



RIPPONDEN PARISH COUNCIL

EMPLOYEE HANDBOOK

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INTRODUCTION TO THE EMPLOYEE HANDBOOK

Ripponden Parish Council (“the Council”) is made up of 12 local Parish Councillors (“Councillors”) and exists to work on ‘quality of life’ issues that affect the residents of Barkisland, Ripponden, Rishworth and Soyland (the “Constituents”). The Council makes decisions on issues that affect the local community such as planning, crime prevention, managing open spaces and campaigning for and providing better local services and facilities.

This Employee Handbook contains the Council’s policies and procedures and is intended as a guide to working for the Council. It is the Council intention to clearly set out policies and procedures to ensure that all employees are treated consistently and fairly and that new employees have a point of reference on employment issues.

The Handbook gives employee’s the information they will need and sets out the rules with which they must comply. It is an important document and they should ensure that they make themselves familiar with its contents.

If an employee has any questions about the content on this Handbook, or requires any further information, they should speak to a member of the Employment Committee or the Chairperson (“Chair”).

The policies and procedures in the Handbook are not contractual terms of employment. It is important that the Council regularly reviews its policies and procedures to ensure that it complies with all legal requirements and adheres to best practice.

The Council therefore reserves the right to make changes to policies and procedures contained within the Handbook or otherwise to add in additional clauses/policies. When this happens, the Council will inform employees in writing by way of a notice or statement and will incorporate the changes into the Handbook.

It shall be the employee’s responsibility to regularly read any notices or statements that may be issued, as they may contain important information regarding any changes that have been made to the Handbook.

RECRUITMENT AND SELECTION

The Council recognises that it is fundamental to the success of the business to attract and appoint candidates who are of the highest caliber and who have the appropriate skills and experience to help the Council grow and evolve through their willingness to learn and adapt and their ability to work as part of a team.

The Council pledges to:

- ensure that the best candidate is recruited based on their merit;
- ensure that the recruitment and selection process is conducted professionally, fairly, efficiently and consistently;
- provide appropriate training and support for anyone involved in the recruitment process;
- ensure that anyone involved in the recruitment process is aware of and adheres to the relevant legislation;
- ensure that the recruitment process is relevant and up to date; continually developing and evolving to make sure that a rigorous and accurate recruitment process is in place;
- treat all documents with the utmost confidentiality and in accordance with Data Protection regulations.
- Equality of opportunity is an integral part of the recruitment and selection process.

Therefore, the Council`s recruitment and selection processes will be:

- transparent;
- timely;
- cost effective;
- equitable;
- free from conflict of interest;
- accessible to all regardless of their background.

TRAINING POLICY

The Council are committed to ensuring that both its employees and Councillors are trained to the highest standard and kept up to date with all new legislation. To support this, funds are allocated to a training budget each year to enable employees and Councillors to attend training and conferences relevant to their office.

The Council as a whole is responsible for monitoring and meeting the training needs of employees and Councillors. Staff training will be identified by the Clerk through annual appraisal undertaken by the Employment Committee and the cost investigated. A training schedule will then be prepared for Council approval to ensure the training is relevant and fit for purpose.

Training requirements for Councillors will usually be identified by the Council and Clerk. Opportunities to attend courses will then be investigated by the Clerk and brought to the attention of the full Council members.

The Council will pay the annual subscription to the Society of Local Council Clerks (SLCC) and the Council's membership of the Yorkshire Local Council's Association (YLCA) to enable employees and Councillors to take advantage of the two associations training courses and conferences.

COUNCILLORS' TRAINING

All new Councillors are provided with a New Members Induction Pack following Local Council Elections and where possible will receive a short training session as soon as practicable after the elections.

All Councillors shall undertake training in the Code of Conduct within 6 months of their declaration of acceptance of office.

All Councillors are encouraged to identify any individual training needs and advise the Clerk as soon as possible as well as undertaking localised training by YLCA and Calderdale Council. All Councillors are encouraged to attend conferences and training events as appropriate to members and the Council's needs and responsibilities. Councillors may be elected to the Disciplinary, Grievance and Appeal Committee's and must attend training unless they are already qualified in the subject (subject to the availability of a relevant course).

EMPLOYEE TRAINING

All new employees will be required to undertake induction training on appointment to the role. Further training needs will be identified through the appraisal process; however, employees are encouraged to raise any training needs as and when they are identified.

The Council will provide financial support for office-based colleagues to undertake the following training:

- Introduction to Local Council Administration (ILCA);
- Certificate in Local Council Administration (CiLCA).

EQUAL OPPORTUNITIES POLICY

All employees, trainees and applicants for employment with the Council will be given equal opportunity regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Council is committed to providing equal opportunities for all and promoting equality of opportunity in all aspects of employment, including recruitment, the provision of training and career development opportunities to:

- make full use of the talents of the Council's employees;
- provide the same level of opportunity for everyone;
- improve the Council's management practice;
- strengthen the Council's reputation as a good employer;
- attract and retain new employees;
- show the Council's Constituents that it is a fair employer;
- ensure that the Council's employment and business practices do not infringe the law;
- demonstrate the Council's commitment to be an equal opportunities employer;
- ensure access to training.

The Council values diversity and it is in everyone's interests for the environment in which employees' work is harmonious and respectful. The Company aims to provide a creative working environment where everyone has an equal opportunity for success. The Company will treat all employees fairly and with dignity and will aim to provide a working environment free from direct and indirect discrimination, harassment or victimisation.

Each employee has a moral and legal duty not to discriminate against job applicants, other employees, suppliers, Constituents or any other business contacts. In addition, any employee's conduct outside of work that could have a bearing on their employment or could bring the Council's name or reputation into disrepute will be dealt with under the Council's Disciplinary Procedure.

COUNCIL RESPONSIBILITIES

The Council will fulfil its commitment to equal opportunity by:

- recognising its legal obligations under the Equality Act 2010 and also other associated legislation and appropriate case law;
- ensuring that all policies and procedures regarding employment issues are developed in strict accordance with this policy on Equal Opportunities;
- distributing and publicising this policy statement throughout the Council;
- providing facilities for any employee who believes that he/she has been unfairly treated to raise the matter through the grievance procedure;
- regarding any deliberate discriminatory action, including harassment, by any employee as a serious disciplinary offence.

MANAGERS' RESPONSIBILITIES

- managers have a duty to be aware if any employee is being harassed and to deal with it promptly and effectively;
- to fully understand this policy and be able to offer advice on the procedure when asked;
- ensure that their own behaviour is consistent with this policy, and that they behave in a manner which upholds the dignity and respect of each employee both within their team and within the Council as a whole;
- draw this policy to the attention of their team and ensure that any new team members are aware of it and understand it;
- be sensitive and receptive to the feelings of those who have made a complaint;
- respond professionally and promptly to complaints in line with the processes laid out within this policy;

- maintain complete confidentiality relating to all aspects of cases of harassment at all times. Information should only be shared between those who need to be involved in a complaint.

All employees of the Council have a responsibility to bring to the attention of their Manager or another Manager any concerns they have about the way they are being treated. It is also the duty of all employees to bring to the attention of their Manager if they believe a colleague is being harassed.

PERSONAL STANDARDS POLICY

INTRODUCTION TO THIS SECTION

The following section gives guidance on how employees are expected to conduct themselves whilst at work and/or when representing the Council.

The Council expects all employees to conduct themselves in an appropriate manner at all times, not only in terms of behaviour but also with regards to their personal attire and choice of language. Employees are a representative of the Council, and their conduct, both inside and outside work premises, may reflect on the image and reputation of the Council.

SOCIAL EVENTS

Any social event organised by the Council outside of working hours should be considered an extension of work time, and therefore employees are expected to behave appropriately on social occasions. Any employee violating this either through acting inappropriately towards another colleague(s), Councillor, Constituents, third party suppliers or member(s) of the public could potentially bring the Council's reputation into disrepute.

DRESS CODE

Starting with their first day and continuing throughout their employment, the employee represents the Council. Their appearance, professional conduct, actions and the impressions they make on Constituents/suppliers and other professionals with whom they come into contact are important not only to the employee's own advancement and job satisfaction, but also to the continuing development of the Council's business. Employees should at all times wear clothing that is professional, smart, clean and presentable.

Employees in certain roles may be asked to cover up visible tattoos or body piercings. Employees should not wear any clothing or jewellery that could present a health and safety risk. Appropriate religious and cultural dress can be worn unless it creates a health and safety risk to the employee or others, or otherwise breaches the Council's policy.

LATENESS AND PUNCTUALITY

Employees are expected to be punctual and arrive at their designated area of work in time to undertake their duties from their specified start time.

Persistent lateness should be managed under the Disciplinary policy and may result in a formal sanction or potential dismissal.

To ensure a consistent approach, three occasions of lateness over a rolling six months should be deemed as unacceptable and a formal process may be entered into. Each occurrence will be looked at on an individual basis to see if there is any acceptable mitigation.

If an employee needs to leave work prior to their normal finishing time or have time away from work during the normal working period, they must not leave without first obtaining permission from their Manager. If they fail to do this, it will be classed as unauthorised absence and managed in accordance with the Council's Disciplinary policy.

CONFIDENTIAL INFORMATION

As a general rule, and unless specifically authorised to do so in the course of their duties, employees must not disclose information to third parties about the Council or its business which is confidential and not in the public domain. This rule applies even after an employee has left the Council. If an employee is in doubt as to whether information is confidential or not, they should check with their Manager or err on the side of caution and not disclose or discuss it.

Employees must respect the confidentiality of information that is obtained in the course of their duties. Such information should be used solely for the purpose that it has been made available to the employee or to the Council.

CONSTITUENT SERVICE AND RELATIONSHIPS

Whilst employees should always be friendly and approachable, it is important that the boundaries with Council Constituents/Councillors do not become blurred. If any employee ever feels that they are being unnecessarily contacted by a Councillor/Constituent/supplier or a Councillor/Constituent/supplier is behaving inappropriately towards them, they should inform their Manager immediately so that action can be agreed and taken to prevent this from continuing.

CONFLICTS OF INTEREST

No employee should be subject to, or appear to be subject to, influences, interests or relationships that conflict with their duties as an employee of the Council. If employees are placed in a position of possible conflict of interest, or if they are unsure whether such a conflict may exist, they should make a full disclosure of the situation to their Manager.

BRIBERY

The Council is committed to conducting business ethically and with integrity to ensure that business can be conducted in a free and fair market. Every individual and organisation that acts on the Council's behalf or represents the Council is responsible for ensuring that this principle is upheld, and the policy is implemented so that the Council conducts all business in an honest and professional manner in line with The Bribery Act 2010.

The Council has a zero-tolerance policy towards any form of bribery, whether this bribery takes the form of a direct or indirect financial payment or other reward or advantage to encourage an individual or organisation to perform their functions or activities improperly or as a reward for having already performed their functions or activities improperly.

Any individual or organisation acting on behalf of the Council is strictly prohibited from offering, promising, giving, requesting, agreeing to receive or accepting any bribes or backhanders. Any breach of this policy by an employee will be treated as gross misconduct and may result in their summary dismissal. Any breach of this policy by a third party or sub-contractor acting for the Council will result in an immediate termination of their contractual arrangements.

Employees and other individuals or organisations acting for the Council should be aware that bribery is a criminal offence which may result in up to 10 years' imprisonment and an unlimited fine for both the individual and Council.

ENTERTAINMENT, HOSPITALITY, GIFTS, PROMOTIONAL EXPENDITURE

With prior authorisation from the Council, the Council permits the use of entertainment, hospitality, gifts or promotional expenditure where it is used to thank or build relationships with its Constituents, suppliers or other organisations providing that it is arranged in good faith and not organised with the intention of influencing the impartiality of the individual or organisation.

In order to ensure transparency when conducting business hospitality, entertainment or giving or receiving gifts, it is essential that accurate, detailed and up to date records are kept. The Council reserves the right to make adverse inferences from a lack of accurate, detailed or up to date records which cannot be adequately explained and furthermore, these inferences may result in disciplinary action being taken (should it be appropriate) after a full investigation has taken place.

INDUCEMENTS

Generally, the Council finds it acceptable for its employees to receive small gifts from grateful Constituents, suppliers etc. However, the Council does not condone under any circumstances any inducements leading to corruption, bribery or behaviour detrimental to the business or its reputation.

Any individual who is given a gift from a Constituent or supplier etc. must inform their Manager to ensure that an

assessment can be made as to the intentions behind the giving of the gift.

If the gift has been given with the statement that it is a gesture of goodwill and appreciation and is not of substantial value, the employee may be permitted, at the Council’s discretion to keep the gift or to share it with Council members. However, if it is felt that the gift may constitute a bribe or there may be a conflict of interest the individual will be asked to return the gift to the sender advising them of the Council’s policy relating to gifts and request that this is respected.

If the purpose of the gift is unclear, or there is a suspicion that it has been given with the intention of influencing the Council’s decision in some way and/or there is a conflict of interest and/or it appears to be of excessive value, the individual will be asked to return the gift to the sender advising them of the Council’s policy relating to gifts and request that this is respected.

This also applies to gifts and/or services offered indirectly. If an employee is unsure in any way as to what constitutes a gift, they should raise this immediately with their Manager.

For clarity, the following are examples of situations that may arise:

Unlikely to be acceptable	May be acceptable
<ul style="list-style-type: none"> • Accepting football tickets from a Constituent who wishes for the Council to support their proposal eg someone who has submitted a planning application 	<ul style="list-style-type: none"> • Accepting football tickets from a Constituent when no other Council discussions are ongoing
<ul style="list-style-type: none"> • Accepting chocolates from a supplier in the middle of a review of the current supplier agreement 	<ul style="list-style-type: none"> • Accepting chocolates from a supplier with festive good wishes at the end of the calendar year

Any employee found to have accepted gifts without the appropriate authorisation will be liable to disciplinary action. Deliberate taking of bribes will be treated as an act of gross misconduct.

Any third party, sub-contractor or locum acting for the Council found to have accepted gifts without the appropriate authorisation may have their contractual arrangements terminated.

NOTIFICATION OF CONCERNS

If an employee becomes aware of any conduct which they believe may be in breach of this policy and/or the associated policies and procedures, they should raise their concerns immediately with their Manager under the Whistleblowing Policy.

Whilst an employee should report any concerns, in particular, the following should be reported:

- any suspected or actual attempts to bribe or provide backhanders;
- any requests for unusual payments and/or cash payments;
- unusual or unsubstantiated expenses;
- failure to follow normal financial practices, such as a lack of appropriate invoices;
- business relationships with close family members, personal friends etc;
- business activities in countries or with individuals who have a history of corruption.

In line with the Public Interest Disclosure procedure if an employee reports their concerns in good faith they will be

supported and will not be subjected to any detriment as a result of raising their concerns. Failure to raise their concerns will be considered a breach of trust and dealt with under the disciplinary procedure. Should any employee raise concerns which are subsequently found to be in any way malicious this will be dealt with under the Council's disciplinary process and may be treated as an act of gross misconduct.

The Council appreciates that the risk of bribery may change over the course of time and therefore the Councillors will take responsibility for reviewing this policy and its implementation on a regular basis.

ALCOHOL

For the avoidance of doubt, unless exceptionally agreed by the employee's Manager, the consumption of alcohol is not permitted during working hours or in any situation where the safety of the individual, colleagues or visitors is put at risk. This includes drinking during breaks and at lunchtimes. Employees are also not permitted to be at work whilst under the influence of alcohol.

Alcohol must not be consumed in excess when on Council business outside of normal working hours, for example when involved in functions or providing hospitality.

If an employee is working with an individual who they consider to be under the influence of alcohol they should immediately report the matter to their Manager, or an appropriate Manager in their absence. Any employee who is deemed to be under the influence of alcohol will be immediately removed from duty by the relevant Manager.

DRUGS

No non-prescription drugs or substances (i.e. other than those medicines prescribed for the employee, or over-the-counter or proprietary remedies) are allowed to be consumed at or brought onto the Council's premises at any time by any person irrespective of their status in, or business with, the Council. The prohibition of non-prescription drugs extend to all activities carried out by employees whilst they are at work. These activities include driving on Council business and when on trips for Council business, training or social events.

If employees are found to be in possession of illegal drugs or substances or are suspected of dealing drugs at work, the police will be informed immediately. Any employee who is unfit for work as a result of suspected use of illegal drugs or substances will be sent home immediately and will be liable to disciplinary action being taken in line with the Council's Disciplinary Procedures.

Being unfit for work as a result of drinking alcohol or the use of illegal drugs or substances, possession of or dealing drugs is normally considered to be an act of gross misconduct and may therefore result in their dismissal from the Council.

If any employee is on a course of medication or prescribed drugs, they must inform their Manager immediately if the effects of the drug may impair their ability to work or to operate Council equipment, including driving vehicles on or off the Council's premises, so that a risk assessment can be carried out and appropriate action taken to protect the employee's welfare and the Health & Safety of others.

SMOKING AT WORK POLICY

ABOUT THIS POLICY

The Council is committed to protecting the employee's health, safety, and welfare and that of all those who work for the Council by providing a safe place of work and protecting all workers, service users, Constituents and visitors from exposure to smoke. The Council's workplace (including any Council vehicles) are smoke-free in accordance with the Health Act 2006 and associated regulations. All employees and visitors have the right to a smoke-free environment. The purpose of this policy is to set out the rules in place governing smoking in and around the workplace.

WHO DOES THIS POLICY APPLY TO?

This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns. It also applies to anyone visiting the Council's premises or using Council vehicles.

WHERE IS SMOKING BANNED?

