

Employee Handbook

March 2017

Welcome and Introduction

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

This handbook

This handbook is designed to explain the way in which we work and to set out the key procedures, rules and policies designed to ensure an efficient workplace and a safe and supportive environment for all employees. We hope that all staff will enjoy working with us and feel able to raise any concerns or suggest improvements in the workplace to the Council.

The policies and rules set out in this handbook are expressed in formal language for the sake of clarity. We do expect you to comply with the requirements set out in this handbook and failure to do so may lead to disciplinary action; in appropriate cases, up to and including dismissal. But we also expect that it should rarely be necessary to invoke these procedures. We aim to work in partnership with staff to address any problems as soon as they arise and before they become difficult to resolve.

The contents of this handbook do not form part of the terms of your contract of employment. We may need to alter or amend any policy or procedure contained in this handbook to ensure that it remains relevant and consistent with the needs of the business. Any such change will be notified to all employees and an up-to-date copy of this handbook can be obtained from the Town Clerk or from your line manager.

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SECTION 2 – HOW WE DO THINGS

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

1.1 Proof of identity

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

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

1.2 Personnel records

In order to administer your employment efficiently, the Council will need to maintain a personnel file which contains personal information about your address, date of birth, employment history including periods of sickness absence, disciplinary or grievance issues and any other details which concern your interaction with the Council. You will be asked to give us the name and contact details of someone we should contact in the event of accident or unforeseen event and these will also be kept in your personnel records. You must inform the Council of any changes to this information. Your personnel record may be stored electronically and will be treated as confidential information. It will not be disclosed to any third party without your consent unless the disclosure is needed to protect the legitimate interests of the Council or to comply with a legal obligation.

The Council is registered with the Information Commissioner and details of its registration can be provided to you on request. The Data Controller Officer is the Town Clerk. Should you wish to check or examine the information which the Council is holding about you, you may submit a request for access to the Town Clerk or your manager who will arrange for you to view the contents of your file. Please note that some details may have to be withheld to protect the privacy of others or to safeguard commercially sensitive information.

1.3 Dress code

All employees should dress in a manner appropriate to the work that they do. Key factors include whether or not the employee meets members of the public and whether the requirements of health and

safety require particular clothing. This is largely a matter of common sense. If your manager feels that you are dressing in an inappropriate way they may ask you to dress differently the next time you come into work. A persistent refusal to comply with a reasonable standard set by a manager will amount to misconduct.

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

1.4 Timekeeping

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

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

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

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

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

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

1.5 Severe weather and traffic disruption

The Council's primary duty is to provide a safe place of work. If severe weather means that this cannot be achieved and the workplace needs to close then all employees will be sent home or told not to come in. In these circumstances employees will be paid in full for any working time that they have lost.

If the workplace remains open, it is the responsibility of employees to attend work if they possibly can. While the Council understands that this is not always possible, additional paid leave will not be provided for employees who are unable, for whatever reason, to travel into work.

Where it is clear that you are not going to be able to get to work you must contact the Town Clerk or your manager as soon as possible to explain the situation. You must make every effort to talk to the Town Clerk or your manager directly rather than leave a message with colleagues or send an email or text message.

If you are unable to attend work due to severe weather or other travel difficulties then you will be required to take time from your annual leave allowance to cover any absence, or to take unpaid time off by agreement with the Town Clerk or your manager. There may be circumstances in which employees are able to work at home, but this will be entirely at the discretion of the Council.

1.6 Rest breaks

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

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

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

1.7 Smoking

The Council operates a smoke-free workplace. Smoking (which includes the use of e-cigarettes and personal vaporisers) is only permitted in clearly designated outside areas. Smoking in any

undesigned place is an act of gross misconduct that will usually result in dismissal.

Smoking is only permitted during designated break times. Smoking at any other time is an act of misconduct.

