



Hemsworth Town Council

Staff Handbook

WELCOME & INTRODUCTION LETTER

Date

Hemsworth Town Council
The Community Centre
Bullenshaw Road
Hemsworth
Pontefract
West Yorkshire
WF9 4NE

Dear

We extend a warm welcome to you on joining our Council and hope that you will become a happy and valuable member of our excellent team.

The Council needs all of its staff to be enthusiastic and competent in their various roles and wants to try to ensure that you are able to play your part to the best of your ability for mutual benefit.

Please study the contents of this handbook carefully. It contains a great deal of helpful information as well as our rules and regulations. If you require clarification about any of its contents, please discuss them with the town clerk.

The handbook contains certain contractual terms that will apply to you and where this is the case, the relevant sections will specifically state that the terms are contractual.

Please note that the Council may review, revise, vary or change the contents of this handbook from time to time should the needs of the business require it. You will be given reasonable notice of any changes made.

Once you have had an opportunity to read through all of the policies and procedures located within this handbook, please sign and return the attached form to acknowledge you have received a copy of the handbook and you understand it is your responsibility to have read and familiarised yourself with its contents.

We appreciate that there is a lot of information within this handbook, and should you have any questions concerning any of the policies, please contact your line manager who will be able to help and support you.

Yours sincerely

Chairman of Hemsworth Town Council

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1. Duties and Obligations

1.1 What is expected of me?

As a valued employee you will be expected, as a condition of your employment, to carry out your duties in the following way:

- Work to the best of your ability;
- Use your best endeavours to promote, develop and expand the Council;
- Act in compliance with the Council's rules, policies and procedures;
- Conduct yourself in a professional manner;
- Devote your whole time and attention to your duties during working hours;
- Obey all reasonable and lawful directions of the management team;
- Provide regular reports to the management team;
- Carry out your work honestly and to the required skill for the position you hold.

2. General Employment Policy

The Council seeks to act as a responsible employer, using as far as is possible for a local council, all reasonable and contemporary personnel practices and compliance in all respects with employment law and other legislation applying at the time. In doing so it will have reference to National Local Authority and Public Sector Organisations normative practice. Terms and conditions will be kept under review and National Agreements (see below) honoured.

The Council's employment policy is geared to encourage and reward dedicated staff who take a professional attitude to work. The Council seeks to offer a stable and constructive working environment for staff who are prepared to work in partnership to meet the Council's aim of giving high quality service to the people of the parish.

This handbook provides details of the Council's personnel policies and procedures and how they will be implemented. It is for use by all staff and the Council and its committees in making decisions with respect to personnel matters. All day to day staff management decisions on personnel matters are delegated to the town clerk. Any day to day matters relating to the town clerk should be referred to the chairman of the Council. Procedures in law also exist for the review of problem cases for all staff by the Council and its committees. These procedures are detailed within this handbook.

The Handbook is supplementary to your written statement of particulars of employment (contract). The written statement of particulars of employment indicates the specific provisions relating to your post particularly where there are a variety of contracts which are in operation simultaneously.

3. National Agreement on Pay and Conditions of Service

A National Agreement on Pay and Conditions of Service (The Green Book - National Joint Council for Local Government Services) is negotiated between principal local authority employers and unions and this forms the basis of pay and conditions for the Council. The Green Book sets the framework by which local authorities establish

terms and conditions. Wherever the National Agreement makes provision for changes in the structure of local government pay and conditions, the Council will implement them.

4. Remuneration

4.1 Remuneration Settlements

The Council undertakes to implement the agreements reached in the National Agreement as a reasonable settlement. Any changes agreed are usually, although not exclusively, implemented from 1 April of each year.

4.2 Incremental Progression

The Town Clerk and other staff should progress automatically up the salary scale to the top of their designated grade provided their performance is satisfactory. They will normally be entitled to an increment, payable on 1 April of each year along with the salary settlement figure. Once the top of the scale is reached any additional increments are at the sole discretion of the Council. Accelerated increments within the grade of the post may be given on the grounds of exceptional merit or ability. N.B. Not all staff employed are appointed on incremental grades.

4.3 Overtime and Time Off in Lieu / Working Public Holidays

Staff are expected to work the hours required to fulfil responsibilities and requirements of their position. Requirement of any payment for working overtime and/or public holidays is set out in your contract of employment.

4.4 Standby

Certain employees may have a contractual requirement to be on standby outside normal working hours. If this is the case, details of payments relating to standby or on call working time are detailed in your contract of employment.

4.6 Reimbursable Expenses

Where an employee is required to travel as a requirement of their job the Council will reimburse actual reasonable expenses and subsistence incurred in accordance with the scale laid down and published in the annual salaries and allowances notification.

What are reasonable expenses?

Reasonable expenses will include:

- the reasonable costs of necessary travel for business purposes;
- reasonable overnight accommodation and other expenses.

Where possible you should use the most economic form of transport for business travel. This may include standard class train travel, public transport, taxis, or your personal vehicle. If you use your vehicle for work purposes you must have business use motor insurance, for which the Council will reimburse a reasonable amount.

Where you are required to stay away over night as part of your role, you should discuss the available options with your line manager. Where you are unable to book

accommodation in advance via your line manager, we will reimburse the cost of any such accommodation and your reasonable out of pocket expenses. Your line manager can provide details of the current daily allowances provided for.

Are there any exclusions?

Whilst the Council recognises that you may incur reasonable business expenses, the following items are excluded from reimbursement:

- Travel between your home and usual place of work;
- Travel mainly for your own purpose;
- Parking penalties; and
- Speeding fines.

When and how will these expenses be reimbursed?

The Council will reimburse any reasonable business expenses in the following way:

- You should complete an expenses form and submit this to your line manager within 14 days of the expenses being incurred;
- You should provide your line manager with all supporting evidence such as receipts and/or credit card slips;
- Authorised expenses claims will then be paid to you directly into your bank or building society account, by cheque or petty cash (depending on the amount).

5. Benefits

5.1 Pension

The Town Council is a member of the West Yorkshire Pension Fund. The Council automatically enrolls those employees who qualify under the statutory criteria for auto-enrolment. Once enrolled into the pension scheme, an employee can opt out but will be auto-enrolled again every three years, as per the Council's statutory obligation as an employer.

The Council is required to make contributions to the pension fund. These are set on a triennial basis by the West Yorkshire Pension Fund Actuary. Deductions at the appropriate rate are made from the employees' wages and salaries and these along with the Council's contribution are paid directly to the West Yorkshire Pension Fund. Members of the scheme benefit from a death in service scheme and a tiered retirement through ill health subject to conditions. The Council also has details of a Stakeholders' Pension Scheme which is available to employees.

5.2 Death in Service

You should notify the Council of the name of your nominated next-of-kin. In the event of your death in service any salary due to you will be paid to the person nominated. If you are a member of the pension scheme, the West Yorkshire Pension Fund will be informed and they will contact the person nominated by you.

5.3 Union

- i. You are under no obligation to join a trade union but are free to join any trade union of your choice.

- ii. The Council recognises UNISON as being the union representation for all Council employees. The appropriate deduction of union subscription will be taken from your wage or salary and sent directly to UNISON, on your behalf, by the Council.
- iii. An employee who is an official of an independent trade union recognised by the Council must be granted time off to attend to duties.
- iv. An employee who is a learning representative of the trade union recognised by the Council must be granted time off under TULRCA 1992 s.168A, as inserted by Section 43 of the Employment Act 2002 for the purpose of analysis of learning and training needs, the provision of information and advice on learning and training matters, the promotion of the values of learning and training.
- v. Requests for such time off to perform union duties should provide management as much notice as possible. Employees are entitled to a reasonable time off for such activities/duties.

5.4 Annual Leave

The holiday year runs from 1 April to 31 March and your holiday entitlement is detailed within the terms and conditions of employment.

As a small organisation leave planning is very important for the smooth running of the Council. It is Council policy that sufficient staff should be available to provide an appropriate level of service in each department with appropriate management cover in place. When you require holidays, you must give adequate notice, i.e. 1 week's holiday request would need two weeks' notice. N.B. All staff must have their holidays booked by October each year with the exception of five days – if this is not undertaken then holidays may be allocated by your line manager. That no more than 12 days' holiday can be authorised by managers. Anything over 12 days requested must be authorised by the town clerk. You must complete your leave request form – see procedures – Appendix 2 -pages 41 & 42 – and have this signed by your line manager. Leave will be granted strictly on a first come first served basis, so it follows that leave planned well in advance has the best chance of being granted. Only in exceptional circumstances and, having first cleared the absence with the town clerk, will holiday periods be honoured, for which three clear working days are not given.

The calculation of your annual leave commences from the first day of your employment.

If you join the Council from another authority your previous service will be taken into account in calculating your holiday entitlement.

Your holiday entitlement is detailed in your contract of employment and should be taken throughout the holiday year.

If your employment commenced or terminates part way through the leave year, your holidays during that year will be assessed on a pro rata basis. Deductions from final salary due to you on termination of employment will be made in respect of any leave taken in excess of entitlement.

- i. the number of hours is based on a 7.4 hour standard working day.*
- ii. Part-time and job share employees receive a pro rata leave entitlement and depending on their work pattern, it may be allocated on an annual hours basis.*

Unused holiday entitlement cannot be carried over from one year to the next unless prevented from taking your full annual entitlement by reason of long term sickness absence, maternity leave or adoption leave.

NB – Those members of staff on temporary/seasonal contracts receive a payment in lieu of annual leave, inclusive in their hourly rate of pay.

5.5 How much do I get paid for periods of holiday?

You will be paid your standard rate of remuneration during periods of holidays and such sums will be paid as normal in your salary.

Do not assume that all leave requests will be granted. The Council's business needs take priority. You should not make any holiday arrangements until your holiday request has been approved by your line manager. The Council will not be liable for any losses incurred as a result of a holiday request being declined. Any holidays taken without prior permission will lead to the disciplinary procedure being invoked.

The disciplinary procedure could be invoked and the employee could be dismissed in the case where an employee requests a holiday, which is refused, and then the employee subsequently takes that holiday without permission or reports in as sick.

5.6 Sickness during Annual Leave

If an employee is certified sick when on annual leave, the time off will be considered as sick leave from the date of a medical certificate instead of annual leave and further annual leave shall be suspended from that date.

You must inform your line manager of your incapacity and its likely duration as soon as possible even if you are abroad. The usual requirements of self-certification and medical certificates in this policy will apply.

5.7 Public Holidays

You are entitled to eight public holidays each year (New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Monday, August Bank Holiday Monday, Christmas Day and Boxing Day). The Council reserves the right to require you to work on a public holiday.

If you are required to work on a public holiday, you will be paid double time and a day in lieu will also be granted.

Employees who do not regularly work on the weekday on which a public holiday falls, are not entitled to pay for the day in question. However their holiday

entitlement will be adjusted to ensure that they receive a pro rata equivalent to full time employees.

5.8 I have been on long term sick or maternity leave, am I still entitled to holidays?

Yes. If you are on long term sick leave you continue to accrue holidays whilst absent from work.

If you are on maternity leave you will continue to accrue your full contractual and statutory holiday entitlement.

Although not mandatory, we encourage employees on long term sick leave to exercise their holiday entitlement whilst absent from work during the holiday year. Requests for holiday leave from such employees should be made directly to their line manager. Holidays will be paid at the normal rate of holiday pay and is unaffected by your lack absence from work due to sickness.

5.9 Can I carry any untaken holidays over into the next holiday year?

We encourage all staff to take their full holiday entitlement during the holiday year.

As such you are not allowed to carry any untaken holidays over in to the next holiday year unless:

- You have sought prior agreement from your line manager and the number of days does not exceed 5 days;
- You have been unable to use your holiday entitlement due to long term sickness or maternity or adoption leave.

5.10 I am leaving the Council, what happens to my holiday entitlement?

On termination of your employment, you are entitled to receive payment for all unused accrued statutory (but not additional contractual) holidays in the current holiday year only.

We reserve the right to insist you take accumulated annual leave within your notice period.

Any payments of holiday pay made to you in excess of the amount accrued on termination of employment, will be deducted in full from your final salary. Where the amount of the overpayment exceeds your final payment, you must reimburse the Council accordingly.

5.11 Special Leave

The town clerk is authorised to grant up to five days' special leave with pay on each occasion on compassionate grounds (close family bereavement, family illness).

Jury Service - if you are required for jury service you will be granted paid leave.

Appointments – the Council will permit you to take reasonable time off from your duties in order to attend medical appointments. You must report details of all leave of absence due to medical appointments to your line manager, who in turn will notify the town clerk.

You are asked to note that where possible, appointments should be made so as not to disrupt working practices of the Council. Please note that any persistent lateness or excessive authorised appointments may lead to disciplinary action being taken against you.

5.12 Can I take time off to attend religious holidays?

We will endeavour to allow time off for you to observe religious holidays, however such holidays should be taken from your annual holiday entitlement. You must follow the usual holiday booking procedures. If for any reason you have insufficient holidays to cover your absence then consideration will be given to granting unpaid leave.

5.13 Public Duties

The Council has agreed to allow reasonable time off during working hours to carry out public duties as follows:

- i. *School Governor* - paid leave of absence to attend meetings of the governing body of a school but not of any sub committees or working parties set up by that body.
- ii. *Justice of the Peace* - paid leave of absence in order to serve as a Justice of the Peace provided that the service does not interfere with normal Council duties.

