



**SEVENOAKS TOWN COUNCIL**

**Employee Handbook**

Revised January 2018

## **Welcome and Introduction**

Welcome to Sevenoaks Town Council. Our strength as an organisation is due to the skills and abilities of colleagues like you.

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

### **This handbook**

This handbook is designed to explain the way in which we work and to set out the key procedures, rules and policies designed to ensure an efficient workplace and a safe and supportive environment for all employees. The contents of this handbook do not form part of the terms of your contract of employment. The Council may need to alter or amend any policy or procedure contained in this handbook to ensure that it remains relevant and consistent with the needs of the business. Any such change will be notified to all employees and an up-to-date copy of this handbook can be obtained from The Town Clerk, Council Offices, Bradbourne Vale Road Sevenoaks TN13 3QG.

We do expect you to comply with the requirements set out in this handbook and failure to do so may lead to disciplinary action; in appropriate cases, up to and including dismissal.

# Contents

## Section 1: KEY PRINCIPLES

- 1.1 Health and safety
- 1.2 Equality
- 1.3 Dignity at work
- 1.4 Ethical conduct
- 1.5 Whistleblowing
- 1.6 Good faith and loyalty

## Section 2: HOW WE DO THINGS

- 2.1 Proof of identity
- 2.2 Personnel records
- 2.3 Dress code
- 2.4 Timekeeping
- 2.5 Severe weather and traffic disruption
- 2.6 Rest breaks
- 2.7 Smoking
- 2.8 Computer use
- 2.9 Driving
- 2.10 Alcohol and drugs
- 2.13 Employee training
- 2.14 Personal Development
- 2.15 long service awards
- 2.16 Criteria for merit awards
- 2.17 Statements to the media
- 2.18 Freedom of Information Act
- 2.19 Security of premises
- 2.20 Housekeeping
- 2.21 Expenses
- 2.22 Employee's property
- 2.23 Parking
- 2.24 Telephones
- 2.25 Buying or selling goods
- 2.26 Friends and relative contact
- 2.27 Pension Scheme
- 2.28 Stress Policy

## Section 3: CODE OF CONDUCT

- 3.1 Misconduct
- 3.2 Gross misconduct
- 3.3 Allegations of misconduct and gross misconduct

## Section 4: ABSENCE

- 4.1 Unauthorised absence

- 4.2 Medical appointments
- 4.3 Ante-natal care
- 4.4 Sickness absence
- 4.5 Time off
- 4.6 Compassionate leave and domestic emergencies
- 4.7 Annual leave
- 4.8 Reserve forces

## **Section 5: FLEXIBLE WORKING AND FAMILY-RELATED LEAVE**

- 5.1 Flexible working
- 5.2 Maternity leave
- 5.3 Adoption leave
- 5.4 Paternity leave
- 5.5 Parental leave
- 5.6 Shared parental leave
- 5.7 Keeping in touch days
- 5.8 During maternity and parental leave

## **Section 6: HOW WE RESOLVE ISSUES**

- 6.1 Performance improvement procedure
- 6.2 Sickness absence procedure
- 6.3 Bullying and harassment procedure
- 6.4 Disciplinary procedure
- 6.5 Grievance procedure

## **Section 7: SAFEGUARDING**

- 7.1 Criminal Record Disclosures
- 7.2 Policy statement on the secure storage of DBS information handling, use, retention and disposal of disclosures and disclosure information.
- 7.3 Policy on the recruitment of ex-offenders
- 7.4 Child protection policy & code of practice
- 7.5 Lone Working

## **SECTION 1 – KEY PRINCIPLES**

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

### **1.1 Health and safety**

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

A detailed health and safety policy/handbook identifying the roles and responsibilities of key staff members for ensuring that the Council meets its commitment to health and safety is available from the Town Clerk. In addition a poster setting out important information on health and safety is displayed in the Council Offices, Knole Paddock Mess Room, Cemetery Office, HiTB You Café, Café on the Vine and Sevenoaks Community Centre.

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

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

### **1.2 Equality**

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

Employees are encouraged to raise with management any discriminatory behaviour, assumptions or attitudes they encounter at

work and are entitled to do so free from any reprisal providing they are acting in good faith or in the reasonable belief that they are acting in the public interest.

### **1.3 Dignity at work**

All employees are entitled to a working environment free from bullying and harassment. The Council takes all allegations of such conduct extremely seriously and will not tolerate harassment or bullying behaviour. Complaints will be dealt with under the Bullying and Harassment Policy set out in Section 6.3.

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

### **1.4 Ethical conduct**

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

#### **Gifts and hospitality**

With effect from 1st April 2000 a register for staff has been established to record the offering or receipt of hospitality and gifts. Staff must notify the Town Clerk of all gifts and hospitality received, other than the exceptions set out in 4 below, so these can be recorded in the central register.

You should either register within thirty days of the receipt or offer:-

- All gifts and hospitality received in connection with your employment by the Council;
- Any gifts or hospitality received in another capacity but which may involve any person or organisation with whom the Council has or is discussing a contract.
- Any gifts or hospitality offered to a third party as a direct result of your employment by the Council.

You may, if you wish, register gifts or hospitality that have been offered to you but which you have rejected.

You may accept and not register:-

- Minor personal items or benefits with an aggregate cost or retail value of up to £25 in any financial year.

- Drinks, light refreshments or a meal served during a meeting or other event you are attending which are available for attendees generally.
- A working lunch of a modest standard provided to allow the parties to continue to discuss business.

You should not accept any gift or hospitality:-

That might reasonably be thought to influence your judgement; or create a conflict of interest, or where to do so could bring criticism or discredit upon the Council.

Where a particular person or body has a matter currently in issue with the Council e.g. an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality be refused even if, in normal times, they would be in the acceptable list.

If it is a gift of money or of vouchers capable of being exchanged for money irrespective of the amount.

Any member of the Town Council, officer, or member of the public who wants to inspect the register will be able to do so by contacting the Town Clerk.

At each meeting of the Finance & General Purposes Committee a report of the entries made to the Register since the previous meeting will be submitted.

## **1.5 Whistleblowing**

### **DEFINITION OF WHISTLEBLOWING**

The word “whistleblowing” in this policy refers to a disclosure made in the public interest by employees, contractors, volunteers or Members, of malpractice, illegal acts or omissions at work.

Whistleblowing is not the same as making a complaint or raising a grievance, where the individual is saying that they have been personally poorly treated.

### **STATEMENT OF COMMITMENT**

Sevenoaks Town Council is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices. As such, malpractice and wrongdoing are taken very seriously by the Council.

Sevenoaks Town Council recognises that in many cases, the Council’s employees, Members, volunteer helpers or contractors will be the people most likely to become aware of wrongdoing or malpractice. In the light of this, the Council encourages its staff, Members, contractors

and volunteers to use the mechanisms specified within this policy to report malpractice by its Members, employees or ex-employees with confidence and without having to worry about being victimised, discriminated against or disadvantaged in any way as a result.

Where Council employees or Members are aware of or suspect malpractice, the Council expects them to report their suspicions. The Council will treat failure to report wrongdoing or malpractice as a serious matter.

Sevenoaks Town Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence. Appropriate disciplinary action may be taken in accordance with the Council's Disciplinary Procedure.

### **COVERAGE OF THIS POLICY**

Sevenoaks Town Council has a range of policies and procedures in place to deal with standards of behaviour at work within its Employee Handbook, including a Grievance Policy & Procedure, Disciplinary Policy & Procedure and Bullying & Harassment Policy. Employees are encouraged to use the provisions of these procedures when appropriate. Service users should make complaints or raise concerns through the Complaints Procedure.

Therefore, the Whistleblowing Policy and Procedure should not be used to deal with complaints that employees may have about their employment in most circumstances. The aim of the Whistleblowing Policy and Procedure is to enable employees/members/contractors/volunteers to report an issue if they feel that it cannot be done using the existing procedures, particularly if the matter is not about their personal employment position. Whistleblowing refers to issues that are of such importance that the public interest is served by reporting the issue.

Whilst volunteers are not covered by the Public Interest Disclosure Act, this Council's policy has been written to encompass Members and volunteers.

### **PROTECTED DISCLOSURES**

Employees who make a "protected disclosure" have statutory protection against detriment and dismissal as a result of blowing the whistle

A disclosure is protected if the person reasonably believes that it is in the public interest, has been made to an appropriate recipient and is about any of the following:

- a criminal act
- failure to comply with a legal obligation
- miscarriages of justice
- danger to health and safety
- any damage to the environment
- an attempt to cover up any of the above

The following is a list of examples when this policy may be used (please note that this list is not exhaustive):

- any unlawful act, whether criminal or a breach of civil law, has been committed, is being committed or is likely to be committed
- suspected corruption or fraud
- disregard for legislation, particularly that of health & safety at work
- a breach of a code of conduct misuse of assets, including stores, equipment, vehicles, buildings, computer hardware and software
- causing damage to the environment
- breach of financial regulations
- showing undue favour over a contractual matter or to a job applicant
- breach of, or failure to implement or comply with any policy determined by the Council
- failure to take reasonable steps to report and rectify any situation which is likely to give rise to a significant avoidable cost, or loss of income, to the Council or would otherwise seriously prejudice the Council
- abuse of power, or the use of the Council's powers and authority for any unauthorised or ulterior purpose
- deliberately concealing information in relation to any of the items on this list

#### **WHO A DISCLOSURE CAN BE MADE TO (APPROPRIATE RECIPIENTS):**

##### **1. The Town Council**

The Public Interest Disclosure Act directs workers towards raising matters internally in the first instance, and to use internal whistleblowing policies.

##### **2. A Legal Advisor**

A disclosure of information for the purpose of obtaining legal advice is protected.