1.8 Computer use

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

In particular, you must lock your terminal or log off whenever you leave it for more than a moment; you must not attach any device to Council IT equipment without authorisation from your manager and you must not open attachments or click on links unless you know you can trust the source.

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

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

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

Email

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

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

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

You should also take care that emails will be seen only by the person intended. Particular care should be taken when sending confidential

information that the email has been correctly addressed, marked 'private' and not copied in to those not authorised to see the information. Sending confidential information via email without proper authorisation or without taking sufficient care to ensure that it is properly protected will be treated as misconduct.

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

Internet use

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

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

Firewalls and anti-virus software may be used to protect the Council's systems. These must not be disabled or switched off.

Social media

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

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

1.9 Driving

Where driving is required as part of your job, it is your responsibility to ensure that you are legally qualified to drive. The Council may require you at any time to allow a copy of your full driving licence to be made and kept in its records. If you receive any points on your licence you must inform the Council of this immediately.

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

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

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

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

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

Council vehicles

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

Express permission is required for any personal use of a Council vehicle.

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

1.10 Alcohol and drugs

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

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

Dependency

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

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

Drugs

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

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

Medicines and Prescription drugs

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

Alcohol

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

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

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

Employees who need to drive or operate any machinery during the working day must not consume any alcohol during working time, lunchtime or during any break.

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

Drug and alcohol testing

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

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

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

Whether a test needs to be conducted is a matter for the Council to decide. In cases where an employee is clearly under the influence of

alcohol or drugs or there is other clear evidence of a breach of this policy then disciplinary action may still be taken even if no test is carried out.

KEY PRINCIPLES

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

2.1 Health and safety

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

A detailed health and safety policy identifying the roles and responsibilities of key staff members for ensuring that the Council meets its commitment to health and safety is available in the main office.

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

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

2.2 Equality

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

Employees are encouraged to raise with management any discriminatory behaviour, assumptions or attitudes they encounter at work and are entitled to do so free from any reprisal providing they are

acting in good faith or in the reasonable belief that they are acting in the public interest.

2.3 Dignity at work

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

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

2.4 Ethical conduct

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

Gifts and hospitality

The acceptance of gifts and hospitality from members of the public, developers, suppliers and potential suppliers must not give the appearance that employees or the Council may be unduly influenced in the decisions that they make or in any other aspect of their work.

All gifts and hospitality given or received, of whatever value, must be entered in the Register kept by the Town Clerk.

No personal gifts of a value in excess of £20 should be accepted from members of the public, developers, suppliers and potential suppliers without express permission from the Town Clerk or your manager. Acceptance of hospitality, such as lunch or drinks receptions, should be kept within common sense limits and should always be authorised by the Town Clerk. Offers of hospitality to others must always be authorised by the Town Clerk or your manager.

You may also be instructed to return any gifts which the Town Clerk or your manager considers to be inappropriate, or to refuse to accept hospitality from a particular supplier or potential supplier. Failing to obey such an instruction will be treated as misconduct.

Allowing gifts or hospitality to influence any purchasing or other decisions that you may make on behalf of the Council or to otherwise

influence the way in which you perform your duties is an act of gross misconduct which will usually result in dismissal.

It is also an act of gross misconduct to seek to influence any other person to behave in an improper way or to confer an advantage on you or the Council through the giving of any gift or hospitality.

Contracts

Orders and contracts must be awarded on merit and by fair competition in accordance with procedures set out in the Town Council's Financial Regulations and Contract Standing Orders. No special favour should be shown to businesses run by a relative, spouse, partner or friend of any employee or Elected Member, or recent former employee or Elected Member. Employees should notify the Town Clerk if they have, currently or in the recent past, a business or close personal relationship with any contractor or potential contractor of the Town Council.

Employees with knowledge of confidential information on tenders or costs for any contract should not disclose that information to any unauthorised party or organisation.