Family related leave

5.14 I am expecting or adopting a child, what benefits on leave will I be provided with?

The Council is aware of its obligations towards employees who are expecting a child, those intending to adopt a child or who have a requirement for family related leave. We offer leave and pay where applicable in line with the legislation in force at the time of the request.

5.15 Where will I find the specific policies?

All policies relating to maternity, paternity, adoption, parental leave and flexible working are contained within a supplemental family leave handbook which is available upon request.

This handbook provides details on employee entitlements to such rights, together with details on leave and pay.

5.16 What should I do if I need to rely on a family leave policy?

When you become aware of your need to rely on any of the policies contained within the family leave handbook, you are under a duty to inform the Council at your

earliest opportunity what right you will be asserting together with the relevant time scales.

In the event you are notifying the Council of your pregnancy, you should inform the Council as soon as possible that you are pregnant so as to assist the Council in undertaking a health and safety risk assessment to ensure all risks to you (and your unborn child) are dealt with appropriately and ensure compliance with our health and safety obligations.

If you are unsure of any of your rights, please do not hesitate to contact your line manager for further guidance.

5.17 Sick Pay

Am I entitled to sick pay?

During periods of absence, you are entitled to sick pay as detailed in your contract of employment.

We do however reserve the right to withhold any contractual sick pay if:

- There is a reasonable belief that your absence is not genuine;
- You do anything deliberately or negligently to make your illness or injury worse.

In the event that any of the above circumstances apply to you, disciplinary action may be taken against you.

Continued entitlement to sick pay, whether contractual or statutory, is dependent on you providing fit notes to cover your absence from work.

5.18 Flexible Working

This policy provides employees with a general outline of the statutory provisions relating to flexible working. These statutory provisions are complex and, in the event of any discrepancy, will override the terms of this policy.

What is a flexible working request?

Subject to the eligibility and notification requirements below, you may be entitled to work flexibly (e.g. work part time, job share, home work etc). However, whilst such requests will be considered in a reasonable manner by the Council, there is no guarantee that it will be accommodated. In the event the request is granted, the change will be deemed a permanent change to your terms and conditions of employment.

Am I entitled to make a request?

You are entitled to make a request to work flexibly if you:

- are an employee;
- have been continuously employed by the Council for 26 weeks at the date your application is made; and
- have not made any other request for flexible working arrangements during the previous 12 months.

How do I make a request?

If you wish to request to work flexibly, you must notify the Council in writing, setting out the details of your proposed working arrangements stipulating whether you have made another request to work flexibly in the previous 12 months.

As soon as reasonably practicable, the Council will arrange to meet with you to discuss the proposed change to your working pattern. You are entitled to be accompanied to the meeting by a work colleague or trade union representative.

As soon as reasonably practicable, the Council will confirm its decision in writing.

How will the Council decide whether to grant my request?

When deciding whether to grant your request, the Council will look at the following factors:

- the burden of additional costs;
- any detrimental effect on the Council's ability to meet customer demand;
- whether work can be reorganized among existing staff;
- whether additional staff can be recruited;
- any detrimental impact on quality;
- any detrimental impact on performance;
- whether there is sufficient work during the period you propose to work; and
- any planned structural changes.

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

If the Council is able to grant your request, it will be confirmed to you that your employment contract will be changed to incorporate the new working pattern, as set out when this will start and outline the impact this will have on you (e.g. in relation to your salary and holiday entitlement). If your working pattern is changed, the change will be permanent. You are not entitled to your former working arrangements unless agreed to by the Council.

Can my request be refused?

If the Council is unable to grant your request, you will be provided with the reasons why this is the case in your particular circumstances. You have the right to appeal against any decision to refuse your proposed flexible working arrangements. You

must set out the grounds of your appeal in writing within 14 days of having received notification of the Council's decision.

A further meeting will be arranged to discuss your grounds of appeal. You are entitled to be accompanied to the meeting by a work colleague or trade union representative. As soon as reasonably practicable, the Council will confirm the outcome of your appeal in writing. This decision will be final and you will have no further right of appeal.

The final outcome shall be confirmed to you by the Council within three months of your original request unless an extension is agreed between you and the Council.

The Council may at its discretion choose not to adopt the above procedure in full but shall in any case notify you of its decision within three months of your request unless an extension is agreed between you and the Council.

6. Sickness Absence Control Policy

6.1 Policy and General Principles

The Council recognises that, from time to time, members of staff will fall sick and be unable to work as a result. The Council believes that it owes a duty to the staff and to the people of the parish to monitor sickness through this policy.

This policy provides a framework to assist in:

- Dealing with sickness and absence objectively and reasonably
- Being consistent
- Exploring remedies which will assist the individual as well as assisting management and staff in providing an effective service
- Compliance with relevant legislation

The policy and procedures set out are implemented against a background of monitoring sickness absence trends amongst staff and identifying potential problems at an early stage.

Absence problems fall into two main categories:-

- Frequent and persistent short term absence
- Longer term absence due to ill health

In all cases it is essential that appropriate medical advice is sought to determine if the absence is due to an underlying medical condition or, in the case of long term absence, to obtain a medical opinion on the likely prognosis.

Where there are reasonable grounds to believe that an individual is abusing the procedure or regulations for sickness absence, disciplinary action will be considered in accordance with the Council's disciplinary procedures.

The Council accepts that matters involving the ill health of individuals require sensitive handling and any information relating to the health of an individual will be treated with the utmost confidence.

6.2 Sickness and absence notification procedure

NOTIFICATION PROCEDURE

1 First Day of Absence

1.1 If an employee is unable to attend work through illness or injury s/he must notify his/her line manager or another manager by the required time (see below for details).

1.2 When notifying absence, the employee must give the reasons for their absence and the likely duration of that absence.

1.3 Where this is not possible then the employee should arrange for someone to do it on his/her behalf.

1.4 If you attend at your GP's surgery with regards to your illness or injury at any time during your absence, you should inform your line manager whether a fit note has been issued to you and whether any adjustments have been suggested to facilitate your return.

2 Second Day

2.1 On the second consecutive day of sickness, the employee must again notify his/her line manager or another manager by the required time and should also indicate how long s/he anticipates that their absence will last.

3 Fourth Day

3.1 On the fourth consecutive day of sickness, the employee must again notify his/her line manager or another manager by the required time and should also indicate how long s/he anticipates that their absence will last.

4 Eighth Day

If an employee has been absent for seven calendar days, and does not return to work on the eighth day, then s/he must obtain as soon as possible after the eighth day a Fitness for Work (fit note) signed by a doctor which covers sickness absence from the eighth day of sickness onwards and these must be forwarded to their line manager.

If your doctor's fit note recommends adjustments which can be accommodated by the Council, then you must return to work where such adjustments are offered. A failure to attend work despite adjustments being made will result in your absence being treated as unauthorised.

Where adjustments are recommended in a fit note but the Council cannot accommodate them, you will be treated as unfit to return to work in accordance with the fit note.

For absences of up to seven calendar days, you should provide your line manager with a completed self certification form to cover this period of absence.

Where you are unable to attend work for more than seven days, you should obtain a fitness for work certificate from your doctor and submit this to the Council. Please note that failure to submit the required documents to your line manager will mean that any absences will be classed as unauthorised and you may be subjected to disciplinary action. An unauthorised absence will also apply in the event that you fail to notify your line manager of your sickness absence in accordance with this policy.

Employees are required to telephone their line manager (or another manager) prior to their scheduled work start time or as soon as practicable.

The manager who takes the call(s) will notify the office who will record the details and notify the town clerk.

What happens whilst I am absent from work?

Throughout all periods of absence, you will be contacted by your line manager from time to time for an update on your illness.

Where your absence is considered to be long term, your line manager will also discuss any reasonable adjustments that may assist in facilitating your return.

If your absence is due to “work related stress” then your line manager will make contact with you as per this policy. This is not intended to cause additional stress or anxiety but is a step we take to support you wherever we can and explore on a regular basis the feasibility of a return to work. If the cause of your stress is in anyway connected to your line manager you must let another appropriate person in the organisation know so we can arrange for another manager to make contact with you.

During periods of absence, we may ask you to consent to a medical examination which will assist us in assessing your illness, looking at ways in which we can integrate you back into the business, and to provide you with support throughout.

What if my absence is caused by another party?

This will still be treated as any other absence for the purposes of your attendance record. The cause of your absence may however be a factor taken into consideration in relation to any attendance management process instigated by the Council to address either short term, frequent attendance issues or a long term absence.

What happens when I return to work?

In all instances of sick leave, you will be required to attend a return to work interview with your line manager. The purpose of this meeting is to discuss:

- Your fitness to return to work;
- The reason for your absence;

- Your overall absence record;
- Any recurring health issues;
- Whether a referral to an attendance management process should be made; and
- Any Council updates.

Can the Council take any action against me regarding my absences?

Absence inevitably has an impact on Council business as well as placing a strain on your colleagues. As such, where you have a history of persistent short term illness, are failing to meet any Council attendance targets and/or are on long term sickness absence, then an attendance management process may commence. Details of the attendance management process are set out below.

7. Attendance Management

What is attendance management?

Where your absence is a cause for concern, either because of frequent short term absences, a failure to meet attendance targets or because of long term absence, the Council will take steps to address the absence issues and seek to manage it moving forwards. Through this process the Council will seek to help and guide staff to improve either attendance or identify steps which may be taken to facilitate a return to work or overcome any issues preventing a return to work or creating attendance problems.

What will happen?

Much depends on whether your attendance issues are short term minor ailments, long term or short term but arise from an underlying medical issue. In all cases a meeting will be held with you to discuss:

- The reason for your absence and, where there is an underlying medical condition or where the absence is long term, the prognosis and likelihood of a return to work;
- Your attendance history;
- Any action that could be taken by either party to improve your attendance levels;
- Whether it is appropriate to issue a formal warning about attendance levels;
- Whether continued employment is at risk;
- Any reasonable adjustments that will assist you in returning to, avoiding termination of employment or maintaining required levels of attendance; and
- Any additional matters.

Frequent and Persistent Short Term Absence

In order to monitor short term absence it is essential that accurate records are kept and reviewed to ensure that all cases are considered. Concern may be caused by such factors as the number of occasions, the pattern, or the total number of days absence.

On each occasion that a member of staff returns from a period of sickness he or she will report to their line manager. Those officers will then hold a return to work

interview to establish the cause of the absence, to register that an individual's absence was noticed and they were missed and to ensure that the individual is made aware of any factors affecting their work which have arisen during the absence and to see if any help is needed. A file note of the return to work meeting should be made and signed by both parties.

A sensitive approach should be adopted to return to work interviews and it should be acknowledged that some individuals may find discussing health-related problems embarrassing.

Should environmental factors appear to be relevant to the absence, necessary action should be taken as soon as is practicable.

If the attendance issues are of a short term but persistent nature with no underlying health issues, then the Council will instigate a warning process that your attendance levels are unacceptable and need to improve. The warning process will follow the same procedure as the process set out under the capability process (section 8) i.e. verbal, written, final written and then dismissal with the right to appeal. As part of this process the Council will set attendance targets to meet in future to avoid further formal action being taken under the process. Note the Council reserves the right to vary the length of any formal warning having regard to the particular circumstances of your case and the nature and causes of your attendance issues.

Any formal warning under this process is treated as a "capability" warning for attendance purposes only. It is not a disciplinary warning for misconduct and nor is it a warning for poor performance. As such, if you are on a written warning for attendance issues this will not be taken into consideration for any misconduct or performance issues which are the subject of either a separate capability or disciplinary process. Vice versa, any warning under a disciplinary or poor performance process will not take into consideration any warnings given under the capability process for attendance. The two processes, although similar, are separate.

Where the absence is long term or there are persistent absences caused by an underlying medical condition, it may be inappropriate to set targets to improve attendance and instigate a capability warning process. Instead, the Council will seek medical guidance either from your GP or from an appointed occupational health specialist to advise on the nature of the ill health, its impact on your ability to perform the job, for how long this is likely to last and what reasonable adjustments may be appropriate which could facilitate a return to work or improve attendance.

Where it is apparent, following consultation with you and receipt of medical advice, that you are unable to return to work despite our efforts to assist in facilitating your return or improve attendance levels to the required levels, the Council will consider whether it is necessary to terminate your employment. Where this is the case, termination will usually be on full notice or payment in lieu of notice where appropriate.

You will be fully consulted throughout and medical advice sought before any decision is made to terminate. Consideration will also be given to any reasonable adjustments that could be made and the ability to redeploy into a job which you may be able to perform.

You are entitled to bring a trade union representative and/or a fellow employee with you as a companion to any meetings under the attendance management process.

Do I have the right of appeal at each stage of the attendance management procedure?

You have the right to appeal at every stage of the procedure and you should make your appeal in writing stating the full grounds for the same. This should be provided to the Council within seven days of the decision letter. The Council will arrange an appeal meeting with you within seven days of receiving your written notice (or as soon as is practicable) and you will be entitled to be accompanied to all hearings by a fellow employee or a trade union representative.

Where further investigation is required following the issues raised in your appeal letter, you will be provided with any additional information that has come to light prior to the meeting taking place.

Following the appeal meeting, the Council will inform you of their decision in writing within seven days of the appeal meeting. You will have no further right to appeal thereafter.

In the event that you have been dismissed, the date of dismissal will not be delayed pending the outcome of an appeal. In the event that your appeal is successful and the decision to dismiss you is revoked, you will suffer no loss of continuity or pay.

8. Capability Issues

When does this apply?

Where the Council believes you are failing to achieve the levels of performance required from your role. This may be anything from not meeting targets through to poor customer service.