##### **3. Prescribed Persons (Regulatory Bodies)**

Whilst the Town Council strongly encourages disclosures to be made internally, if a whistleblower feels unable to use the procedure outlined within this policy they can make a disclosure to other

people/organisations as prescribed by government. The most relevant prescribed people relating to the Town Council are:

- Health and Safety Executive
- Environment Agency
- Serious Fraud Office, Inland Revenue, Customs & Excise
- National Audit Office, Audit Commission
- Information Commissioner

To make a protected disclosure to a prescribed person, the whistleblower must:

- reasonably believe that the information is substantially true
- reasonably believe that the information is being disclosed to the right person or organisation

#### **4. Wider Disclosures**

A whistleblower would also be protected if they made wider disclosures, e.g. to a professional body, the Police or an MP, if the whistleblower:

- reasonably believes that the information is substantially true
- does not act for personal gain
- acts reasonably taking into account the circumstances

In order to make a protected wider disclosure, the whistleblower must either:

- reasonably believe that the Council would treat them unfairly if they made a disclosure internally or to a prescribed person
- reasonably believe that an internal disclosure would result in the destruction or cover-up of evidence
- have previously disclosed the same or very similar information internally or to a prescribed person

#### **WHEN A DISCLOSURE IS NOT PROTECTED IN LAW**

A whistleblower will not be protected under the Act if:

- they break the law when making a disclosure
- the disclosure is made to a body or person not prescribed by legislation
- the pre-conditions applying to a disclosure are not met (i.e. public interest, reasonable belief in the truth of the information disclosed, etc.)
- the whistleblower is not a 'worker' within the meaning of the Public Interest Disclosure Act
- the whistleblower makes allegations instead of disclosing information
- the whistleblower's disclosure amounts to a grievance

## **OUR WHISTLEBLOWING PROCEDURE**

### **Protection for Whistleblowers**

If an employee, Member, volunteer or contractor raises a concern of wrong doing which they reasonably believe to be in the public interest; the Council will take all reasonable steps to protect the individual from harassment, victimisation and bullying. Sevenoaks Town Council will not tolerate any harassment or victimisation of a whistleblower (including informal pressures), and will treat this as a serious disciplinary offence.

Employees who raise a genuine concern of wrong doing under this policy will not be at risk of losing their job. However, a whistleblower will not be protected from the consequences of making a disclosure if, by doing so, they commit a criminal offence (see section on When A Disclosure is Not Protected in Law).

### **Involvement of Trade Unions**

Sevenoaks Town Council recognises the right of whistleblowers to be advised and represented by their union when raising concerns under the whistleblowing procedure.

### **Designated Officer**

The Town Clerk is the Designated Officer to be a point of contact for concerns raised under this procedure.

### **Raising a Concern**

An employee should normally raise their concerns about wrongdoing or malpractice with his/her immediate line manager. Whilst the whistleblower is not expected to prove the truth of the information provided or to investigate the matter themselves, the whistleblower should have a reasonable belief and some evidence to back it up before raising their concerns. The manager will notify the Designated Officer within two working days whenever possible.

Where it is not appropriate to go via normal management reporting channels, because the matter is serious and sensitive (e.g. if the whistleblower believes that his or her manager is involved), he/she should contact the Designated Officer. Members, volunteers and contractors should contact the Designated Officer.

The Designated Officer and line managers must take all concerns seriously.

Where, exceptionally, the concern is about the Designated Officer, the concerns should be reported to the Mayor, who will decide how the investigation will proceed. This may include an external investigation.

### **Employer's Response**

Within ten working days, the Designated Officer will arrange an initial interview to ascertain the nature of the whistleblower's concern. The interview will be confidential if requested by the whistleblower. The whistleblower has the right to bring a friend or union representative along with them, who must also observe confidentiality.

At this stage, the whistleblower will be asked whether he/she wishes his/her identity to be disclosed and will be reassured about protection from possible reprisals or victimisation.

The whistleblower will be asked if they wish to make a written or verbal statement. In either case, the Designated Officer will write a brief summary (dated) of the interview, which will be agreed by both parties.

The Designated Officer will be responsible for the commission of any further investigation.

### **Investigation**

The investigation may need to be carried out under strict confidentiality, i.e. the subject of the investigation will not be informed until, or if, it becomes necessary to do so. This may be appropriate in cases of suspected fraud.

The Designated Officer will offer to keep the whistleblower informed about the investigation and its outcome.

If the investigation finds that there is a case to be answered by any employee, Sevenoaks Town Council's Disciplinary Procedure will be used.

If the investigation identifies that there is no case to answer, the matter will be closed. The Designated Officer will ensure that the whistleblower suffers no reprisals or victimisation.

If the investigation discovers that an employee has deliberately made false accusations with malicious intent, appropriate disciplinary action may be taken in accordance with the Council's Disciplinary Procedure.

If the concern raised is very serious or complex, it may be necessary for an inquiry to be held. The Designated Officer may refer the issue to the police or other agencies in serious cases.

### **Following the Investigation**

The Designated Officer will arrange a meeting with the whistleblower within ten working days of the conclusion of the investigation in order to

feedback any action taken. This will not include details of any disciplinary action, as this is confidential.

If the whistleblower is not satisfied with the outcome of the investigation, the whistleblower may make disclosures to prescribed persons, or wider disclosures, under the conditions outlined in the section “Who a Disclosure Can be Made To”.

### **POLICY REVIEW**

The policy will be reviewed every four years. In the event that an incident of whistleblowing takes place, Sevenoaks Town Council will take the opportunity to examine its policy, procedures and working methods to see if they can be improved.

## **1.6 Good faith and loyalty**

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

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

## **SECTION 2 – HOW WE DO THINGS**

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

### **2.1 Proof of identity**

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

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

### **2.2 Personnel records**

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

The Council is registered with the Information Commissioner and details of its registration can be provided to you on request. The Data Protection Officer is the Town Clerk. Should you wish to check or examine the information which the Council is holding about you, you may submit a request for access to the Town Clerk who will arrange for you to view the contents of your file. An administrative fee of £10 may be charged. Please note that some details may have to be withheld to protect the privacy of others or to safeguard commercially sensitive information.

### **2.3 Dress code**

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

health and safety require particular clothing. This is largely a matter of common sense.

### **Employees Required to wear Uniform**

If you are provided with specific uniform for your role, you will be expected to wear this at all times whilst at work, especially if you may come into contact with the public in the performance of your duties.

You must ensure you look presentable for work and your uniform is maintained in a good condition. If you lose your uniform, or do not look after it, then the Council will be entitled to make a deduction from your remuneration to cover the cost of replacing this. General wear and tear will be taken into account and the Council may exercise its discretion to replace uniform.

If your manager feels that you are dressing in an inappropriate way they may ask you to dress differently the next time you come into work. A persistent refusal to comply with a reasonable standard set by a manager will amount to misconduct.

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

## **2.4 Timekeeping**

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

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

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

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

organisation and the need to avoid placing an unfair burden on your colleagues (see Section 5).

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

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

## **2.5 Severe weather and traffic disruption**

Everyone should make a reasonable effort to make their way into work. However, staff who are unable to get to their place of work as a result of severe weather conditions or other factors, can either

- a) take a day of annual leave
- b) unpaid leave or
- c) in the case of flexible working, can make up time authorised and monitored by CEO or Line Manager.

Staff must inform their Line Manager at the earliest opportunity that they will be absent from work and let them know what course of action they propose to take.

If severe weather conditions cause a substantial delay in arrival at work, staff should contact their line manager within 30 minutes of scheduled start time. Lost time will be unpaid or made up with the prior authority of line manager.

In the event of the Council being unable to open departments for work because the weather has made operations impossible, the Council will pay affected staff at basic rate.

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

## **2.6 Rest breaks**

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

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

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

## **2.7 Smoking**

The Council operates a smoke-free workplace. Smoking (which includes the use of e-cigarettes and personal vaporisers) is only permitted in clearly designated outside areas. Smoking in any undesignated place for example, in front of the Council offices is an act of gross misconduct that will usually result in dismissal.

Employees should try to keep smoking breaks to a minimum and should be aware of the amount of time they spend on smoking breaks over the course of the day. Employees should be particularly careful to avoid taking smoking breaks at busy periods or at a time that will cause increased work or pressure for colleagues.

## **2.8 Computer use**

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

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

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

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

### **Email**

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

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

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

You should also take care that emails will be seen only by the person intended. Particular care should be taken when sending confidential information that the email has been correctly addressed, marked 'private' and not copied in to those not authorised to see the information. Sending confidential information via email without proper authorisation or without taking sufficient care to ensure that it is properly protected will be treated as misconduct.

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

### **Internet use**

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

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

Firewalls and anti-virus software may be used to protect the Council's systems. These must not be disabled or switched off without the express authorisation of the Town Clerk.

### **Social media**

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

widely disseminated in a way that you may not be able to control, the Council will take a particularly serious view of any misconduct that occurs through the use of social media.

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

## **2.9 Driving**

If you are authorised to drive a vehicle on Council business:-

Your driving licence must be produced for the Council's inspection each year and at any other time when so requested.

The Council must be advised immediately if you receive any type of driving conviction or any summons which may lead to your conviction, and you must also provide details of any other changes to your driving licence.

### **USE OF OWN VEHICLE**

The following rules apply to the use of your own vehicle on Council business (**i.e. claiming mileage**).

The use of your own vehicle on Council business must be approved in advance by the Town Clerk.

You are responsible for ensuring that the vehicle is insured for business use and that the vehicle is roadworthy and satisfies all legal requirements, e.g. road tax, tyre tread depths, M.O.T. etc. You are required to provide a copy of a valid current certificate of insurance on each renewal date. You are also responsible for ensuring that the vehicle is regularly serviced and maintained.