2.5 Whistleblowing

The Council encourages employees to raise any concerns that they may have about any wrongdoing at any level within the organisation. Wrongdoing in this context means any breach of a legal obligation, risk to health and safety or damage to the environment.

Any initial concern should be raised with the Town Clerk or your manager. However, if this is not appropriate then you should contact the Chair of the Council who will ensure that your concern is properly addressed.

Employees who raise a concern under this policy are entitled not to be subjected to any detriment as a result. Even if your concern proves to be unfounded you will be protected against any reprisals from your manager, colleagues or any other employee of the organisation. Making a deliberately false allegation, however, against the Council, a fellow employee or any other person will be treated as an act of gross misconduct which will usually result in dismissal.

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

2.6 Good faith and loyalty

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

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

2.7 Books and Articles by Officers

The writing of books or articles on subjects relating to the technical, legal, financial scientific or professional aspects of an employee's work for the Town Council will require the permission of the Town Council. Provided that this work is not undertaken in working hours, this consent would not normally be withheld.

Permission from the Town Clerk must be sought before any communication is made to a newspaper, either alone or jointly with another person, in which there is an indication of the individual's connection with the Town Council, with the exception of making comments as part of the publicity function of the Town Council. In the latter case, confidential information must not be disclosed.

2.8 Sponsorship – Giving and Receiving

Where an outside organisation is seeking (whether by invitation or otherwise) to sponsor a Town Council activity, or to obtain sponsorship or endorsement by the Town Council to any activity or event, the basic conventions concerning acceptance of gifts or hospitality apply.

Employees shall notify the Town Clerk if they, or a relative, spouse, partner or friend would benefit from any activity that the Town Council wishes to sponsor or support. The Town Clerk will then report such matter to the Full Council.

SECTION 3 - CODE OF CONDUCT

3.1 Code of Ethics

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

The Olney Town Council represents the local residents in Olney and is funded primarily from public money. As such, the Town Council seeks to maintain the high standards expected of a publicly funded body.

The Town Council will do all it can to promote high standards of integrity, quality, and value for money both in local government and in its own activities. It is entitled to require the highest standards of conduct and integrity from all of its employees.

This Code applies to every person employed by the Town Council, though some of the issues will affect senior and managerial employees more than they will others.

The purpose of the Code is to help employees to maintain and improve standards. The Town Council believes that openness as to matters, which might affect the Town Council's standing, will help to protect employees from misunderstanding, criticism, or risk of suspicion.

The Town Council's policies and the standards of conduct and procedures required of all employees are set out in greater detail in a number of other documents. This Code complements, and does not replace existing documents. All employees should ensure they are familiar with them - in particular:

- ❖ Standing Orders
- ❖ Terms of Reference
- ❖ Financial Regulations
- ❖ Schemes of Delegation
- ❖ Grievance and Disciplinary Policies
- ❖ Equal Opportunity & Valuing Diversity Policy

Any employee in doubt about a matter covered by this Code, is strongly advised to seek advice. An employee should generally contact the Town Clerk or Deputy Town Clerk for advice, or to discuss whether he/she should raise an issue under the Code. However, if circumstances make this inappropriate, an employee should contact the Town Mayor or Deputy Town Mayor.

Town Council employees should give courteous, efficient and impartial service. They should seek to ensure value for money in the use of the Town Council's resources, and should not behave in any way that may damage the Town Council or its reputation.

Employees are expected, without fear of recrimination, to bring any apparent impropriety relevant to the conduct of the Town Council's business to the attention of the Town Clerk or the Deputy Town Clerk. If this is inappropriate an employee should contact the Town Mayor or Deputy Town Mayor. The Town Council will take steps to ensure that employees are protected from risk of recrimination, and that any person against whom an allegation is made will be treated fairly.