The Council is committed to encouraging you to maintain the required performance standards so as to deliver the best possible service for our customers. Where the Council believes that your performance has fallen below the standard required, we will look to take steps to establish the facts and reasons for this decline in performance and we will look to identify ways in which we can address this issue with you.

What will happen if there is an issue with performance?

In the first instance, we would expect that performance issues should be dealt with informally between you and your line manager as part of the day to day management structure. Where a decline in performance has been established, your

line manager will discuss the decline in performance with you and look to understand why this has occurred. You will both then work together to bring your performance standards back up to the required levels. A performance improvement plan will be agreed with you which will set out the areas for improvement, the timescale for improvement and what steps the Council can take to assist.

Where the issues cannot be resolved informally or where your performance has not improved within the agreed timescales, formal action will be required and the capability process below will be instigated. You should remember that the purpose of a capability procedure is to assist you in meeting the standards required and encourage you to improve. You should therefore take on board issues raised about your performance as constructive criticism and recognise that your line manager is simply doing the job they are employed to do, which is to ensure that their team or department meets the Council's objectives or targets.

What will a formal capability process look like?

If we consider there are grounds to commence formal action, you will be required to attend a capability hearing.

We will provide you with notification of the hearing and we shall provide you with the following information:

- A summary of the evidence gathered as part of an investigation into your performance;
- Copy of all relevant documents to be used at the hearing; and
- Copies of any witness statements.

At all stages of the capability process, you are entitled to bring a trade union representative or a fellow colleague with you as a companion. If you or your companion are unable to attend the hearing, you should inform us immediately so that we may arrange an alternative date. Where you or your companion are persistently unable to attend the hearing, we reserve our right to make a decision in your absence based on the evidence available.

As part of the capability hearing, the Council will look to confirm the following with you:

- Details of the required standards and the evidence which suggests you have failed to meet those standards;
- Provide you with an opportunity to ask questions and to present evidence on your own behalf;
- Establish the possible causes of poor performance;
- Identify whether any further measures can be taken to assist with your performance standards;
- Discuss, and seek to agree with you, targets for improvement and a timescale for review.

Where it is clear that your standards of performance have fallen below the levels expected by the Council, the following warnings may be issued to you along with a performance improvement plan:-

Stage 1 – first written warning	If we decide that your performance is unsatisfactory, we will give you a first written warning. This warning will set out the areas of performance which you have not met, targets for improvement, any measures to be taken such as training, the period for review and the consequences of failing to improve. This first written warning will remain active on your file for a period of six months after which the warning will be disregarded for capability purposes.
Stage 2 – final written warning	If there is no improvement in your capability or the required standard has not been met by the required timescale or where there is further evidence of poor performance whilst the first written warning is active, we will undertake a stage 2 capability hearing with you and you will be notified of the hearing. Where appropriate you will be issued with a final written warning which will set out the areas in which you have not met the required standards, targets for improvement, any measures which could be taken such as training, the period for review and the consequences of failing to improve. The final written warning will remain active on your personnel file for a period of 12 months after which it will be disregarded for capability purposes.
Stage 3 – suspension/ Dismissal	If there is still no improvement in your capability, your performance is still unsatisfactory whilst the final written warning is active, or your performance has been grossly negligent you may be dismissed. You will be invited to a stage 3 capability hearing and we will discuss a range of options with you including dismissal, redeployment, extension of a final written warning, or dismissal. Where dismissal is appropriate, this will normally be on full notice and/or payment in lieu unless your performance has been so negligent so as to amount to gross misconduct.

Do I have a right to appeal?

If you feel that the decision about poor performance was wrong or unjust, you have the right to appeal in writing stating your full grounds for appeal within five days of the decision letter. The Council will then look to arrange an appeal meeting with you within seven days of receiving your written notice (or as soon as is practicable).

Where further investigation is required due to the issues raised in your appeal, you will be provided with any additional information that has come to light prior to the meeting taking place. You are entitled to be accompanied to all hearings by a fellow employee or a trade union representative.

Following the appeal meeting, the Council will inform you of their decision in writing within five days of the appeal meeting. You will have no further right to appeal thereafter.

In the event that you have been dismissed, the date of dismissal will not be delayed pending the outcome of an appeal. In the event that your appeal is successful and the decision to dismiss you is revoked, you will suffer no loss of continuity or pay.

9. Performance/Appraisals/ Personnel and Development Reviews

A satisfactory performance is a basic contractual requirement. You have a duty to monitor your own performance and to take advantage of appropriate training opportunities as they arise. You should also seek opportunities to improve the way things are done either on your own initiative if appropriate, or in conjunction with your colleagues and management. This will help to maintain the overall quality and cost effectiveness of the services offered and to ensure the continued viability of the employment the Council offers.

Appraisals will take place annually and there will be “one to one” interviews where necessary.

10. Redundancy Arrangements

If circumstances arise where redundancy may be a possibility the first steps will be to consult with all employees with a view to seeking an agreed solution:

- Reduce overtime to a workable minimum
- Restrict recruitment
- Inviting applications for early retirement or voluntary redundancy. In all circumstances the acceptance of a volunteer for redundancy will be a matter of our discretion and we reserve the right not to offer voluntary redundancy terms or refuse an application where it is not in the Council’s interests to do so.

If selecting employees for redundancy is necessary, the criteria for selection will be discussed with you at the time. A consultation process will be followed and fair procedure will be applied. At all times the overriding consideration will be the future operation of the Council.

The Council will make continuing efforts to look for alternative employment for redundant employees. Alternative employment may be offered subject to a trial period where appropriate.

11. Town Council Property

11.1 Personal property

Whilst at work, you are responsible for your own personal property. You must ensure that personal property is not left unattended and must be kept in a secure place. We cannot accept responsibility for any loss or damage and you should ensure this is covered by your own personal insurance arrangements. If you lose or find any property on the premises, you should report it to your line manager immediately.

11.2 Council property

You are responsible for any Council equipment or documents issued to you whilst in our employment. You must ensure that all items are kept secure and in the event of a theft, you must report such occurrences to the Council immediately.

On the termination of your employment, or at the request of the Council, you will immediately return all equipment, Council clothing, correspondence, records, specifications, software, models, notes, reports and other documents and any copies thereof and any other property belonging to the Council (including but not limited to keys, mobile phones, uniform and keys) which are in your possession or under your control.

You shall, if so required by the Council, confirm in writing your compliance with your obligations under this clause.

12. Conduct Guidelines

There is a code of conduct based on guidelines issued by local government that should be observed:

12.1 Behaviour at Work

- We must all behave with civility towards others.
- Rudeness or abuse of any description cannot be tolerated from or towards other members of staff, councillors or members of the public.
- We must all use our best endeavours to promote the interests of the Council.
- Involvement in activities which could be construed as being inappropriate to the position of a person working in the public sector will be the subject of discussion with you and may lead to disciplinary proceedings.
- Confidential information regarding the Council's business must not be disclosed to anybody either during or after the termination of your employment.
- All reasonable instructions from your line manager are to be carried out.
- Intoxication at work either as a result of alcohol or drugs will result in disciplinary action.
- Any incidence of harassment, abuse, victimisation or intimidation will be investigated and sanctions imposed on the perpetrator(s) through the proceedings open to the Council by its internal processes or in law.

12.2 Standards

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

13. Dress Code

Why is a dress code necessary?

From your first day of employment you will be a representative of the Council. It is necessary that your appearance and your conduct reflect the ethos of the Council.

The Council encourages all members of staff to maintain a professional appearance that will reflect well on the Council.

Your general appearance should be clean and tidy at all times. In keeping with your professional appearance, your hair must be kept clean and tidy, and worn in a conservative style appropriate for the standards of a professional working environment. Where you are customer or supplier facing you should cover up any tattoos and remove any facial piercings.

Will I be provided with a uniform?

Members of staff based in our offices, including management will not be provided with a uniform but must wear smart office wear including smart shoes, provided at your own cost. All clothing must be neat and in good repair and no training shoes or jeans are permitted.

Service Provision Teams A and B plus cafe staff will be supplied with a uniform by the Council which will include protective footwear where required and should be worn at all times. The cost of the uniform will be borne by the Council.

What if I am unable to comply with this policy for religious reasons?

Where your religious or cultural beliefs mean that the dress requirements cannot be complied with, you should contact your line manager who will discuss your options with you. The Council may be able to accommodate exceptions in special circumstances.

What happens if I fail to comply?

If you fail to adhere to this policy you may be subject to disciplinary action under the Council's disciplinary procedure. Serious or repeated breaches of this policy may lead to your dismissal.

14. Alcohol and Drugs

14.1 Alcohol and Drug Abuse Policy

The use of drugs and alcohol in the workplace is detrimental to the health, safety and performance of employees and will not be tolerated by the Council.

Staff must accept that they have a responsibility for their own health and safety as well as that of others. As such they must not allow drugs or alcohol to impair their health and safety or that of others within the workplace.

14.2 Drugs and Alcohol

Whilst employed by the Council you must not be in possession or under the influence of illegal drugs.

You must not be found to be in possession of or under the influence of alcohol during the performance of your duties.

You are, at all times, also prohibited from using, selling, distributing, dispensing, purchasing, or manufacturing illegal drugs on Council or customer premises.

14.3 What do you mean by being “under the influence”?

For those in a safety critical role this is any positive reading following a drugs or alcohol test, regardless as to whether it is actually impairing your work.

For roles which are not safety critical this is either the drink drive limit or where evidence suggests your ability to work safely has been impaired regardless of the levels of alcohol or drugs in your system.

14.4 I have been prescribed a course of medication by my doctor, should I inform my line manager?

We appreciate that on occasions, you may be required to take medication as prescribed by your doctor or medical advisors. Such medication is permitted providing it does not adversely affect your performance in any way, or affect your safety or that of others.

If you have any concerns about the side effects of your medication on your ability to perform your duties, you must liaise with your line manager. You have a responsibility to safeguard your own health, safety and welfare and we rely on you to fulfil this duty to disclose the use of prescribed drugs which may impair your ability to work safely.

Please note that the Council prohibits the misuse of over the counter or prescription medication or any legal substances that are subject to abuse. If you are found to be using such substances, you will be subject to the Council’s disciplinary procedure.

14.5 I am attending a work related event, am I permitted to consume alcohol?

Where alcohol is freely available at other Council or work-related events, you are required to exercise good judgment, drink responsibly and be responsible for your own health and safety and that of others.

Drunkenness is not tolerated by the Council, whether during working hours or at Council or work-related events. You are expected to behave responsibly and drivers are advised, where necessary, either to refrain from drinking or to find alternative means of transport.

14.6 What happens if I fail to comply with this policy?

The Council takes breaches of this policy very seriously. Depending on the circumstances surrounding the breach, you may be reported to the police and may be subject to disciplinary action under the Council’s disciplinary procedure (up to and including summary dismissal).

A zero tolerance approach will be taken in relation to those working in any safety critical role. This extends to anyone who is responsible for driving any kind of vehicle, operating dangerous machinery or working at heights or in dangerous environments.

14.7 What if I am still under the influence of alcohol the morning after?

There is no excuse for attending work under the influence of alcohol. It is your responsibility to ensure you drink responsibly outside of work having regard to your obligations to attend work so that you are fully fit, and not under the influence, to attend work.

If you fail to attend work due to being unfit to do so through alcohol or drugs you will be subject to disciplinary action. If you fail to attend work and evidence is received which suggests you were either drinking heavily the night before or taking drugs the Council will draw inferences, conduct an investigation and take disciplinary action.

14.8 What if I have a drugs or alcohol problem?

We recognise that for a variety of reasons it can become easy for people to become dependant on drugs or alcohol. Sometimes these problems can stem from medical illnesses such as depression.

We encourage any member of staff who has difficulties with drugs or alcohol to raise this with their line manager or the town clerk confidentially in the first instance. The Council will discuss this further with you and may refer you to Occupational Health. The Council may also explore with you other support that can be sought and refer you to other organisations that can provide necessary support. Discussions will be held with you as to what impact your problems have on the ability to work safely and explore what temporary steps can be put in place to facilitate access to appropriate treatment and continue working.

Whilst the Council will lend support it is nevertheless your responsibility to accept that support and do everything you can to overcome your problem within a reasonable timescale. A failure to do so could mean that the Council has to consider implementing a formal capability process which could result in termination of your employment if you are unable to overcome your problems and it impairs your ability to perform your duties or work safely.

14.9 Medical examination/testing

The Council reserves the right to require you to undergo a medical examination or to submit to a test for substances/drugs/alcohol. Such tests may be performed by the Council itself or by a designated medical practitioner. The Council also reserves the right to search the Council's premises (including lockers and Council vehicles) for evidence of any breaches of this policy.

14.10 When will a request to attend a medical examination be made?

Such requests will be made where there is a suspicion of a breach of the policy, where there has been an accident or where the employee has previously been found

to be in breach of this policy and a random check is felt appropriate to ensure continued compliance with this policy.

If you refuse to undergo a medical examination, your refusal may constitute gross misconduct under the Council's disciplinary procedure. Further the Council may have regard to your refusal and draw inferences from that refusal.

Once you have attended a medical examination or test, your results will be confirmed to you. If in the meantime you admit you are suffering difficulties, the Council reserves the right to suspend you from your employment to allow the Council to decide whether to deal with the matter under the disciplinary procedure or to require you to undergo treatment and rehabilitation and apply a capability process. However, all staff are actively encouraged to disclose confidentially any problems they may have with drugs and alcohol and seek assistance to overcome their problems. As such the Council may ignore any late admissions of such problems where there has been a reasonable opportunity to seek assistance through the Council.