At all times when driving, you are expected to drive safely, courteously and within the law.

You must ensure that you are fully aware of the Highway Code and you must drive within the speed limit at all times.

The Council should be advised if you are taking any medication, prescribed or non-prescribed, or suffer from any medical conditions, particularly where this could in any way affect your ability to drive a vehicle.

You should only drive your vehicle when you are fit to do so. On long or strenuous journeys, you should take breaks to avoid becoming tired or fatigued.

The Council will not be held responsible for any loss or damage caused during the vehicle's use for Council purposes. Any policy excess is also your responsibility.

The Council cannot, under any circumstances, accept responsibility for parking or other fines incurred by you whilst driving your own vehicle on Council business.

## **VEHICLE AND EQUIPMENT POLICY**

**Policy for the Use of Council Vehicles, Open Spaces / Cemetery Equipment and other Non Fixed Items. A copy of the Vehicle and Equipment Policy to be kept in the cab of each of the Town Council's vehicles.**

### Driving Licence and Authority to Drive Council Vehicles.

- (a) The person must be in possession of an appropriate current driving licence and have the Council's authority to drive one of its vehicles. Authority must be given by the Cemetery/ OS Manager.
- (b) The person's driving licence must have been produced for scrutiny by the Cemetery / OS Manager.

If at any time the driver's licence is endorsed, or he / she is disqualified from driving the Council must be informed immediately. Failure to do this may result in disciplinary action being taken. It is the responsibility of the driver of the vehicle to see that it is not used by anyone other than authorised employees.

### Fines

The Council cannot, under any circumstances, accept responsibility for parking or other fines incurred by drivers and these must be paid direct by the driver.

### Insurance – Damage or injury

The driver of any vehicle which is involved in an accident which causes damage to property or another vehicle, or injury to any person or animal is required to give his / her name and address, the name and address of the owner, the registration number of the vehicle and the name of the Council, to any person having reasonable grounds for requiring such information. **IT IS IMPORTANT THAT HE / SHE GIVES NO FURTHER INFORMATION.** If for any reason it is not possible to give this information at the time of the accident, the matter must be reported to the Police, and to their Manager or Town Clerk, as soon as possible, but **WITHIN 24 HOURS OF THE OCCURRENCE.**

In addition, in the case of an incident involving injury to another person or to notifiable animals, the driver is responsible for notifying the Police of the occurrence and must produce the vehicle's insurance certificate to the Police Constable attending the accident or any other person having reasonable grounds for seeing it. The accident must be reported to a Police Station or to a Police Constable **WITHIN 24 HOURS**. If the driver is not then able to produce the certificate, he / she must, in any even produce it in person within five days after the accident took place.

For security reasons, insurance certificates are kept by the Council. A facsimile of the certificate of the insurance is provided with each vehicle, however, and this will be renewed annually. All drivers should make sure that it is with the vehicle at all times. Replacement copies can be obtained from the Council if necessary.

### Personal Liability for Damage to Vehicles

Where any damage to a Council vehicle is due to the negligence or lack of care of the driver, the Council reserves the right to insist on the driver reimbursing the Council for the cost of repairing the damage at his / her own expense or paying the excess part of any claim on the insurers.

Negligence or lack of care of the driver in serious cases, or in repeated instances may also result in the use of the vehicle being withdrawn and disciplinary action being taken.

### Loss

In the case of loss of a vehicle, or any equipment, the Police and the Manager / Town Clerk must be informed immediately. Drivers should note particularly that only Council property is insured by the Council and they should make their own arrangements to cover personal effects.

### Accident Procedure

It is a condition of the insurance policy that the insurers are notified of all accidents, even if apparently of no consequence. The driver must, therefore, as soon as possible after the accident, obtain from the Council an accident report form which must be completed and returned to the Council within 24 hours. All the information required on the form must be completed. The driver should note that, whenever possible, the following particulars should appear in the form:

- (a) the name and address of the third party driver and the name and address of his / her insurers.

- (b) the name and address of all passengers in both the Council vehicle and the third party's vehicle.
- (c) Names and addresses of all witnesses. Every effort should be made to procure statements from all witnesses at the time of the accident.
- (d) particulars of the Police attending, i.e. name, number and division, together with the reference number allocated by the Police to the incident.

A detailed sketch must be provided showing the relative positions of the vehicle before and after the accident, together with details of the roads in the vicinity, e.g. whether they are major or minor roads and as many relevant measurements as possible.

If the vehicle belonging to the Council is unroadworthy, the driver is responsible for making adequate arrangements for the vehicle to be towed to a garage. The name and address of the garage where the vehicle may be inspected must be stated on the claim form.

**UNDER NO CIRCUMSTANCES MAY REPAIRS BE PUT IN HAND UNTIL THE INSURANCE COUNCIL HAS GIVEN ITS AGREEMENT.**

A driver should not **UNDER ANY CIRCUMSTANCES** express any opinion one way or the other on the degree of responsibility for the accident. **ONLY EXCHANGE THE PARTICULARS MENTIONED ABOVE AND NOTHING MORE.**

A copy of the accident procedure is provided with each vehicle and drivers should make sure that it is with the vehicle at all times. Replacement copies can be obtained from the Council if necessary.

Road Fund Licence

The Road Fund Licence for each vehicle will automatically be renewed when due, but in the event that the new licence is not received by the driver 3 working days before the expiry date, the Council should be notified immediately by telephone.

Permitted Use

Vehicles and equipment must only be used on authorised Council business and must not be borrowed for private use. Failure to observe this rule will result in disciplinary action.

Use Of Mobile Phones in Vehicles

It is unlawful to use a hand held mobile telephone when driving. Time spent waiting at traffic lights or in a traffic jam is still considered to be driving.

ALL employees who drive vehicles whilst carrying out their work will be required to comply with this law. If you do not comply, you will be subjected to disciplinary proceedings. Repeated breach of this policy will result in dismissal.

You must not use your Council mobile phone whilst driving even with a hands free kit. If you receive or make a mobile telephone call whilst driving you should stop the car in a safe place, turn off the engine and then make or receive the call once satisfied that it is safe to do so.

## **2.10 Alcohol and drugs**

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

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

### **Dependency**

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

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

### **Drugs**

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

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

### **Medicines and Prescription drugs**

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

### **Alcohol**

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

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

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

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

### **Drug and alcohol testing**

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

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

An employee will be treated as having failed a drug or alcohol test if the test shows the presence of illegal drugs or a level of alcohol in excess of the UK drink driving limit (80 mg of alcohol per 100 ml of blood, 35 mcg per 100 ml of breath or 107 mg per 100 ml of urine).

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

Whether a test needs to be conducted is a matter for the Council to decide. In cases where an employee is clearly under the influence of alcohol or drugs or there is other clear evidence of a breach of this policy then disciplinary action may still be taken even if no test is carried out.

### **2.13 Employee Training**

At the commencement of your employment you will receive appropriate training for your specific job, and as your employment progresses your skills may be extended to encompass new job activities within the Council.

### **2.14 Personal Development**

All staff are involved this and each year are given the opportunity to discuss with their Line Manager their past year's achievements, future targets and identify training needs.

### **2.15 Long Service Bonus**

The Council has agreed that after every five years of service, staff whose performance has been satisfactory will be awarded a 3% long service bonus. This is in appreciation of staff loyalty and to recognise that, after 5 years, staff will be fully conversant with their job, will probably have developed their role with the Council and will have reached the top of their scale and therefore be unlikely to receive further increases.

Town Councillors also appreciate that staff loyalty avoids the cost of recruitment and training, and considered that this should be passed onto the employee.

The scheme began on 1<sup>st</sup> April 2002 based on salaries at 31<sup>st</sup> March 2002. The bonus is added to the normal salary and become pensionable (where applicable). Staff who received the bonus on 1<sup>st</sup> April 2002 were not eligible for another bonus until 1<sup>st</sup> April 2007 (even if their 10 year anniversary came before then).

### **2.16 CRITERIA FOR MERIT AWARDS**

The Council considers the case for merit awards annually on an individual basis.

Merit awards may be awarded subject to the overriding ability of the Council to pay the increment within budget. (They should not be used as a retention allowance which is dealt with separately). This report suggests some criteria for the award of merit increases which will be made available to managers and staff.

The aim of a merit award scheme is to achieve a more objective and consistent appraisal of staff by managers and give to them the responsibility of identifying individual employees and the size of their award.

The merit awards will be based on one or more of the following criteria:-

- (a) exceptional performance in the post, including increased productivity, which will have been recognised at the annual appraisal. Guidance will be agreed and issued to managers on the appraisal system.
- (b) skills acquired through training during the previous year
- (c) where staff have been engaged at a lower rate than the previous post-holder, progressional increase subject to satisfactory performance.
- (d) Experience of the post-holder.

In order to avoid discussion on an individual basis, it is suggested that the Town Clerk, after discussion with senior managers, has discretion to determine merit increases and submit a total figure to the Personnel Committee for approval. The figures would be broken down by departments.

Following approval by the Personnel Committee a recommendation would be made to the Finance and General Purposes Committee for the sum to be included in the estimates. (Any staff who are aggrieved about their pay would be entitled to have their case heard under the Council's Grievance Procedure).

## **2.17 Statements to the Media**

Any statements to reporters from newspapers, radio, television, etc. in relation to Council business will be given only by the Town Clerk or the Mayor.

## **2.18 Freedom of Information Act**

All staff should be aware that, for the purposes of the Freedom of Information Act, the Council is a Public Body. This means that the Council must comply with the requirements of the Act. In particular, staff need to be aware that ANY written or recorded information or data must be supplied to a member of the public if a request is received in accordance with the Act.

Any such request or approach from a member of the public must be **immediately** referred to the Town Clerk.