3.2 Misconduct

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

3.3 Gross misconduct

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

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

- Theft
- Dishonesty
- Deliberate acts of discrimination or harassment

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

Dishonesty

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

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

Refusal to carry out instructions

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

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

Breach of a requirement set out in this handbook

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

- The rules on gifts and hospitality
- The policies on smoking and alcohol and drugs
- The rules on the use of computers, the internet, email and social media
- The policies on driving and the use of Council vehicles

3.4 Allegations of misconduct and gross misconduct

The Council is committed to treating all employees fairly and allegations of misconduct and gross misconduct will be dealt with in accordance with the disciplinary procedure set out in Section 6.

3.5 Conduct outside of working hours

Normally the Council has no jurisdiction over employee activity outside working hours. Behaviour outside working hours will only become an issue if the activities adversely affect the Council.

Adverse publicity, bringing the Council name into disrepute, or actions that result in loss of faith in the Council, resulting in loss of business, or loss of faith in the integrity of the individual, will result in the disciplinary procedure being instigated.

The detriment suffered by the Council will determine the level of misconduct and it will also determine which disciplinary stage is most appropriate to suit the circumstances.

If the actions cause extreme embarrassment or serious damage to the Council's reputation or image, a decision may be taken to terminate the employment.

The Council's procedures covering disciplinary hearings and appeals still apply.

SECTION 4 – Absence

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

4.1 Unauthorised absence

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

4.2 Medical appointments

In general, appointments to see a GP, dentist or optician should be made for outside working hours. Paid leave will not normally be granted for non-emergency visits.

The Council appreciates that it is not always possible to avoid appointments during the working day and will judge each case individually in deciding whether any paid time off should be granted. In most cases, employees will be required either to use part of their annual holiday entitlement or to make up any lost time.

Employees who have a medical condition which will require regular appointments during the working day should discuss their situation with their manager so that appropriate arrangements can be made.

You may be required to provide evidence of any appointment for which time off is needed.

Necessary paid time off will be granted for cancer screening.

4.3 Ante-natal care

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

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

work and all employees should try to avoid appointments in the middle of the working day in order to minimise disruption.

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

4.4 Sickness absence

Regular and reliable attendance at work is an important commitment that the Council asks all employees to make. Unjustified or excessive absence can put unfair pressure on colleagues and seriously damage the Council's operation, to everybody's detriment.

Nevertheless the Council will always try to be supportive when an employee is genuinely too ill to attend work. This policy sets out the Council's approach and the steps that you need to take if you are off sick.

Reporting sickness absence

If you are too ill to come into work you should personally inform the Town Clerk or your manager of this fact as soon as possible and in any event by no later than 10.00am. When you phone in sick you must make every effort to speak to the Town Clerk or your manager directly. Do not simply leave a message with a colleague or send an email or text. If you need to leave a message for the Town Clerk or your manager then they may contact you during the day to discuss your absence with you.

It is important that you keep in touch with the Town Clerk or your manager about the likely length of your absence so that appropriate arrangements can be made for cover and you should phone in sick on every day of your absence unless either you have previously informed the Town Clerk or your manager that you will be off sick for a particular period of time or your absence is certified by a GP (Form Med 3)..

Falsely claiming to be sick is an act of gross misconduct that will normally result in dismissal. It is also misconduct to put yourself in a position where it is likely that you will be unfit to attend work. Hangovers are not regarded as legitimate reasons to take sickness absence and you may be required to take a day's unpaid leave to cover any such absence. Repeated absence by reason of hangovers will be regarded as a disciplinary offence which may result in dismissal without notice or payment in lieu. You should also be aware of the rules governing the consumption of alcohol set out in the Alcohol and Drugs Policy.

The Council requires any absence of more than a week to be certified by Forms Med 3 or Med 10 issued by your GP or hospital doctor. Uncertified absence may be treated as misconduct and will not be paid.

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

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

Employees who are off sick should not undertake any activities likely to be detrimental to their recovery and should cooperate with the appropriate medical professionals in taking steps to ensure that their recovery is as swift as possible.