Smoking is not permitted anywhere in the Council's workplace. The ban applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes and vapes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes.

Anyone using a Council vehicles, whether as a driver or passenger, must ensure the vehicles remain smoke-free. Any of the Council vehicles that are used primarily for private purposes are excluded from the smoking ban.

WHERE IS SMOKING PERMITTED?

Employees may only smoke outside in designated areas during authorised breaks. When smoking outside, the employee must dispose of cigarette butts and other litter appropriately in the receptacles provided.

BREACHES OF THE POLICY

Breaches of this policy by any employee will be dealt with under the Council's Disciplinary Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

Smoking in smoke-free premises or vehicles is also a criminal offence and may result in a fixed penalty fine and/or prosecution.

EXPENSES POLICY

The Council will reimburse all reasonable expenses properly incurred by the employee in the performance of their duties, subject to the production of receipts, invoices, vouchers or other reasonable evidence of expenditure and subject to prior approval before the expense was incurred.

EXPENSE CLAIMS AND PAYMENT OF EXPENSES

Employees are expected to be responsible in making expense claims and to select available expense options in such a way as to minimise additional costs to the Council and/or its Constituents.

Expenses will only be reimbursed where they are incurred wholly, necessarily and exclusively in the course of carrying out their duties as instructed by their Manager.

All expense claims must be submitted using the Ripponden Parish Council Expenses form and be accompanied by receipts where possible. All expenses claims will be submitted to the RFO (usually, the Clerk) who will have delegated authority to agree the expenses and raise electronic bank payments to recipients. All payments will be scrutinised by bank signatories. In the case of expenses claimed by the Clerk, the claim form will be scrutinised and considered by the Chairman of the parish. The Clerk cannot approve their own expenses.

No expenses will be reimbursed in cash.

If the Council considers that any expenditure claimed was not legitimately incurred on behalf of the Council, it may request further details from the claimant. The Council may withhold payment where insufficient supporting documents have been provided. Where payment has been made prior to the discovery that the claim was not legitimate or correct, the Council will seek reimbursement to the value of that claim. Any abuse of the Council's expenses policy will not be tolerated.

This includes, but is not limited to:

- false expenses claims;
- claims for expenses that were not legitimately incurred;
- claims for personal gain;
- claims for hospitality and/or gifts without them having been declared;
- receipt of hospitality and/or gifts from contacts that may be perceived to influence a Councillors or officers judgment.

The Council may take disciplinary action where appropriate and, in certain employment circumstances, may treat a breach of this policy as gross misconduct, which may result in summary dismissal.

In addition, the Council may report the matter to the police for investigation and criminal prosecution.

TRAVEL EXPENSES

RAIL

Standard class rail fares will only be reimbursed. Where possible, rail journeys should be booked well in advance to benefit from any discounts for early booking.

BICYCLE OR MOTORCYCLE

If use of bicycle or motorcycle is approved, a mileage allowance of 20p or 24p per mile respectively can be claimed. Any use of a motorcycle on business is subject to the same requirements as a car (see above).

TAXIS

Any use of taxis will require prior approval from the Clerk and only in limited circumstances.

These are:

- where taking a taxi would result in a significantly shorter travel time than using public transport;
- where there are several employees travelling together;
- where personal security and safety of employees is an issue, for example taxis may be permitted after sunset or at any function where alcohol may be consumed.

Claimants must obtain a receipt with details of the date, place of departure and destination of the journey.

OVERNIGHT ACCOMMODATION

As a guideline for travel on Council business, accommodation equivalent to three-star standard or less can be booked with the permission of the Clerk. Hotel accommodation of up to £120 maximum in a major city and £100 elsewhere is acceptable. It is the claimant's responsibility to ensure that any hotel reservations are cancelled within the required cancellation period if they are no longer required.

CHAIRMAN'S EXPENSES

The Chairman can receive an annual allowance to defray the expenses of his/her office. The annual sum will be agreed by a resolution of the Council on an annual basis. Additionally, the Chairman can claim reimbursement of all mileage, hospitality, and home printing costs when incurred necessarily in performing the duties required by the Council. Other expenses can also be claimed at the discretion of the Clerk if incurred necessarily in performing the duties of a member or required by the Council.

COUNCILLORS' EXPENSES

Councillors can claim reimbursement of all mileage, hospitality, and home printing costs when incurred necessarily in performing the duties required by the Council. Other expenses can also be claimed at the discretion of the Clerk, if incurred necessarily in performing the duties of a member or required by the Council.

EMPLOYEE EXPENSES

Employees will be able to claim the following expenses:

- associated travel expenses on journeys on Council business outside the parish boundaries;
- subsistence which may include overnight accommodation and meals incurred in the performance of Council business ("other expenses") provided that the other expenses have been receipted and approved by the Chair of the Council.
- For any further queries on travel and expenses, employees should speak to their Manager.

DRIVING ON COUNCIL BUSINESS POLICY

This Policy applies to employees who have to drive on Council business as part of their role and sets out the Council's rules and expectations in this respect.

This policy is non-contractual, and the Council reserves the right to make any necessary alterations or amendments as required to meet the changing needs of the business or as legislation dictates.

DRIVING LICENCE, INSURANCE AND TAXES

If an employee drives on Council business, they must provide the Council with a copy of their driving licence. The Council may then ask to see their licence on a yearly basis or at any time.

Any employee who drives on Council business without a valid driving licence or who fails to notify the Council of a change in circumstance which has invalidated their insurance, will be considered to have committed an act of gross misconduct. The employee must therefore notify the Council immediately if they incur any driving convictions and/or if they are facing prosecution for a motoring offence, which may lead to a ban from driving; and additionally of any medical conditions, which may impact upon their health and safety when driving. Failure to do so will be viewed as a serious act of misconduct.

It is the employee's responsibility to ensure that they have taxed their vehicle and that the insurance is appropriate for business use, which may include giving lifts to colleagues, Constituents, suppliers and so on, whenever appropriate. The Council may ask to see a copy of the employee's insurance certificate on a yearly basis or at any time.

LOSS OF VEHICLE

If there is a requirement for the employee to have a car available for Council business use, it is/may be a condition of employment that the employee has a full UK always driving licence and a roadworthy vehicle available for use for work purposes. The employee should be aware that if they lose their licence, this may result in the employee no longer being able to do their job. If no suitable alternative work is available, they may be dismissed from the Council. Should alternative work be acceptable then they should be aware that their pay and benefits would be adjusted in order to be commensurate with the new role.

The Council is under no obligation to provide alternative transport or meet any costs incurred in providing alternative transport for any driver who loses their licence and is banned from driving.

DRIVING GUIDELINES

At no time and under no circumstances, will the Council condone speeding, driving whilst overtired, illegal parking leading to a fine or clamping, eating or drinking whilst driving or using a hand held mobile phone whilst driving. Every consideration should be given to driving in a way that is legal and safe both to the employee and all other road users.

MOBILE TELEPHONES/ELECTRONIC DEVICES

Hand-held mobile phones or other electronic devices must NEVER be used whilst driving. If the employee's mobile phone/electronic device rings or they receive an email, text or message whilst they are driving, they must not read it/answer it. The employee must return the call or message only when the vehicle is stationary and properly parked. It is therefore the employee's responsibility to ensure that they check their phone regularly for messages and missed calls to ensure that contact with the Council and/or Constituents is maintained when it is safe and appropriate to do so.

SMOKING

Smoking is prohibited when transporting a passenger on behalf of the Council.

VEHICLE MAINTENANCE

It is the employee's responsibility to ensure that the vehicle is roadworthy within the meaning of the law. In particular, the following must be checked regularly as these items can easily go wrong between services and, if found to be defective, can cause the driver to be prosecuted:

- tyres (for cuts, low pressure and depth of tread);
- braking;
- steering;
- lights and indicators;
- speedometer;
- horn.

Furthermore, the employee must ensure that the vehicle has an up to date MOT and the car has been appropriately maintained, in particular:

- weekly checks should be made on tyre pressures, the condition of the tyres, levels of water, engine oil, distilled water in the battery and the conditions of the battery terminals;
- the car must be serviced regularly in accordance with the manufacturers' guidelines.

COUNCIL PROPERTY AND DATA PROTECTION

Employees are reminded that any Council property carried in a vehicle, such as laptops, or other electronic devices, confidential paperwork or personal data should be removed from the car at the end of the journey, where possible. Under no circumstances should these items be left on display in a car, they should be stored in the boot or out of sight when necessary. Employees are reminded of the importance of data protection and keeping confidential information, and personal data safe and secure, a car is not viewed as a secure location and therefore should not be used to store laptops or other equipment or confidential or personal information, other than on a temporary basis.

Employees will be held liable for the costs of reimbursing any lost/stolen equipment or documents which go missing where the Council does not consider that due care and attention has been taken.

MILEAGE COSTS

The Council will reimburse employees for business mileage as agreed with their Manager.

MOTORING OFFENCES & FINES

The Council will not take responsibility for any penalty imposed upon the vehicle user. Individual drivers are responsible for prompt payment of any penalties, which they incur, including costs associated with clamping or removal of a car.

ATTENDANCE AND SICKNESS POLICY

The Council is committed to ensuring that attendance in work is managed and addressed sensitively, consistently and fairly so that the Council can support employees who are unable to come to work through sickness/illness, while balancing the needs of the business.

While the Council understands that there will inevitably be some absence among employees, it must also pay due regard to its business needs. If an employee is frequently absent from work or is absent for a lengthy period (for whatever reasons), this can damage efficiency and productivity, and place an additional burden of work on the employee's colleagues. By implementing this policy, the Council aims to strike a reasonable balance between the pursuit of its business needs and the genuine needs of employees to be absent from work because of sickness or for family, domestic or other reasons.

The key aim of this policy is to encourage reliable, consistent attendance among employees, so that a dependable staffing base can be established to meet the Council needs.

SHORT TERM ABSENCE

If an employee is unable to come into work, they should telephone their Manager as soon before their normal working start time as practicable and explain:

- why they are unable to come to work;
- how long they think their sickness absence might last and when they expect to return;
- what action they are taking to mitigate the illness e.g. visiting a doctor, taking medication;
- how and where they can be contacted during the day should the Council need to get in touch with them.

Employees must not ask someone else to call on their behalf, send a message with a colleague or send a text message or email other than in exceptional circumstances where the employee has no other means of making contact.

If an employee believes their absence is likely to last for more than one day they should agree with their Manager how often they need to report on their progress. They should phone every day unless agreed otherwise.

If the employee is aware that they may be too ill to work the following day, they must ensure that their Manager is informed as soon as practicable.

Employees are not permitted to undertake any other paid or unpaid employment whilst absent on sick leave. Breach of this rule may result in disciplinary action being taken.

MONITORING SICKNESS ABSENCE

Outlined below are the procedures, which should be followed in dealing with short-term persistent sickness absence. Managers need to use discretion in determining when to initiate these procedures but as general guidelines:

- an absence level which exceeds 3 periods of absence in a rolling 12-month period; or
- nine working days of absence in a rolling 12-month period; or
- 5% absence over a 6-month period;

should 'trigger' questions and, where appropriate an initial discussion.

A high rate of uncertified and self-certified sickness absence might also act as a 'trigger point' for action, or individual or group patterns of sickness absence - which may include regular Fridays/Mondays off or patterns of days off or the same day off on a regular basis - should also 'trigger' an initial discussion.

INFORMAL ACTION

Depending upon the nature and circumstances of the short-term persistent sickness absence, the employee may be given the opportunity to rectify this issue informally.

Where a pattern of recurring sickness absence has been identified, the employee's Manager will, in an informal setting:

- confirm the level of absence and the reason for the meeting;
- give the employee an opportunity to express any difficulties/problems which have led to the sickness absences;
- where appropriate, offer support and advice;
- stress the significance with which the issue is viewed and the consequences of ongoing absences.

At the end of the discussion the Manager should set the employee a target period in which no sickness absence should occur, otherwise formal action may be taken under the Council's formal Disciplinary Procedure, which could ultimately lead to the employee's dismissal from the Council.

LONG TERM ABSENCE

Where a continuous period of absence or injury exceeds four weeks, the employee's Manager will initiate the Council's long-term sickness procedures to establish the likelihood of them returning to work in the near future.

In all instances of long-term ill health, attempts may be made to:

- establish the reasons for their absence and its likely duration;
- arrange an ill health review;
- seek the employee's consent to contact their GP to obtain a medical report to establish the likely length of absence and the long-term effect on their capability to perform their job; and/or
- refer the employee to occupational health for an assessment of their ongoing condition and to discuss a possible phased return to work and any suitable adjustments that can be made to assist their return to work;
- consider any suitable and reasonable adjustments that may be made to their role, or assess if any alternative work may be available, either on a temporary or permanent basis, that would facilitate their return to work.

While the Council is concerned to assist employees who are sick, it cannot offer indefinite support.

If it appears, after suitable investigations and consideration, that an employee may not be able to return to work within a reasonable period, their Manager will discuss the situation with them, and it is possible that their employment may be terminated on the grounds of incapacity. In these cases, the employee will have a right to appeal the decision and should they wish to do so they should confirm this in writing within five working days of receiving written confirmation of their termination following Council capability procedures.

SELF-CERTIFICATION AND FIT TO WORK NOTES

Where an employee is off work for seven calendar days or less they must provide a self-certification of their absence.

When an employee is off work for more than seven calendar days a doctor's medical certificate should be provided clearly stating the reason for their absence. Consecutive medical statements will be required to cover the whole of their period of absence. Failure to provide continuous medical statements may result in sick pay being withheld, and potential disciplinary action being taken.

Any medical statement should be forwarded to the employee's Manager at the earliest opportunity.

If an employee's doctor provides a certificate stating that they 'may be fit for some work' they should inform their Manager immediately and they will discuss with the employee if there are any measures that can be taken to facilitate their return to work.

RETURN TO WORK

When an employee returns from absence their Manager will complete a return to work interview with them to ensure they are well enough to be at work, that the reasons for their absence have been properly recorded and that the required self-certificates and/or medical statements have been provided. The employee's Manager will also discuss with them the next steps that may be taken if they are absent from work on a future date.

NOTIFICATION OF INFECTIOUS DISEASES

Employees must notify the Council if they are suffering from or have symptoms of a notifiable infectious disease i.e. mumps, measles, or food poisoning etc., or where they have been in close contact with someone with such an illness. Where they have been off work with this type of illness, they must contact the Council and their doctor prior to returning to work to ensure that it is safe to do so.

OBTAINING MEDICAL REPORTS

If an employee's Manager has cause to be concerned about their health, for example if they have had a number of periods of sickness for the same reason in a short period of time, or their absence is deemed to be long term, then they may suggest that the employee visits their doctor, or a medical practitioner of the Council's choice i.e. an occupational health practitioner, for an examination.

The Council may also request details from medical practitioners about the state of an employee's health where it is considered essential for employment purposes. In this case, the employee will be informed of their rights regarding providing access to this information at this time. If the employee does not consent to information being provided, any decisions, relating to their health and continued employment, will be made based on the information available at that time.

RECORDS AND DATA PROTECTION

The Council complies with Data Protection regarding special categories of personal data. This includes requesting an individual's consent to obtain medical evidence and ensuring that there is a clear process for recording, storing and disclosing the data.

DISABILITIES

If an employee's absence is because of a disability, or their illness leaves them in a mental or physical condition which falls within the definition of a disability, the Council will do whatever it can to make reasonable adjustments to their job to enable them to carry on working.

An employee may be considered to have a disability if they have a physical or mental impairment that has a substantial and long-term (i.e. it has lasted or is likely to last for 12 months or more) adverse effect on their ability to carry out normal day-to-day activities. An employee automatically meets the disability definition from the day they are diagnosed with HIV infection, cancer or multiple sclerosis.

Whilst the Council will endeavour to support employees and make reasonable adjustments to their role or seek to find an alternative suitable role, it is possible that once all reasonable adjustments have been made their employment may still be terminated on the grounds of incapacity to carry out their role.

HOLIDAY ENTITLEMENT

Should an employee fall sick prior to or during pre-booked annual holidays, they may elect to treat the period of incapacity as sick leave and reclaim the affected holidays on another occasion provided that they follow the sickness notification procedure as they would have done had they been in work.

If the absence is expected to last for more than 8 calendar days whilst abroad, copies of the medical notes should be scanned and sent electronically where reasonably practicable to the Council in order for the period of sickness absence to be authorised. Any medical notes or letters, which are obtained while overseas, should be written in English (where

possible) or translated by the employee's normal GP on their return. In this case, both the original and translated note and letter should be submitted to the Council. Copies can be taken, if required for insurance purposes.

Any concerns regarding the authenticity of any documentation may lead to further discussion with the employee. If an employee is considered to have knowingly provided false documentation, they may be subject to action under the Disciplinary Procedure, which could include dismissal.

An employee will continue to accrue holidays during any periods of absence, unless they exceed 28 weeks absence, in which case they will not be entitled to holidays above the minimum statutory entitlement. If an employee wishes to take annual leave while they are absent from work, they must put in a request in the same way they would normally. If an employee is due to return to work and request to take a holiday immediately following their sickness absence their request may be refused if it does not meet the needs of the Council, however in applying this decision the Council will not allow for holiday entitlement to be lost.

Any annual leave an employee takes during sickness absence will be paid at their normal basic rate of pay and their sick pay entitlement will not be affected.

ABSENT WITHOUT LEAVE

If for any reason an employee does not attend work and does not contact the Council to explain the reason for their non-attendance, their Manager will try to contact them to find out why they are absent.