## **2.19 Security of Premises**

If you are a key holder for any of the Council's premises, it is your responsibility to ensure that the keys are kept safe and secure at all times. They must not be copied or allowed to be used by any unauthorised person. If the keys are lost or stolen at any time, the Town Clerk must be informed immediately. Failure to comply with these requirements will result in disciplinary action being taken. A spare set of up to date premises keys are to be kept at the Town Council Offices.

Any keys which have been issued to you, remain the Council's property and must be returned to the Council at the time of the termination of your employment, or at any other time upon demand.

The last person to leave the premises at the end of each day must ensure that lights are turned off, electrical equipment, as appropriate is switched off, windows are closed, alarms are activated, doors are locked and the premises are left safe and secure.

## **2.20 Housekeeping**

Both from the point of view of safety and of appearance, all work areas must be kept clean and tidy at all times.

## **2.21 Expenses**

The Council will reimburse you for any reasonable expenses properly and wholly incurred in the performance of your duties. The rules relating to expenses will be issued separately. You must provide receipts for expenditure.

## **2.22 Employees' Property**

The Council does not accept liability for any loss of, or damage to, property that you bring onto the premises. You are requested not to bring personal items of value onto the premises and, in particular, not to leave any items overnight on Council premises.

## **2.23 Parking**

Where parking facilities are available for your use, to avoid congestion, all vehicles must be parked only in the designated parking areas. No liability is accepted for damage to private vehicles, however it may be caused.

## **2.24 Telephones**

Council telephones must be used for legitimate business purposes only. Reasonable personal use is permitted in an emergency with prior permission provided calls are kept short and no calls are made to premium rate numbers or abroad.

Personal mobile telephones must be switched off working hours. If there is an emergency reason contrary to this it needs to be cleared with your Line Manager.

## **2.25 Buying or Selling Goods**

You are not allowed to buy or sell goods on Council premises, or during your working hours.

## **2.26 Friends and Relative Contact**

You should discourage your friends and relatives from either calling on you in person or by telephone except in an emergency.

## **2.27 Pension Scheme**

The Town Council adheres to the Government policy on auto enrolment. Current details of the Scheme and your rights relating to it, and contribution rates will be provided to you. For queries and further information please contact the Town Clerk.

## 2.28 Stress Policy

Life and work have become much busier in recent times. There seems to be too much to do and too little time to do it in. As a consequence, more employees are experiencing stress at work.

Stress at work can come about for a variety of reasons. It may be excessive workload, unreasonable expectations, or overly-demanding work colleagues. As a reasonable Council, we try to ensure that you are in a pleasant working environment and that you are as free from stress as possible.

If you experience unreasonable stress which you think may be caused by work you should raise your concerns through the Council's grievance procedure.

Managers, when performing risk assessments on the activities of their department, will pay special attention to potential risks from stress and signs of stress at work will be noted.

The Council (if deemed appropriate) will offer an employee assistance scheme which will offer confidential and individual counseling to employees who may need it.

Any employee with clear stress-related problems shall receive (if requested) appropriate counseling and help from the Council (employee) assistance scheme but it is understood that this is not an alternative to looking at the cause of the stress and, if work-related, seeking to alter the structure and working arrangements of the job.

Following action to reduce the risks, they shall be reassessed. If the risks remain unsustainable by the employee concerned, efforts shall be made to reassign that person to other work for which the risks are assessed as tolerable.

## SECTION 3 – CODE OF CONDUCT

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

### 3.1 Misconduct

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

### 3.2 Gross misconduct

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

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

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

#### **Dishonesty**

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

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

### **Refusal to carry out instructions**

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

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

### **Breach of a requirement set out in this handbook**

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

- The rules on gifts and hospitality (Section 1.4)
- The policies on smoking (Section 2.7) and alcohol and drugs (Section 2.10)
- The rules on the use of computers, the internet, email and social media (Section 2.8)
- The policies on driving and the use of Council vehicles (Section 2.9)

## **3.3 Allegations of misconduct and gross misconduct**

The Council is committed to treating all employees fairly and allegations of misconduct and gross misconduct will be dealt with in accordance with the disciplinary procedure set out in Section 6.4.

## SECTION 4 – Absence

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

### 4.1 Unauthorised absence

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

### 4.2 Medical appointments

Whenever possible such appointments should be made outside of working hours. There is no right to time off for non-emergency check-ups.

Where it is absolutely essential that such appointments are arranged during your working day, disruption must be kept to a minimum by arranging the appointment at the very start of the day or at the end of the day.

Time off for such appointments will be **unpaid** unless:

- lost time is made up with the prior authority of **Line Manager**
- you take the time off as holiday in which case you will need to comply with the Town Council's holiday rules.
- Appointment is for purpose of cancer screening

### 4.3 Ante-natal care

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

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

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

## **4.4 Sickness absence**

### **Notification of Incapacity for work**

You must notify the Council by telephone at the earliest possible opportunity on the first day of incapacity and again on 4th day of incapacity. Notification should be made personally (or if you are unable to do so, then by a relative, neighbour or friend) to a member of Town Council staff – where possible your Line Manager. You should try to give some indication of your expected return date and notify the Council as soon as possible if this date changes.

If your incapacity extends to more than seven days you are required to notify the Council of your continued incapacity once a week thereafter, unless otherwise agreed (or doctor's certificate advises alternatively).

### **Evidence of Incapacity**

Doctors' certificates are not issues for short- term incapacity. In these cases of incapacity (up to seven calendar days) you must sign a self certification absence form on your return to work.

If your sickness has been (or you know it will be) for longer than seven days (whether or not they are working days) you should see your doctor and make sure he/she gives you a medical certificate and forward this to the Council without delay. Subsequently you must supply the Council with consecutive doctor's medical certificates to cover the whole of your absence.

### **Payments**

You are entitled to statutory sick pay (SSP) if you are absent because of sickness or injury provided you meet the criteria in the current SPP regulations. When you are absent for four or more consecutive days you will be paid SSP by the Council if you are eligible. This is treated as pay and is subject to normal deductions.

Qualifying days are the only days for which you are entitled to SSP. These days are normally your working days unless otherwise notified to you. The first three qualifying days of absence are waiting days for which SSP is not payable. Where a second or subsequent period of incapacity (of four days or more) occurs within 56 days of a previous period of incapacity, waiting days are not served again.

Any contractual sickness / injury payments are shown in your individual Statement of Main Terms of Employment. The Council reserves the right to withhold payment under the Sickness / Injuries Payments Scheme if it considers the scheme is being abused. The scheme does not preclude termination of employment during a period of sickness / injury, even if payment under the scheme has not been exhausted. Repeated abuse of the scheme will result in disciplinary action.

**Scale of sickness payments where applicable**

During 1 <sup>st</sup> 6 months of service or probation period	No sick pay, only SSP
From month 7 to month 12	½ month full pay, 1 month half pay
During 2 <sup>nd</sup> year of service	1 month full pay, 1 month half pay
During 3 <sup>rd</sup> year of service	2 months full pay, 2 months half pay
During 4 <sup>th</sup> year of service	2 ½ months full pay, 2 ½ months half pay
During 5 <sup>th</sup> year of service	3 months full pay, 3 months half pay

**Payment under the scheme may be withheld if the absence from work due to sickness or injury is due or attributable to deliberate conduct prejudicial to recovery or your own misconduct or neglect or active participation in professional sport or injury whilst working in the Council's own time on your own account for private gain or for another employee.**

Any days of contractual sickness / injury payments which qualify for SSP will be offset against SSP on a day-to-day basis. A deduction will be made for any other state benefits received if you are excluded or transferred from SSP.

If you are entitled to any payments in excess of SSP and your entitlement expires, full or part payment may be allowed at the Council's discretion where it is considered that there are special circumstances warranting it.

Where the circumstances of your incapacity are such that you receive or are awarded any sum by way of compensation or damages in respect of the incapacity from a third party, then any payments which the Council may have made to you because of an absence (including SSP) shall be repaid by you to the Council up to an amount not exceeding the amount of the compensation or damages paid by the third party and up to, but not exceeding, any amount paid by the Council.

**RETURN TO WORK**

You should notify your Line Manager as soon as you know on which day you will be returning to work, if this differs from a date previously notified.

If you have been suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must not report for work without clearance from your own doctor.

On return to work after any period of sickness / injury absence (including absence covered by a medical certificate) you are also requested to complete a self-certification absence form and hand this to the Town Clerk.

Upon returning to work you may be required to attend a return to work interview to discuss your state of health and fitness for work.

If the period of absence from work has either been covered by a doctor's certificate for a period exceeding fourteen days or where more than one doctor's certificate has been necessary, you must provide a certificate from your doctor confirming your fitness to return to work.

### **GENERAL**

Submission of a medical certificate or sickness self-certification absence form, although giving the Council the reason for your absence, may not always be regarded by the Council as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick you may need time off, continual or repeated absence through sickness may not be acceptable to the Council.

In deciding whether your absence is acceptable or not the Council will take into account the reasons and extent of all your absences, including any absence caused by sickness. The Council cannot operate with an excessive level of absence as all absence, for whatever reason, reduces its efficiency.

A serious view will be taken if you take sickness / injury leave which is not genuine, and it will result in disciplinary action being taken.

If the Council considers it necessary, you may be asked for your permission to contact your Doctor or for you to be independently medically examined.

**SEVENOAKS TOWN COUNCIL  
SICKNESS SELF-CERTIFICATION ABSENCE**

This form should be completed on your return to work following any period of sickness.

If you are returning to work after a period of sickness of **more than 7 calendar days** a medical certificate or certificates should already have been provided to cover the period of absence in excess of these first seven days.