The Council will maintain regular contact with employees who are off sick for an extended period.

Annual leave and sickness absence

Employees may request annual leave during any period of sickness absence in the normal way. If you intend to spend any time away from home during your sickness absence you should inform the Town Clerk or your manager of this fact in advance and provide contact details. The Council does not expect employees to take holidays while off sick. In exceptional cases only, where this may assist in an employee's recovery, the Council may agree to holidays being taken during sick leave. It is essential however that any such holidays are agreed in advance with the Council following the normal holiday request procedure.

Phased return to work

As an employee recovers from illness or injury it may be possible for them to undertake a limited range of duties as a preparation for returning to normal work. The Council will try whenever appropriate in light of medical advice to allow for a phased return to work from any long-term illness. This may involve reducing the employee's hours, or the scope of their duties or both. The purpose of a phased return, however, is to provide a bridge between sickness absence and normal working and so any such arrangements will be time-limited and will not normally extend over more than three months.

Alternative work

The Council may consider agreeing changes to an employee's duties or other working arrangements when it becomes clear that due to sickness or injury they will not be able to return to normal working. Any

such changes will be subject to the needs of the organisation and there is no guarantee that permanent arrangements of this sort will be possible.

Where duties or working hours are varied in this way then the job being done by the employee will need to be reassessed to determine the appropriate level of remuneration. This will then need to be agreed with the employee. If an agreement is not reached then the Council may proceed to dismiss the employee in accordance with the procedure for long-term sickness absence.

Disability and reasonable adjustments

The Council is committed to making reasonable adjustments to an employee's duties or working arrangements where they would otherwise suffer a disadvantage arising from any disability.

In order to make appropriate adjustments the Council needs to know about any disability the employee may have. Employees who feel that they may require an adjustment should discuss their situation with the Town Clerk or their manager. Any such discussions will be in the strictest confidence although when an adjustment is made it may be necessary to inform other employees of the reason for this. The extent to which details of any disability will be discussed with other employees will be agreed as part of the process of making the adjustment itself.

The purpose of any adjustment will be to ensure that the employee can work effectively in an appropriate role and on appropriate terms and conditions. The Council is not obliged to maintain an employee's level of pay if hours are reduced or the employee is moved to a less senior role as a result of any adjustment. Nor will the Council agree to an adjustment which will not result in a practicable working arrangement.

Council sick pay

In addition to Statutory Sick Pay (SSP) the Council also offers its own sick pay scheme. An employee's entitlement under this scheme is as set out in their Contract of employment.

The payment of Council sick pay is dependent on you keeping the Council informed in relation to your absence and complying with the requirements of this policy. You will not be entitled to Council sick pay if you refuse to cooperate with referrals to occupational health or other measures aimed at helping you to return to work. The fact that an employee has not exhausted Council sick pay will not prevent the Council from proceeding to dismissal under the procedure for dealing with long-term absence described in Section 6.

If your sickness absence is the result of reckless behaviour on your own part – such as participation in a high-risk sport or arising from disorderly conduct - then any payment of Council sick pay will be entirely at the Council's discretion.

Where your sickness or injury is caused by any unlawful act (such as negligence) on the part of a third party, then any Council sick pay paid to you will be by way of a loan refundable to the Council and must be recovered from that third party in any claim made by you against them.

Any such loan will only be repayable in the event of damages being successfully recovered and will be limited to the amount of damages recovered.

4.5 Time off

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

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

4.6 Compassionate leave and domestic emergencies

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

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

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

4.7 Annual leave

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

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

All requests for leave should be made at least 7 days in advance. The means of requesting leave may change from time to time and you should comply with whatever procedure is in place at the time of the request.

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

Certain times of year are particularly popular times for requesting holiday. Generally, subject to the needs of the organisation, leave will be granted on a first come first served basis, but exceptions may be made in the interests of ensuring that holiday is spread through the year on a fair and equitable basis.