If, after reasonable enquiries, the employee cannot be traced or they cannot give an acceptable reason as to why they have been absent, this matter will be dealt with in accordance with the Disciplinary policy. The Council will contact the employee in writing first to establish why they are absent before taking any disciplinary action.

STRESS AT WORK POLICY

The Health and Safety Executive (HSE) defines stress as ‘the adverse reaction people have to excessive pressures or other types of demand placed on them at work’. It highlights that stress is not an illness – it is a state. However, if stress becomes excessive and prolonged, mental and physical illness may develop.

The HSE make a distinction between being under pressure, which it states can often improve performance and be a good thing, and stress which results from excessive demands and pressures.

POLICY

In a world of constant change, the Council recognises that employees experience pressure to perform and conflicting demands, therefore stress will be experienced by everyone at some point. Since stress is a human perception, what might be stressful for one person may not be for another. All employees are different, have different life experiences, different genes and different states of health and levels of coping skills.

Stress can arise in any job and the Council will take reasonable steps to identify and deal with stress through the use of risk assessments, good management practices and employee involvement. Stress caused by factors outside of the workplace can also have a detrimental impact on individuals and the Council.

STRESS CAUSED BY PERSONAL LIFE

Where all or part of the causes of stress are related to home or personal factors, the Council will take what steps it can to support the employee to manage or resolve the cause of stress. This may involve, for example, responding positively to requests for flexible working, temporarily reducing workload or responsibilities, allowing time off to attend doctors, counsellor or solicitor appointments, and so on.

STRESS CAUSED BY EMPLOYMENT

Regular employee supervision, annual appraisal, team meetings and an 'open door' policy should provide the opportunity for employees and Managers to discuss any concerns about stress. The Council's policies and procedures provide guidance on expectations to ensure good employee relations and clarity.

If an employee feels there are pressures building up in their job they are encouraged to talk to their line Manager. This will enable their Manager to discuss the causes of stress and to take steps to reduce levels of anxiety.

The employee's Manager (in some situations an alternative person may be more appropriate) will meet with the employee to identify the nature of the problem, discuss the causes of stress and discuss what can be done to alleviate or manage the stress. The employee's Manager may need to make enquiries to decide what help could be offered. Consideration will be given to a stress risk assessment. The employee's Manager will agree an action plan with them, and will organise a date on which the plan will be reviewed.

If these steps do not help reduce stress, then the employee should talk to their Manager as soon as possible (without waiting for the review date) with a view to considering what further steps could be put in place to reduce levels of anxiety either on a temporary or permanent basis.

THE ROLE OF MANAGEMENT IN PREVENTING/MANAGING STRESS

The Council will aim to take the following actions to assist in preventing and managing stress:

- providing opportunities for employees to contribute ideas, especially in planning and organising their jobs;
- allowing employees to plan work and make decisions over how their work should be tackled;
- helping employees prioritise work;
- having clear objectives linked to the job;
- talking regularly to employees to ensure they know what their job requires them to do;

- providing employees with the necessary training to do their jobs;
- using techniques such as job rotation and job enrichment where appropriate;
- making sure other hazards, such as the threat of violence, are identified and controlled;
- avoiding encouraging/allowing excessive hours;
- ensuring there are effective systems for preventing or dealing promptly with bullying and harassment;
- considering flexible working solutions to work/life balance problems;
- having good communication structures with employees.

LEAVE AND TIME OFF POLICY

The Council is committed to ensuring that all employees have reasonable access to time off work where required.

HOLIDAY

The Council's holiday year runs from 01 April to 31 March. Employees should refer to their contract of employment for their entitlement to annual leave. Holiday entitlement, including entitlement to paid Bank Holidays, is pro-rata for part time employees.

Payment for holidays will be at the employee's normal rate of pay and in any event calculated in accordance with the provisions of the Working Time Regulations 1998.

To avoid disruption to the Council, it is essential that the timing of an employee's holidays are agreed and authorised by their Manager before they make any travel arrangements for their holidays. The employee will be liable for any monies lost as a consequence of failing to follow the correct holiday request procedure.

Although the Council will consider all holiday requests made, there may be occasions where the employee's holiday request is declined in order to meet the needs of the Council. Where more employees request the same holiday period than can be accommodated, holidays will be granted on a first come first served basis.

Generally, the employee will only be able to take a maximum of two weeks holiday at any one time. For periods longer than two weeks, specific approval must be sought from the Council.

Employees must take their full annual leave entitlement before the end of the holiday year. Employees will not normally be paid for, or allowed to carry over, any holidays which they have not taken by the end of the holiday year, unless this is due to specified circumstances such as, for example, long-term illness or maternity leave. In such situations, special exemptions may apply, and employees should discuss this with their Manager if applicable.

Should the employee fall sick prior or during pre-booked annual holidays there is no entitlement to take those holidays on another occasion unless the sickness notification procedure has been followed and a statement of fitness for work or medical certificate is provided.

Employees will accrue holiday entitlement during Maternity, Adoption, Shared Parental, Paternity and Parental Leave periods.

When an employee first joins or is leaving the Council, their holiday entitlement will be pro-rated, depending on the portion of the year they have worked.

If an employee leaves the Council and they have accrued holidays that they have not taken, these will be paid in lieu on termination of their employment.

If an employee has taken more annual holiday entitlement than they have accrued during the holiday year, the balance will be deducted from any outstanding pay owed to them.

Where termination of their employment is due to gross misconduct, unused holiday entitlement will not be paid, apart from any payment required to meet the statutory minimum obligations.

During the employee's notice period the Council reserves the right to specify the dates on which some or all of their outstanding holiday entitlement may be taken in that period. No holiday in lieu pay will be due for holiday that would have accrued during notice where a payment in lieu of notice is made.

EMERGENCY LEAVE

The Council understands that employees may experience personal or family difficulties from time to time and will aim to support them to deal with such issues.

It should be recognised that Emergency Leave is intended to allow the employee to deal with emergency situations, and not circumstances that can be foreseen or problems that are known about in advance.

Employees are entitled to reasonable time off, without pay, for urgent or unexpected incidents of real need involving a dependant who is a member of their family or someone who reasonably relies on them for help when they are ill or injured, or for making arrangements for them to be cared for in the event of illness or injury.

Time off is limited to what is reasonable for the employee to deal with the immediate problem and sort out any longer-term arrangements.

The employee should contact their Manager as soon as possible if they need to take a leave of absence to care for a dependant. The employee should endeavour to give as much notice as possible and inform their Manager of the circumstances and expected duration of their absence.

While absent, the employee must keep their Manager informed as to when they are expected to be able to return to work.

Where the reason for their leave is family illness, the employee may, at the discretion of the Council, be asked to provide confirmatory evidence.

MEDICAL APPOINTMENTS

Where possible, employees should ensure that any medical or dental appointments are made outside of working hours. If an employee is unable to arrange such an appointment outside working hours, they may be required to produce an appropriate appointment card or letter to their Manager.

Employees should provide their Manager with as much notice as possible regarding appointment dates, times and locations and discuss the expected time away from work to attend the appointment.

The employee's Manager may ask them to reschedule the appointment to a more convenient time if it would cause disruption to the running of the employee's department or completion of vital work.

JURY SERVICE

If an employee is required to undertake Jury Service, they should inform their Manager on receipt of the summons.

If an employee is required for Jury Service, they should complete the Loss of Earnings Form provided by the Court. The Council will not usually top up monies paid by the Courts to the level of their usual salary but may permit holiday to be taken instead.

If an employee attends for Jury Service and finds that they are not required for such service on any particular day or part of that day, they should return to work as soon as possible.

ATTENDANCE IN COURT

If an employee is served with a summons to appear in Court, they must notify their Manager as soon as possible. If an employee is to attend as a defendant, they must also inform their Manager at their earliest opportunity.

In these circumstances' employees will be required to either work the time back, book a holiday or take authorised unpaid time off, whichever is agreed with their Manager.

BEREAVEMENT LEAVE

In the event of the death of an employee's immediate family member, at the sole discretion of the Council they may be entitled to take up to five days paid leave of absence.

In the event of the death of an employee's non-immediate family member, at the sole discretion of the Council, they may be entitled to take up to one days paid leave of absence.

The Council does, however, recognise that for some employees the above definitions would not accurately reflect their family circumstances. Therefore, Managers are able to grant up to five days bereavement leave where it could be deemed appropriate to do so. Leave may also be granted at the discretion of management following the death of other relatives or friends.

TRADE UNION REPRESENTATION

If an employee is a representative of a trade union recognised by the Council, they will be entitled to a reasonable amount of paid time off work to perform their duties and carry out relevant training.

RELIGIOUS HOLIDAYS

Time off for religious festivals should be taken as part of normal annual holiday entitlement. Requests for time off should be made to the employee's Manager in the normal way and they should provide as much notice as is reasonably practicable.

Priority will be given to requests on a first come first served basis. In all cases requests will be balanced with business needs to ensure that the operation of the Council remains unaffected.

ADVERSE WEATHER CONDITIONS

The Council recognises that on occasion severe weather or disruptions to public transport may cause employees difficulty in travelling to work.

Only in exceptional circumstances will the Council issue a direct instruction e.g. if there is a need to close buildings due to extreme weather; in these circumstances the Council will issue full details of alternative arrangements. In all other circumstances the Council expects employees to make every effort to attend work on time, where it is safe to do so. If the employee is likely to arrive late to work or are concerned that they may not be able to attend work due to poor weather conditions or public transport disruption they should contact their Manager at the earliest opportunity before they are due to start work, as per the normal absence procedures.

If the employee is late to work as a result of poor weather conditions or public transport disruption, they may be required to make up the time lost within one week or this time may be treated as unpaid absence. If the employee is not able to attend work as a result of adverse weather and public transport disruption, they may be required to take the time as annual leave, or as unpaid leave.

CARERS LEAVE

INTRODUCTION

This policy sets out the rights and responsibilities of employees who wish to take Carers Leave. Carers Leave is available to anyone with dependents with long-term care needs.

This policy applies to all employees.

This policy is for guidance only and does not form part of the employee's contract of employment.

ELIGIBILITY

Employees are eligible to take unpaid Carers Leave if they are an unpaid carer for anyone who relies on them for care, and:

- has a physical or mental illness or injury, which needs more than three months of care;
- has a disability as defined by the Equality Act 2010;
- needs care because of their old age.

TAKING CARERS LEAVE

If eligible, employees are entitled to take up to one week unpaid Carers Leave every 12 months, regardless of how many dependents require care. For these purposes, a year is a 12 month rolling period.

The length of one week, is equivalent to the number of days the employee usually works over seven days. For example, an employee working a three-day week, can take three days of Carers Leave in a 12 month rolling period. If the employee's hours of work vary, they will be averaged over a 52-week period.

Carers Leave can be taken as a whole week or individual days or half days.

If the employee is a parent, and requires leave to care for a child, they may be eligible for unpaid Parental Leave. This is set out in the Parental Leave section of this handbook.

NOTIFICATION REQUIREMENTS

Employees must inform their Manager of their intention to take Carers Leave, using the usual internal systems for requesting leave. The employee must give at least three days notice of their request to take a half or full day's leave. If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for three days, the employee must give at least six days notice. The notification must specify the dates upon which the Carers Leave will start and end.

THE COUNCIL'S RIGHT TO POSTPONE CARERS LEAVE

Carers Leave may be postponed if the Council considers that the leave requested would cause serious disruption to the business.

If a request for leave is postponed, the employee's Manager will consult with them to agree another date within one month of the requested date of leave. The employee will be sent written notice of the reason for the delay and the new leave dates, no more than seven days after the original request.

TERMS AND CONDITIONS OF EMPLOYMENT DURING CARERS LEAVE

Employment rights are protected during Carer's Leave. However, Carers Leave is unpaid and the terms and conditions set out in the employee's contract of employment relating to pay will not apply during any period of Carers Leave.

MATERNITY LEAVE POLICY

The Council is committed to supporting the wellbeing of all employees, and this policy aims to set out the basic statutory provisions that relate to maternity leave.

The Council aims to comply with all statutory obligations and entitlements, and recognises that, from time to time, employees may have questions or concerns relating to their Maternity leave rights. As the Maternity leave provisions are complex, if an employee is entitled to maternity leave, they should clarify the relevant procedures with their Manager to ensure that they are followed correctly.

NOTIFICATION OF MATERNITY LEAVE

Employees must inform their Manager of the following at least 15 weeks before the expected week of childbirth (EWC):

- that they are pregnant;
- when their EWC (Expected Week of Childbirth) is (they must provide a medical certificate (MATB1) confirming the EWC which must be dated no earlier than the 20th week before the EWC);
- the date on which they intend to start their maternity leave (this must not be earlier than the beginning of the 11th week before the EWC).

NB: Employees should notify their Manager of their pregnancy as soon as is reasonably possible along with their expected due date if known so that any potential health and safety issues can be considered.

Once the form MAT B1 (which states the expected date of birth) has been issued by the midwife or doctor, the employee should give this to their Manager.

If at any point an employee wishes to change the start date of their maternity leave they must notify their Manager at least 28 days before the original start date, or 28 days before the new start date, whichever is earlier.

An employee's maternity leave will begin early if they give birth at any time after a minimum of 24 weeks of pregnancy. In this case the employee must inform their Manager that they have given birth as soon as it is reasonably practicable to do so. In such cases their maternity leave will begin on the day after they give birth.

ANTENATAL CARE

An employee is entitled under statute to reasonable paid time off during working hours for antenatal care recommended by a registered medical practitioner, registered midwife, or registered health visitor. If requested, the employee must provide their Manager with a certificate of pregnancy and an appointment card.

SICKNESS ABSENCE

If an employee is absent from work during pregnancy owing to sickness, they will receive normal sick pay in the same manner as they would during any other sickness absence, provided that they have not yet begun ordinary maternity leave. If, however, an employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before their expected week of childbirth, their maternity leave will start automatically.

If an employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, they must notify the Council as soon as reasonably practicable.

RISK ASSESSMENT

Once the employee has informed their Manager about their pregnancy, the Council will arrange for a risk assessment to be undertaken to identify if any changes need to be made to the employee's working arrangements. Where the Council feels there may be a risk, it will take all reasonable steps to eliminate that risk and warn the employee of the potential dangers.

MATERNITY LEAVE ENTITLEMENT

All employees are entitled to 52 weeks' statutory maternity leave. This comprises of 26 weeks' Ordinary Maternity Leave (OML), immediately followed by 26 weeks' Additional Maternity Leave (AML).

The earliest date an employee can commence their maternity leave is 11 weeks before the expected date of confinement (EWC), although they are not required to take any maternity leave before the birth if they do not wish to do so. However, maternity leave will start automatically on the day following the birth if the baby is early.

If both the employee and the father/partner meet the qualifying requirements, they will be able to opt in to Shared Parental Leave, allowing them to share up to 50 weeks with the father or partner, after the initial compulsory maternity period of two weeks. For more information on Shared Parental Leave, please see the Shared Parental Leave Policy.

Employees are legally required to take a minimum of two or four weeks compulsory maternity leave, dependant on the nature of their role, however it will be presumed that they want to take the full 52-week statutory maternity leave period. If the employee wishes to return to work before the end of this period they must notify their Manager in writing. Employees must give at least eight weeks' notice of their intended return date.

If an employee subsequently wants to change their return date, they must notify their Manager, giving notice at least eight weeks in advance of their original return date. If the employee does not provide the appropriate notice, they may not be entitled to return to work at an earlier date and the Council reserves the right to postpone their return until the correct notice has been provided.

In the unfortunate event of miscarriage in the first 24 weeks of pregnancy, this will not be classed as childbirth. In which case, employees will have no entitlement to maternity leave at this time. After 24 weeks all entitlements apply.

MATERNITY PAY

Employees will qualify for SMP if they meet the following criteria:

- they have been continuously employed by the Council for 26 weeks by the end of the 15th week before the employee's EWC;
- their earnings meet the lower earnings limit for National Insurance contributions;
- they meet the requirements for notifying the Council of their pregnancy.

If the employee meets the qualifying criteria, they will be eligible for SMP for up to 39 weeks and will stop being payable if they return to work (except where the employee is simply keeping in touch as per the below).

If an employee works for another employer during their maternity leave they must notify their Manager as soon as possible, as their entitlement to maternity pay may be affected.

SMP is calculated as follows:

- first six weeks – SMP is paid at 90% of the employee's average weekly earnings calculated over the Relevant Period;
- remaining 33 weeks – SMP is paid at the prescribed rate which is set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings (whichever is lower) for the next 33 weeks.

SMP accrues from the day on which the employee commences their OML and thereafter at the end of each complete week of absence. SMP payments are made on the next normal payroll date and income tax, National Insurance and pension contributions are deducted as appropriate.

Employees are still eligible for SMP if they leave employment for any reason after the start of the Qualifying Week (for example, if the employee resigns or is made redundant). In such cases, if their maternity leave has not already begun, SMP starts to accrue in whichever is the later of:

- the week following the week in which employment ends; or
- the eleventh week before the Expected Week of Childbirth.

If the employee has been employed for less than 26 weeks they will qualify for maternity leave, but not for maternity pay.

If the employee is not entitled to SMP, they may be entitled to receive Maternity Allowance which can be claimed from The Department of Work and Pensions by completing form MA1 which is available online.

KEEPING IN TOUCH

During the employee's maternity leave, their Manager will maintain reasonable contact with them to make them aware of any changes happening at work.

In addition, an employee may return to work during their maternity leave period for up to a maximum of 10 days, known as 'keeping-in touch' (KIT) days, without bringing their maternity leave to an end.