<b>NAME</b>	
<hr/>	
<b>Dates of sickness / absence (including non-working days)</b>	
<b>FROM</b>	<b>TO</b>
_____ am/pm	_____ am/pm
_____ day	_____ day
_____ date	_____ date
<hr/>	
<b>Details of sickness or injury</b>	
<hr/>	
<b>Did you consult a Doctor? YES/NO. If YES please give details of Doctor's name, address, date of visit, treatment received and any current treatment. If NO please state why not.</b>	
<hr/>	
<b>Declaration</b>	
<b>I certify that I was incapable of work because of my sickness / injury on the dates shown above and this information is true and accurate.</b>	
<b>I acknowledge that false information will result in disciplinary action.</b>	
<b>I hereby give my employer permission to verify the above information.</b>	
Signed _____ (employee)	Acknowledged _____ (for employer)
Date _____	

## **4.5 Time off**

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

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

## **4.6 Compassionate leave and domestic emergencies**

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

Up to a maximum of 5 days paid compassionate leave (pro rata for part time staff) may be granted by the Town Clerk on the death of an employee's immediate relative, e.g. spouse / partner, mother, father, sister, brother or child. This may be extended to include a resident relative or in-law at the Town Clerk's discretion on the individual circumstances.

Where an employee is attending or nursing a terminally ill family member, a maximum of 3 days paid compassionate leave (pro rata for part time staff) can be granted by the Town Clerk in consultation with the Chairman of the Personnel Sub-Committee.

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

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

## 4.7 Annual leave

Your holiday year begins on 1st April and ends on 31st March each year.

Contractual leave entitlement is shown in an employee's contract of employment; and depend upon the particular conditions of service and length of continuous service. They are set out below:

Length of Service	Annual Leave & General public holidays (Bank Holidays)
On appointment	21 (155.4 hours) + 8 (59.2 hours), 214.6 hours
After 5 years continuous service	26 (192.4 hours) + 8 (59.2 hours), 251.6 hours

Appropriate request forms and procedures should be followed for approval of holiday dates.

It is the Council's policy to encourage you to take all of your holiday entitlement in the current holiday year. You are not normally permitted to carry forward any holiday entitlement to the following holiday year.

### **Conditions applying to your Annual Holiday Entitlement**

All holiday requests must be agreed in advance with your Line Manager and the Town Clerk before you make any firm holiday arrangements (ref A.2)

The Council will allocate agreed holiday dates on a 'first come' – first served' basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year. We cannot guarantee that holiday will be sanctioned if less than two weeks notice is given.

Your holiday pay will be at your normal basic pay unless shown otherwise on your contract of employment.

If you become sick or injured during a period of annual holiday, you will be regarded as being on sick leave from the date of a doctor's certificate any you may take such days as annual holiday at a later date.

In the event of the termination of your employment any holidays accrued but not taken will be paid for. However, in the event of you having taken holidays in the current year, which have not been accrued pro-rata, then the appropriate payments will be deducted from your final pay. This is an express written term of your contract of employment. The Town Council does not normally permit holidays to be taken during the notice period.

## **Public / Bank Holidays**

Your entitlement to public/bank holidays and to any additional payment for working on a public / bank holiday is shown in your contract of employment.

## **Annual Leave Entitlement Part-time and Casual Employees**

What the Law Says:

- at least 5.6 weeks statutory holiday entitlement must be provided to employees (28 days inclusive of bank holiday entitlement) per Working Time Directive.
- part-time employees are entitled to the same amount of holiday (pro rata) as full time employees.
- Temporary or casual employees are entitled to the same amount of holiday as permanent employees.
- employers can define the times when employees can take their leave - for example a Christmas shut down, school holiday or to meet changing business requirements
- If employment ends employees have the right to be paid for any leave due but not taken
- there is no legal right to paid public holidays

How Sevenoaks Town Council (STC) administers annual leave:

The philosophy underpinning the annual leave provision of the Council and also the Working Time Regulations is to ensure that all employees are adequately rested from time to time. This has positive benefits for their health and safety. The philosophy is undermined if employees allow their leave to stockpile.

Sevenoaks Town Council therefore seeks to encourage employees to take their annual leave evenly throughout the year in the interests of their health and wellbeing and the consequent efficiency benefits to the Council as a whole.

## **The Leave Year**

The leave year runs from 1 April of one year to 31 March of the following year.

Each annual leave year will stand on its own and leave may not normally be carried forward from one year to the next (see below). In exceptional circumstances, only the Town Clerk/Chief Executive may approve the carry forward of a maximum of one week of contractual annual leave.

The annual leave entitlement for employees joining or leaving the Council is proportionate to their completed service during the leave year.

An employee returning from maternity leave may carry forward their full balance of contractual annual leave, where their maternity leave spans two leave years and where the employee has been unable to take the previous year's leave due to their period of maternity leave. The carried forward leave must be added to the end of the maternity leave period and cannot be used at any other time. Full time employees will be afforded a substitute day's leave in respect of each bank or public holiday that falls within both ordinary and additional maternity leave. For part-time employees, the total annual leave entitlement already includes the bank and public holiday entitlement.

Statutory annual leave will accrue whilst an employee is absent due to sickness at the same rate of accrual that would occur had the employee been at work. This accrued leave may be taken upon an employee's return to work, even where the employee has been absent for a full leave year or where the period of sickness spans two leave years.

### **Procedures for taking leave**

Appropriate request forms and procedures should be followed for approval of holiday dates.

Employees wishing to take leave must always obtain the approval of their Line Manager and the Town Clerk/Chief Executive before taking such leave. Such requests must be made as far in advance as practicable in order to enable managers plan for adequate staffing levels in the department.

The minimum holiday request should be for half a day

The Council will allocate agreed holiday dates on a 'first come –first served' basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year. There is no guarantee that holiday will be approved if less than two weeks' notice is given.

New starters to the Council who request leave, and who have not completed six months' of service, are required to sign an undertaking to repay any excess leave entitlement should they leave the Council's service.

## Leave Entitlement

Contractual leave entitlement is shown in an employee's contract of employment; and depend upon the particular conditions of service and length of continuous service. They are set out below:

Length of Service	Annual Leave & General public holidays (Bank Holidays)
On appointment	21 (155.4 hours) + 8 (59.2 hours), 214.6 hours
After 5 years continuous service	26 (192.4 hours) + 8 (59.2 hours), 251.6 hours

### Length of Service Annual Leave & General public holidays (Bank Holidays)

On appointment 21 (155.4 hours) + 8 (59.2 hours), 214.6 hours  
After 5 years continuous service 26 (192.4 hours) + 8 (59.2 hours), 251.6 hours

- (a) All employees receive 21 days + 8 Bank Holidays as annual leave entitlement.
- (b) An additional 5 days annual leave are provided to employees following 5 years continuous local government service (subject to satisfactory performance). This is applicable from the 1st day of the month following the 5th anniversary of the employee's appointment and pro-rated for the remainder of the leave year.
- (c) All employees receive 2 additional statutory days per the National Joint Council For Local Government Services' Green Book
- (d) In total, this is 31 annual leave days which is more than the Working Time Directive's minimum requirement of 28 days total per annum.

Calculations can be found on the leave entitlement tables in Appendix 1

In order to meet operational requirements, employees may be required to work additional hours in lieu of Bank Holidays.

### Calculating Leave Entitlement - Part-Time and Flexible Contract employees

Employees working part-time (or compressed hours) will have an entitlement pro-rated to the annual leave of comparable full-time employees. Entitlement to Bank Holidays is pro rata to the full time allowance of 8. The calculation of this entitlement is always proportional to the number of basic contracted hours. In this way, all employees have a fair and equitable, static entitlement rather than eligibility based solely on the normal days of work which would result in some employees

working part-time or compressed hours never receiving the benefit of Bank Holidays unless they fall on their normal days of work.

Similarly, this calculation which is based on the number of basic weekly contracted hours removes any potential for inequity in the case of staff whose working days vary.

What this means is that all employees will receive a normal week's pay for the week the Bank Holiday falls in.

Total leave entitlement for all part-time employees is converted to and taken in hours. Please refer Appendix 1 and 2 for scenarios. Steps for calculating are:

- (a) Determine what proportion of a full-time job the person works in hours. A full time employee works 37 hours a week. Hours may be compressed or set hours worked over daily during the working week.
- (b) There are 8 public holidays per year, and the part-time person is entitled to be paid for a proportionate number of those.
- (c) Total leave entitlement is the combination of annual leave and Bank Holiday entitlement. Alternatively they may decide to work other days in lieu to protect the available leave entitlement.
- (d) When part-time employees take a day's annual leave, they will be required to deduct their normal hours worked on that day from their total leave entitlement (or the average for variable hours employees).
- (e) Similarly, when part-time employees take the Bank Holiday off with pay, they will also be required to deduct their normal hours worked on that day from their total leave entitlement (or the average for variable hours employees). It is the individual employee's responsibility to ensure that the records are accurate.
- (f) In circumstances where part-time employees have worked an additional day during the week, they should not credit both this time and the bank/public holiday on their timesheet. For an example relating to this please refer to Appendix 3.

### **Calculating Leave Entitlement –Casual and variable hours employees**

Total annual leave entitlement for casual and variable hours employees is calculated using an average figure. Where it is available, the calendar year to date average will be used, otherwise leave will be based on the hours worked during a minimum of the previous 13 weeks. Finance will provide this figure on request.

## **Annual Leave – Christmas**

At Christmas employees are entitled to an additional two days statutory leave and will be required to take these days during the Christmas closure period unless advised otherwise in writing by the Town Clerk or Deputy Town Clerk. This is for operational reasons.