All employees are encouraged to take their full holiday entitlement during the holiday year which runs from 1st April to 31st March. However, it is your responsibility to schedule your holiday so that it can be taken at an appropriate time. Employees may be permitted to carry over up to five days of their holiday entitlement into the following holiday year.

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

The Council may insist on annual leave being taken at particular times depending on the needs of the organisation and you will be given reasonable notice of any such requirement (the length of the notice given will be at least twice the duration of the leave the Council requires the employee to take). The Council may require annual leave

to be taken during the notice period of any employee who has resigned or been dismissed.

4.8 Reserve forces

The Council supports employees who are also member of the reserve forces. Such employees have specific entitlements relating to time off including arrangements for them returning to work after a period of deployment. Employees who are members of the reserve forces or who are considering joining should discuss the implications with the Town Clerk or your manager.

Section 5 – Flexible Working and Family-Related leave

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

5.1 Flexible working

The Council will try, subject to the needs of the organisation, to accommodate requests from employees who wish to make changes to their working hours or place of work.

Requests for a change in working arrangements can be made by any employee with at least 26 weeks' continuous service with the Council at the time the request is made.

The request should be made in writing and set out the change requested. The request should also describe the impact that the change will have on the operation of the organisation and how any difficulties caused by the change may be addressed.

When a request is received, the employee will be invited to a meeting to discuss the potential change. The meeting will normally be conducted by the Town Clerk or your manager.

The Council will refuse a request if doing so would adversely affect the organisation or create a burden on other employees. In refusing any request the Council will explain the reasons for the refusal in writing and may make an offer of an alternative arrangement. Discussions may then take place to try to agree a way forward. If no agreement is reached then the employee's terms and conditions will remain unchanged, subject to the right of employees to appeal the decision

Any meetings should take place in a spirit of cooperation with both sides seeking to reach agreement on an appropriate way forward.

Any change in working arrangements which results from this process will be confirmed to you in writing.

This policy will not prevent the Town Clerk or your manager agreeing to ad hoc arrangements from time to time. However, any such arrangement will not amount to a variation in your terms and conditions of employment unless specifically agreed to the contrary and confirmed in writing. The Council may terminate any such ad hoc agreement at any time and require you to revert to your agreed working arrangements.

As there will inevitably be a limit to the amount of flexibility the Council can tolerate without detriment to its interests, employees must accept that the fact that a particular working arrangement has been granted to one employee does not oblige the Council to grant it to another.

5.2 Maternity leave

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

Notification

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

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

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

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

Start of maternity leave

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

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

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

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

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

Duration of maternity leave

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

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

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

Dismissal or resignation

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

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

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

Maternity pay

Statutory Maternity Pay (SMP) is paid to employees who have at least 26 weeks' service immediately before the 15th week before the expected week of childbirth and whose pay is above the Lower Earnings Limit for paying National Insurance Contributions (this changes each year). Employees who earn below that amount may be entitled to a state benefit called Maternity Allowance (MA). The Council will provide you with an appropriate form to help you claim this, where appropriate. However, if you have more than one year's continuous local government service immediately before the 11th week before your expected week of childbirth, additional rights apply, see below.

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

SMP is paid for a maximum total of 39 weeks. The first 6 weeks are paid at 90 per cent of your normal weekly earnings¹ and the remaining 33 weeks are paid at a flat rate specified in legislation. This changes from year to year. Where you have more than one year's continuous local government service as referred to above, you will be eligible to be paid by the Council 90 per cent of your normal weekly pay² for the first six weeks (offset against any MA payable) even if you are not eligible to be paid SMP.

Where you have more than one year's continuous local government service as referred to above, and you declare in writing to the Council an intention to return to work after your maternity leave for at least three months, then, after the first six weeks of maternity leave, you will be paid for the next 12 weeks half a week's pay per week in addition to SMP or MA, subject to a maximum payment per week of your normal weekly earnings. In the event that you do not return to work for three months following your leave period, you will be required to repay the Council any payments made to you in the 12-week period in excess of SMP or MA, or such part thereof as the Council may decide.