15. Smoking Policy

The Council has a duty to ensure, as far as is practicable, the health, safety and welfare of its employees. Smoking is a serious hazard where it takes place near flammable materials, liquids and gases and under no circumstances must any employee endanger their own health and that of others by smoking in areas where there is a fire hazard.

Furthermore, smoking is harmful to people's health, whether as a smoker or inhaling smoke passively. We therefore wish to ensure an environment which is free of harmful smoke and this is supported by current legislation which prohibits smoking in workplaces or Council vehicles.

All employees are therefore prohibited from smoking (including using e-cigarettes) inside any part of the Council's buildings (including substantially enclosed areas), in a Council vehicle or your own private vehicle if it is being used for work purposes.

You are required to follow this policy to safeguard the welfare of the workforce as a whole. Please note that employees have the right to complain if this policy is not followed by others. Breach of this policy is a disciplinary offence, which will be dealt with in accordance with the Council's disciplinary procedure.

Where can I smoke?

Smoking (or using e-cigarettes) will only be permitted in designated smoking areas and you will be responsible for disposing of any litter appropriately.

When can I smoke?

You may smoke in designated smoking areas during your recognised daily rest periods only i.e. morning or afternoon breaks, lunch time. Additional smoke breaks

are not permitted. Your contract of employment will set out what entitlement you have to rest periods/lunch breaks.

16. Health and Safety and Risk Management

With regard to safety and appearance, work areas must be kept clean and tidy at all times.

We recognise our legal responsibilities to ensure the health and safety of our workforce. You are also under a duty to take reasonable care of your own health and safety and to have consideration to your fellow employees and customers who may be affected by your actions. A copy of the Council's health and safety policy is provided at each site location, i.e. water park, offices, Lakeside etc. Failure to comply with the policy may lead to disciplinary action against you.

17. Data Protection and Disclosure of Information

It is generally accepted that open government is best. Legislation requires that certain types of information must be available to members, auditors, government departments, service users and the public. Generally, the Council will only restrict discussion about confidential, personal and commercial matters (General Data Protection Regulations and the Freedom of Information Act) and be open about all other matters in the course of conducting its business.

We are under an obligation to ensure that all personal data and sensitive personal data is held by us is processed in accordance with the General Data Protection Regulations. The Council is obliged to keep your personal data and sensitive personal data secure and process it fairly and lawfully.

During your employment you consent to the collection, retention and use of details (personal data and sensitive personal data) about you, which we may store electronically or as part of a paper filing system, including information concerning:-

- your home address and contact details;
- recruitment records and references;
- sickness records;
- salary, bonuses and other benefits;
- records of telephone use;
- analysing sickness absence; and
- compiling emergency contact details.

You are required to inform us promptly of any changes in your personal information e.g. contact details, bank details or criminal convictions.

We will take all reasonable steps to keep your information confidential and will not disclose your personal information to anyone outside the Council. However, we may disclose your personal information if it is required for the administration of your employment and associated benefits; to our professional advisors (e.g. accountants or lawyers) or legal and regulatory authorities (e.g. HMRC).

You are entitled to request access to any personal data concerning you which is held by the Council. Where necessary, you should make a written request to the Council. Please note that we are entitled to charge a fee for processing this request and will provide you with the information within the statutory timeframe. There may, however, be circumstances in which we cannot release information to you, e.g. where it contains the personal data about another employee or third party. Where this is the case, we will notify you accordingly.

18. Vehicle Tracking and CCTV Systems Policy

The Council may implement a vehicle tracking system fitted to Council vehicles and CCTV systems in and outside the workplace. This equipment is intended to prevent and detect crime, ensure the health and safety of staff and visitors, and ensure operational efficiency.

Please note that the collection of data and images may constitute personal data for the purposes of the General Data Protection Regulations.

What is the purpose of this policy?

This policy is there to ensure that all employees are aware of the use of CCTV and vehicle tracking equipment within the Council, the fact it may capture personal data, to set out the purpose and business reasons for doing so, how the personal data may be used and to ensure a balance between the needs of the Council and the privacy of our employees.

Vehicle Tracking Systems

Our vehicle tracking systems enable us to monitor the whereabouts and use of Council vehicles including journeys taken and destinations, speed, when the engine is running etc. The vehicle tracking equipment is only operational during working hours when the vehicle is being used.

CCTV

The CCTV system monitors Hemsworth Community Centre, Hemsworth Water Park, Sandygate football facility, Cemetery Road football facility and the Lakeside café bar, 24 hours a day. This data is recorded.

The CCTV camera may capture images of employees or visitors in or around Council premises.

The CCTV data is collected on a loop system such that data is automatically recorded over, and so deleted, after 28 days. CCTV images will only be viewed where an incident has occurred which CCTV footage may assist in identifying what happened.

Why is monitoring necessary?

For business reasons, and in order to carry out legal obligations in our role as an employer, our systems will be regularly monitored for:

- health and safety purposes;
- to ensure efficiency in journey planning having regard to mileage, time and traffic reports;
- to prevent and detect crime; and
- to ensure compliance with the Council's policies and procedures, in particular safe use of vehicles;
- to enable information to be collated and obtained which may assist in defending any claim or prosecution arising from an incident in the vehicle;
- to ensure compliance with health and safety legislation and the Working Time Regulations 1998
- to ensure compliance with road traffic legislation.

Monitoring is only carried out to the extent necessary and justifiable to fulfil the business reasons above.

Access to the data collected shall be restricted to the town clerk and the head of security.

The Council is satisfied that the use of CCTV and vehicle tracking equipment is proportionate taking into account the business reasons and benefits of the use of these systems and the impact it may have on the privacy of our staff.

19. Statements to the Press/Media

You must not make any statements to the press or media without the prior clearance and authority of the Council. Any requests from the press/media must be referred to the town clerk.

20. Confidentiality

Any information which:

- is or has been acquired by you during the course of your employment, or has otherwise been acquired by you in confidence;
- has not been made public by the Council, or you have been authorised to disclose

shall be confidential and, unless required by law, you shall not, either before or after the termination of your employment disclose such information to any person without prior written consent.

You shall exercise reasonable care to keep safe all documents or other material containing confidential information, and on the termination of your employment, or at any other time, upon demand return to us any such material in your possession.

Confidential information includes, but is not limited to, sensitive information (i.e. not in the public domain) prices, marketing and business development activities or planned activities, tender information, secret formulae, secret technical processes, service user information (names, contact information, activity history and future requirements), staff records and any other information which would reasonably be considered to be confidential.

If you have any questions regarding your duty of confidentiality, or where you have concerns over security matters you should immediately contact your line manager.

21. Political Neutrality

Employees serve the authority as a whole. It follows they must serve all councillors equally, and must ensure that the individual rights of all councillors are respected. Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality. This would normally only be done by the town clerk.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

22. Relationships - Councillors

Employees are responsible to the Council as a whole. For some, their role is to give advice to councillors and managers, and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

23. The Local Community and Service Users

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

24. Contractors and Tenders

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the town clerk. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the town clerk.

Employees involved with tendering processes must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

25. Appointment and Other Employment Matters

Employees involved in staffing appointments should ensure that these are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

26. Personal Interests

Employees must declare to the Council or an appropriate officer any financial interests which could conflict with the Council's interests. Employees should also declare to an appropriate officer membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules of membership or conduct.

27. Equal Opportunities

27.1 What does this mean?

The Council is committed to providing and promoting opportunities for staff and job applicants. We are committed to creating a working environment which enables everyone to work to the best of their skills and abilities and without the threat of discrimination or harassment arising. As a Council we pride ourselves on treating all members of staff equally, irrespective of their or their "Associated Persons" gender, sex, pregnancy or maternity status, marital status, race, colour, religion or belief, disability, age, sexual orientation, gender reassignment ("Protected Characteristics"). An Associated Person may be a member of staff's family, friend or other dependants.

Whilst the Council is committed to treating all employees equally, the success of this policy requires equal input from all employees.

All employees are required to comply with their obligations to promote a working environment free from discrimination. You should treat your colleagues, customers and members of the public as you would expect to be treated yourself and respect the Protected Characteristics of others.

27.2 Does this apply to the recruitment process?

We aim to ensure that no job applicant suffers from discrimination of any form during the recruitment process. Our application and interview process are reviewed regularly to ensure that they do not put any particular group at a disadvantage.

We will not ask unnecessary questions about an applicant's personal affairs during the recruitment process. Questions about a prospective employee's health will usually be left until the offer stage unless the questions are raised to identify any particular needs for the recruitment process, for a genuine occupational need or because we wish to establish at the outset the ability of a candidate to perform an intrinsic feature of the job, i.e. heavy lifting.

As part of the recruitment process we will require all prospective employees to produce appropriate ID (originals must be produced) to demonstrate that individual's legal right to work in the UK before employment is allowed to commence.

We may, as part of any equal opportunities monitoring programme, request job applicants to complete an equal opportunities form which will be detachable from the main application and used solely for the purpose of monitoring equal opportunities.

27.3 What is discrimination?

Discrimination can take a number of different forms:-

Treating someone less favourably because of one or more protected characteristics, e.g. rejecting a job applicant because they are a different race or are pregnant. This is known as direct discrimination.

Applying an unjustified provision, criterion or practice which, although applied equally across all employees or job applicants, places some individuals with a particular Protected Characteristic, at a disadvantage i.e. requiring job applicants to have 10 years' driving experience would prevent individuals under the age of 27 from applying for the role. Unless this requirement for 10 years' driving experience can be justified, this will be an act of indirect discrimination.

27.4 Bullying or harassment

Treating someone less favourably because they have raised a complaint of discrimination or given information about discrimination or supported a colleague's complaint. This is known as victimisation.

There are additional acts of discrimination which extend to staff who suffer from a disability (whether mental or physical).

The law governing equality within the workplace extends protection to members of staff who have an association with a person with a Protected Characteristic. For example, an act of discrimination may arise where a staff member is harassed or feels harassed because they have a child who is disabled.

You should also be aware that protection is extended to those who are "perceived" to have a Protected Characteristic but in fact don't. For example, subjecting a member of staff to homophobic banter because it is perceived, albeit incorrectly, that the member of staff is not heterosexual.

Although discrimination may appear to be complicated, members of staff are unlikely to breach our policy and the law as long as they treat all colleagues with respect and dignity regardless of a person's Protected Characteristics.

No one will be denied access to training or promotion on grounds of any Protected Characteristics.

No member of staff will have their employment or engagement terminated because of a Protected Characteristic.

Access to services, benefits and facilities will be made available to all staff equally having regard to their grade or position.

27.5 Will reasonable adjustments be made if I have a disability?

If an applicant is unable to attend an interview or other recruitment stage for any reason, we will consider any reasonable adjustments that may assist the applicant in participating fully in the recruitment process and being given an equal opportunity to be considered for any vacancy.

Similarly, as an employee of the Council, we encourage you to discuss any condition you may have with us so that we can help you overcome or minimise any difficulty you may be experiencing in the workplace (whether a physical feature or compliance with a policy or procedure) or in the performance of your duties. This will allow the Council to explore any reasonable adjustments that could be made to keep you in employment or, where absent from work, to facilitate a return to work.

27.6 Will I receive training on equal opportunities?

We will monitor staff training needs and where a training gap is identified, all staff will be given access to suitable training to ensure they are fully aware of their obligations.

If any member of staff feels they require additional support and training in this area, they should contact their line manager accordingly.

28. Bribery Act Policy

We take a zero tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships. We are committed to upholding all laws relevant to countering bribery and corruption in all the jurisdictions in which we operate.

28.1 What is bribery?

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. If you are unsure as to whether an action is a bribe, you should contact your line manager immediately.

28.2 Gifts and Hospitality

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties, however you should first obtain authorisation from your line manager.

When assessing the practice of giving business gifts, the test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

28.3 What is not acceptable?

It is not acceptable for you (or someone on your behalf) to:

- give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to facilitate or expedite a routine procedure;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- engage in any activity that might lead to a breach of this policy.

28.4 Your responsibilities

You must ensure that you understand and comply with this policy. Where you have concerns about bribery, you must notify your line manager.

Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. We reserve our right to terminate our contractual relationship with other workers if they breach this policy.

28.5 What are the consequences of a bribery offence?

Given the serious nature of bribery and corruption, offences are punishable for individuals by up to ten years' imprisonment and if we are found to have taken part in corruption we could face an unlimited fine, be excluded from tendering for public contracts and face damage to our reputation. It is therefore imperative that all parties take their legal responsibilities very seriously.

28.6 Record keeping

We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties. You must declare and keep a written record of all hospitality or gifts accepted or offered, and submit all expenses claims as required which will be subject to managerial review.

All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness.

28.7 How do I raise a concern?

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage using the policy at appendix 5. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your line manager.

28.8 What do I do if I am a victim of bribery or corruption?

Where this occurs, it is imperative that you tell your line manager as soon as possible. This applies if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

28.9 If I raise a concern, will I receive any protection?

If you raise a concern or report another's wrongdoing, we will support you throughout the process where such concerns are genuine and are made in good faith, even if they turn out to be mistaken in the future.

We are committed to ensuring that no one suffers detrimental treatment as a result of their refusal to take part in a bribery or corruption offence, or because they have raised a genuine concern in good faith.

If you believe that you have suffered any such treatment, you should inform your line manager immediately. If the matter is not remedied, you should raise a formal grievance.