During the 'Christmas closure period' (typically between 25th December – 1st January inclusive but these dates may vary), there will be three working days which employees will be required to take as annual leave. Two of these days will be statutory days, if you are entitled to them. Employees should ensure they have sufficient annual leave to cover the third working day unless they are notified that this has been granted as an additional day's leave (see below).

The Council may grant an additional day's leave to be taken during the Christmas closure period. This is a discretionary award made on an annual basis and should not be relied upon by employees.

Part-time employees should record the Bank Holidays falling during the Christmas period in the usual way i.e. normal working hours should be recorded on the relevant timesheet if an employee was due to work on those Bank Holidays and the hours deducted from their total leave entitlement.

The hours a part-time employee would have worked on the three working days during the Christmas closure period should also be recorded on the relevant timesheet. Two days during this period will be deemed to be their statutory days and no deduction should be made from their annual leave entitlement. If a part-time employee is not due to work on one or both of the statutory days, then they are entitled to take their next working day or days off, subject to the agreement of their line manager. No deduction should be made from their annual leave entitlement.

In the event that the Council grants an additional day's leave to be taken during the Christmas closure period, only part-time employees who would have worked on the day in question will be paid for the hours they would have worked that day. These hours should be recorded on their timesheet and no deduction should be made from their annual leave entitlement.

Employees working for House in the Basement and Vine Café, caretakers and cemetery employees will have separate arrangements made for them during the Christmas closure period.

## **Annual Leave – Leaving the Council**

Employees leaving the employment of the Council may not take any outstanding annual leave entitlement during their period of notice unless

agreed with the Chief Executive. This includes any statutory leave entitlement under the Working Time Regulations. Payment in lieu of outstanding leave will be included in final pay.

If an employee has taken in excess of his/her annual leave entitlement on termination of employment, an appropriate deduction will be made from the final pay.

Where an employee has been absent from work due to sickness and where their contract is subsequently terminated prior to them having returned to work from that period of sickness absence, they will receive a payment in lieu of outstanding statutory leave.

## APPENDIX 1

STC Total leave Entitlement (Annual leave entitlement (Table 1) plus holiday entitlement (Table 2) added together) For each table, formula is Weekly Contracted Hrs X No. of Days Entitlement

**TABLE 1: Full year annual leave calculation exclusive of Bank Holiday:**

Weekly Contracted Hours	% Full time Equiv	Annual leave in equivalent hours (excluding Bank Holidays)	
		On Appointment	After Five years
		21	26
37	100%	155.4	192.4
35	95%	147.6	182.8
30	81%	125.9	155.8
25	68%	105.7	130.8
21.75	59%	91.7	113.5
20	54%	83.9	103.9
15	41%	63.7	78.9
10	27%	42	51.9
8	22%	34.2	42.3

**Table 2: Calculation of Bank Holiday Entitlement**

Weekly Contracted Hours	Bank Holiday entitlement in equivalent hours	
	% Full time Equiv	8 Bank Holidays
		8
37	100%	59.2
35	95%	56
30	81%	48
25	68%	40
21.75	59%	35
20	54%	32
15	41%	24
10	27%	16
8	22%	13

## APPENDIX 2

### Example – Part-time and flexible contract employees

An employee works part-time hours of 20 hours each week. They work Monday to Friday, 4 hours each day. They have less than 5 years of continuous service.

The leave entitlement would be worked out as follows:

Step 1: select annual leave entitlement for the contracted hours from table 1, 83.9 hours in this example.

Step 2: select bank holiday leave entitlement for the contracted hours from table 2, 32 hours in this example.

Step 3: Add both to arrive at Total leave entitlement: 115.9 hours

= Rounding up to 116 hours

This employee takes one day annual leave, therefore they must deduct 4 hours from their annual leave entitlement and claim 4 hours on their timesheet as Annual Leave.

If a Bank Holiday falls on a normal working day (which in this case is Monday to Friday) and the employee has the Bank Holiday off, (which they would in this example) they must deduct 4 hours from their leave entitlement and claim 4 hours on their timesheet.

### **Appendix 3**

#### **Examples –Employees working on a Bank Holiday**

As described in the guidance, in certain circumstances, part-time employees may be required to work on Bank Holidays, in such situations and they will receive additional annual leave entitlement in lieu of the hours worked (Time Off In Lieu).

### **4.8 Reserve forces**

Employees who are members of the Reserve Forces are required to attend regular training. It is usually a 2 week training camp each year. There is no legal right to time off for this purpose and employees may use part of their annual holidays.

If a reservist is called up for duty they have the right to apply for their old job when they return and they are protected from being dismissed on the grounds that they may be called up for active duty.

## Section 5 – Flexible Working and Family-Related leave

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

### 5.1 Flexible working

#### Qualification

To make a flexible working request, you must:

- be an employee;
- have been continuously employed by the Council for more than 26 weeks at the date the application is made; and
- not have made another formal flexible working request during the past 12 months.

#### Scope of a Request

If you qualify, you may request:

- a change to hours worked;
- a change to the times you are required to work;
- a change in duties;
- a change to any other terms of your employment.

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

#### Your Application

Before making a flexible working request you should consider:

- what working pattern you are seeking;
- the financial implications a change might have on you;
- what effects, if any, the change will have on the Council's business and on your colleagues and how these might be accommodated.

Your application must be in writing, signed and dated and:

- state that it is an application under the right to apply for flexible working arrangements;
- specify the change applied for;
- specify the date on which you would like the change to be effective;
- explain what effect, if any, you think making the change applied for would have on the Council; and
- explain how you meet the eligibility requirements.

You can only make one application in any 12 month period. If you have made a previous application, your new application must state this and give the date on which the previous application was made.

#### Our Response

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

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

Otherwise, we will invite you to a meeting within 28 days of receiving your application. You have the right to be accompanied to the meeting by a work colleague or trade union representative.

### **The Meeting**

At the meeting, we will discuss your requested work pattern in detail and consider and how it might be accommodated. We may also discuss alternative working patterns.

### **After the Meeting**

We will write to you within 14 days of the meeting with our decision. We will either agree a new working pattern and a start date or, we will refuse your request and give the reasons for refusal.

The grounds on which we can reject your request are:

- burden of additional costs;
- detrimental effect on the ability to meet customer demand;
- inability to reorganise work amongst existing staff;
- inability to recruit additional staff;
- detrimental effect on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes;
- any other ground allowed by regulations.

### **The Appeal Procedure**

You may appeal our decision in writing within 7 days of receiving it, setting out your grounds of the appeal.

We will either invite you to an appeal meeting within 14 days of receiving your appeal, or allow your appeal without a meeting.

We will give you a written appeal outcome within 7 days of the hearing. If we allow the appeal, we will specify the variation agreed and the date from which it is to take effect. Where we reject your appeal, we will explain why. This decision will be final.

## 5.2 Maternity leave

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

### **Notification**

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

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

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

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

### **Start of maternity leave**

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

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

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

You may change the date on which you intend to start your maternity leave, but you must notify the Council of your new start date at least 28

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

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

### **Duration of maternity leave**

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

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

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

### **Dismissal or resignation**

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

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

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

### **Maternity pay**

Statutory Maternity Pay (SMP) is paid to employees who have at least 26 weeks' service immediately before the 15<sup>th</sup> week before the expected week of childbirth and whose pay is above the Lower Earnings Limit for paying National Insurance Contributions (this changes each year). Employees who earn below that amount may be entitled to a state

benefit called Maternity Allowance (MA). The Council will provide you with an appropriate form to help you claim this, where appropriate.

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

SMP is paid for a maximum total of 39 weeks. The first 6 weeks are paid at 90 per cent of your normal weekly earnings<sup>1</sup> and the remaining 33 weeks are paid at a flat rate specified in legislation. This changes from year to year.

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

### **Returning to work early**

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

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

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

### **Returning to work late**

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

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

### **Maternity suspension (health and safety reasons)**

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

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

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

### **5.3 Adoption leave**

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

The arrangements for taking adoption leave are similar to the arrangements for taking maternity leave, but there are several important differences. The key ones are set out below, but if you believe you are entitled to adoption leave you should discuss the situation with the Town Clerk who will ensure that you have all the necessary information.

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

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

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

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

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

The arrangements for statutory adoption pay are similar to those for SMP.

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

## **5.4 Paternity leave**

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

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

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

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

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

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

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

## 5.5 Parental leave

Parental leave is a flexible form of unpaid leave designed to help employees spend time caring for children. It is usually taken in instalments over the first 18 years of a child's life and is available to employees who have at least one year's service and who have formal parental responsibility for a child.

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

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

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

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

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

## 5.6 Shared parental leave

***[Note this section only applies where a birth is expected or a child is placed for adoption on or after 6 April 2015]***

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

Employees who give birth or adopt remain entitled to take the full 52 weeks of leave if they choose to do so and the arrangements described above for maternity and adoption leave continue to apply. However, an

employee may choose to share part of that leave with their partner provided that certain qualifying conditions are met. When leave is shared in this way, there is no need for the 'primary' leave taker to have returned to work. Both parents can be on leave at the same time, provided that the combined amount of leave taken by the parents does not exceed 52 weeks and provided that all of the leave is taken before the end of 52 weeks following the birth of the child or its placement for adoption.

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

A parent proposing to take a period of shared parental leave must give the Council 8 weeks' notice of any such leave. Depending on the circumstances, it may be possible for the Shared Parental Leave to be taken in intermittent blocks, with one parent returning to work for a time before taking another period of shared parental leave. Such an arrangement can only be made with the agreement of the Council. While every effort will be made to accommodate the needs of individual employees, the Council may insist on shared parental leave being taken in a single instalment. Any decision as to whether to permit intermittent periods of leave is entirely at the Council's discretion.

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

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

## **5.7 Keeping in touch days**

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

attending work on such days will be agreed between the Council and the employee at the time the keeping in touch day is arranged.