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

¹ This is based on an average of your total earnings in the eight weeks immediately preceding the 14th week before your expected week of childbirth

²For these purposes, a week's pay is as stated in the contract of employment for normal working hours or, where there are no normal working hours, the average over the last 12 working weeks.

Returning to work early

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

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

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

Returning to work late

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

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

Maternity suspension (health and safety reasons)

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

5.3 Adoption leave

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

The arrangements for taking adoption leave are similar to the arrangements for taking maternity leave, but there are several important differences. The key ones are set out below, but if you believe you are entitled to adoption leave you should discuss the

situation with your manager who will ensure that you have all the necessary information.

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

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

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

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

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

The arrangements for statutory adoption pay are the same as those for SMP.

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

5.4 Paternity leave

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

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

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

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

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

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

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

Where the Green Book applies: Where an expectant mother nominates a Council employee to assist in the care of her child and to provide support to the mother at or around the time of birth, the Council may grant the employee paid Maternity Support Leave. The employee may take up to 5 days paid time off at or around the time of childbirth, as agreed with the Town Clerk or their manager. There is no requirement to have a specific period of service to be eligible for this leave.

5.5 Parental leave

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

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

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

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

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

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

5.6 Shared parental leave

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

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

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

A parent proposing to take a period of shared parental leave must give the Council 8 weeks' notice of any such leave. Depending on the

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

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

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

5.7 Keeping in touch days

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

5.8 During maternity or shared parental leave

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

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

5.9 Time off to care for dependants

All staff will be entitled to take a reasonable period of time off work to deal with emergencies and to make any necessary longer term arrangements, in the emergency circumstances outlined below:

For these purposes, an emergency is an unexpected situation that arises where someone who depends on you:

- is ill and needs your help
- is involved in an accident or assaulted
- needs you to arrange their longer term care
- needs you to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up
- goes into labour

For this purpose a dependant is defined as: the partner, child or parent of the member of staff, or someone who lives with you as part of your family. For example, this could be an elderly aunt or grandparent who lives in the household. It does not include tenants or borders living in the family home, or someone who lives in the household as you, e.g. a live-in housekeeper.

In these situations you are entitled to take a reasonable amount of time-off – which is unpaid. In most cases the amount of leave will be one or two days at the most, but this will depend on individual circumstances. For example, if a child falls ill, the leave should be enough to you cope with the initial crisis: to deal with the immediate care of the child, visiting the doctor if necessary, and to make longer term care arrangements. It does not mean that you may take two weeks unpaid leave to look after a sick child.

You should apply to your line manager for leave, giving the reason for absence and how long you expect to be away from work. This should be done as soon as possible, preferably before leaving work and exceptionally immediately upon return to work.

These provisions are intended to cover unforeseen matters. If you know in advance that you are going to need time off, you may be able to arrange to take this time as annual leave, or if the reason you need leave relates to your child you may be entitled to take parental leave.

SECTION 6 – HOW WE RESOLVE ISSUES

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

6.1 Performance improvement procedure

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

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

The right to be accompanied

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

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

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

Stage one

The Town Clerk or line manager will inform the employee of the nature of the problem and confirm this in writing. The employee will be invited to a meeting to discuss the issues raised by the Town Clerk or manager's concerns. The meeting will be conducted by the Town Clerk or line manager and will consider any representations the employee may make about their performance, whether it needs to be improved,

and if so what steps can be taken to help the employee reach the appropriate level.

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

Performance Improvement Plan

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

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

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

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

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

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

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

Review

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

Clerk or line manager may refer the matter to a meeting under Stage two of this procedure.