29. Use of Financial Resources

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

30. Hospitality

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the council gives consent to attendance in advance and where purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

31. Sponsorship - Giving and Receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grants, aid, or by other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

32. Dignity at Work/Bullying and Harassment Policy

32.1 Purpose and Scope

Statement: In support of our value to respect others, Hemsworth Town Council will not tolerate bullying or harassment by, or of, any of their employees, officials, members, contractors, visitors to the council or members of the public from the community which we serve. The Council is committed to the elimination of any form of intimidation in the workplace.

This policy reflects the spirit in which the Council intends to undertake all its business and outlines the specific procedures available to all employees in order to protect them from bullying and harassment. It should be read in conjunction with the Council's policies on grievance and disciplinary handling.

The Council will issue this policy to all employees as part of their induction and to all members as part of their welcome pack. The Council may also wish to share this policy with contractors, visitors and members of the public.

The Council is committed to ensuring that all members of staff are treated with dignity and respect regardless of whether they have a Protected Characteristic (as explained in Section 27.1 above) or not. Where an employee feels that they have been subjected to harassment and bullying, they should draw such matters to the attention of their line manager.

The Council takes all allegations of bullying and harassment with the upmost seriousness and where the allegations are proven to be true, the employee at fault will be subject to our disciplinary process.

Harassment and bullying are misconduct offences, however where it is sufficiently serious, this will be categorised as gross misconduct which may lead to your dismissal. Each case will be considered on its own facts.

32.2 Definitions

Bullying "Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress."

Harassment is unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creates an intimidating, hostile, degrading,

humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age. These definitions are derived from the ACAS guidance on the topic. Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover and damage to the council's reputation.

32.3 Examples

Examples of unacceptable behaviour are as follows; (this list is not exhaustive) Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone or through automatic supervision methods. It may occur on or off work premises, during work hours or non-work time.

32.4 Penalties

Bullying and harassment are considered examples of serious misconduct which will be dealt with through the disciplinary procedure at gross misconduct level and may result in summary dismissal from the council for employees or through referral to the monitoring officer (WMDC) as a contravention of the members code of conduct which may result in penalties against the member concerned. In extreme cases harassment can constitute a criminal offence and the Council should take appropriate legal advice, sometimes available from the Council's insurer, if such a matter arises.

32.5 The Legal position

Councils have duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974. Under the Equality Act 2010, bullying or harassment may be considered unlawful discrimination. A harasser may be personally liable to pay damages if a victim complains to an employment tribunal on the grounds of discrimination.

Process for dealing with complaints of Bullying and Harassment

32.6 Informal approach

An employee who feels he or she is being bullied or harassed should try to resolve the problem informally in the first instance. It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

32.7 Formal approach

Employees: Where the employee feels unable to resolve the matter informally, any complaint about harassment or bullying can be raised confidentially and informally,

initially with the town clerk or the chairman of the Council. The complaint should be put in writing.

Your complaint should set out the full details of unwanted conduct and include dates, times, locations and the names of any witnesses to the unacceptable behaviour.

We will treat all complaints made with the strictest confidence and will look to investigate the issue in a prompt and timely manner.

Others: Any other party to the council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with the chair of the Council or another councillor if more appropriate, where possible, or the monitoring officer (WMDC) if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment. The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels s/he has been bullied or harassed by any members or officers of a council should use the council's official complaints procedure.

Process for employees: A meeting to discuss the complaint with the complainant will normally be arranged within five working days of a written complaint being received and will be held under the provisions of the council's grievance procedure. This meeting will be to discuss the issues raised and a way forward for the member(s) of staff involved. Employees have a right to be accompanied by a work colleague or a trade union representative at this meeting. A full investigation of the complaint will be held by an officer as appointed by the chair/councillor who is handling the process. It may be appropriate for an external investigator to be involved in order to maintain objectivity and impartiality. The hearing panel will publish its recommendations following deliberation of the facts. An action plan should be made available to the complainant to demonstrate how the problem is to be resolved as appropriate.

Action: It may be decided that mediation is required and the council should contact NALC, an employer's body or ACAS to this effect or the council may offer counselling. At all times the confidentiality of the process will be of paramount importance in order to maintain trust in the process.

32.9 Disciplinary Action

Following an investigation into allegations of bullying or harassment, a full report will be made and this may result in disciplinary action being taken against the perpetrator of the alleged action/behaviour.

For an **employee** found to have been bullying/harassing others this will follow the council's disciplinary procedure and would normally be treated as gross misconduct.

For **members** who the Council reasonably believe have been bullying or harassing another person(s) whilst undertaking Council activities, and with appropriate reference to the monitoring officer (WMDC), the action taken must be reasonable,

and in some cases counselling or training in appropriate skill areas e.g. inter-personal communication, assertiveness, chairmanship etc, may be more appropriate than a penalty. The range of disciplinary sanctions available to the council, where a member has been involved in bullying/harassment include; admonishment and an undertaking not to repeat the process, removal of opportunities to further harass/bully, banning from committees of the Council and representation on any outside bodies and referral to the monitoring officer (WMDC) by the council and/or the aggrieved victim. This list is not exhaustive.

False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the disciplinary procedure and/or a referral to the monitoring officer (WMDC).

32.10 If I am unhappy with the outcome, do I have a right to appeal?

If you are unhappy with the outcome of the investigation, you may appeal in writing to the town clerk or the chair of the Council within seven days. In submitting your appeal you should state the full grounds upon which your appeal is based.

The Council will schedule an appeal meeting with you within seven days of receiving your letter (or as soon as is practicable) and the appeal will be dealt with by an impartial manager who has not previously been involved with the investigation.

Again, you will be entitled to be accompanied to this meeting by a fellow employee or a trade union representative.

Following this meeting, the Council will confirm its decision to you in writing within seven days of the appeal hearing after which you will have no further right of appeal.

33. Discipline and Grievance Procedures

33.1 Disciplinary:

Purpose and Scope

This procedure is designed to help and encourage all Council employees to achieve and maintain high standards of conduct whilst at work or representing the Council. The aim is to ensure consistent and fair treatment for all.

33.2 Principles

- i. No disciplinary action will be taken against an employee until the case has been fully investigated.
- ii. At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- iii. At all formal stages the employee will have the right to be accompanied by a trade union representative or work colleague during the disciplinary interview.
- iv. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty of dismissal without notice or payment in lieu of notice may be applied.

- v. An employee will have the right to appeal against any disciplinary penalty imposed.
- vi. The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

33.3 The Procedure for Misconduct and Gross Misconduct

Action will be taken if the Council believes your behaviour, actions or omissions constitute misconduct. The seriousness of the misconduct will determine the severity of any sanction imposed. Misconduct can range from minor misconduct through to gross misconduct, the latter justifying dismissal without notice.

The following list provides examples of *misconduct* which will normally give rise to formal disciplinary action:

- Minor breaches of our policies and procedures
- Unauthorised absence from work
- Minor breaches of contract
- Lateness for work or poor time keeping
- Inappropriate standard of dress
- Time wasting
- Disruptive behaviour
- Damage to or unauthorised use of the Council's facilities or properties
- Refusal to carry out reasonable requests or instructions
- Smoking in unauthorised areas
- Excessive use of telephones and/or internet or email

This list is not exhaustive and offences of a similar nature will result in disciplinary action being instigated.

Persistent or frequent absence on medical grounds and long-term sickness absence will be dealt with using a procedure for incapacity, which is described in the absence policy.

The following list provides examples of offences which are normally regarded as *gross misconduct*:

- Theft, fraud, deliberate falsification of records, or other acts of dishonesty
- Fighting, assault or physical violence or bullying
- Deliberate or serious damage to property of the Council, its workers or members
- Serious misuse of Council property or name
- Gross incompetence in the conduct of work
- Gross negligence which results in the Council or employees being put at risk or serious neglect of duties
- Being under the influence of alcohol, illegal drugs or any other substances during working hours
- Acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion or belief
- Serious acts of insubordination
- Serious or repeated failure to obey instructions

- Serious breach of duty to keep information of the Council, its service providers and its clients confidential
- Unauthorised entry to computer records
- Serious breach of the Council's security policy, health and safety policy, confidentiality, or e-mail and internet policy
- Any action, whether committed on or off the premises, that is likely to or does bring the Council into disrepute
- Working with an external agency to provide information which would be detrimental to and cause commercial risk to the Council
- Possession, use or supply or attempted supply of illegal drugs
- Unauthorised use, process or disclosure of personal data contrary to the data protection policy
- Conviction of a criminal offence which may affect the Council's relationship with staff, service users or the public

This list is not exhaustive and other offences of a similar gravity will result in disciplinary action being instigated at gross misconduct level which carries a potential penalty of dismissal without notice or pay in lieu of notice (summary dismissal) unless there are exceptional mitigating circumstances. Gross misconduct is generally any conduct which places extreme pressure on the mutual trust which exists in an employment relationship.

33.4 Informal Action

Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and his/her line manager or the town clerk. In the case of the town clerk being the individual against whom there is a complaint or allegation, the matter should be handled by the chair of the Council and involve an informal meeting initially. However, where the matter is more serious or informal action has not brought about the necessary improvement or the issue cannot be resolved informally, the following procedure will be used:

33.5 Formal Action

The level of warning you may receive for misconduct/gross misconduct will depend on how serious the Council considers the alleged actions to be and your previous conduct in all the circumstances.

The town clerk has the responsibility of dealing with oral and first written warnings (stages 1 and 2) and has the authority to impose sanction(s).

If the offence is a serious one, or if further to previous formal disciplinary action, a written warning will be given to the employee by the line manager or the town clerk. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on file but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct.

Stage 3 or 4 will be dealt with by the Staff Disciplinary and Grievance Committee.

In the event of alleged gross misconduct the formal process may commence at Stage 4 – dismissal or other sanction.

Formal Action - Disciplinary Stages

If we consider there are grounds for taking formal action against you, you will be required to attend a disciplinary hearing and the stages for which are described below.

We will provide you with notification of the hearing and we shall provide you with the following information:-

- A summary of the evidence gathered as part of an investigation;
- Copies of all relevant documents to be used at the hearing; and
- Copies of any witness statements.

At all formal stages of the disciplinary process, you are entitled to bring a trade union representative or a fellow colleague with you as a companion. If you or your companion are unable to attend the hearing, you should inform us immediately so that we may arrange an alternative date. Where you or your companion are persistently unable to attend the hearing, we reserve our right to make a decision in your absence based on the evidence available.

As part of the disciplinary hearing, the Council will look to confirm the following with you:

- Details of the conduct issues and the evidence which suggests your conduct or behaviour has fallen below the standards required;
- Provide you with an opportunity to ask questions and to present evidence on your own behalf;
- Establish the likely causes of your conduct issues;
- Identify whether any further measures can be taken to assist with your conduct issues;
- Discuss the standard of conduct expected of you;
- Issue you with an appropriate warning/sanction.

Where it is clear that your conduct or behaviour has fallen below the standards expected by the Council, the following warnings may be issued to you:-

33.8 Outcomes and Penalties

Stage 1 - Oral Warning

In the instance of a first complaint that conduct does not meet acceptable standards, the employee will normally be given a formal oral warning. The employee will be advised of;

- the reason for the warning,
- that it is the first stage of the disciplinary procedure,
- the improvement that is required and the timescales for achieving this improvement,
- consequences of failing to improve

- together with a review date and any support available where applicable and
- his or her right of appeal.

A brief note of the oral warning will be kept but it will be spent after six months, subject to satisfactory conduct.

Stage 2 - Written Warning

If the offence is more serious, or there is no improvement in your conduct or where there is further evidence of misconduct where your oral warning is active, a written warning will be given to the employee by the town clerk. This will give details of the complaint, the improvement required and the timescale. It will warn of the consequences if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on file but it will be disregarded for disciplinary purposes after twelve months subject to satisfactory conduct.

Stage 3 – Final Written Warning

If there is still a failure to improve your conduct or the misconduct is sufficiently serious, or there is further misconduct whilst the written warning is active, a final written warning will normally be given to the employee. This will give details of the complaint and if the conduct executed is active, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the town clerk or in the case of the town clerk being disciplined, by the chair of the Council but it will be spent after twelve months, in exceptional cases the period may be longer, subject to satisfactory conduct.

Stage 4 – Dismissal or Other Sanctions

If conduct is still unsatisfactory, where further misconduct occurs whilst the final written warning is active, or where the Council reasonably believes gross misconduct has occurred, dismissal may result.

Only the appropriately convened hearing committee can take the decision to dismiss an employee. The employee will be given a written statement of allegations against them, invited to a meeting and then be notified in writing of the reasons for the decision taken at the hearing.

Penalties at this stage may include dismissal with notice, or where your conduct amounts to gross misconduct, summary dismissal (i.e. without any notice or payment in lieu of notice). Sanctions imposed may also include final written warning with/without demotion, loss of pay or loss of seniority. If dismissal is the outcome, the employee will be advised of the date on which their employment will terminate.

In all cases the employee has a right of appeal.

33.9 Suspension

If you are accused of an act of gross misconduct or where the circumstances are such that suspension is felt necessary to ensure an investigation is undertaken without interference or where there are concerns regarding the working relations between colleagues or possible further misconduct which may cause harm to the Council, you

may be suspended from work on full pay while the Council investigates the alleged offence. The town clerk in conjunction with the chair and vice-chair of the Council has the power to suspend. This enables a swift and thorough investigation to occur.

Whilst suspended, pending disciplinary investigation, regular contact with a nominated person at the Council will be maintained although access to premises, equipment or systems may be denied.