The purpose of KIT days is to allow the employee to keep up to date with work changes, however they are not mandatory. KIT days cannot be taken within the compulsory maternity leave period, otherwise the timing of any KIT days will be agreed between the employee and their Manager.

An employee's pay for kit days will be offset with their statutory maternity pay which will be a top up to the amount of their contractual rate of pay.

Taking KIT days will not affect their date of return from maternity leave.

CONTRACTUAL STATUS DURING MATERNITY LEAVE

Whilst on maternity leave employees are entitled to receive all their normal contractual benefits, such as annual holiday entitlement, with the exception of their normal pay during this period.

All other terms and conditions of employment remain in force throughout the full period of maternity leave.

RETURNING TO WORK

If the employee returns to work within 26 weeks of starting maternity leave they are entitled to return to the job in which they were employed before their absence, with similar rights and on the same terms and conditions that they would be entitled to had they not been absent.

If the employee returns to work after 26 weeks and it is not reasonably practicable for them to return to their job, they will be offered another job that is both suitable and appropriate for them on no less favourable terms and conditions. In cases of redundancy during maternity leave, the Council will look to identify suitable alternative employment.

If an employee does not wish to return to work after their maternity leave they must give advance notice of resignation to their Manager, as per their terms and conditions of employment.

If the employee requests to return to work on different terms and conditions of employment than before the commencement of their maternity leave, the Council will give reasonable consideration to this request. Please see the Council's policy on requesting flexible working.

ADOPTION LEAVE POLICY

The Council is committed to supporting the wellbeing of all employees and this policy aims to set out the basic statutory provisions that relate to adoption leave.

The Council aims to comply with all statutory obligations and entitlements, and recognises that, from time to time, employees may have questions or concerns relating to their adoption leave rights. As the adoption leave provisions are complex, if an employee is entitled to adoption leave, they should clarify the relevant procedures with their Manager to ensure that they are followed correctly.

ADOPTION LEAVE ENTITLEMENT

Where the employee is part of a couple who are adopting jointly, only one of them may take statutory adoption leave, while the other may be entitled to paternity leave and shared parental leave.

Employees are entitled to adoption leave where they are the primary adopter of a child, unless they are a foster parent and adopt a child that they have been fostering, or are a step-parent and adopt their partner's child.

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

If both the primary adopter and second adopter meet the qualifying requirements they will be able to opt into Shared Parental Leave, allowing them to share up to 50 weeks with the secondary adopter, after they have taken two weeks of adoption leave. For more information on Shared Parental Leave, please see the Shared Parental Leave policy.

ADOPTING A CHILD FROM THE UK

To qualify for adoption leave where the employee is adopting a child from the UK they must:

- have been matched with a child for adoption by an approved adoption agency, or be part of a couple that has been jointly matched with a child;
- have notified the agency that the employee agrees with the placement;
- have complied with notification procedures.

For the employee to exercise their right to adoption leave where they are adopting a child from within the UK, they must do the following:

- inform their Manager of their intention to take statutory adoption leave within seven days of having been notified by the adoption agency that they have been matched with a child for adoption;
- provide documentary evidence in the form of a certificate provided by the adoption agency
- advise their Manager of the date on which the child is expected to be placed with them for adoption and when they want the adoption leave to start.

ADOPTING A CHILD FROM OVERSEAS

To qualify for adoption leave where the employee is adopting a child from overseas they must:

- be the child's adopter;
- have complied with notification procedures.

For the employee to exercise their right to adoption leave where they are adopting a child from overseas, they must do the following:

- inform their Manager of their intention to take adoption leave within 28 days of receiving official notification from the relevant domestic authority;

- notify their Manager of the date on which the official notification was received;
- provide their Manager with a copy of the notification;
- inform their Manager of the date the child is expected to enter the UK;
- the employee must give their Manager at least 28 days advance notice of the date on which adoption leave is to start and provide evidence e.g. a plane ticket confirming the child's arrival.

The employee's adoption leave may start no later than 28 days after the child entered the UK. The employee may change the start date of their adoption leave by providing no less than 28-day notice of the amended start date, or where this is not possible as soon as is reasonably practicable.

The employee can choose to start their leave from the date of the child's placement or from a fixed date which can be up to 14 days before the expected date of placement.

Once the employee has notified their Manager of their intended adoption leave start date, they will receive written confirmation within 28 days of the date they would be expected to return to work if their full adoption leave entitlement is taken.

If the employee wishes to change the start date of their adoption leave they may do so by notifying their Manager of the revised date at least 28 days before the new start date.

If the employee starts their adoption leave before the child is placed, and the placement is delayed, they cannot stop their leave and start it again at a later date.

If the employee wishes to return to work earlier than the date on which they are due to return, they must inform their Manager a minimum of eight weeks prior to the date on which they want to return, otherwise it may not be possible to comply with their request.

If, after the employee has begun their adoption leave the expected placement does not occur, the child dies, is returned to the adoption agency or ceases to live with the employee, their adoption leave will end eight weeks after the start of their adoption leave (if the placement did not occur) or eight weeks from the end of the week in which death occurred or the child was returned to the agency. In these cases the employee must provide the Council with eight weeks notice of their return to work.

ADOPTION APPOINTMENTS

If the employee is the primary adopter, they are entitled to paid time off for up to five adoption appointments. If the employee is the co-adopter they are entitled to unpaid time off to attend up to two adoption appointments.

ADOPTION PAY

The employee will qualify for Statutory Adoption Pay ("SAP") if they meet the following criteria:

- the employee has been continuously employed for at least 26 weeks prior to receiving official notification of placement;
- the employee's earnings meet the lower earnings limit for National Insurance contributions;
- the employee meets the requirements for notifying the Council of their adoption.

If the employee meets the qualifying criteria they will be eligible for SAP for up to 39 weeks.

If the employee works for another employer during their adoption leave they must notify their Manager as soon as possible, as their entitlement to adoption pay may be affected.

SAP is calculated as follows:

- first six weeks – SAP is paid at 90% of the employee’s average weekly earnings calculated over the Relevant Period;
- remaining 33 weeks – SAP is paid at the prescribed rate which is set by the Government for the relevant tax year, or 90% of the employee’s average weekly earnings (whichever is lower) for the next 33 weeks.

During adoption leave, all of the employee’s contractual terms (other than remuneration) will continue.

SMP accrues from the day on which the employee commences their adoption leave and thereafter at the end of each complete week of absence. SAP payments are made on the next normal payroll date and income tax, National Insurance and pension contributions are deducted as appropriate.

CONTRACTUAL STATUS DURING ADOPTION LEAVE

The employee’s contract of employment continues during adoption leave and entitlement to all benefits continues, with the exception of salary (and other remuneration payments).

KEEPING IN TOUCH

During the employee’s adoption leave, their Manager will maintain reasonable contact with them to make them aware of any changes happening at work.

In addition, the employee may return to work during their adoption leave period for up to a maximum of 10 days, known as ‘keeping-in touch’ (KIT) days, without bringing their adoption leave to an end.

The purpose of KIT days is to allow the employee to keep up to date with work changes, however they are not mandatory. The timing of any KIT days will be agreed between the employee and their Manager.

The employee’s pay for kit days will be offset with their statutory adoption pay which will be a top up to the amount of their contractual rate of pay. Taking KIT days will not affect their date of return from adoption leave.

RETURNING TO WORK

If the employee returns to work within 26 weeks of starting adoption leave they are entitled to return to the job in which they were employed before their absence, with similar rights and on the same terms and conditions that they would be had they not been absent.

If the employee returns to work after 26 weeks and it is not reasonably practicable for them to return to their job, they will be offered another job that is both suitable and appropriate for them on no less favourable terms and conditions. In cases of redundancy during adoption leave, the Council will look to identify suitable alternative employment.

If the employee does not wish to return to work after their adoption leave they must give advance notice of resignation to their Manager, as per their terms and conditions of employment.

If the employee requests to return to work on different terms and conditions of employment than before the commencement of their adoption leave, the Council will give reasonable consideration to this request. Please see the Council’s policy on requesting flexible working

PATERNITY LEAVE POLICY

The Council is committed to supporting the wellbeing of all employees and this policy aims to set out the basic statutory provisions that relate to paternity leave.

The Council aims to comply with all statutory obligations and entitlements and recognises that, from time to time, employees may have questions or concerns relating to their paternity leave rights. As the paternity leave provisions are complex, if an employee wishes to take paternity leave, they should clarify the relevant procedures with their Manager to ensure that they are followed correctly.

PATERNITY LEAVE ELIGIBILITY

Employees are entitled to paternity leave following the birth of a baby or the adoption of a child under the age of 18 where they have or expect to have responsibility for the child. Employees may take a maximum of two weeks paid ordinary paternity leave to care for their new baby.

Paternity leave is available to adoptive partners and people in same-sex relationships providing the qualifying criteria are met.

In order to take statutory paternity leave after the birth of a child, the employee must meet the following qualifying criteria:

- have at least 26 weeks continuous service by the end of the 15th week before the expected week of childbirth (EWC);
- be the child's biological father and have, or expect to have, responsibility for the child's upbringing; or
- be the spouse or partner of the mother and have, or expect to have, the main responsibility for the child's upbringing, apart from the responsibility of the mother;
- have formally notified their Manager of their intention to take statutory paternity leave by the end of the 4th week before the mother's EWC, or as soon as is practicable thereafter;
- have provided evidence supporting their right to take statutory paternity leave if requested;
- have notified their Manager of the date on which they want their paternity leave to start, and the length of paternity leave they wish to take.

In order to take statutory paternity leave after the adoption of a child from the UK, the employee must meet the following qualifying criteria:

- have at least 26 weeks continuous service by the end of the week in which they are formally informed by an approved adoption agency that they or their partner has been matched with a child for adoption;
- be the joint adopter of the child or be married to, or the partner of the adopter and have, or expect to have, the main responsibility for the child's upbringing, apart from the responsibility of the adopter;
- have formally notified their Manager of their intention to take statutory paternity leave no later than seven days after the date on which notification was received from the adoption agency of the match with the child;
- have provided evidence supporting their right to take statutory paternity leave if requested;
- have notified their Manager of the date on which they want their paternity leave to start, and the length of paternity leave they wish to take.

In order to take statutory paternity leave after the adoption of a child from overseas, the employee must meet the following qualifying criteria:

- have at least 26 weeks continuous service, which must either be counted from the week in which they started their employment or back from the week in which they receive official notification from the relevant adoption authority confirming eligibility to adopt;
- be the joint adopter of the child or be married to, or the partner of the adopter and have, or expect to have, the main responsibility for the child's upbringing, apart from the responsibility of the adopter;

- have notified their Manager of the date they received official notification of the placement and the date on which the child is expected to enter the UK within 28 days of them receiving the official notification of placement, or within 28 days of them completing 26 weeks continuous service (whichever is later);
- have provided evidence supporting their right to take statutory paternity leave if requested;
- have notified their Manager of the date on which they want their paternity leave to start, and the length of paternity leave they wish to take.

PATERNITY LEAVE ENTITLEMENT

The employee may choose to take up to two week's paternity leave. Paternity leave must be taken in blocks of a week and cannot be taken in days. The leave can be taken as two consecutive weeks, or split into two separate week periods. If the employee chooses to take only one week's leave, they may take a further week's leave at a later stage. The employee may start their leave on any day of the week, which may include the day on which the child is born or adopted.

The employee must take their paternity leave within 52 weeks (12 months) of the child's birth, or placement for adoption. If the baby is born prematurely, they may take their paternity leave at any time from when the baby is born, up until the end of the eight weeks after the week the birth was expected. Where the baby is born later than anticipated, the employee must delay their paternity leave until the baby is actually born.

If the employee wishes to change the start date of their paternity leave they must give their Manager at least 28 days' notice unless this is not reasonably practicable.

As soon as is reasonably practicable after the child's birth or placement, the employee must confirm the date of the child's birth or adoption.

If the employee has a qualifying relationship with an expectant mother or her expected child, they may be entitled to unpaid time off to accompany her to an antenatal appointment on up to two occasions.

PATERNITY PAY

Employees will qualify for Statutory Paternity Pay ("SPP") if they meet the following criteria:

- they have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth (EWC), or 26 weeks prior to receiving official notification of placement for adoption;
- their earnings meet the lower earnings limit for National Insurance contributions;
- they meet the requirements for notifying the Company of their paternity leave.

If the employee meets the qualifying criteria paternity leave will be paid Statutory Paternity Pay ("SPP").

During paternity leave all the employee's contractual terms will continue.

NOTIFICATION OF INTENTION TO TAKE PATERNITY LEAVE

The employee will be required to inform the Council of their intention to take paternity leave by the 4th week before the baby is expected, or within seven days of being informed by the adoption agency of a match. The employee will need to advise their Manager:

- the week the baby is due; or
- when the child is expected to be placed; and
- whether they wish to take one or two weeks leave; and
- when they want their leave to start.

The employee is entitled to change their mind about the date on which they want their leave to start providing they advise the Council at least 28 days in advance. If the employee would like to take further leave, they can opt in to Shared Parental Leave (SPL), please see the Shared Parental Leave policy for more information.

CONTRACTUAL STATUS DURING ORDINARY PATERNITY LEAVE

The contract of employment continues during ordinary paternity leave and entitlement to all benefits continues, with the exception of salary (and other remuneration payments).

RETURN TO WORK AFTER ORDINARY PATERNITY LEAVE

The employee will be entitled to return to the same job following paternity leave. If the employee decides not to return to work they must give the normal contractual notice period for termination of employment.

If the employee requests to return to work on different terms and conditions of employment than before the commencement of their paternity leave, the Council will give reasonable consideration to this request. Please see the Council's policy on requesting flexible working.

SHARED PARENTAL LEAVE POLICY

The Council is committed to supporting the wellbeing of all employees and this policy aims to set out the basic statutory provisions that relate to Shared Parental Leave.

Shared Parental Leave is available following the birth of a child or the placement of a child for adoption, where the mother or primary adopter does not wish to take the full maternity or adoption leave period available to them. Shared Parental Leave does not replace maternity leave or adoption leave, but is an additional type of leave which both parents can take either simultaneously or at different times.

The Council recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. As the shared parental leave provisions are complex, if an employee wishes to take Shared Parental Leave, he/she should clarify the relevant procedures with their Manager to ensure that they are followed correctly.

ELIGIBILITY TO QUALIFY FOR SHARED PARENTAL LEAVE

As the mother or primary adopter of the child, the employee must meet the following qualifying criteria in order to take shared parental leave:

- be entitled to statutory maternity/adoption leave in relation to the child;
- have the main responsibility for caring for the child;
- have curtailed their maternity/adoption leave or returned to work before taking shared parental leave;
- have met the requirements for notifying the Council of their intention to take shared parental leave;
- have provided evidence supporting their right to take shared parental leave if requested;
- confirm that the father/employee's partner meets the current employment and earnings test (i.e. they have worked for 26 weeks out of the previous 66 weeks, earning at least £30 on average for 13 of those weeks) and they will also have the main responsibility for caring for the child.

As the partner of a woman who has given birth to a child or the partner of the primary adopter, the employee must meet the following qualifying criteria in order to take shared parental leave:

- be the biological father of the child or live with the mother/primary adopter and the child in an enduring family relationship;
- have main responsibility for caring for the child other than the mother/primary adopter;
- have worked on an employed or self-employed basis in 26 weeks of the last 66 weeks, earning a minimum of £30 per week on average for 13 of those weeks;
- have 26 weeks continuous service at the end of the 15th week before the EWC and still be employed by the Council at the time when shared parental leave will be taken;
- have met the requirements for notifying the Council of their intention to take shared parental leave;
- have provided evidence supporting their right to take shared parental leave if requested.

AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE

The amount of shared parental leave to which an individual is entitled will depend on when the mother/primary adopter brings their maternity/adoption leave to an end as well as the amount of leave that the other parent takes in respect of the child.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs to have this leave agreed and will be considered on a case-by case basis).

A maximum of three requests for leave per pregnancy/adoption can normally be made by each parent.

The first two weeks following birth are the compulsory maternity/adoption leave period and are reserved for the mother/primary adopter. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them although it may be less due to the birth mother taking time off before the birth.

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth. The mother and partner must take any shared parental leave within 52 weeks of birth.

On the adoption of a child, shared parental leave can be taken any time following the date of placement of the child until one year later.

NOTICE REQUIREMENTS

As the birth mother, or as the primary adopter of a child, the employee must provide certain information to the Council as follows:

- a leave curtailment notice stating the date they wish to end their maternity or adoption leave, which must be provided at least eight weeks before they want their leave to end;
- a notice of entitlement and intention to take shared parental leave;
- a period of leave notice detailing the start and end dates of any leave periods, which must be provided at least eight weeks before the start date of any leave period;
- a declaration of consent and entitlement stating that the father/partner has given a notice of entitlement and intention to their employer.

The employee may revoke their leave curtailment notice by serving a revocation notice before the date they were due to curtail their maternity or adoption leave.

As the father/partner of the woman who has given birth, or as the secondary adopter of the child, the employee must provide certain information to the Council as follows:

- a notice of entitlement and intention to take shared parental leave;
- a period of leave notice detailing the start and end dates of any leave periods, which must be provided at least eight weeks before the start date of any leave period;
- a declaration of consent and entitlement stating that the mother or primary adopter has given a leave curtailment notice and notice of entitlement and intention to their employer.

A notice of entitlement and intention to take shared parental leave following the birth of a child or the adoption of a child must contain the following:

- Mother's/primary adopters name, address, employer and National Insurance number;
- Father/partner's name, address, employer and National Insurance number;
- expected week of childbirth and/or the child's date of birth;
- start and end dates of any statutory maternity leave taken or to be taken;
- total amount of shared parental leave available;
- how much shared parental leave each person is intending to take;
- the start and end dates of each leave period;
- declaration that all parties satisfy the eligibility criteria to take shared parental leave;
- declaration that all parties will inform their employer if they cease to care for the child.