## **5.8 During maternity or shared parental leave**

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

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

## SECTION 6 – HOW WE RESOLVE ISSUES

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

### 6.1 Performance improvement procedure

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

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

#### **The right to be accompanied**

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

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

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

#### **Stage one**

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

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

### **Performance Improvement Plan**

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

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

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

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

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

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

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

### **Review**

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

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

### **Stage two**

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

The hearing will be conducted by Line Manager/Town Clerk

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

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

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

### **Stage three**

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

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

The hearing will be conducted by a senior manager / the Town Clerk.

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

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

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

### **Appeals**

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

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

### **Redeployment**

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

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

## **6.2 Sickness absence procedure**

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

### **Short-term absence**

An employee who is absent on more than three occasions within a six month period will be invited to a meeting to discuss their attendance. The meeting will usually be conducted by the Town Clerk or employee's line manager and the employee will have a right to be accompanied by a fellow employee or a trade union official on the same basis as set out in the performance management procedure (page 36).

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

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

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

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

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

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

### **Long-term sickness absence**

Where an employee is absent for an extended period – or it is clear that their absence is likely to continue for some time – then the Council will want to investigate the prospects for their return and consider what actions can be taken to facilitate this. The extent to which the Council

can continue to accommodate an employee's absence will depend on a range of factors, including the role of the employee and the prevailing circumstances of the organisation.

The Council will seek medical advice as to the employee's condition either from the appropriate professionals caring for the employee or from a specialist occupational health practitioner. The focus will be on ascertaining when the employee will be able to return to work and what steps the Council can take to facilitate this.

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

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

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

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

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

Any appeal will be heard by members of the Personnel Committee not previously connected with the process. In the case of the Town Clerk, the appeal will normally be conducted by three members of the Council who do not sit on the Personnel Committee.

### **6.3 Bullying and harassment procedure**

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

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

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

### **Making a complaint**

Employees who feel that they are being bullied or harassed in the workplace or that such behaviour is taking place should raise their concerns with the Town Clerk or their line manager. Every attempt will be made to treat allegations in confidence. However if the Council decides that formal disciplinary action needs to be taken then it may be necessary to disclose enough information to the accused employee to enable them to put their side of the story.

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

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

## **6.4 Disciplinary procedure**

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

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

### **Informal action**

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

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

Disciplinary action taken against you will be based on the following procedure:-

Disciplinary action taken against you will be based on the following procedure:-

<b>OFFENCE</b>	<b>FIRST OCCASION</b>	<b>SECOND OCCASION</b>	<b>THIRD OCCASION</b>
<b>UNSATISFACTORY CONDUCT</b>	Written warning	Final Written warning	Dismissal
<b>MISCONDUCT</b>	Written warning	Final written Warning	Dismissal
<b>SERIOUS MISCONDUCT</b>	Final written warning	Dismissal	
<b>GROSS MISCONDUCT</b>	Dismissal		

### **Investigation**

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

### **Suspension**

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

### **Hearing**

Once the investigation has been carried out, the investigating officer will make a decision about whether there is sufficient evidence to warrant a disciplinary hearing. If there is you will be informed of this and an

appropriate date for the hearing will be arranged. This will take place within normal working hours wherever possible.

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

You will be given sufficient notice of any hearing to allow you to prepare for it. While this will vary from case to case, the Council will generally try to give at least two days' notice of any hearing and in complicated cases a longer period of notice may be given.

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

### **The right to be accompanied**

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

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

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

### **Evidence**

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

## **Disciplinary action**

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

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

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

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

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

Sevenoaks Town Council has a policy that it will not award pay increases to employees that have been the subject of a proven disciplinary procedure during the preceding 12 months.

## **Dismissal**

An employee will not normally be dismissed under this procedure for a single instance of misconduct unless a final written warning is already in place. However, where gross misconduct is found to have occurred then dismissal without notice or payment in lieu will be the usual outcome.

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

## DISCIPLINARY AUTHORITY

The operation of the disciplinary procedure contained in the previous section, is based on the following authority for the various levels of disciplinary action.

### PERSONS AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:

EMPLOYEES	TOWN CLERK	OTHER
Written warning	Chairman of the Personnel Committee	Line Manager / Town Clerk
Final Written Warning	Chairman of the Personnel Committee	Town Clerk
Dismissal	Chairman of the Personnel Committee	Town Clerk

### Appeal

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

Any appeal will be heard by members of the Personnel Committee not previously connected with the process. In the case of the Town Clerk, the appeal will normally be conducted by three members of the Council who do not sit on the Personnel Committee.

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

### Employee absence

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

## **6.5 Grievance Procedure**

The Council aims to be responsive to concerns raised by employees and if you are unhappy with something affecting you at work you are encouraged to raise this with the Town Clerk or your manager. The following procedure is designed to be used when these informal attempts to resolve any dispute have not been successful.

### **Raising a grievance**

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

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

### **Grievance hearing**

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

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

### **Allegations of misconduct**

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

### **Relationship with other procedures**

Where your grievance relates to the conduct of other procedures such as the disciplinary or performance management procedures then the Council may choose to either delay the consideration of the grievance until that procedure has been completed or to deal with the grievance in the course of that procedure or by way of appeal if that appears to be a fairer or more straightforward way of dealing with the issue.

## **Appeals**

If you wish to appeal you must inform the Chairman of the Personnel Committee within five working days. You will then be invited to a further meeting, which you must take all reasonable steps to attend. As far as reasonably practicable, the Council will be represented by a more senior manager than attended the first meeting (unless the most senior manager attended that meeting).

In any case where it is not possible or desirable to arrange an appeal involving a different and more senior manager, the Chairman of the Personnel Committee, or in his absence, Vice Chairman, will arrange with the Chief Executive for the appeal to be heard by a panel of two councillors.

Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.

In any case where the Chief Executive is the subject of your grievance or where the Chief Executive raises a grievance against his/her treatment by one or more Councillors, you (or the Chief Executive) will be invited to a meeting with two or more Councillors, preferably who have not been involved with the grievance at an earlier stage. The Chief Executive will have the right to be accompanied at any stage by a fellow employee or trade union officer. Legal representation will not be permitted.

If the Chief Executive wishes to appeal against the decision of the panel he/she will notify the Chairman of the Personnel Committee within five working days who will arrange an appeal meeting involving two or more different Councillors than those who were involved with the panel

In the absence of the Chairman of the Personnel Committee, the above responsibilities should be adopted by the Vice Chairman

You will have the right to be accompanied at the appeal by a fellow employee or trade union official as described in Section 6.1.

The outcome of any appeal will be final.

## **SECTION 7 – SAFEGUARDING**

### **7.1 Criminal Record Disclosure(s)**

Your initial employment is conditional upon the provision of a satisfactory Criminal Records Disclosure of a level appropriate to your post. You may be required to consent to subsequent criminal record checks from time to time during your employment as deemed appropriate by the Council. In the event that such disclosure(s) are not supplied or are not satisfactory, your employment with the Council will be terminated.

During your employment, you are required to immediately report to the Council any convictions or offences with which you are charged, including traffic offences.

### **7.2 Policy statement on the secure storage of DBS information handling, use, retention and disposal of disclosures and disclosure information.**

As an organisation using the Disclosure and Barring Service (DBS) and / or Disclosure Scotland Service to help assess the suitability of applicants for positions of trust, the Council complies fully with the DBS/ Disclosure Scotland Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. The Council also complies fully with its obligations under the Data Protection Act.

Disclosure information is never kept on an applicant's personnel file. It is always kept separately and securely in lockable, non- portable storage containers with access strictly controlled and limited to those who are authorised to see it as part of their duties in accordance with Section 124 of the Police Act 1997. The Council maintains a record of all those to whom disclosures and disclosure information has been revealed and recognises that it is a criminal offence to pass the information to anyone who is not entitled to receive it.

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Once a recruitment (or other relevant) decision has been made, the Council does not keep disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, the Council

considers it necessary to keep disclosure information for more than six months, the DBS/Disclosure Scotland will be consulted and full consideration will be given to the data protection and human rights of the individual.

Once the retention period has elapsed, the Council will ensure that any disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. a waste bin or confidential waste sack). The Council will not keep any photocopy or other image of the disclosure or any copy or representation of the contents of the disclosure. However, the Council may keep a record of the date of issue of the disclosure, the name of the subject, the type of disclosure requested, the post for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment (or other relevant) decisions taken.

### **7.3 Policy on the recruitment of ex-offenders**

As an organisation using the Disclosure and Barring Service (DBS) Disclosure service to assess applicants suitability for positions of trust. We comply with the DBS Code of Practice and undertake to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

We are committed to the fair treatment of all our staff and potential staff regardless of any offending background.

This is our policy on the recruitment of ex-offenders, and this can be made available to all Disclosure applicants at the outset of the recruitment process, or at any other time, upon request.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and accept applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience, as set out in our person specifications.

A Disclosure is only requested after a thorough risk assessment had indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, job adverts and recruitment brief will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their

criminal record at an early stage in the application process. This information will only be seen by those who need to see it as part of the process.

Unless the nature of the position allows us to ask questions about your entire criminal record we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those who are involved in the recruitment and selection process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of offer of employment.

We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment. **Having a criminal record will not necessarily bar you from working with us.** This will depend on the nature of the position and the circumstances and background of your offences.

## **7.4 Child protection policy & code of practice**

### **Introduction**

This policy applies to all staff, town councillors and volunteers working for the Council as part of Sevenoaks Town Council's activities. It is designed to safeguard children and young people (up to the age of 18 years) from potential abuse as well as protect Sevenoaks Town Council, its staff, elected town councillors and volunteers from potential false allegations of abuse. Sevenoaks Town Council is committed to taking all reasonable precautions to safeguard the welfare of children that use its services and promotes a safeguarding culture and environment.