The investigator who compiles evidence for the disciplinary hearing must play no part in the subsequent decision making to ensure impartiality. The Council will consider the implications of such arrangements on its hearing and appeal committee plans early on in the disciplinary process.

33.10 Appeals

An employee who wishes to appeal against a disciplinary decision should inform the town clerk within five working days, in writing and giving reasons for the appeal.

- The employee thinks the findings or penalty is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

The appeal will be heard by a separate committee of members who were not involved in the original disciplinary hearing, who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited trade union official at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing.

At the appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the appeal hearing will be final. You will have no further right to appeal thereafter.

Following the appeal meeting, the Council will inform you of their decision in writing within seven days of the appeal meeting. You will have no further right to appeal thereafter.

In the event that you have been dismissed, the date of dismissal will not be delayed pending the outcome of an appeal. In the event that your appeal is successful and the decision to dismiss you is revoked, you will suffer no loss of continuity or pay.

33.11 Right to be Accompanied

At each formal stage of the disciplinary process an employee has the right to be accompanied.

An employee can ask any other employee or a trade union representative or an appropriately accredited official employed by a trade union to accompany them, to give support and help them prepare for the disciplinary meeting.

As this is an internal process there is no provision to have any external person accompany or represent an employee e.g. partner, parent, solicitor etc. The

companion can address the hearing, put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting and confer with the employee.

The companion cannot however answer questions on the employee's behalf or address the hearing if the employee does not wish them to or prevent the employee explaining their case.

33.12 Hearing Committees

The number of councillors to sit on the Staff Grievance and Disciplinary Committee (or 'panel') is three and will be selected subject to availability. The panel will be appointed at the next scheduled council/committee meeting. A second panel will also be appointed in case it is needed for an appeal or other matter.

33.13 Note Taking

It is highly recommended that notes are taken at every meeting or hearing which arises as a result of a disciplinary process. The Council will give this requirement careful consideration in order to respect employee confidentiality.

33.14 Grievances Raised During Disciplinary

In some circumstances when a disciplinary process has commenced an employee may choose to exercise their right to raise an internal grievance about the employment relationship with the Council or individual members. It is preferable, though not essential, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently but this must be done with caution and specialist advice should be sought if this arises.

34. Grievance Procedure

34.1 Purpose and Scope

It is the policy of the Council to give employees the opportunity to air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the Council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. In order to deal with such matters, we will work with you to find a suitable outcome to any complaints made.

34.2 Principles

- At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made
- Grievances will be dealt with promptly and consistently
- At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the grievance hearing.
- An employee will have the right to appeal against any outcome of a grievance hearing.

- At no time will an employee be penalised or victimised for having raised a grievance against the Council

34.3 Procedure

Wherever possible, any grievance should be raised informally with the town clerk or line manager. In the case of the town clerk raising a grievance this should be directed to the chair of the Council unless the complaint is about the chair, in which case another member can be identified to handle the town clerk's concerns. The recipient of the grievance from the town clerk should share the grievance with the Staff Disciplinary and Grievance Committee and the issues should be treated with discretion and confidentiality at all times.

34.4 Written Statement

If the employee does not consider it appropriate to raise the grievance informally, if requested by the person to whom the employee initially spoke to informally, or if it is not possible to resolve your grievance informally then the employee should submit a formal grievance in writing to their line manager or if this is inappropriate, to the next level of management.

Your grievance should provide details of any relevant facts, dates and names of the individuals involved. Once we have received your formal grievance, we will investigate the matter and discuss the options available.

Dependant on the circumstances surrounding your grievance, it may be necessary for us to carry out an investigation. During such times, we expect you to cooperate fully and promptly with us so that we can obtain sufficient information to deal with the issue at hand.

34.5 Meeting or Hearing

Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint (depending on the timing of any investigation required), the town clerk will arrange for the Staff Disciplinary and Grievance Committee to meet with the employee.

The number of councillors to sit on the Staff Grievance and Disciplinary Committee (or 'panel') is three and will be selected subject to availability. The panel will be appointed at the next scheduled council/committee meeting, which, depending on the timing, may mean that it will take more than five working days to arrange to meet with the employee, although the process will be expedited as quickly as possible. A second panel will also be appointed in case it is needed for an appeal or other matter.

The town clerk will endeavour to make the meeting arrangements mutually convenient and will arrange a confidential location, free from interruptions.

This meeting will provide you with an opportunity to explain your grievance and provide your views on how you would like the issue to be resolved. This will help us to reach a decision based on the evidence available and the representations you have made. Dependant on the issues raised at the grievance meeting, it may be

necessary for further investigations to be carried out and for a grievance meeting to be re-convened.

Following the grievance meeting we will usually write to you within seven days to inform you of the outcome of the grievance and the action that we intend to take.

There is no right for a member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the panel may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The panel may ask the employee what they would like to happen as a result of raising the grievance and bear this in mind when preparing the response.

34.6 Response

Where the grievance has not been resolved to your satisfaction, you have the right to appeal in writing to the town clerk within five days of receiving the outcome letter. Within your appeal notification, you should state your full grounds of appeal.

There may be some value in exploring mediation as a way in which to resolve differences between two parties.

34.7 Appeal

As per above, if the employee is dissatisfied with the decision in relation to their grievance, they may appeal against the decision by written notice to the town clerk within five working days of the decision. You should state your full grounds of appeal within the notification.

On receipt of the appeal the appeal/second panel shall arrange to meet and consult with the employee, the town clerk or members concerned and any other persons, as they shall consider appropriate without unreasonable delay.

The appeal panel chair shall consider the issues and shall then take all such steps as they may consider necessary to resolve those issues. The decision of the appeal hearing will be final.

The Council will ensure that the members involved in the hearings are able to act impartially and reasonably at all times. The outcome of the appeal will be conveyed to the employee in writing in a timely manner.

34.8 Bullying or Harassment

If a grievance concerns alleged bullying or harassment the matter should be reported promptly to the town clerk.

Please refer to the Harassment, Bullying, Abuse and Intimidation Policy and Procedure for further details.

34.9 Right to be Accompanied

At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade

union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc.

The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions or prevent the employer from explaining their case.

34.10 Hearing Committees

The number of councillors to sit on the Staff Grievance and Disciplinary Committee (or 'panel') is three and will be selected subject to availability. The panel will be appointed at the next scheduled council/committee meeting. A second panel will also be appointed in case it is needed for an appeal or other matter.

34.11 Confidentiality

So far as is reasonably practicable, the Council will keep any grievance or complaint of harassment confidential between the town clerk, member investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

35. Health and Safety

35.1 Policy Statement

The Council recognises and accepts its responsibility as an employer for providing a safe and healthy working and operating environment and for taking all due care to protect the safety of its employees and members of the public who use its facilities. Accordingly it will, so far as is reasonable and practicable, take steps to meet this responsibility paying particular attention to the provision and maintenance of:

- i. Plant, equipment and systems of work that are safe.
- ii Safe arrangements for the use, handling, storage and transport of articles and substances.
- iii Sufficient information, instruction, training and supervision as is necessary to ensure the health and safety at work of all employees.
- vi Safe places of work and safe access to them.
- v Safe public areas where these are under Council control.
- vi A safe and healthy working and operating environment.
- vii Adequate facilities for welfare at work.

All employees and members of the public are reminded of their duty to take reasonable care for the safety of themselves and others who may be affected by their acts or omissions and to co-operate with others who may be affected by their acts or omissions and to co-operate with Council staff to secure compliance with statutory duties placed upon them.

This is in addition to the responsibility of the Council and its managers/supervisors for ensuring generally safe conditions of work. You must not do anything that could threaten the health or safety of yourself, fellow employees, customers or members

of the public (Health and Safety Act 1974 and the Management of Health and Safety at Work Regulations 1999).

Employees shall at all times make full use of appropriate safety equipment, devices and protective clothing and report any accidents, unsafe practices, systems of work and damage to plant to their line manager or to the town clerk.

You must make yourself familiar with our health and safety policy and your health and safety duties and responsibilities, details of which are available in the Council's Health and Safety policy document. A copy may be found at your place of work. The policy will be reviewed from time to time and if required be updated.

35.2 Welfare and Hygiene

- i. ***Protective clothing and items:*** Protective clothing and other items issued for your protection because of the nature of your job must be worn at all times. Failure to do so may contravene the Health and Safety at Work Act. Once issued you should wear this protective wear on any and all relevant occasions, as not to do so may jeopardise your welfare and breach a condition of the Council's insurance policy.
- ii ***Hygiene – as applied to posts in particular circumstances***
 - Any caps, other head coverings and overalls or uniforms where provided must be worn at all times.
 - You should not wear excessive amounts of make up or perfume and no nail varnish should be worn.
 - Any cut or burn on the hand or arm must be covered with a suitable approved dressing.
 - If you are suffering from an infectious or contagious disease or illness, or if you are suffering from a bowel disorder, boils, skin or mouth infection, you must not report to work without clearance from your doctor.
 - In these circumstances even after obtaining clearance from your doctor you must get clearance from the town clerk.
 - Any contact with a person suffering from an infectious or contagious disease must be reported to the town clerk. If working with or near foodstuffs, you must get clearance from your own doctor.

35.3 Risk Assessments

Periodically, health and safety reviews will take place in each area. Risk assessment forms will be completed and copies held by the person with responsibility for that area and the town clerk. The person responsible for overseeing health and safety in a particular area will implement improvements to minimise significant risks.

35.4 Safety Instruction

Safety instruction will primarily be provided "on the job" but will be supplemented by more formal tuition when required.

35.5 Accident Reporting

An accident report book is kept at your place of work and all accidents should be recorded in this book. Where the accident is notifiable as defined in the Local Council Health and Safety Guide, the town clerk must be informed and he will notify the appropriate authorities.

35.6 First Aid

First aid kits are maintained in each work location operated by the Council. Where appropriate first aid will be applied preferably by a Council first aider or by a competent person. Where more serious injury is sustained, professional help will be sought as soon as possible.

35.7 Fire

You are required to be aware of the potential fire risks and of action to be taken in the event of a fire. It is therefore important, for both your own safety and the safety of others, that you ensure you are familiar with the positioning of fire fighting equipment and the details posted on the fire instructions on all Council premises.

36. Stress Policy

The Council recognises that employees deal with work pressures differently and we note the importance of identifying and reducing sources of unnecessary workplace stress.

We acknowledge the effects of untreated, long-term stress and have designed the following policy to help avoid and alleviate any unacceptable levels of stress.

What are the symptoms of stress?

We note that stress can cause side effects including problems sleeping; dietary problems; mood swings; lethargy; inability to concentrate; fatigue; emotionalism; chest pains; palpitations; sweating; racing heart.

What should I do if I am suffering from stress?

If you consider you may be suffering from stress as a result of your working conditions or workload, you should contact your line manager as soon as possible. Any disclosures will be held in the strictest confidence and your line manager will make all reasonable efforts to reduce any work related stress.

If you note any of the above symptoms of stress in a colleague, you should approach your line manager who will act in strictest confidence.

If you have been absent from work as a result of a stress related illness, we will take account of any medical evidence obtained on your return to work and will take account of medical advice (if appropriate and available) and the needs of the business when determining which duties are most appropriate.

37. IT Virus Protection Procedures

In order to prevent the introduction of virus contamination into the computer software and computer hardware system, the following procedures must be observed:

- Unauthorised software must not be used.
- All software must be virus checked using standard testing procedures before being used.

38. Social Media Policy

We recognise that the internet provides unique opportunities to participate in interactive discussions and share information on particular topics using a wide variety of social media.

The internet and social media websites can be a very useful business tool and the Council may authorise certain individuals to utilise these facilities for the benefit of the Council or to facilitate the performance of their role.

At the same time it is important to recognise that the internet and social media may pose risks to our confidential and proprietary information, and reputation, and can jeopardise our compliance with legal obligations. For example, it is possible for an individual or the Council to be held liable for defamatory remarks made about a third party. Individuals can also be subject to civil and criminal prosecution in relation to behaviour online and whilst using social media. Trade secrets could be leaked online putting the Council at risk.

Therefore, it is important that certain rules and boundaries are put in place so that staff are aware of what is acceptable behaviour or activities and what is unlikely to be acceptable.

38.1 What is covered by this policy?

This policy relates to the sharing of information on sites, including but not limited to Facebook, Twitter, LinkedIn, YouTube and blogs.

38.2 Use of social media during working hours

To minimise the above risks and to avoid loss of productivity, our IT resources and our communications systems are only to be used for appropriate business purposes. This policy applies to the use of social media for both business and personal purposes, whether during office hours or otherwise, regardless of whether the social media is accessed using our IT facilities and equipment or equipment belonging to members of staff.

38.3 I use social media on behalf of the Council, how does this policy affect me?

It is expected that all staff will use social media in a way that complements their role within the Council and does not do anything that may jeopardise any secrets, confidential information or intellectual property, or brings the Council into disrepute or affect relations with colleagues or customers.

You should refrain from posting negative comments online (whether publicly or not) about the Council and/or staff or customers or suppliers.

Where you are asked to speak on behalf of the Council or where you are unsure whether a communication would breach any of your obligations towards the Council, you should seek guidance and approval where necessary from the town clerk.

Remember, you are representing the Council and as such all activities and use of social media should be professional and in accordance with our policies and procedures including our bullying and harassment policy and/or equal opportunities policy.