The employee may vary how much shared parental leave they intend to take by giving written notice at least eight weeks before any period of leave.

A period of leave notice may be given at the same time as a notice of entitlement and intent. The employee may give a total of three period of leave notices, including variation of leave notices.

Requests to take discontinuous leave are not guaranteed to be agreed.

The employee's Manager will confirm within two weeks of their period of leave notice being submitted whether or not their request can be accommodated.

Where the employee applies for a period of discontinuous leave and the Council cannot accommodate this request they will be offered a proposal of alternative dates. The employee will have up to 14 days to decide what is suitable and complete a new notification form to confirm their new dates.

If no agreement is reached within 14 days, then the Council will have the right to either:

- automatically invoke the employee's total entitlement in one continuous spell; or
- withdraw the period of leave notice by the 15th day after the 14-day period was served.

SHARED PARENTAL PAY

The employee will qualify for Shared Parental Pay ("ShPP") if they meet the following criteria:

- they have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth (EWC), or 26 weeks prior to receiving official notification of placement for adoption;
- their earnings meet the lower earnings limit for National Insurance contributions;
- they meet the requirements for notifying the Council of their shared parental leave.

Up to 39 weeks statutory ShPP may be available, less any weeks of Statutory Maternity or Adoption Pay taken.

If the employee meets the qualifying criteria they will be eligible for statutory ShPP for up to 39 weeks.

During shared parental leave all of the employee's contractual terms (other than remuneration) will continue.

If the employee meets the qualifying criteria, ShPP will be paid at the current prescribed rate which is set by the Government for the relevant tax year, or 90% of their average weekly earnings if this is lower.

KEEPING IN TOUCH (KIT)

During the employee's shared parental leave, their Manager will maintain reasonable contact with them to make them aware of any changes happening at work.

In addition, the employee may return to work during their shared parental leave period for up to a maximum of 20 days, known as 'shared parental leave in touch' (SPLIT) days, without bringing their shared parental leave to an end.

SPLIT days are separate and additional to any KIT days taken during maternity or adoption leave.

The purpose of SPLIT days is to allow the employee to keep up to date with work changes, however they are not mandatory. The timing of any SPLIT days will be agreed between the employee and their Manager.

Employees will be paid at their normal rate of pay for SPLIT days.

Taking SPLIT days will not affect the employee's date of return from shared parental leave.

RETURNING TO WORK

If the employee returns to work within 26 weeks of starting shared parental leave, they are entitled to return to the job in which they were employed before their absence, with similar rights and on the same terms and conditions that they would be had they not been absent.

If the employee returns to work after 26 weeks and it is not reasonably practicable for them to return to their job, they will be offered another job that is both suitable and appropriate for them on no less favourable terms and conditions. In cases of redundancy during shared parental leave, the Council will look to identify suitable alternative employment.

If the employee does not wish to return to work after their shared parental leave, they must give advance notice of resignation to their Manager, as per their terms and conditions of employment.

PARENTAL LEAVE POLICY

The Council is committed to supporting the wellbeing of all its employees and this policy aims to set out the basic statutory provisions that relate to parental leave.

The Council aims to comply with all statutory obligations and entitlements, and recognises that, from time to time, employees may have questions or concerns relating to their parental leave rights. As parental leave provisions are complex, if an employee wishes to take parental leave, he/she should clarify the relevant procedures with their Manager to ensure that they are followed correctly.

PARENTAL LEAVE ELIGIBILITY

The aim of parental leave is to enable employees to take time off work to care for their child, for example settling a child into new childcare arrangements or accompanying a child during a hospital stay.

Employees will be entitled to parental leave if they have a minimum of one-year continuous service with the Council and have a child under the age of 18.

To be eligible, employees must be the parent named on the birth certificate, have acquired or expect to acquire formal parental responsibility under the Children Act 1989, or have adopted or expect to adopt a child under the age of 18.

PARENTAL LEAVE ENTITLEMENT

If an employee qualifies, they are entitled to 18 weeks unpaid leave for each eligible child up to the child's 18th Birthday.

Employees may take parental leave in one-week blocks or multiples of one-week blocks unless the child has been awarded disability allowance in which case they may take leave one day at a time.

Employees may take a maximum of four weeks leave in any year in relation to each eligible child.

Any leave an employee has taken with a previous employer counts towards the 18 week limit they have for each child. Where an employee works the same hours each week, a week's leave is equivalent to the hours they normally work over seven days. Where their hours of work vary, a week's leave will be calculated by dividing the total number of hours they work in a year by 52.

Employees must provide their Manager with documentary evidence relating to their responsibility for their child such as a birth certificate or adoption papers if required. Employees must give their Manager 21 days' notice of their intention to take parental leave and specify when they intend the leave to start and end.

If it is felt an employee's absence from work would cause substantial disruption or harm to the Council, their parental leave may be postponed for up to six months, however this is only likely to apply in exceptional circumstances. In these cases, the reason for postponement will be confirmed to the employee in writing, along with the alternative dates between which they may take the leave.

An employee's parental leave will not be postponed where they have given notice that they intend to start leave upon the birth of their child or commencement of placement for adoption.

PARENTAL BEREAVEMENT LEAVE POLICY

ABOUT THIS POLICY

This policy sets out the arrangements for parental bereavement leave, which is a type of compassionate leave intended to help employees deal with the death of a child or a stillbirth after at least 24 weeks of pregnancy.

ENTITLEMENT TO PARENTAL BEREAVEMENT LEAVE

Employees may be entitled to parental bereavement leave if their child or a child in their care has died or been stillborn after 24 weeks of pregnancy.

Parental bereavement leave can be one week, two consecutive weeks, or two separate weeks. It can be taken at any time during the first 56 weeks after the child's death.

Further compassionate leave may be available under the Council's Compassionate Leave Policy at its discretion. Employees should speak to their Manager if they require further time off in addition to parental bereavement leave.

PARENTAL BEREAVEMENT PAY

Employees may qualify for statutory parental bereavement pay (SPBP) during parental bereavement leave if:

- they have at least 26 weeks' continuous employment ending on the Saturday before the child died; and
- they earn at least the lower earnings limit for class 1 national insurance contributions.

SPBP is only payable in respect of whole weeks of leave, at the same rate as statutory paternity pay. The rate is set by the government each tax year.

LEAVE IN THE FIRST EIGHT WEEKS

In the first eight weeks after a child has died, there is no need to give advance notice to take parental bereavement leave. Employees should notify their Manager as soon as they can on the day they want their leave to start, preferably before the time they would normally start work, where possible. Someone can do this on the employee's behalf if necessary.

If an employee has already started work, then their parental bereavement leave period will start on the following day.

The Council would usually allow the employee to take the rest of the day off as compassionate leave.

Employees can cancel any planned parental bereavement leave in the first eight weeks by telling their Manager at any time before the leave starts, and no later than the time they would normally start work on the first day of the leave period.

An employee cannot cancel leave once it has started.

TAKING LEAVE WITH OTHER TYPES OF STATUTORY LEAVE

If an employee is taking another type of statutory leave (for example, maternity leave or paternity leave) when the child dies or stillbirth happens, parental bereavement leave must start after the other leave has ended but does not have to be taken immediately after. This includes if the statutory leave is for another child.

If the employee's parental bereavement leave is interrupted by the start of another type of statutory leave, the employee can take their remaining entitlement to parental bereavement leave after that other leave has ended.

The remaining parental bereavement leave must still be taken within 56 weeks of the date of death or stillbirth.

Employees can take parental bereavement leave between blocks of shared parental leave that they booked before the child died. This includes if the shared parental leave is for another child.

LEAVE AFTER MORE THAN EIGHT WEEKS

To take parental bereavement leave more than eight weeks after the child has died, employees should give their Manager at least a week's written notice.

Parental bereavement leave can be cancelled with a week's written notice, and can be re-booked by giving a week's written notice.

WRITTEN CONFIRMATION

The Council will ask the employee to confirm the following information in writing within 28 days of starting any period of parental bereavement leave:

- employee name;
- the date the child died or was stillborn;
- the dates of paid or unpaid parental bereavement leave taken; and
- employee's relationship to the child.

FLEXIBLE WORKING POLICY

All employees have the right to apply to work flexibly.

PURPOSE OF A REQUEST

A flexible working request under this policy means a request to do any or all of the following:

- to reduce or vary working hours;
- to reduce or vary the days or times of work;
- to work from a different location (for example, from home).

Employees do not have an automatic right to work flexibly as there may be circumstances where it is not feasible to accommodate their desired work pattern. However, provided the Council procedure is followed, the Council will give any such request serious consideration and, where possible, accommodate such a request or try to find a work pattern that is acceptable to both the employee and the Council.

The Council will deal with flexible working requests in a reasonable manner and within a reasonable time. In any event, the time between making a request and notifying the employee of a final decision will be within two months, unless the Council has agreed a longer period with the employee.

ELIGIBILITY

Employees have the right to request flexible working from their first day of employment. In order to make a request under this policy the employee must not have made more than one other application to work flexibly during the previous 12 months.

PROCEDURE

A considered application for flexible working should be made in writing to the employee's Manager. Before doing so the employee should be aware that they are only able to make two applications a year, and an accepted application may mean a permanent change to their terms and conditions of employment.

Therefore, before making an application the employee should give careful consideration to which working pattern will suit them; any financial implications, i.e. where the desired working pattern will involve a drop-in salary; and any effects these changes will have on the Council and how these might be accommodated.

The employee's written request must include the following:

- the date of the request;
- the working pattern they are seeking;
- when they would wish any changes to become effective; and
- that they are making a statutory application, whether they have ever made a previous application and the date of that application.

Once the employee's written request has been received, their Manager may arrange to meet with the employee if the request cannot be initially agreed. This will provide an opportunity to explore the desired work pattern in depth and discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired pattern outlined in their application. If the employee so wishes, they are entitled to bring a companion to the meeting. Their companion should be a work colleague or, an accredited trade union representative.

Following the meeting, the employee's Manager will write to them to either agree to a new work pattern and confirm the date that this will take effect; or provide clear business reasons as to why the application cannot be accepted. Very

occasionally, the Council will state that it wants to make further investigations or hold further meetings before notifying the employee of the final decision. The Council may also seek to agree a trial period of flexible working arrangements with the employee before a final decision is made.

If the application is accepted, the details of the new working pattern and the date in which the changes will take effect should be set out in writing and sent to the employee.

The grounds for rejecting an application are limited to the following:

- inability to rearrange work amongst existing employees;
- burden of additional costs;
- detrimental effect on the ability to meet Constituent demand;
- inability to recruit additional employees;
- detrimental impact on quality or performance;
- insufficiency of work when the employee proposes to work;
- planned structural changes.

APPEAL

If the employee's application is refused, employees have the right to appeal against any decision within 7 days of being notified, if they think their application was not handed reasonably, or if there is new information that was not available at the time of the original decision. The Council will endeavour to conclude the entire process within a two month timeframe. If this is not possible, extended timeframes may be mutually agreed.

INFORMATION TECHNOLOGY (“IT”) POLICY

ABOUT THIS POLICY

The Council’s IT and communications systems are intended to promote effective communication and working practices. This policy outlines the standards employees must observe when using these systems, when the Council will monitor their use, and the action the Council will take if an employee breaches these standards.

Breach of this policy may be dealt with under the Council’s Disciplinary Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

EQUIPMENT SECURITY AND PASSWORDS

The employee is responsible for the security of the equipment allocated to or used by them, and they must not allow it to be used by anyone other than in accordance with this policy. They should use passwords on all IT equipment, particularly items that they take out of the office. The employee should keep their passwords confidential and change them regularly.

The employee must only log on to the Council’s systems using their own username and password. They must not use another person’s username and password or allow anyone else to log on using their username and password.

If the employee is away from their desk, they should log out or lock their computer. They must log out and shut down their computer at the end of each working day.

SYSTEMS AND DATA SECURITY

The employee should not delete, destroy, or modify existing systems, programs, information or data (except as authorised in the proper performance of their duties).

The employee must not download or install software from external sources without authorisation from a Director.

Downloading unauthorised software may interfere with the Council systems and may introduce viruses or other malware.

The employee must not attach any device or equipment including mobile phones, tablet computers or USB storage devices to the Council’s systems without authorisation from a Director.

The Council monitors all e-mails passing through its system for viruses. The employee should exercise particular caution when opening unsolicited e-mails from unknown sources. If an e-mail looks suspicious the employee should not reply to it, open any attachments, or click any links in it.

Employees must inform a Director immediately if they suspect that their computer may have a virus.

E-MAIL

Every employee should adopt a professional tone and observe appropriate etiquette when communicating with third parties by Council e-mail.

Remember that e-mails can be used in legal proceedings and that even deleted e-mails may remain on the system and be capable of being retrieved.

The employee must not send abusive, obscene, discriminatory, racist, harassing, derogatory, defamatory, pornographic or otherwise inappropriate e-mails.

The employee should not:

- send or forward private e-mails at work which they would not want a third party to read;

- send or forward chain mail, junk mail, cartoons, jokes or gossip;
- contribute to system congestion by sending trivial messages or unnecessarily copying or forwarding e-mails to others who do not have a real need to receive them; or
- send messages from another person's e-mail address (unless authorised) or under an assumed name.

Employees must not use their own personal e-mail account to send or receive e-mail for the purposes of the Council's business. Employees should only use the e-mail account the Council has provided for them.

The Council do not permit access to web-based personal e-mail such as Gmail or Hotmail on its computer systems at any time due to additional security risks.

USING THE INTERNET

Internet access is provided primarily for business purposes. Occasional personal use may be permitted.

The employee should not access any web page or download any image or other file from the internet which could be regarded as illegal, offensive, in bad taste or immoral. Even web content that is legal in the UK may be in sufficient bad taste to fall within this prohibition. As a general rule, if any person (whether intended to view the page or not) might be offended by the contents of a page, or if the fact that the Council's software has accessed the page or file might be a source of embarrassment if made public, then viewing it will be a breach of this policy.

The Council may block or restrict access to some websites at its discretion.

PERSONAL USE OF THE COUNCIL'S SYSTEMS

The Council permits the occasional reasonable use of the Council's systems to send personal e-mail, browse the internet and make personal telephone calls subject to certain conditions. Personal use is a privilege and not a right. It must not be overused or abused. The Council may withdraw permission for it at any time or restrict access at the Council's discretion.

Personal use must meet the following conditions:

- it must be minimal and take place substantially outside of normal working hours (that is, during the employee's lunch break, and before or after work);
- personal e-mails should be labelled "personal" in the subject header;
- it must not affect the employee's work or interfere with the business;
- it must not commit the Council to any marginal costs; and
- it must comply with the Council's policies including the Equal Opportunities Policy, Bullying and Harassment Policy, Data Protection Policy and Disciplinary Procedure.

COUNCIL MOBILE TELEPHONES

Employees may be issued with a mobile telephone which will be used strictly for work related purposes and will not be used for personal calls, downloads and applications etc.

Any such misuse may result in disciplinary action. Employees using Council mobiles should be mindful of the costs of making calls and hours therefor only make calls and spend sufficient time to cover essential business needs. Extended conversation unrelated to the Council business will be treated as a breach of this protocol and an abuse of Council resources.

When the employee leaves the Council's employment, the employee must return the mobile telephone straight away in the same condition as when supplied to the employee (considering fair wear and tear). If the mobile telephone is not returned at all or in reasonable and functioning condition, the Council will be entitled to recover the costs of repairing or replacing the mobile telephone with a new like for like replacement from the employee, and will be entitled to deduct that cost from the employee's wages or from other monies owed to the employee (including expenses).

MONITORING

The Council's IT systems enable the Council to monitor telephone, e-mail, voicemail, internet and other communications. For business reasons, and in order to carry out legal obligations in the Council's role as an employer, the employee's use of the Council's systems including the telephone and computer systems (including any personal use) may be monitored by automated software or otherwise.

The Council reserves the right to retrieve the contents of e-mail messages or check internet usage (including pages visited and searches made) as reasonably necessary in the interests of the business, including for the following purposes (this list is not exhaustive):

- to monitor whether the use of the e-mail system or the internet is legitimate and in accordance with this policy;
- to find lost messages or to retrieve messages lost due to computer failure;
- to assist in the investigation of alleged wrongdoing; or
- to comply with any legal obligation.

PROHIBITED USE OF COUNCIL SYSTEMS

Misuse or excessive personal use of the Council's telephone or e-mail system or inappropriate internet use will be dealt with under the Council's Disciplinary Procedure. Misuse of the internet can in some cases be a criminal offence.

Creating, viewing, accessing, transmitting or downloading any of the following material will usually amount to gross misconduct (this list is not exhaustive):

- pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature);
- offensive, obscene, or criminal material or material which is liable to cause embarrassment to the Council or to its' Constituents;
- a false and defamatory statement about any person or organisation;
- material which is discriminatory, offensive, derogatory or may cause embarrassment to others (including material which breaches the Council's Equal Opportunities Policy or the Council's Bullying and Harassment Policy);
- confidential information about the Council or any of the Council's employees or Constituents (except as authorised in the proper performance of the employee's duties);
- unauthorised software;
- any other statement which is likely to create any criminal or civil liability (for the employee or the Council); or
- music or video files or other material in breach of copyright.