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

Stage two

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

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

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

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

Stage three

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

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

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

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

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

Appeals

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

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

Redeployment

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

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

6.2 Sickness absence procedure

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

Short-term absence

An employee who is deemed to have an excessive amount of sickness absence will be invited to a meeting to discuss their attendance. The meeting will usually be conducted by the Town Clerk or employee's line manager and the employee will have a right to be accompanied by a fellow employee or a trade union official on the same basis as set out in the performance management procedure.

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

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

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

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

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

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

Long-term sickness absence

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

The Council will seek medical advice as to the employee's condition either from the appropriate professionals caring for the employee or from a specialist occupational health practitioner. The focus will be on

ascertaining when the employee will be able to return to work and what steps the Council can take to facilitate this.

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

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

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

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

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

6.3 Bullying and harassment procedure

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

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

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

Making a complaint

Employees who feel that they are being bullied or harassed in the workplace or that such behaviour is taking place should raise their concerns with the Town Clerk or their line manager or if that is not

appropriate with the Town Clerk or the Chair of the Council. Every attempt will be made to treat allegations in confidence. However if the Council decides that formal disciplinary action needs to be taken then it may be necessary to disclose enough information to the accused employee to enable them to put their side of the story.

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

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

6.4 Disciplinary procedure

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

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

Informal action

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

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

Investigation

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

Suspension

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

Hearing

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

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

You will be given sufficient notice of any hearing to allow you to prepare for it. While this will vary from case to case, the Council will generally try to give at least two days' notice of any hearing (if there are difficulties in arranging for the employee to be accompanied at short notice a further three days' notice will be given. In complicated cases a longer period of notice may be given.

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

The right to be accompanied

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

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

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

Evidence

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

Disciplinary action

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

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

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

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

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

Dismissal

An employee will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred

then dismissal without notice or payment in lieu will be the usual outcome.

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

Appeal

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

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

Employee absence

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

6.5 Grievance Procedure

The Council aims to be responsive to concerns raised by employees and if you are unhappy with something affecting you at work you are encouraged to raise this with the Town Clerk or your manager. If that is not possible then you should speak to the Chair of the HR Sub-Committee who will try to assist you in resolving any issue you may have. The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.

Raising a grievance

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

A grievance will normally be dealt with by the Town Clerk or your manager and should be addressed to them directly. Where the grievance is directly concerned with the Town Clerk or line manager's behaviour (or, if the grievance is raised by the Town Clerk), however, you should submit your grievance to the Chair of the HR Committee who will arrange for somebody who is not directly involved in the issue to deal with it (or, a panel of Councillors) .

Status Quo

Until all stages in a dispute resolution procedure (e.g. a grievance procedure) have been resolved, the "status quo" will be maintained. This means that parties will continue to follow the management rules and practices that were in place prior to the dispute resolution procedure being invoked.

In exceptional cases the status quo will be temporarily deviated from if necessary, such as to provide a separation between two parties who are in conflict. In such cases all parties to the dispute resolution procedure will be able to comment on the temporary arrangements to be put in place whilst the dispute resolution procedure is followed. In these situations the temporary arrangement will remain in place until completion of the appeal, if one is lodged, after which the previous arrangements will resume unless agreed otherwise.

Grievance hearing

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

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

Allegations of misconduct

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

Relationship with other procedures

Where your grievance relates to the conduct of other procedures such as the disciplinary or performance management procedures then the

Council may choose to either delay the consideration of the grievance until that procedure has been completed or to deal with the grievance in the course of that procedure or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

Appeals

If you are dissatisfied with the outcome of a grievance then you may appeal. You should submit your appeal in writing within one week of being informed of the outcome of your grievance. Your appeal should be directed to the Chair of the Council. An appeal hearing will then be convened and conducted by the nominated appeals panel. You will have the right to be accompanied at the appeal by a fellow employee or trade union official as described in Section 6.1.

The outcome of any appeal will be final.