38.4 Will my use of social media be monitored?

Yes, we reserve the right to monitor, intercept and review, without further notice, staff activities using our IT resources and communications systems, including but not limited to social media postings and activities, to ensure that our rules are being complied with and for legitimate business purposes and you consent to such monitoring by your use of such resources and systems. This might include, without limitation, the monitoring, interception, accessing, recording, disclosing, inspecting, reviewing, retrieving and printing of transactions, messages, communications, postings, log-ins, recordings and other uses of the systems as well as keystroke capturing and other network monitoring technologies.

38.5 What happens if I fail to comply with this policy?

Breach of this policy may result in disciplinary action up to and including dismissal. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach. Any member of staff suspected of committing a breach of this policy will be required to co-operate with our investigation, which may involve handing over relevant passwords and login details. Staff may be required to remove internet postings which are deemed to constitute a breach of this policy. Failure to comply with such a request may in itself result in disciplinary action.

39. Internet & Email Policy

39.1 Will I have access to the internet whilst at work?

We recognise that certain internet material is valuable to our business. We may provide you with access to the Council's email and internet resources to assist you in performing your duties. This is a privilege and not a right.

Where such facilities are provided, use is limited to those sites that will assist your work function. You should ensure that you are using these resources in a professional and lawful manner, maintaining safe and efficient operation of the Council's email and internet facility.

Access to the internet for personal use is limited to designated lunch breaks.

39.2 Will my access be restricted?

We reserve the right to restrict your internet access and confirm you are only authorised to use systems and access information relevant to your job.

Under no circumstances should you attempt to make or distribute copies of our software which is licensed and subject to copyright law. Unless prior authorisation is obtained, you must not bring in software or download files to use on the Council's computers. Any breach of this procedure will lead to the disciplinary process being invoked.

39.3 Will I have a Council email address?

Where email is necessary for the performance of your role, you will be provided with a Council email address. We encourage the use of email for communicating with customers, clients and others for business related purposes.

You must not send non-work related emails, confidential or otherwise, using Council equipment or during work time. You should also ensure that personal email contacts do not send you personal emails to your work address.

At all times, the content of an email communication should be consistent with the standards that the Council expects in relation to any other written communication. Confidential information should not be sent externally by email without express authority and unless the messages can be lawfully encrypted.

39.4 What will be deemed as a misuse of the IT systems?

We will not tolerate the misuse of the Council's email and internet system. Where a breach of this policy occurs, you will be subject to disciplinary action (up to and including summary dismissal). You may also be liable to civil and criminal penalties.

You will be in breach of this policy if you knowingly access, transmit, download, upload, store, distribute, display, view, retrieve, receive or otherwise process defamatory, obscene, copyrighted, confidential or discriminatory material using the Council's email and internet system.

You are also strictly forbidden from downloading software from or loading software onto, the Council's IT system (except with the prior written authorisation of the town clerk. The deliberate or reckless importation of a virus into the Council's system is strictly prohibited and may also amount to a criminal offence.

You should be aware that emails can, on occasions, give rise to legal action against the Council. To limit liability for claims of defamation, breach of confidentiality or contract, you should treat emails like any other form of correspondence and, where necessary, hard copies to be retained.

You must avoid entering into commitments on behalf of the Council unless you have obtained express authorisation to do so or it forms part of your normal day to day duties.

Emails should only be sent to intended recipients. If you accidentally misdirect an email, you should inform your line manager immediately.

Failure to adhere to this policy may lead to the Council taking disciplinary action (up to and including summary dismissal).

39.5 Will internet and emails be monitored?

We reserve the right to monitor and keep records of your internet and email use. This is necessary for a number of reasons, including but not limited to:-

- ensuring compliance with this policy;
- training and monitoring standards of service;
- ascertaining whether internal or external communications are relevant to the Council's business;
- preventing, investigating or detecting unauthorized use of the Council's IT system or criminal activities; and
- maintaining the effective operation of the Council's IT system.

The Council has a legitimate interest in protecting its business reputation and communications systems, limiting its exposure to legal liability and ensuring that employees conduct themselves and perform their work to the level expected of them.

We also reserve the right to review any emails addressed to you but received during periods of absence (e.g. due to sickness or holiday). Information obtained on your use of the email and internet systems following these reviews may be disclosed to appropriate management, and, if required, law enforcement officials.

40. General Matters

40.1 Changes in Personal Details

You must notify the town clerk of any change of address, next-of-kin, banking details etc, so the Council can maintain accurate information on its records and make contact with you in an emergency.

40.2 Personal Property

Any incident of loss or damage should be reported to your line manager. However, the Council does not accept responsibility for any items of personal property lost, damaged or stolen on Council premises.

If you find any property then it must be handed immediately to your line manager, who will attempt to trace the owner.

41. Vehicles

The Council promotes safe and effective driving of Council vehicles. All employees should ensure that they drive with their safety and those of other road users in mind.

Employees are encouraged to ensure that the Council vehicle or vehicle used for Council purposes is maintained and serviced. Employees should always think ahead and be prepared for the unexpected whilst driving. Employees should take particular care during adverse driving conditions.

41.1 Will I be provided with a Council vehicle?

The Council reserves its right to issue you with a Council vehicle where it is required for the performance of your duties.

Where you are issued with a Council vehicle, this is to be used for Council purposes only. You will be required to produce your full driving licence at the request of the Council as evidence of your eligibility to drive. A failure to produce such documentation will result in disciplinary action.

You are required to notify the Council immediately if you incur any form of points penalty or licence endorsement which affects your eligibility to hold a licence. Where your licence is rescinded and driving forms a substantial part of your duties, the Council reserves the right to terminate your employment.

41.2 What is expected of me whilst driving a Council vehicle?

You are expected to comply with the following:-

- You should sign out the vehicle on the relevant record.
- You should ensure that you drive in a safe manner at all times.
- You must not undertake any road manoeuvres that may place others at risk.
- You should plan your journey ahead and provide adequate journey time and should at no point break any speeding limits or other traffic laws.
- You will be liable for any road traffic fines including any speeding fines.
- You should take due care and attention of other road users.
- You must not drive a Council vehicle when you are physically or mentally unfit to drive and you should inform the Council immediately if this occurs.
- You must never allow an unauthorised person to drive the vehicle.
- You must submit clear mileage records detailing your use of the Council vehicle.

41.3 Servicing and maintenance

You are responsible for ensuring that the vehicle is serviced and maintained at all times. Where any remedial work is required, you should contact your line manager before any work is undertaken.

You should ensure that the vehicle is routinely checked, is roadworthy at all times and any defect which may affect road safety should be corrected as a matter of urgency.

You should take care to ensure that the correct fuel and correct grade of fuel is used for the vehicle. A failure to do so may render employees liable for the remedial costs to the vehicle together with potential disciplinary action.

Vehicles should be kept clean and tidy.

41.4 Safety factors

You must check the safety of the vehicle before commencement on any journey.

You must not drive whilst under the influence of alcohol or drugs, nor whilst subject to any after effects of alcohol or drug use.

If you are required to take any form of medication, you must notify the Council in writing and should refrain from driving until you have been confirmed as fit to drive by your doctor.

You should not drive whilst over-tired and you should take regular breaks when feeling tired or drowsy. If the rest break means you will be late for an appointment, you should contact the other person/customer and explain the reason for the delay.

Always drive safely within the restrictions of the particular road conditions, including speed limits.

During adverse weather, you should ensure that the vehicle is checked for use. You should plan your journey carefully and make sure that your route is known to others. You should always be prepared by taking warm clothing with you and check for likely weather conditions prior to setting out on your journey.

You should not be distracted whilst driving. Eating or drinking whilst driving is not permitted.

You should ensure that you park the vehicle in a well lit area to ensure your safety is not endangered. You should also consider using the vehicle's internal locking mechanism whilst driving in areas where your safety may be compromised.

You should ensure that your eyesight is checked regularly for deterioration. It is your responsibility to ensure that this takes place and corrective measures taken where necessary.

41.5 Can I use the Council mobile telephone whilst driving?

Not unless you have a hands-free kit which allows you to make and receive calls without removing your hands from the steering wheel.

If you do not have a hands-free mobile telephone, you should not make or receive any calls whilst driving or deemed to be in control of the vehicle for the purposes of the law.

Where you have a hands-free telephone you should avoid making any telephone calls unless absolutely necessary. You should also not take any calls where the conditions would place you or other road users at any risk.

If a hands-free call is received and the driving conditions are potentially difficult or hazardous, the call should be terminated politely with an undertaking to return the call when you have been able to park safely.

Wherever possible avoid being distracted by the use of hands-free equipment whilst driving. Concentrate on the driving and ensure a safe journey.

Under no circumstances must you send a text message or email whilst driving. It is not possible to concentrate and drive safely whilst performing these functions.

If you have any questions as to safe use of mobile phones, please contact your line manager. The mobile phone which has been supplied to you is only to be used in accordance with this policy.

A failure to comply with this policy will be deemed a disciplinary matter and could result in summary dismissal as it is a driving offence but, more importantly, endangers your safety and that of other road users.

41.6 Can I smoke in the Council vehicle?

You and your passengers are prohibited from smoking in a Council vehicle both during and outside Council hours. This applies equally to your privately owned vehicle if it is being used for business purposes.

41.7 Can I use the in-vehicle electronic equipment?

Yes as long as you can drive safely when doing so.

You should not play electronic radios, CDs, MP3 players at a volume that could endanger health or distract you from concentrating on the road.

If you need to use satellite navigational aids, these should be used in a safe and lawful way and should not distract you from essential safety factors.

The Council may place vehicle tracking devices on its Council vehicles.

Please note that the Council reserves the right to review the logs to ensure you are not abusing the use of the vehicle and are providing an accurate log of visits made. This information may be used in any subsequent disciplinary action.

41.8 What happens if I have an accident?

In the unfortunate situation of an accident, you should ensure the following conditions are adhered to:-

- You should note details of the accident together with the full details of any other vehicles or persons involved in the accident.
- You should not, under any circumstances, make any admission of liability.

- You should, as soon as possible after the accident, report such details to the Council. An accident report form must be completed and returned to the Council within 48 hours of the accident wherever possible.
- Any repairs to the vehicle must have insurer approval.
- If the accident has been due to any failure or neglect on your part, then disciplinary action may be taken once the full facts of the incident have been obtained.

41.9 What use of the vehicle is allowed?

Any vehicles insured through the Council's insurance cover may not be used outside of the United Kingdom without the express written consent of the Council.

Vehicles may only be driven by duly authorised Council employees, councillors or pre-approved volunteers.

If you are driving Council vehicles or your personal vehicles for business purposes, you must possess a valid, full driving licence permitting the driving of the particular type of vehicle.

If you use your personal vehicle for Council business purposes, you must have business use motor insurance in place for your vehicle.

You will be responsible for the payment of any fines imposed as a result of your vehicle usage.

You may only use the Council vehicles for legitimate Council business.

41.10 When will I have to return the Council vehicle?

You shall return the vehicle at the request of the Council for whatever reason.

You shall, on termination of employment for whatever reason, return the vehicle to the Council at the appointed location on the last day of employment, unless agreed otherwise.

The vehicle shall be returned in a sound, clean and tidy condition.

It is an express term of your contract of employment that the Council shall have the right to retain from your salary the cost of any repairs to the vehicle.

It is an express term of your contract of employment that any failure to return the vehicle on the day appointed, in a sound condition, shall result in the cost of its recovery being deducted from any monies due to you.

42. Telephones

42.1 Can I make personal calls from the Council's telephones?

As you will be aware, telephones are critical to our business. Personal telephone calls cannot therefore take precedence over business calls. We do however recognise that occasionally, incoming/outgoing personal telephone calls are necessary.

Where personal telephone calls are necessary, they must be of a short duration (no more than three to five minutes) and should be limited to emergency calls only. Under no circumstances should personal overseas calls be made. Please note that it is a term of your employment contract that the Council reserves the right to make a deduction from your wages by way of reimbursement for misuse of the Council's telephones.

42.2 Can I use my personal mobile telephone in work's time?

If you have a Council mobile phone, it is Council policy that you may not use your own mobile telephone during working hours - unless you use your personal mobile phone for work use and as such it is your point of contact.

42.3 Will I be issued with a Council mobile telephone?

Depending on your role, you may be provided with a Council mobile telephone for business use only. If the telephone is used for private telephone calls, the Council may require you to reimburse the cost of these calls.

At all times, you should take care of the telephone and make sure it is secure. In the event of a theft, you should notify your line manager immediately and take all reasonable steps to report the matter so that action can be taken to disconnect the telephone.

The mobile telephone should be immediately returned to the Council if you are requested to do so or on the termination of your employment in any event.

43. Council Property

Use of Council property for a purpose other than normal duties is not permitted. No property is to be taken away from Council premises without prior explicit permission. You must notify the town clerk of any damage to the property or premises immediately.

44. References

44.1 Will I be able to start work before references are obtained?

Yes, you may be permitted to start work before all employee references have been obtained. Please note however that if we receive any references that prove to be unsatisfactory, you agree, as a term of your employment contract that it may be terminated summarily.

44.2 I am leaving the Council, will the Council provide me with a reference?

Should you decide to leave the Council's employment, we may at our absolute discretion provide you with a reference, as appropriate (usually, confirmation of employment dates), directly to your prospective or new employer in a form deemed appropriate. For the avoidance of doubt, the Council reserves the right to refuse to

provide a reference. Requests for references should be directed by your prospective or new employer to the town clerk. No reference should be given by a Council employee on behalf of or in connection with the Council, unless authorised by the town clerk.

44.3 Mortgage, rent or legal references

Where you are applying for a mortgage, or where a rent or legal reference is required, the Council will only provide a reference in response to a specific written request and no information will be supplied without your permission. Any such references will be given without liability on behalf of the Council.