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- unauthorised software;
- any other statement which is likely to create any criminal or civil liability (for the employee or the Council); or
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DATA PROTECTION POLICY

The Council is committed to working in accordance with the General Data Protection Regulation and with the highest standards of ethical conduct.

This policy outlines the behaviours and standards required of the Council, all employers, workers and third parties in relation to the collection, retention, transfer, disclosure, use and destruction of any personal data.

Information is kept and processed about individuals for legal purposes (such as for payroll), for administration purposes and for the purposes of day-to-day people-management. The Council does not intentionally keep records such as old addresses or expired disciplinary records. Only authorised individuals have access to individual data.

Employees should therefore be aware that the Council will hold on file, for example:

- details supplied on the application form and/or any accompanying CV;
- interview notes and references received;
- contracts and job descriptions;
- performance review forms and associated documents;
- copies of any direct correspondence with employees;
- disciplinary records and all file notes relating to the management of the employee;
- medical certificates, self-certificates, fit notes and medical questionnaires;
- accident reports;
- other information covering periods of absence, training records and any other material as is considered appropriate.

RETENTION OF DATA

The Council is committed to ensuring that subject data is kept for no longer than necessary and only kept as long as it is relevant and necessary for legitimate purposes. In terms of retention periods:

- data relating to candidates who have applied to work for the Council and been unsuccessful will be kept for a period of 12 months after the date they submitted their application, after which the information will be confidentially destroyed;
- data relating to employees/workers will be kept for a period of 6 years after they have left the Council, after which the information will be confidentially destroyed.

TRANSFER OF DATA

Subject data may be transferred to suppliers where necessary, but it will not be transferred out of the UK.

RECTIFYING/REMOVING DATA

Individuals have the right to ask the Council to rectify any information held about them which is inaccurate or incomplete. The Council is committed to responding within 1 month, unless the request is complex.

Individuals have the right to request that information is removed where:

- the personal data is no longer necessary for the purpose for which it was originally collected/processed;
- the individual withdraws consent (if consent was applicable);
- the individual objects to the processing and there is no overriding legitimate interest for continuing the processing;
- the personal data was unlawfully processed;
- the personal data must be erased in order to comply with a legal obligation.

There are some specific circumstances where the right to erasure does not apply e.g. where the data is kept for the defence of legal claims, and therefore in some circumstances it may not be possible to comply with the request for removal.

EMPLOYEE RECORDS AND PERSONAL INFORMATION

The Council maintains personnel files for its employees, and the Council will ensure these files are kept up-to-date and that the confidentiality of the files is protected. Information held includes data on personal details, job and performance orientated data, remuneration, education and training. To achieve a proper balance between the legitimate information needs of the Council and the proper handling of personal information, the Council has adopted four fundamental principles:

- to collect, use and retain only personal information which is required for Council or legal reasons;
- to limit the internal availability of personal information about employees to those with a business or legal need to know;
- to release personal information outside the Council only with employee approval, except to verify employment or to satisfy legitimate investigatory or legal needs;
- to provide employees with a means of ensuring their personal information is correct.

SUBJECT ACCESS REQUEST

Individuals have the right to access information stored about them. Employees can ask for access to their own personal details held electronically or held manually. Employees who wish to see their records should give notice in writing. The Council has up to 1 month to provide the information following the subject access request, which it will usually do in electronic format.

The Council reserves the right to charge a fee or refuse to respond to a request if it is manifestly unfounded or excessive. Similarly, the Council reserves the right to withhold personal data if disclosing it would adversely affect the rights and freedoms of others.

SOCIAL MEDIA POLICY

ABOUT THIS POLICY

This policy is in place to minimise the risks to the business through use of social media.

This policy deals with the use of all forms of social media, including Facebook, LinkedIn, Twitter, Google+, Wikipedia, Yammer, YouTube, Flickr, Whisper, Instagram, Tumblr and all other social networking sites, internet postings, online forums, groups or discussion boards and blogs, gaming sites, and podcasts. It applies to use of social media for business purposes as well as personal use that may affect the Council's business in any way.

PERSONAL USE OF SOCIAL MEDIA

Personal use of social media must occur outside working hours only and is never permitted during working hours (other than during authorised breaks). The Council's computers, networks and other IT resources and communications systems must not be used for personal social media activity.

PROHIBITED USE

When using social media in a personal capacity, the employee:

- must avoid making any social media communications that could damage the Council's business interests or reputation, even indirectly;
- must not use social media to defame or disparage the Council, the Council's employees or any third party; to harass, bully or unlawfully discriminate against employees or third parties; to make false or misleading statements; or to impersonate colleagues or third parties;
- must not express opinions on the Council's behalf via social media, unless expressly authorised to do so by their Manager. The employee may be required to undergo training in order to obtain such authorisation;
- must not post comments about sensitive business-related topics, such as the Council's performance, or do anything to jeopardise the Council's trade secrets, confidential information, and intellectual property. The employee must not include the Council's logos or other trademarks in any social media posting or in their profile on any social media;
- is not permitted to add business contacts made during the course of their employment to personal social networking accounts.

Any misuse of social media should be reported to a Director.

GUIDELINES FOR RESPONSIBLE USE OF SOCIAL MEDIA

The employee should make it clear in social media postings, or in their personal profile, that they are speaking on their own behalf. Write in the first person and use a personal e-mail address.

The employee should be respectful to others when making any statement on social media and be aware that they are personally responsible for all communications which will be published on the internet for anyone to see.

If the employee discloses their affiliation with the Council on their profile or in any social media postings, they must state that their views do not represent those of their employer.

The employee should also ensure that their profile and any content they post are consistent with the professional image they present to Constituents and colleagues.

If an employee is uncertain or concerned about the appropriateness of any statement or posting, they should refrain from posting it until they have discussed it with their Manager or a Director.

BREACH OF THIS POLICY

Breach of this policy may result in disciplinary action up to and including dismissal.

The employee may be required to remove any social media content that the Council considers constitutes a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action.

WHISTLEBLOWING POLICY

The Council at all times conducts its business with the highest standards of integrity and honesty and expects all its employees to maintain the same standards in everything they do. Employees are therefore encouraged to report any wrongdoing by the Council or their colleagues that falls short of these business principles.

The Public Interest Disclosure Act 1998 protects employees who report wrongdoing within the workplace and the purpose of this policy is to ensure that employees are able to tell the Council about any wrongdoing at work which they believe has occurred or is likely to occur.

The Council recognises that employees may not always feel comfortable about discussing their concerns internally, especially if they believe that the Council itself is responsible for the wrongdoing. The Council's aim is to ensure that employees are confident that they can raise any matters with the Council that concerns them in the knowledge that it will be taken seriously, treated as confidential and that no retaliatory action will be taken against them. If the concern is in relation to a breach of the Code of Conduct by a Councillor, this should be raised with the Monitoring Officer of Calderdale Metropolitan Borough Council.

The Council is committed under the procedure to investigate all reported matters and to keep the person who made the disclosure informed of the progress and results of the investigation and any action taken (subject to the Council's obligations of confidentiality to its other employees and workers).

The procedure below has been established to assist employees to report their suspicions without fear of reprisals of any sort. Employees are therefore encouraged to use this procedure if they have any concerns at all about wrongdoing at work that fall outside of the Code of Conduct. In addition to any breach of Council's rules, the following are examples of what is meant by 'wrongdoing' for the purposes of the procedure:

- a criminal offence has been committed, it is being committed or is likely to be committed;
- a person has failed, is failing or likely to fail to comply with any legal obligation to which he or she is subject;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health or safety of any individual has been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged;
- information tending to show any matter falling within any one of the above has been, is being or is likely to be concealed.

In addition, the Council encourages employees to report any concerns they may have regarding suspected or actual attempts to bribe or provide backhanders.

REPORTING PROCEDURE

If an employee believes that any breach of the Council's rules or other malpractice may have taken place, or is likely to occur in the future, they are encouraged to report their suspicions to their Manager so that the matter may be investigated and appropriate action taken.

If the employee's concerns relate to their Manager, the employee should report the matter to a higher Manager.

When the complaint has been investigated, they will tell the employee the result of the investigation and what, if any, action has been taken.

If on conclusion of this matter the employee reasonably believes that the appropriate action has not been taken, they can report the matter to the relevant body. This includes:

- HM Revenue & Customs;
- the Health and Safety Executive;
- the Environment Agency;

- the Serious Fraud Office;
- the Company Commission;
- the Pensions Regulator;
- the Information Commissioner;
- the Financial Conduct Authority.

IMPLEMENTATION OF THE POLICY

Employees have a duty to report known breaches of the Council's rules or illegal practices and failure to do so may result in disciplinary action being taken and could be considered to be an act of gross misconduct.

The Council undertakes that no employee who makes a genuine report under this procedure will be subjected to any detriment as a result. In the event that the employee believes that they are being subjected to a detriment by any person within the Council as a result of their decision to invoke the procedure they must inform their Manager immediately and appropriate action will be taken to protect the employee from reprisals.

If it should become clear that the procedure has not been invoked in good faith, for example for malicious reasons or to pursue a personal grudge against another colleague or the Council, this will constitute an act of misconduct and in some circumstances, depending on the severity of the situation, gross misconduct, and will be dealt with in accordance with the Council's Disciplinary Procedure.

DISCIPLINARY RULES AND PROCEDURE

DISCIPLINARY RULES

These Disciplinary Rules should be read in conjunction with the Council's Disciplinary Procedure. The purpose of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected of all employees and to provide a framework within which Managers can work with employees to maintain those standards and encourage improvement where necessary. Any disciplinary matter will be dealt with fairly and in accordance with the Disciplinary Procedure.

These rules do not form part of the employee's contract of employment and the Council may amend them at any time.

RULES OF CONDUCT

While working for the Council the employee should at all times maintain professional and responsible standards of conduct. In particular, the employee should:

- observe the terms and conditions of their contract, particularly with regard to:
 - hours of work;
 - confidentiality;
 - information security;
 - data protection.
- observe all the Council's policies, procedures, rules and regulations, whether included in the Employee Handbook or notified to them from time to time by means of notice boards, e-mail, the intranet or otherwise;
- take reasonable care in respect of the health and safety of colleagues and third parties and comply with the Council's Health and Safety Policy;
- comply with all reasonable instructions given by Managers; and
- act at all times in good faith and in the best interests of the Council's business, Constituents and employees.

Failure to maintain satisfactory standards of conduct may result in action being taken under the Council's Disciplinary Procedure.

MISCONDUCT

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under the Council's Disciplinary Procedure:

- minor breaches of the Council's policies;
- minor breaches of the employee's contract;
- damage to, or unauthorised use of, the Council's property;
- poor attendance or time keeping;
- time-wasting, including but not limited to when working from home or as part of a hybrid working arrangement;
- unauthorised absence from work;
- failure or refusal to follow instructions;
- excessive use of the Council's telephones or other information and communication systems for personal calls and messages;
- excessive personal e-mail or internet usage;
- rude or unprofessional behaviour or use of bad language;
- negligence in the performance of the employee's duties;
- failure to comply with any reasonable instructions or measures that the Council implement in response to an emergency or other critical situation.

This list is intended as a guide and is not exhaustive.

GROSS MISCONDUCT

Gross misconduct is a serious breach of contract and includes acts of misconduct which, in the opinion of the Council, is either likely to materially prejudice the Council's business or reputation, or irreparably damage the working relationship and trust between the Council and the employee. This may include misconduct committed outside of work. Gross misconduct will be dealt with under the Council's Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

- theft or unauthorised removal of the Council's property or the property of a colleague, contractor, Constituent or member of the public;
- fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets;
- physical violence or bullying, threatened violence, or behaviour which provokes violence, and bullying;
- deliberate and/or serious damage to property;
- serious misuse of the Council's property or name;
- deliberately accessing internet sites containing pornographic, offensive or obscene material;
- repeated or serious failure to obey instructions, or any other serious act of insubordination;
- unlawful discrimination, harassment or victimisation;
- bringing the organisation into serious disrepute;
- being under the influence of alcohol, illegal drugs or other substances during working hours;
- causing loss, damage or injury through serious negligence;
- serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- unauthorised use or disclosure of confidential information or failure to ensure that confidential information in their possession is kept secure;
- accepting or offering a bribe or other secret payment;
- conviction for a criminal offence that in the Council's opinion may seriously affect the Council's reputation or the Council's relationships with the Council's employees, Constituents or the public, or otherwise affects the employee's suitability to continue to work for the Council;
- possession, use, supply or attempted supply of illegal drugs at work;
- serious neglect of duties, or a serious or deliberate breach of the employee's contract or the Council's procedures;
- unauthorised use, processing or disclosure of personal data contrary to the Council's Data Protection Policy;
- harassment or victimisation of, or discrimination against, employees, workers, contractors, Constituents or members of the public, related to sex, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age contrary to the Council's Equal Opportunities Policy or the Council's Bullying and Harassment Policy;
- giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- dishonestly giving false information regarding COVID-19 or other required vaccination or exemption status;
- repeatedly or seriously failing to comply with any reasonable instructions or measures that the Council implement in response to an emergency or other critical situation;
- knowingly taking parental, shared parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- making a disclosure of false or misleading information under the Council's Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith or making untrue allegations in bad faith against a colleague;
- serious misuse of the Council's information technology systems;
- undertaking unauthorised paid or unpaid work during the employee's working hours with the Council.

This list is intended as a guide and is not exhaustive.

DISCIPLINARY PROCEDURE

ABOUT THIS PROCEDURE

The purpose of this Disciplinary Procedure is to provide a framework within which Managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

This procedure does not form part of the employee's contract of employment and the Council may amend it at any time.

MINOR CONDUCT ISSUES

Minor conduct issues can often be resolved by way of informal discussions between employees and their line Manager. These discussions should be held in private and without undue delay whenever there is cause for concern. In some cases an informal verbal warning may be given. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

If an employee has any difficulty at any stage of the procedure because of a disability, this should be raised and discussed with their Manager as soon as possible.

CONFIDENTIALITY

The Council's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

The employee, and anyone accompanying the employee (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

INVESTIGATIONS

The purpose of an investigation is for the Council to establish a fair and balanced view of the facts relating to any disciplinary allegations before deciding whether to proceed with a disciplinary hearing. An Investigating Officer will usually be appointed to carry out the investigation, although this may not be deemed necessary in some cases. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee concerned and any witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. Employees do not normally have the right to bring a companion to an investigative interview. However, the Council may allow the employee to bring a companion at their discretions, particularly if it helps them to overcome the impact of any disability, or any difficulty in understanding English.

Employees are required to co-operate fully and promptly in any investigation including attending investigative interviews if required.

CRIMINAL ALLEGATIONS

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Council consider that it is relevant to the employee's employment.

Where the employee's conduct is the subject of a criminal investigation, charge or conviction the Council will investigate the facts before deciding whether to take formal disciplinary action.

The Council will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the employee is unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Council may have to take a decision based on the available evidence.

SUSPENSION

In some circumstances the Council may need to suspend the employee from work. The suspension will be on full pay and will be for no longer than is necessary to investigate any allegations of misconduct against the employee or so long as is otherwise reasonable while any Disciplinary Procedure against the employee is outstanding. The Council will confirm the arrangements to the employee in writing. While suspended the employee should not visit the Council's premises or contact any of its Constituents, suppliers, contractors or colleagues, unless the employee has been authorised to do so by the Council.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.

NOTIFICATION OF A HEARING

Following any investigation, if the Council considers that there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. The Council will inform the employee in writing of the allegations against the employee, the basis for those allegations, and what the likely range of consequences will be if the Council decide after the hearing that the allegations are true.

The Council will also include the following where appropriate:

- a summary of relevant information gathered during the investigation;
- a copy of any relevant documents which will be used at the disciplinary hearing; and
- a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Council will give the employee as much information as possible while maintaining witness anonymity.

The Council will give the employee written notice of the date, time and place of the disciplinary hearing.

The hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time to prepare for the hearing and respond based on the information the Council has given the employee.

THE RIGHT TO BE ACCOMPANIED

The employee may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. The employee must tell the Council who the employee's chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If the employee's chosen companion is unavailable at the time a disciplinary hearing is scheduled and will not be available for more than five working days afterwards, the Council may ask the employee to choose someone else.

The Council may, at its discretion, allow the employee to bring a companion who is not a colleague or union representative (for example, a member of the employee's family) if this will help overcome a disability, or if the employee has difficulty understanding English.

PROCEDURE AT DISCIPLINARY HEARINGS

If the employee or the employee`s companion cannot attend the hearing, the employee should inform the Council immediately and the Council will arrange an alternative time. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself.

If the employee fails to attend without good reason, or is persistently unable to do so (for example for health reasons), the Council may have to take a disciplinary decision based on the available evidence including any written representations the employee has made.

The hearing will be conducted by a Disciplinary Committee (“Committee”) of three Councillors. The Committee will appoint a Disciplinary Chair from one of its members. The investigator will not sit on the Committee.

At the disciplinary hearing the Committee will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own. The employee`s companion may make representations to the Committee and ask questions, but should not answer questions on the employee`s behalf. The employee may confer privately with the employee`s companion at any time during the hearing.

The employee may ask that relevant witnesses to appear at the hearing, but the Committee may decline to require any witness to be present at the hearing depending on the circumstances and the nature of their evidence. The employee will in all cases be given the opportunity to respond to any information given by a witness. However, the employee will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Committee decides that a fair hearing could not be held otherwise.

The Committee may adjourn the disciplinary hearing if it is deemed that further investigations are necessary, such as re-interviewing witnesses in the light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider and respond to any new information obtained before the hearing is reconvened.

The Disciplinary Chair will inform the employee in writing of the disciplinary decision and the reasons for it usually within one week of the completion of the disciplinary hearing.

