the Chairman of the Personnel Committee or Chairman of the Council and referred to a meeting of Full Council.
- 13.35 Should a breach of this protocol occur by either the Chairman, Vice Chairman or Town Clerk, the matter should be raised with the Monitoring Officer at ERYC who will be asked to review the matter and submit a report containing recommendations or advice.

# 14. Expenses Policy

- 14.1 General principals.** It is Town Council's policy to reimburse employees and members for expenses incurred in performing the duties required by the Council provided the expenditure has been authorised, receipted, and certified in accordance with this policy.
- 14.2 All expense claims must be submitted using an expenses claim form and accompanied by receipts.
- 14.3 Who does the policy apply to?** The policy applies to all employees, whether part-time or full-time, temporary, or permanent.
- 14.4 It also applies to councillors travelling on council business and training approved by the Council or a Committee.
- 14.5 Travel expenses.** Expenses claims will be considered for the following activities:
- Travelling and associated travel expenses on journeys on council business, and;
  - travel to and from training sessions held by NALC, SLCC, ERNLLCA or other approved organisations.
- 14.6 Usually approval for both must be sought in advance. Staff should seek approval from the Town Clerk. The Town Clerk and councillors should seek approval from the appropriate committee or its Chairman and inform the Town Clerk.
- 14.7 Employees and members should travel by the most cost-effective mode of transport taking into account journey time and the nature of the journey as well as monetary cost.
- 14.8 Travel by car will be reimbursed at current rate and reasonable parking will be paid.
- 14.9 Our environment will be considered when making allowance decisions. Public transport will be preferred where practical and cost effective.
- 14.10 All rail travel shall be by the cheapest standard class fare available.
- 14.11 Taxis shall only be used when essential and approval must be sought in advance.
- 14.12 Where an employee or councillor uses their own vehicle, they should ensure that the vehicle is in good working order, fully insured, taxed and an MOT.
- 14.13 Subsistence.** An employee or councillor may claim for the costs of meals and beverages reasonably purchased when travelling on business. This is intended to reimburse the employee or councillor for additional expense as a result of having to travel on Council business.

14.14 Personal incidental expenses cannot be claimed.

**14.15 Professional subscriptions (Employees Only).** If agreed by the Council in advance employees may claim back the cost of the annual subscription for professional bodies whose activities are directly relevant to the employee's duties.

**14.16 Eye tests and spectacles (Employees Only).** The Council recognises its obligations under the Display Screen Equipment (DSE) Regulations 1992 (Amended 2002).

14.17 Subject to the clauses below the Council will contribute to the cost of an eye test for any employees that use display screen (computer monitor) equipment for a significant part of their working day.

14.18 Subject to the clause below the Council will contribute £25 towards the costs of an eye test conducted by a suitably qualified optician.

14.19 The Council will only contribute towards the costs of an eye test once in any twelve-month period.

14.20 If an eye test reveals that spectacles are required exclusively for VDU work, the Council will contribute £75 towards the cost of basic spectacles. This policy does not apply to contact lenses. The Council will not contribute towards the cost of spectacles with any element of everyday use, in other words the spectacles must be exclusively for VDU use.

**14.21 Procedure.** All expenses claims must be made on the claim form with receipts attached as appropriate. Claim forms are available from the office.

14.22 All receipts should be originals.

14.23 It is important that employees keep full records of expenses claimed and the reasons the expenses were incurred so that they can provide appropriate evidence, if requested, to HMRC.

14.24 The completed and signed form, with receipts attached, should be given to the Clerk for processing.

14.25 The Town Clerk will scrutinise all claims submitted. If satisfied that the claims are allowable, they will be approved and paid.

14.26 If the employee or councillor fails to submit a claim for a particular item at the time and instead claims it later the Town Clerk may refuse to reimburse the expenditure.

**14.27 Reimbursement.** Expense claims are normally paid for within a month. Payment can be made either by cheque or via BACs.



**14.28 Miscellaneous expenses.** There may be other incidental expenses incurred by employees that are not covered by these rules (e.g. stationary, postage). A prompt discussion with the Town Clerk will usually suffice and the incidental expenses paid for through petty cash.

14.29 All cases of doubt should be referred promptly to the Town Clerk prior to incurring the expense.

**14.30 Abuse of policy.** Any abuse in the application of this policy by employees will be dealt with in accordance with Council's disciplinary policy.

14.31 Deliberate falsification of a claim or the evidence needed to make a claim by employees will constitute misconduct. "Falsification" includes the failure to pass on any discount obtained in the course of incurring an expense.