45. Relationships at Work

The Council recognises that employees who work together may form personal friendships and, in some cases, close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for the Council to ensure that all employees behave in an appropriate and professional manner at work.

Whilst not all such situations raise issues of conflict of interest, this is not always the case. The implications of close personal relationships at work can include:

- Effect on the trust and confidence of colleagues in relation to a conflict of interest, fair treatment, their own ability to discuss issues openly within a team or with their line manager;
- Perception of suppliers, contractors, clients or the general public in relation to the professionalism and fairness of the Council and its employees;
- Operational issues affecting the ability to deliver the service effectively;
- Conflicting loyalties and breach of confidentiality.

The purpose of this policy is, therefore, to assist line managers in dealing sensitively, but effectively, with situations where employees have, or form, a close personal relationship with someone with whom they work.

These provisions are intended to avoid any possible conflict of interest or accusation of bias, favouritism or prejudice. They are also intended to ensure that all employees feel confident of fair treatment without the fear that a close personal relationship will influence their or other employees' treatment or broader working relationships.

To avoid any accusation of bias, employees must not be involved in any appointment where they are a relative or partner of, or have a close personal relationship with, the individual being considered for appointment. It also provides that employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee where there is a similar relationship.

45.1 Scope

This policy applies to all employees, contractors and consultants of the Council.

Close personal relationships within this policy are defined as:

- Employees who are married, dating or in a partnership or co-habiting arrangement;
- Immediate family members of the applicant or employee, such as parents, son/daughter, brother/sister, or grandparent/grandchild;
- Other relations of the applicant or employee, including extended family such as aunts/uncles/cousins/nieces/nephews, and any other individuals with whom there is a close personal relationship, such as close friendships, or business associates (outside the Council).

45.2 Recruitment and appointment of employees

During the recruitment process, all applicants and employees are required to disclose if they are a relative or partner of, or have a close personal relationship with, any employee or member of the Council. Failure to disclose such a relationship may disqualify the applicant from the recruitment process. Any applicant who seeks the support of a manager or councillor for any appointment will be disqualified.

Where the applicant, if appointed, would work in the same team or office with an employee with whom they have a close personal relationship (but not line management relationship), the implications of this should be considered and discussed as part of the selection process. This is to ensure that, assuming they are otherwise the most suitable candidate for the job, the appointment would also be appropriate taking into account operational issues and standards. Such issues could include shift patterns, annual leave requirements, potential conflicts of interest and confidentiality issues.

To avoid the accusation of any bias, an employee or councillor must not be involved in any appointment process where they are related or have a close personal relationship outside work with the individual being considered for appointment.

45.3 Relationships formed during employment

Close personal relationships may form between colleagues in the same team or office during the course of their employment. Such situations should be managed with care and sensitivity in the interests of all concerned. It is important, however, to ensure that any approach or actions are not unfair or discriminatory. For example, avoiding any assumption at the outset that the working arrangement will be unsatisfactory without exploring the issues. It is important to explore, in discussion with the employees concerned, the issues that may arise to ensure these can be managed effectively.

Where a close personal relationship is formed between members of the same team or office during the course of employment, this should be disclosed, in confidence, to each employee's line manager or a councillor by the employees concerned. This disclosure should be recorded on the employees' respective personal files. Failure to disclose a personal relationship could leave an employee open to allegations of misconduct should subsequent issues arise.

Where a close personal relationship involves the direct line manager or a councillor, the town clerk, should, in discussion with both employees:

- Make alternative supervision/line management arrangements for the team member for issues involving a potential conflict of interest. These include matters related to pay, promotion, job opportunity and disciplinary issues. This will normally mean a change to this aspect of the line management arrangement whereby the team member is supervised by another manager but management of work related functions remains unaltered; and
- Consider whether the employee or manager could be transferred to another area of the Council to avoid any conflict arising.

Where a close personal relationship is between two team members (with no line management or supervisory relationship), the line manager should explore the relevant issues with the individuals concerned, including general operational issues relating to shift patterns or working arrangements, annual leave requirements, potential conflicts of interest and confidentiality issues, including the perceptions of others and employee relations within the team.

Any employee who is involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence his/her conduct while at work. Intimate behaviour during work time, for example kissing, touching or holding hands, is expressly prohibited. This rule applies during all working time, whether at the normal workplace, at external/customers' premises, or elsewhere. Any breach of this rule will be regarded as a serious disciplinary offence leading to disciplinary action up to and including dismissal.

There may be occasions when a close personal relationship breaks down and the individuals concerned remain in the same team or office with a potential impact on team relationships and service delivery. If it is envisaged that the breakdown of the relationship is or will cause ongoing workplace issues, these should be addressed sensitively in discussion with the employees with a view to the issues being resolved, where possible. The town clerk can assist with this process where required.

This may ultimately, in some cases, need to involve exploring the scope for the transfer of one or both of the employees involved to another department.

45.4 Other colleagues affected by a close personal relationship

Employees who feel they are affected by a close personal relationship at work involving other colleagues should, at all times, feel that they can approach their line manager or the town clerk, with complete confidentiality, to explain their concerns.

45.6 Relationships with clients, consultants or contractors

No special favour should be shown in the process of outsourcing work to businesses run by, for example, friends, partners or relatives. Employees who engage or supervise customers, consultants or contractors, or have any other work relationship with these parties, and have previously had or currently have a close personal

relationship with someone who works for them, must declare that relationship to their line manager or the town clerk (or in the case of the town clerk, to a councillor) without delay.

APPENDIX 1

DETAILS OF EMPLOYEE

PERSONNEL RECORD CARD

SURNAME		DATE OF BIRTH	
FORENAMES		NATIONAL INSURANCE No.	
ADDRESS		GENDER	MALE / FEMALE
POSTCODE		NATIONALITY	
TEL No.		ETHNIC GROUP	
		MARITAL STATUS	MARRIED / DIVORCED / SINGLE
		DEPENDANTS	YES / NO
		DISABILITIES	YES / NO
POSTCODE		JOB TITLE	
TEL No.		DEPARTMENT	
		DATE WORK COMMENCED	
		MEMBER OF PENSION SCHEME	YES / NO
		MEMBER OF UNION	YES / NO

APPENDIX 2

LEAVE REQUEST DETAILS & FORM

Staff Holiday (Annual Leave) Request Forms

The Council has staff holiday request forms. A copy of the form is attached.

Detailed below is the procedure for employees to follow when requesting annual leave or the cancellation of annual leave.

1. Complete the details on the form to the point which includes your signature and the date you signed the form.
2. Pass your signed and dated form to your line manager.
3. Your line manager will check the dates, ensuring that the employee has given at least three clear working dates notice of the annual leave before the holiday is to commence (unless there are extenuating circumstances).
4. The line manager will check to ensure that the employee is able to take this leave bearing in mind the duties and responsibilities of the employee's post and leave already granted to other employees, as well as the Council's business needs on the date(s) requested.
5. Subject to the leave being acceptable, the line manager will sign and date the form in the appropriate place.
6. The form must then be presented to the administration staff at the community centre.
7. Administration staff will only complete the request for leave if both the employee and their line manager have signed and dated the form in the appropriate place.
8. Administration staff will check the number of working days requested by the employee and will update the Annual Holiday Entitlement, Total Days Remaining and the confirmation of the granting or cancellation of the annual leave.
9. Administration staff will sign, date and include their name of the form.
10. A photocopy of the completed form is then to be taken.
11. The original is retained by the administration staff and kept in the appropriate employee's personnel file.
12. The photocopy of the form is to be returned to the employee.

Hemsworth Town Council Leave Request or Cancellation Form						
Name:			Employee No:			
Department:						
First Day of Leave			Last Day of Leave			No of Working Days
Day	Date	Month	Day	Date	Month	

Signature: _____

Date: _____

Employee

Signature: _____

Date: _____

Manager

This request form must be presented to the administration department at the Community Centre

Signature: _____ Date: _____

APPENDIX 3

SICKNESS SELF CERTIFICATION ABSENCE FORM



Statutory Sick Pay (SSP) Employee's statement of sickness

About this form

Statutory Sick Pay (SSP) is money paid by employers to their employees who satisfy the conditions for payments when they are ill and unable to work.

Please fill in 'Your statement' below when you have been sick for four days or more in a row.

Your statement	
About you	
Surname or family name	What date did you last work before your sickness began? DD MM YYYY
First name(s)	What time did you finish work on that date? (enter time in 24 hours)
Title - enter MR, MRS, MISS, MS, or other title	Was your sickness caused by an accident at work or an industrial disease?
	No ☐ Yes ☐
National Insurance number	If you answered 'Yes', you may be able to get Industrial Injuries Disablement Benefit. If you want information about claiming this benefit, ask at any Jobcentre Plus office or go to www.dwp.gov.uk
	Signature
Date of birth DD MM YYYY	
	Date DD MM YYYY
Clock or payroll number	
	Phone number
About your sickness. Please give brief details	
What date did your sickness begin? DD MM YYYY	
What date did your sickness end?	
If you do not know, please leave this blank.	
DD MM YYYY	
The dates you put in these two boxes may be days you do not normally work. If you are sick for more than seven days, your employer may ask you for a medical statement of fitness for work 'fit note' from your doctor.	

What to do next

Please:

- give your completed form to your employer. It will help them to decide if you can get SSP
- keep a copy for your own information.

If you can get SSP, your employer will pay you in the same way they usually pay your wages.

If you cannot get SSP, your employer must give you form SSP1 to tell you why. You can use form SSP1 to support a claim for Employment and Support Allowance.

If you disagree with your employer's decision and you have also looked at the further information on the HMRC website, you can ask HM Revenue & Customs for a decision about your entitlement. You must do this within six months of the first day that you are notified of your employer's decision. Phone our Disputes Team on 0191 225 5221.

Please turn over

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APPENDIX 4

PARENTAL LEAVE REQUEST FORM

Hemsworth Town Council

Name _____

Department _____

Name of Child _____

Date of Birth (or Adoption) of Child _____

I wish to take the following Parental Leave.

From: _____

To: _____

Total number of days: _____

Returning to work on: _____

Number of remaining day's entitlement: _____

Signed :

Date:

Approved :

Date

WHEN APPROVED, PLEASE TAKE THE COMPLETED FORM TO:

Please return this completed form to

The Town Clerk

APPENDIX 5

Fraud Policy

Hemsworth Town Council

Memorandum to Staff

Responsibilities of Members of Staff on Discovery of Fraud, Misconduct, or Wrongful Doing by Others

As part of an effective system of internal control, the Council is required to have procedures in place for members of staff to be able to report, in total confidence, any evidence or suspicions of wrongdoing by others within their department.

Hopefully, you will never have the need to use these instructions. However, if a situation does arise which causes you worry or concern, the procedures outlined below are designed to enable you to report to the right person who will know what to do next.

What to do and what **not** to do

First of all, **don't** worry.

Instead, you should act in accordance with the instructions set out in this memorandum, which are designed to ensure that further impartial checks are carried out before any appropriate action is taken. These procedures should also give you the reassurance that all reported incidents will be properly and fully investigated. In the event that a suspicion proves to be groundless, provided that you have acted in good faith and in the best interests of the Council, there will be no adverse consequences for you.

Please note that you are **not** expected to know the precise nature of any wrongdoing, nor its extent. In particular you are **not** authorised to carry out any investigation work on your own account to obtain evidence or confirm your suspicions.

In no circumstances should you confront any member of staff whom you suspect of any wrongdoing.

These arrangements are an important and integral part of the Council's control systems. All members of staff are given a copy of this memorandum and are expected to understand and comply with it.

Who you should contact

All staff should address their suspicions to the town clerk who has responsibility for internal control.

Contact may be made either by telephone or in writing to the Council offices with the envelope marked "Private and Confidential - to be opened by addressee only".

In exceptional circumstances (or if your suspicions involve the town clerk), you should contact the Chair of the Council, who is wholly independent of the administrative staff. Depending on the nature of the suspicion, he will either take up the matter with the town clerk or contact the Council's auditors.

Contact details for the Chair of the Council can be obtained from the Council's office.

It is important to note that you should **not** discuss your suspicions with anyone else - this includes your line manager if you have one.

What happens next?

Once you have reported your suspicions, you should await acknowledgement. You should **not** discuss your suspicions with anyone in the meantime.

You may be requested to attend an interview and this will be arranged in absolute privacy.

Keep a copy of any report or item submitted. If you have not had any response from the town clerk within two weeks you should contact the chair of the Council.

You should also contact the chair of the Council if you are not satisfied in any way with the initial response you have been given. For example, if you are asked to do anything in connection with your suspicions which you consider improper or beyond the scope of your normal duties.

Remember: you are **not** expected to form any judgement about your findings. The responsibility of every employee is primarily to notify one (or more if you wish) of the contacts named above, who will know what further procedures will need to be taken.

The Legal Position

The Public Interest Disclosure Act 1998 gives statutory protection to any employee who, with "reasonable belief", discloses information suggesting that a criminal offence has been committed or that there has been a failure to comply with any legal obligation, or that such facts are being deliberately concealed. The disclosure must be made to the employer's representatives, as directed in this memorandum unless there are exceptional circumstances for not doing so.

APPENDIX 6

STATEMENT OF EMPLOYEE

I have read the staff handbook, issued to me on (date) and understand and accept its content. I will keep myself informed of its contents.

Employee signature

Date

Please return this signed form and the signed contract statement to the town clerk.