Staff do in the following areas of the Town Council's work have regular contact with children and young people:-

- i) Sevenoaks Youth Council
- ii) Stag Community Arts Centre (including Youth Outreach)
- iii) Parks and Open Spaces.

Children and young people have the right to have fun and be safe in the services provided for them and the activities they choose to participate in.

The Council is not an investigative or intervention agency for child protection. Council staff have a responsibility to refer suspected cases of abuse to Area Children's Safeguarding Officer, 01732 525035 Social Services Department.

## **Aims**

The council aims to:

- i) Raise awareness of the duty of care responsibilities relating to children and young people throughout the Council;
- ii) Actively encourage good practice amongst staff, elected town councillors and volunteers throughout the Council;
- iii) Create a safe and healthy environment within all our services, avoiding situations where abuse or allegations of abuse may occur;
- iv) Respect and promote the rights, wishes and feelings of children and young people;
- v) Listen to children and young people, minimising dangers and working closely with other agencies;
- vi) Recruit, train, supervise and support staff, elected town councillors and volunteers who work with and come into contact with children and young people to adopt best practice to safeguard and protect children and young people from abuse, and themselves against false allegations. Staff, town councillors and volunteers who work with children and young people will be subject to the appropriate level Disclosure and Barring Servicecheck;
- vii) Respond to any allegations appropriately and implement the appropriate disciplinary and appeals procedures;
- viii) Require staff, town councillors and volunteers to adopt and abide by the Council's Child Protection Policy and Code of Practice.

## **Objectives**

Objectives to achieve these aims:

- i) To provide appropriate information, guidance and where appropriate training for staff, town councillors and volunteers, to enable them to recognise the potential signs and indicators of abuse and to improve good practice;
- ii) To aid staff, town councillors and volunteers to respond sensitively and seriously to a child or young person who discloses information about abuse, and be confident and able to take appropriate action swiftly, regardless of whom the allegation is about, e.g. carer/staff member;
- iii) To maintain a level of good working practice at all times and therefore reducing the risk to children and young people during and within Council services;

- iv) To develop and implement effective procedures for recording and responding to incidents and accidents;
- v) To develop and implement effective procedures for recording and responding to complaints of alleged or suspected child abuse.

## **Categories of Abuse**

### **Physical Abuse**

Physical Abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to the child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a child.

### **Emotional Abuse**

Emotional Abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving children opportunities to express their views deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. It may include interactions beyond the child's developmental capability, overprotection, limitation of exploration or learning, and/or prevention of normal social interaction. It may involve seeing or hearing ill-treatment of another. It may involve serious bullying, causing children to frequently feel frightened or in danger, or exploitation and corruption of children. Some level of emotional abuse is involved in all types of ill-treatment of a child, although it may occur alone.

### **Sexual Abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

### **Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the

child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers);
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

### **Code of Behaviour and Good Practice Guidelines**

As part of the overall Child Protection Policy the Council will carry out Disclosure and Barring Service (DBS) checks on those whose role within the Council engage with children. In line with best practice, these checks will be repeated every three years for the appropriate people. Whilst the information provided by the DBS is important in terms of staff employment, the Council recognises that this is only part of the overall policy to create and sustain a safe environment for children that use our services and engage with staff, town councillors and volunteers.

The following guidelines apply to those working with children or young people in activities organised by or on behalf of Sevenoaks Town Council.

#### **YOU MUST**

#### **YOU MUST NOT**

<ul style="list-style-type: none"> <li>• treat everyone with respect</li> <li>• provide an example of good conduct you wish others to follow</li> <li>• plan activities which involve more than one other person being present, or at least which are within sight or hearing of others</li> <li>• respect a person's right to personal privacy</li> <li>• provide access for young people to talk to others</li> </ul>	<ul style="list-style-type: none"> <li>• have any inappropriate verbal or physical contact with children, young people or make suggestive remarks or gestures</li> <li>• permit abusive youth peer activities (e.g. initiation ceremonies, ridiculing, bullying)</li> <li>• play physical contact games with young people</li> <li>• jump to conclusions about others without checking facts</li> <li>• ask young people to do things that are potentially dangerous, illegal or otherwise unreasonable</li> </ul>
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<p>about any concerns they may have</p> <ul style="list-style-type: none"> <li>• encourage young people to feel comfortable and caring enough to point out attitudes or behaviour they do not like</li> <li>• avoid physical horseplay such as wrestling or tickling</li> <li>• remember that someone else might misinterpret your actions, no matter how well intentioned</li> <li>• challenge unacceptable behaviour and report all allegations/suspicions of abuse</li> <li>• be identifiable and wear a name badge at all times</li> </ul>	<ul style="list-style-type: none"> <li>• exaggerate or trivialise abuse issues</li> <li>• show favouritism to any individual</li> <li>• rely on your good name to protect you</li> <li>• believe 'it could never happen to me'</li> <li>• take chances when common sense, policy or practice suggests a more prudent approach</li> <li>• allow allegations made by a child to go unchallenged, unrecorded or not acted upon</li> <li>• be alone in a car with a child</li> </ul>
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### **Complaints Procedure**

It is important that the Council maintains an open culture where employees, town councillors, volunteers, children and parents/carers feel able to express concerns both about the child protection issues and issues of poor practice. The Council's Complaint's Policy is available at Sevenoaks Town Council Offices or via its website [www.sevenoakstown.gov.uk](http://www.sevenoakstown.gov.uk).

### **Recruitment and Training**

All people required to carry out duties which involve working with children and those whose roles mean they come directly in contact with children shall undergo appropriate checks through the DBS.

Sevenoaks Town Council will provide all staff with access to this policy and will encourage good practice and identify any training needs required.

## **Responding to Allegations or Suspicions**

If you suspect a child or young person is being abused; emotionally,

Physically or sexually:

- i) Tell your line manager.
- ii) Record any facts which support your suspicions.
- iii) Agree with other adults involved what action, if any, to be taken.  
If a person discloses to you abuse by someone else:
  - iv) Allow the person to speak without interruption, accepting what is said, but do not investigate.
  - v) Alleviate feelings of guilt and isolation, while passing no judgement.
  - vi) Advise that you will try to offer support, but you must pass the information on.
  - vii) Same steps as 1-2 as in suspecting a person is being abused.

### **If you receive an allegation about any other adult or about yourself:**

- viii) Immediately tell your line manager.
- ix) Record the facts as you know them.
- x) Try to ensure no one is placed in a position which could cause further compromise.

<p><b>You <u>must</u> refer; you <u>must not</u> investigate.</b></p>
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### **Procedure following allegation or suspicion of child abuse**

- xi) All allegations/reasonable suspicions are to be referred immediately and directly to the Chief Executive.
- xii) No investigation or questioning is to be undertaken. If the Chief Executive is implicated, refer directly to the Chairman of the Personnel Committee. If a town councillor is implicated refer directly to the Chief Executive. All allegations/reasonable suspicions are to be referred.
- xiii) Action to be taken by the person receiving the referral as soon as possible and, in any event, within 24 hours.
  - a) Write down notes, dates, times, facts, observations, verbatim speech if possible, as soon as possible/as soon as practicable after the incident or disclosure has occurred.
  - b) Ensure correct details available: Young person's name and address, and name and address of parent/guardian.

c) Immediately contact Area Children's Safeguarding Officer, Social Services numbers 03000 41 61 61 (Adult) 03000 41 11 11 (Child) 03000 41 91 91 (out of hours)

Ask for duty officer and indicate that you wish to discuss the matter of a child/vulnerable person protection. Ask for the name of the person with whom you are speaking. Discuss. (No information to be filtered or withheld.) Await advice. Ask if there is anyone who should be informed.

d) If the allegation involves a town councillor, inform the Sevenoaks District Council's Monitoring Officer.

e) Prepare a confidential file. Record all notes, all conversations, advice from Social Services. Every effort should be made to ensure confidentiality is maintained for all concerned.

f) Information should be stored in a secure place with limited access to designated people, in line with the data protection laws.

g) Follow advice from Social Services – take no other action unless advised to by Social Services.

If in doubt about the advice you have received at any stage refer to Social Services for guidance.

Incidents of serious abuse are likely to be rare, but it is important that all involved in Sevenoaks Town Council conduct themselves at all times in ways which will not lead to their actions being misconstrued or misinterpreted.

## **7.5 Lone Working Policy**

The council will ensure, so far as is reasonably practicable, that employees and self-employed contractors who are required to work alone or unsupervised for significant periods of time are protected from risks to their health and safety.

The council will determine, by risk assessment, those activities where work can actually be done safely by one unaccompanied person. This will include the identification of hazards from means of access and/or egress, plant, machinery, goods, substances, environment and atmosphere, etc.

Particular consideration will be given to:

- the remoteness or isolation of workplaces
- any problems of communication

- the possibility of interference, such as violence or criminal activity from other persons
- the nature of injury or damage to health and anticipated "worst case" scenario

### **Information and Training**

Employees and others will be given all necessary information, instruction, training and supervision to enable them to recognise the hazards and appreciate the risks involved with working alone.

Employees will be required to follow the safe working procedures devised including:

- when working alone, e.g. in an isolated area of a building with all doors closed, ensure that someone is aware of your presence
- check that work being done has been subject to risk assessment and check the assessment yourself – some work may have been identified as requiring the assistance of a second person
- if possible and arranged beforehand, keep in regular contact with someone else, e.g.
- use a mobile phone to call into the office every couple of hours indicating your movements
- do not put yourself at risk; if you do not feel safe discuss the situation with your immediate manager
- report all accidents, injuries, near-misses and dangerous occurrences to your immediate manager
- working at height should not take place.