DISCIPLINARY PENALTIES

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. The Council aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

The employee will not normally be dismissed for a first act of misconduct, unless the Council decides it amounts to gross misconduct or the employee has not yet completed the employee`s probationary period.

Stage 1 - First written warning. A first written warning will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee`s disciplinary record.

Stage 2 - Final written warning. A final written warning will usually be appropriate for:

- misconduct where there is already an active written warning on the employee`s record; or
- misconduct that the Council considers sufficiently serious to warrant a final written warning even though there are no other active warnings on the employee`s record.

Stage 3 - Dismissal. Dismissal will usually only be appropriate for:

- any misconduct during the employee`s probationary period;
- further misconduct where there is an active final written warning on the employee`s record; or
- any gross misconduct regardless of whether there are active warnings on the employee`s record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal).

Alternatives to Dismissal. In some cases the Council may at its discretion consider alternatives to dismissal. Examples include:

- demotion;
- transfer to another department or job;
- a period of suspension without pay;
- loss of seniority;
- reduction in pay;
- loss of future pay increment or bonus or overtime.

THE EFFECT OF A WARNING

Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months (but may be longer at the Council's discretion in appropriate cases). The employee's conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently the Council may decide to extend the active period.

APPEALS

If the employee feels that any disciplinary action taken against the employee is wrong or unjust the employee may appeal in writing, stating the employee's full grounds of appeal, within one working week of the date on which the employee was informed of the disciplinary decision. The appeal will usually be conducted by a Disciplinary Appeal Committee ("the Appeal Committee"), made up of Councillors who have not already been involved in either the investigation or disciplinary hearing, and one member of the Appeal Committee will be appointed as the Appeal Chair. Where this is not possible, other suitable arrangements will be put in place.

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the employee's appeal is successful the employee will be reinstated with no loss of continuity of service or pay.

If the employee raises any new matters in the employee's appeal, the Council may need to carry out further investigation. If any new information comes to light the Appeal Committee will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing, and the employee or the employee's companion may comment on any new evidence arising during the appeal before any decision is taken.

The Council will give the employee written notice of the date, time and place of the appeal hearing which will be within a reasonable timescale taking into account the grounds of appeal. The employee has the right to bring a colleague or trade union representative to the appeal Hearing.

The appeal hearing will usually be by way of a review by the Appeal Committee of the fairness of the original decision in the light of the procedure that was followed by, and the evidence/information available to, the Disciplinary Committee and taking account of any new information that may have come to light. The Appeal Committee may in appropriate limited circumstances decide that the appeal will be by way of a complete re-hearing of the matter. This will be at the Council's discretion depending on the circumstances of the employee's case.

The Appeal Committee may adjourn the appeal hearing if they feel there is a need to carry out any further investigations in the light of any new points the employee has raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the appeal hearing is reconvened.

Following the appeal hearing the Appeal Committee may: confirm the original decision; revoke the original decision; or substitute a different penalty.

The Appeal Chair will inform the employee in writing of the final appeal decision as soon as possible, usually within one working week of the appeal hearing. The Appeal Chair may also explain this to the employee in person. There will be no further right of appeal.

GRIEVANCE PROCEDURE

ABOUT THIS PROCEDURE

If an employee has a concern or complaint about anything relating to their work, they are entitled to raise this as a grievance in the expectation that the Council will listen, properly consider the employee's grievance, and seek to resolve matters quickly and fairly.

Many grievances can be resolved informally through discussion between the employee and their Manager, and this informal approach is encouraged wherever possible. If this does not resolve the problem, or if the employee would prefer not to use an informal approach, they can initiate the formal procedure set out below.

If the complaint is a 'code of conduct' complaint about a Councillor, and cannot be resolved informally, then the employee should contact the Monitoring Officer of Calderdale Metropolitan Borough Council who will advise if the complaint can be dealt with under the Code of Conduct. If the employee is advised that their complaint does not fall under the Code of Conduct process, it can then be addressed by the formal grievance process.

THE FORMAL PROCESS

STEP 1: WRITTEN GRIEVANCE

The employee should put their grievance in writing and submit it to the Chair of the Employment Committee..

The written grievance should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that the Council can investigate it. The Council may need to ask the employee for further details during the initial stage of the formal process to enable full investigations to take place. Depending on the complexity or nature of the grievance, the Council may appoint an investigator to establish the facts of the matter raised.

STEP 2: MEETING

Once the Council has carried out any necessary investigations, a grievance meeting will be arranged with the employee as soon as practicable. The Employment Committee will appoint a committee of three members to hear the grievance (the "Grievance Committee") and they will appoint a chair (the "Grievance Committee Chair") from one of those members. No Councillor with direct involvement in the matter shall be appointed to this committee.

The purpose of the meeting will be to discuss the employee's grievance further with them and share any information that has been obtained from the investigations. The employee may bring a companion to the grievance meeting if they make a reasonable request in advance and tell the Grievance Committee the name of their chosen companion. The companion may be either a trade union representative or a colleague, who will be allowed reasonable paid time off from duties to act as their companion.

If the employee or their companion cannot attend at the time specified they should let the Grievance Committee know as soon as possible and the Grievance Committee will try, within reason, to agree an alternative time.

The Grievance Committee may be able to make a decision about the employee's grievance at the grievance meeting. However, it may be necessary to adjourn the meeting if the Investigating Officer needs to carry out further investigations, or to give them time for further consideration of any issues that have arisen, after which the meeting will usually be reconvened.

The Grievance Committee Chair will write to the employee, usually within one working week of the last grievance meeting (although this timeframe can vary dependant on circumstances), to confirm their decision and notify the employee of any further action that the Council intends to take to resolve the grievance.

STEP 3: APPEALS

If the grievance has not been resolved to the employee's satisfaction they may appeal in writing, stating their full grounds of appeal, within one working week of the date on which the grievance decision was sent or given to the employee. The employee will be advised where to submit an appeal when they are given the outcome decision at the grievance hearing stage.

An appeal meeting will be held as soon as practicable and normally within two weeks of receiving the appeal. This will be dealt with by a further committee (the "Grievance Appeal Committee"), made up of Councillors who have not already been involved in either the investigation or grievance hearing, and one member will be appointed as the chair (the "Grievance Appeal Chair"). The employee will have a right to bring a companion.

The Grievance Appeal Chair will confirm its final decision in writing, usually within one working week of the appeal hearing. There is no further right of appeal.

PERFORMANCE AND CAPABILITY PROCEDURE

ABOUT THIS PROCEDURE

The primary aim of this procedure is to provide a framework within which Managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary.

Employees are strongly encouraged to discuss their job performance and goals on an informal, day to day basis with their Manager, including raising any training and development needs. Formal performance reviews (appraisals) are conducted to provide both the employee and their Manager the opportunity to discuss positive, purposeful approaches for meeting goals.

Where there are concerns that an employee is not meeting the expected standards of performance it is the Council's policy to ensure that concerns are dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond at a hearing before any formal action is taken.

This procedure applies to all employees regardless of length of service. However, the Council may depart from this procedure where appropriate (including but not limited to during an employee's probationary period).

APPRAISALS

The purpose of an appraisal scheme is to provide an opportunity for an employee, along with a member of the Employment Committee, to discuss performance against set objectives and examine personal development within the organisation.

This appraisal system will, in the first instance, be an online exercise although a meeting will be arranged between the Clerk and Chairman or Chairman of the Employment Committee if the need arises.

During the appraisal process, employees will complete the appraisal form, reviewing objectives from the past year, and self evaluating performance throughout this period. It is also an opportunity to highlight achievements from the year and raise any concerns or areas that the employee would like further support or development with. Objectives for the next 12 months will also be proposed and agreed.

IDENTIFYING PERFORMANCE ISSUES

In the first instance, performance issues should normally be dealt with informally between the employee and their Manager as part of day-to-day management. Where appropriate, a note of any such informal discussions may be placed on the employee's personnel file.

Informal discussions may help:

- clarify the required standards;
- identify areas of concern;
- establish the likely causes of poor performance and identify any training needs; and/or
- set targets for improvement and a timescale for review.

The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement. Employees will not normally be dismissed for performance reasons without previous warnings. However, in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

If the Council has concerns about the employee's performance which it wishes to address under the formal capability procedure, the Council will first undertake an assessment to decide if there are grounds for taking formal action under this procedure. This may involve reviewing the employee's personnel file including any appraisal records, gathering any

relevant documents, monitoring their work and, if appropriate, interviewing the employee and/or other individuals confidentially regarding their work.

DISABILITIES

Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing their duties or providing additional equipment or training. The Council may also consider making adjustments to this procedure in appropriate cases. If the employee wishes to discuss this or inform the Council of any medical condition they consider relevant, they should contact their Manager.

CONFIDENTIALITY

The Council's aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this capability procedure.

The employee, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

NOTIFICATION OF A CAPABILITY HEARING

If the Council considers that there are grounds for taking formal action over alleged poor performance, the employee will be required to attend a Stage 1 Capability Hearing. The Council will notify the employee in writing of its concerns over their performance, the reasons for those concerns, and the likely outcome if the Council decide after the hearing that their performance has been unsatisfactory. The Council will also include the following where appropriate:

- a summary of relevant information gathered as part of any investigation.
- a copy of any relevant documents which will be used at the Capability Hearing.
- a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Council will give the employee as much information as possible while maintaining confidentiality.

The Council will give the employee written notice of the date, time and place of the Capability Hearing. The hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time to prepare their case based on the information the Council have given them.

RIGHT TO BE ACCOMPANIED AT HEARINGS

The employee may bring a companion to any Capability Hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. The employee must tell the Manager conducting the hearing who their chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If the employee's companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days, the Council may require the employee to choose someone else.

PROCEDURE AT CAPABILITY HEARINGS

If the employee or their companion cannot attend the hearing they should inform the Council immediately and an alternative time will usually be arranged. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. If the employee fails to attend without good reason, or are

persistently unable to do so (for example, for health reasons), the Council may have to take a decision based on the available evidence including any written representations they have made.

The hearing will normally be held by the employee's Manager or a more senior Manager. The employee may bring a companion with them to the hearing. The employee's companion may make representations, ask questions, and sum up their case, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the hearing.

The employee will be given the opportunity to respond to the information relating to their performance including any information given by a witness. However, they will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Council decides that a fair hearing could not be held otherwise.

The aims of a Capability Hearing will usually include:

- setting out the required standards that the Council believe the employee may have failed to meet, and going through any relevant evidence that has been gathered;
- allowing the employee to ask questions, present evidence, and respond to evidence and make representations;
- establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
- identifying whether there are further measures, such as additional training or supervision, which may improve performance;
- where appropriate, discussing targets for improvement and a timescale for review.

A hearing may be adjourned if the Council needs to gather any further information or give consideration to matters discussed at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

The Council will inform the employee in writing of the decision and reasons for it, usually within one working week of the Capability Hearing. Where possible the Council will also explain this information to the employee in person.

STAGE 1 CAPABILITY HEARING: IMPROVEMENT NOTICE

Following a Stage 1 Capability Hearing, if the Council decides that the employee's performance is unsatisfactory, it will give the employee an Improvement Notice, setting out:

- the areas in which they have not met the required performance standards;
- targets for improvement;
- any measures, such as additional training or supervision, which will be taken with a view to improving performance;
- a period for review;
- the consequences of failing to improve within the review period, or of further unsatisfactory performance.

The Improvement Notice will normally remain active for six months.

The employee's performance will be monitored during the review period, at the end of which the Council will write to inform the employee of the outcome:

- if their Manager is satisfied with their performance, no further action will be taken;
- if their Manager is not satisfied, the matter may be progressed to a Stage 2 Capability Hearing; or

if the Manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

The Council reserves the right to bring a Stage 1 review period to an end early and move to a Stage 2 process if it is considered that the employee's performance is failing to show any signs of improvement or is deteriorating to the extent that this is deemed appropriate.

STAGE 2 CAPABILITY HEARING: FINAL IMPROVEMENT NOTICE

If the employee's performance does not improve within the review period set out in an Improvement Notice, or if there is further evidence of poor performance while their Improvement Notice is still active, the Council may decide to hold a Stage 2 Capability Hearing. The Council will send the employee written notification as set out above.

Following a Stage 2 Capability Hearing, if the Council decides that the employee's performance is unsatisfactory, it will give them a Final Improvement Notice, setting out:

- the areas in which they have not met the required performance standards;
- targets for improvement;
- any measures, such as additional training or supervision, which will be taken with a view to improving performance;
- a period for review; and
- the consequences of failing to improve within the review period, or of further unsatisfactory performance.

A Final Improvement Notice will normally remain active for 12 months.

The employee's performance will be monitored during the review period and the Council will write to inform the employee of the outcome:

- if their Manager is satisfied with their performance, no further action will be taken;
- if their Manager is not satisfied, the matter may be progressed to a Stage 3 Capability Hearing; or
- if the Manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

The Council reserves the right to bring a Stage 2 review period to an end early and move to a Stage 3 process if it is considered that the employee performance is failing to show any signs of improvement or is deteriorating to the extent that this is deemed appropriate.

STAGE 3 HEARING: DISMISSAL

The Council may decide to hold a Stage 3 Capability Hearing if it has reason to believe:

- the employee's performance has not improved sufficiently within the review period set out in a Final Improvement Notice;
- the employee's performance is unsatisfactory while a Final Improvement Notice is still active; or
- the employee's performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.

The Council will send the employee written notification of the hearing.

Following the hearing, if the Council find that the employee's performance is unsatisfactory, it may terminate their employment on the grounds of poor performance. The Council may consider a range of other options short of dismissal including:

- redeploying the employee into another suitable job at the same or a lower grade;
- extending an active Final Improvement Notice and setting a further review period (in exceptional cases where the Council believes a substantial improvement is possible within the extended review period).

- issuing a Final Improvement Notice (where no Final Improvement Notice is currently active).

Dismissal will normally be with full notice or payment in lieu of notice, unless the employee's performance has been so negligent as to amount to gross misconduct, in which case the Council may dismiss the employee without notice or any pay in lieu.

APPEALS AGAINST ACTION FOR POOR PERFORMANCE

If the employee feels that a decision about poor performance at any stage under this procedure is wrong or unjust the employee should appeal in writing, stating their full grounds of appeal, to within one working week of the date on which they were informed in writing of the decision.

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if their appeal is successful the employee will be reinstated with no loss of continuity or pay.

If the employee raises any new matters in their appeal, the Council may need to carry out further investigation. If any new information comes to light the Council will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing.

The Council will give the employee written notice of the date, time and place of the appeal hearing.

The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the Council's discretion depending on the circumstances of the employee's case.

Where possible, the appeal hearing will be conducted by a more senior Manager who has not been previously involved in the case. The employee may bring a companion with them to the appeal hearing.

A hearing may be adjourned if the Council needs to gather any further information or consider matters discussed at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

- Following the appeal hearing the Council may:
- confirm the original decision;
- revoke the original decision; or
- substitute a different penalty.

The Council will inform the employee in writing of the Council's final decision as soon as possible, usually within one working week of the appeal hearing. Where possible the Council will also explain this to the employee in person. There will be no further right of appeal.

BULLYING AND HARASSMENT POLICY

This policy sets out the Council's approach to dealing with any form of bullying or harassment within the work environment. This policy applies to all employees and includes not only their usual work environment, but any work-related functions held out of working hours, such as Christmas parties, leaving drinks and so on.

The Council will not tolerate any acts of harassment or bullying. Harassment and bullying are unwanted behaviours that are offensive and cause serious emotional or physical harm to the recipient. They are humiliating behaviours which are completely unacceptable within the working environment.

HARASSMENT DEFINED

Harassment is defined as any unwanted conduct that intentionally or unintentionally violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive atmosphere.

Harassment can take many forms and can range from mild banter to actual physical violence. Whilst it is usually characterised by more than one incident of unacceptable behaviour, just one incident may constitute harassment if it is sufficiently serious.

BULLYING DEFINED

Bullying is usually defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

HARASSMENT AND BULLYING - SOME EXAMPLES

Employees must remember that everyone will differ in their interpretation of 'harassment' and 'bullying' and what may be acceptable to one person may not be acceptable to another. Harassment and bullying behaviours are defined by how the person feels and not by what the harasser/bully intended.

Harassment and bullying can cause significant stress, fear and anxiety for the recipients and can manifest itself in high absence levels, low morale, poor performance, high turnover and illness.

The following is a list of examples of bullying and harassment but is by no means exhaustive:

- physical abuse (pushing, shaking or blocking someone's way);
- shouting and swearing at an individual, making threats;
- personal insults and name-calling;
- spreading malicious rumours;
- punishments given for no apparent reason;
- persistent criticism and belittling individuals;
- excessive close supervision with unreasonable fault-finding or excessive workloads;
- setting unrealistic targets on purpose, setting people up to fail;
- removing responsibility and allocating menial tasks;
- freezing people out, ignoring them or failing to greet them;
- racial abuse;
- displays of sexually offensive material (e.g. pornography, sexual images);
- requests and insistence on sexual favours, actual sexual violence;
- threat of dismissal, loss of promotion for refusal of sexual favours;
- making sexual remarks about someone's body, clothing or appearance
- asking questions about someone's sex life
- telling sexually offensive jokes
- making sexual comments or jokes about someone's sexual orientation or gender reassignment

- touching someone against their will, for example hugging them
- unnecessary physical contact;
- insensitive jokes or pranks or lewd comments;
- deliberate exclusion from conversations or teamwork.

PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

Any employee who feels they have been harassed or bullied should report the matter either informally or formally to their Manager or another appropriate Manager. Subject to the outcome of that discussion, an investigation may then take place.

No employee should ever be made to feel that they have to put up with unacceptable behaviour from another employee, Manager or third party and every instance of harassment or bullying that is reported will be dealt with in confidence and in a wholly professional manner.

Allegations of harassment or bullying are very serious. Any employee who brings a complaint of harassment or bullying will not suffer any victimisation for having done so but, should their complaint prove to be untrue and made in bad faith, then disciplinary action may be taken.

Employees may find it helpful to make a note of what has happened, eg dates, times and names, including the names of any witnesses.

MINOR ACTS OF HARASSMENT OR BULLYING – INFORMAL APPROACH

If the employee feels able to deal with the issue themselves, they should approach the individual concerned and make it clear that their actions are not acceptable, and that if the behaviour does not stop, they will have to consider making a formal complaint. Alternatively, if the employee does not feel comfortable approaching the individual concerned alone, they could take a colleague with them, or explain their concerns in writing.

SERIOUS ACTS OF HARASSMENT OR BULLYING

If the informal approach has not been successful or if the harassment or bullying is sufficiently serious then the formal grievance procedure should be instigated by writing down the details of the bullying or harassment in the form of a complaint and handed to the employee's Manager.

It is the responsibility of the Manager to ensure that there is a formal investigation into all complaints of discrimination, victimisation or harassment.

HARASSMENT OR BULLYING BY A THIRD PARTY

If the bullying or harassment is by a third party, such as a Constituent or supplier, the employee may choose whether they wish to take the informal approach in the first instance, to see if a direct request to stop will resolve the problem. If this does not work, or if the employee does not feel comfortable speaking to the third party, then they should raise their concerns directly with their Manager, who will take every reasonable step to prevent it from happening again.

CONFIDENTIALITY

Please be aware that whilst confidentiality will be maintained as far as possible, in some circumstances the Council may have a duty of care to investigate and take action to resolve the problem, even in instances when the employee concerned would prefer that no action be taken.

In cases of sexual assault or rape at work, in some cases the employee's Manager may feel it is necessary to report it to the police, especially if there is an ongoing risk to the employee's safety or the safety of others. However, the employee

will be encouraged to report it themselves to the police in the first instance. Where the employee chooses not to report it themselves, and the Council reports it to the police, the employee will be informed before and after they do so.

REDUNDANCY POLICY

It is the Council's intention to manage its business in such a way so that redundancies wherever possible can be avoided. There are however some situations where the Council may have a reduced requirement for fewer employees to perform a particular kind of work for which they are employed. Whenever this situation occurs, it may be necessary for the Council to consult with affected individuals in the hope that by doing so, the need for redundancy can be minimised or avoided altogether.

This policy applies to all employees whether permanent or temporary and excludes agency staff, casual workers, contractors and external consultants.

Employees who are pregnant or who are on maternity leave, adoption leave, shared parental leave, paternity leave or parental leave may be afforded preferential treatment in accordance with legislation when their role is at risk of redundancy.

The policy will not apply when an employee resigns or employment ends for reasons other than redundancy.

DEFINITION OF REDUNDANCY

The Council notes definition for redundancy as being the situation in which an employee or employees have been dismissed wholly or mainly because:

- the employer has ceased, or intends to cease continuing the business, or
- the requirements for employees to perform work of a specific type has ceased or diminished. This may include the need to conduct the work at an alternative location.

CONSULTATION

Employees will be consulted on the business reasons for the proposed redundancy, the implications on them and proposed selection methods. It is also an opportunity for the employee to suggest ways the redundancy can be avoided, and to explore redeployment opportunities.

The Council will consult over the following time periods:

- a minimum of 45 days' consultation where 100 or more roles are to be made redundant at one establishment;
- a minimum of 30 days' consultation where 20 to 99 roles are to be made redundant at one establishment;
- as long as is reasonably necessary where fewer than 20 roles are affected at one establishment.

Affected employees who may be absent long term through sickness or maternity, adoption, shared parental, paternity or parental leave will be included in the consultation process.

COLLECTIVE CONSULTATION (20 OR MORE)

Where 20 or more redundancies are proposed at any one establishment over a period of 90 days, the Council is required to consult collectively with any recognised Trade Union or employee representatives.

The Council undertakes to consult in such a way:

- that its timing, method and content are appropriate;
- to provide any requests for additional information;
- with a view to reaching agreement on redeployment or redundancy;
- to provide a response to any alternative proposals received during consultation.

Following collective consultation, all employees who are at risk of redundancy will be informed as soon as reasonably

practicable.

INDIVIDUAL CONSULTATION

Individual formal consultation will be tailored to reflect the employee's specific circumstances and will typically include at least two meetings. Throughout the process, Managers will ensure their employees understand the process and will offer help and support where it is needed.

During the individual formal consultation meetings, employees shall be provided with the following:

- redundancy pay illustration;
- copy of consultation notes;
- information relating to any vacancies, where applicable;
- selection criteria, where applicable;
- support materials such as frequently asked question, where applicable.

SELECTION

Where there is a requirement for selection criteria, the criteria may be discussed and agreed during collective consultation and will be based on factual and objective information that can be gathered, such as:

- relevant skills and competencies;
- job performance;
- breadth and depth of experience;
- qualification;
- attendance record/timekeeping;
- disciplinary record.

Should employees score the same points, further criteria will be added and will be based on the role and requirements.

To ensure accuracy, objectivity and consistency, where possible the selection process will be carried out by two assessors. Collectively they will have a good knowledge of the employees being evaluated and the work they perform.

Employees in the selection pool will be assigned a score after being measured against the agreed selection criteria, which may determine whether or not they meet the requirement and who has been selected for redundancy.

SUITABLE ALTERNATIVE EMPLOYMENT

Suitable alternative employment is employment where it is considered an employee has the appropriate skills, knowledge and experience to undertake the role successfully with immediate effect or could gain such skills in a short period of time. Suitable alternative employment only applies where the level/overall terms and conditions are on the whole comparable to the employee's current role.

Where employees accept the offer of suitable alternative employment within the Council, they will be entitled to a trial period of four weeks. The purpose of the trial period will be to determine mutual suitability of the person to the role. In the event that either the employee or the Council determine that the role is not suitable, the employee will leave the Council on redundancy terms no less favourable than those provided prior to the commencement of the trial period. Employees are required to notify the Council in advance of the end of the trial period if they feel the role is not suitable.

If during the trial period the employee is dismissed for a reason other than redundancy, the employee will lose their entitlement to redundancy.

Following the completion of the four-week trial period, if the employee remains within the new role, the employee will have no future claim for redundancy compensation in respect of their previous role.

If an employee's role is selected for redundancy when they take maternity leave, adoption leave, or at least six continuous weeks of shared parental leave, they have the right to be offered a suitable alternative role (where one is available). This applies if other colleagues are more suitable for the role.

This right is applicable from the date the baby is born or adopted and continues after the employee returns to work from maternity or adoption leave, for 18 months in total. For example, if the employee returns to work from maternity leave 12 months after the birth of their child, the right to be offered a suitable alternative role, will be the same right for six months after returning.

If an employee returns to work after taking less than six continuous weeks of shared parental leave, they only have the right to be offered a suitable alternative role, up until they return to work.

Any employee who secures alternative employment will take on the terms and conditions appropriate for that role with immediate effect.

NOTICE OF REDUNDANCY

Employees who are served notice of redundancy will receive formal written notification confirming their redundancy detailing:

- the date of termination of employment;
- details of the redundancy pay to be issued on termination of employment;
- advice as to whether or not notice is to be worked or a payment in lieu is to be made and any other elements that will be included e.g. outstanding accrued holiday pay;
- right of appeal and who to appeal to.

There may be instances where a long timeline is required in between the final consultation meeting to the actual redundancy termination date. This would mean that the employee's notice period will count back from their given termination date and this will be when their official notice period begins.

REDUNDANCY PAY

Redundancy pay is calculated by reference to the employee's average weekly earnings subject to the statutory redundancy cap set by the Government each year, the completion of 2 years' continuous years' service and their age.

Further details around calculating statutory redundancy pay can be found at <https://www.gov.uk/calculate-your-redundancy-pay>

APPEAL

Any employee who has been dismissed on the grounds of redundancy has the right to appeal the decision. Any appeal needs to be submitted in writing within one working week of the notice of redundancy being issued.

The employee will be invited to attend an appeal meeting at which they may be accompanied by a fellow work colleague or accredited trade union representative of their choice. An appropriate Manager will be appointed to hear the appeal, where possible within 10 working days following receipt of the appeal. However, in exceptional circumstances this period may be extended. The decision of the appeal Manager will then be given in writing and no further appeal may be made.

VOLUNTARY REDUNDANCY

If it is necessary to make compulsory redundancies, the Council may, at its discretion, consider offering voluntary redundancy, if appropriate.

If voluntary redundancy is offered, affected employees will be given a fixed time to indicate their intention to request voluntary redundancy. Any application for voluntary redundancy will be considered, bearing in mind the need for a

balanced workforce with the requisite skills to meet future business needs. The Council can give no guarantee that voluntary redundancy requests will be accepted, and if a request for voluntary redundancy is declined, this decision is final.

SEEKING NEW EMPLOYMENT AND RE-ENGAGEMENT

Employees are entitled to reasonable paid time off during working hours to look for alternative work or to make arrangements for training for future employment. Such requests need to also be made in advance with as much notice as possible to ensure that the needs of the business are managed. Employees may be asked to provide evidence of such appointments and where possible should attend work prior to or after such appointments.

In the event that alternative employment has not been secured, the Council will advise employees and/or assist them to source information where appropriate on:

- the preparation of CV's and covering letters;
- securing alternative employment;
- reference requests;
- training and development opportunities;
- appropriate government agencies e.g. Job Centre Plus, Money Advice Service.

If an employee is offered alternative employment outside of the Council once notice has been served, every effort will be made to release the employee during their notice period without loss of any element of their redundancy pay. However, such requests may not always be granted as the outcome will be determined by the needs of the business in relation to the role performed by the employee.

If an employee is offered alternative employment outside of the Council and wishes to leave prior to notice being served, the employee will be required to work their contractual notice period in the normal way and will lose any eligibility to a redundancy pay.

The Council will not re-engage ex-employees who have had their employment terminated due to redundancy for a period of at least six months from their leaving date. In the event of future re-employment, service will not be treated as continuous.

HEALTH AND SAFETY

It is all employees duty and responsibility to familiarise themselves with, and to comply with, the Councils' or any third party's health and safety policies and procedures.

This policy sets out the general principles and approach that the Council will follow in respect of Health and Safety legislation for premises and activities for which the Council is responsible. It is the responsibility of all Councillors' and employees of the Council to be aware of the following policy statements on Health and Safety and of the organisational arrangements made to implement these policies.

The requirements of the Health & Safety at Work Act 1974 and the Management of Health & Safety at Work 1999 Regulations are supplemented by a large number of regulations and codes of practice dealing with particular aspects of health and safety.

To that end, the Council will ensure that it:

- provides and maintains plant, machinery, equipment, tools, appliances and systems of work which are, so far as is reasonably practical, safe and without risk to health;
- endeavours to ensure as much as practicable, that employees are not put at risk (or exposed to risk) in connection with the use, handling, storage or transport of dangerous articles and substances (such as chemicals, dusts, noxious fumes or vapours, etc.);
- provides as much information, instruction, training and supervision as is necessary to reasonably ensure, the health and safety at work of its employees;
- reasonably ensures, that the buildings, offices, and other areas or places in which people are employed to work, are safe and without risks to health;
- provides and maintains a working environment (including facilities such as toilets, washrooms, cloakrooms, rest areas and the like) which, is not only safe and without risks to health, but also adequate in terms of heating, lighting, ventilation and seating, etc;
- and takes all reasonable steps to safeguard its employees from inappropriate behaviour by others.

The Council also has a duty of care to conduct its undertaking in such a way as to ensure, that any other individuals who may be on Council premises are not needlessly exposed to risks to their health or safety.

All Councillors, employees/contractors and volunteers have a duty to take reasonable care for their own health and safety and that of any persons who may be affected by their acts or omissions. Day to day matters of Health and Safety are dealt with by the Clerk acting on behalf of the Council.

Any accidents, injuries or dangerous occurrences must be recorded in the accident book (located in the parish office) and, where necessary, the Clerk will report these to the HSE. Thereafter, all such accidents should be brought to the attention of the Council. On the event of a serious injury or dangerous occurrence the Chair or in their absence the Vice Chairperson should be informed immediately.

A first aid box is located in the Council building, and periodic checks will be carried out to ensure the contents are adequately maintained.

FIRE SAFETY

A fire risk assessment is located in the Health and Safety file and will be reviewed and revised as and when necessary.

All members of the Council and user groups must be made aware of the fire risk assessment and its contents.

It shall be the responsibility of any individual booking Council facilities to ensure that fire exits and passageways are kept clear at all times.

The Clerk will visually inspect the fire extinguishers on a monthly basis and will organise annual inspections by an appointed contractor and test the fire alarms on a weekly basis.

RISK ASSESSMENT

The Clerk will keep copies of all risk assessments, method statements and Health and Safety documents, in labelled Health and Safety files.

Risk assessments are a systematic general examination of working conditions, workplace activities and environmental factors that will enable the Council to identify any and all potential risks inherent in the place or practices. Based on a recorded assessment, the Council will take all practical and necessary steps to reduce or eliminate the risks, making sure that all employees are made aware of the results of the risk assessment.

The risk assessment is annually reviewed by the Council based on recommendations made by the Proper Officer. To this end the Council will undertake any measures including training to ensure compliance with the regulations and good practice.

COSHH (CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH)

The Council will do the following to reduce risk of injury from hazardous substances:

- provide adequate PPE (under The Personal Protective Equipment at Work Regulations 1992);
- keep hazardous substances in a locked place;
- ensure employees in regular contact with hazardous substances have the necessary training to handle them;
- keep a file of COSHH safety data sheets in a location accessible to employees in regular contact with the hazardous substances.

DISPLAY SCREEN EQUIPMENT

The Health and Safety (Display Screen Equipment) Regulations 1992 applies to workers who use Display Screen Equipment daily, for an hour or more at a time. The regulations do not apply to workers who use Display Screen Equipment infrequently to only use it for a short time.

The Council will:

- address the use of display screen equipment in its Health and Safety Risk assessment;
- encourage workers to reduce the risks associated with using display screen equipment.

EMPLOYERS' LIABILITY INSURANCE

Local councils are required by law to insure against liability for injury or disease to their employees arising out of their employment under the provisions of the Employers' Liability (Compulsory Insurance) Act 1969. The Council will always have valid Employers' liability insurance.

LONE WORKING

The Council's employees are expected to work alone. For some employees, lone working is the norm. Whilst working alone is not in itself unsafe, there may be circumstances where working alone can increase risks.

The Council recognises that there may be increased risks to employees who are required to work alone. The implementation of this policy should help to reduce these risks.

The policy applies to employees and Councillors. For the purposes of this policy, lone working is defined as any activity or function performed on behalf of the Council without any close supervision or without other employees or Councillors present.

The Council is responsible for:

- the lone working arrangements of employees and Councillors;
- determining the contents of this policy;
- ensuring that there are arrangements for identifying, evaluating and managing risk associated with lone working;
- ensuring compliance with the policy and providing resources for putting the policy into practice;
- making sure that employees and Councillors are aware of this policy;
- making sure that appropriate support is given to employees and Councillors involved in any incident.

The Clerk to the Council is responsible for:

- ensuring that risk assessments are carried out and reviewed regularly;
- reporting annually to the Council on any incidents and actions taken in response.

All officers, employees and Councillors engaged in lone working are responsible for:

- taking reasonable care of themselves and other people who may be affected by their actions;
- following all rules and regulations laid down by the Council;
- reporting all incidents that may affect the health and safety of themselves or others;
- taking part in training designed to meet the requirements of this policy;
- reporting any dangers they identify or any concerns they might have;
- recognising and assessing potentially high-risk activities before carrying out any work activity and putting in place appropriate arrangements to carry out the identified task safely to mitigate risk associated with working alone.

In addition, and if appropriate, completing a form detailing visits from aggressive or potentially violent people. Any such forms or reports should be provided to the Chair for appropriate action to be taken.

Lone worker guidance:

- lone workers must have access to either a functioning landline or mobile telephone;
- employees and Councillors must take reasonable care not to put themselves at undue risk. If they feel that they would be at particular risk unless additional precautions are taken, then they should discuss this with the Chair;
- make all appointments, where possible, with members of the public during public access hours at the workplace. Assess risk prior to the meeting. Employees or Councillors should feel comfortable asking the Council for a colleague or Councillor to be present during a meeting with a member of the public;
- the Chair and/or Chair of the Employment Committee must be notified of any site visits or off-site business, detailing the leaving time, location, and estimated time of return;
- try to avoid confrontation. If a situation does become heated, try to stay calm. If violence is threatened, it is best to withdraw;
- if an employee or Councillor suspects that a violent attack is imminent, it may be possible to use a mobile telephone to summon assistance (e.g. 999 for the police). Heated arguments can suddenly escalate to the point at which violence is used and, in practice, there may be little time to call for help;
- individuals should ensure that they are properly trained and have the skills and knowledge to do their job safely and without risks to health. If they feel that they need extra training, then they should discuss this with the Chair.
- avoid entering unattended sites or premises.

EMPLOYEE HANDBOOK CONSENT

I confirm that I have read, understood and accept the contents of the Employee Handbook, and associated policies.

Name	
Signed	
Date	