



## FARINGDON TOWN COUNCIL

### EMPLOYEE HANDBOOK

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## EMPLOYEE HANDBOOK ISSUE & UPDATES

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## **FARINGDON TOWN COUNCIL**

### **INTRODUCTION**

Welcome to our team. We would like to wish you every success during your employment whether you recently joined us or whether you are an existing employee. We hope that your experience of working here will be positive and rewarding.

This Employee Handbook is designed both to introduce you to our organisation and to be of continuing use during your employment.

We ask that you study carefully the contents of this Employee Handbook as, in addition to setting out our rules and regulations, it also contains information on some of the main employee benefits that may be available to you and the policies and procedures relating to your employment. If you require any clarification or additional information please refer to your line manager.

The Deputy Town Clerk will be responsible for the duties on the Town Clerk in the Town Clerk's absence.

Please note that we provide equal opportunities and are committed to the principle of equality in accordance with legislative provisions. We expect your support in implementing these policies. We will not condone any unlawful discriminatory act or attitude in the course of your employment or in your dealings with our clients, suppliers, contract workers, members of the public or with fellow employees. Acts of unlawful discrimination, harassment or victimisation will result in disciplinary action.

General amendments to the Employee Handbook will be issued from time to time.

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## **JOINING OUR ORGANISATION**

### **A) PROBATIONARY PERIOD**

You join us on an initial probationary period of three months. During this period your work performance and general suitability will be assessed and, if it is satisfactory, your employment will continue. However, if your work performance is not up to the required standard, or you are considered to be generally unsuitable, we may either take remedial action (which may include the extension of your probationary period) or terminate your employment at any time.

We reserve the right not to apply our full contractual capability and disciplinary procedures during your probationary period.

### **B) JOB DESCRIPTION**

You have been provided with a job description of the position to which you have been appointed but amendments may be made to your job description from time to time in relation to our changing needs and your own ability.

### **C) EMPLOYEE TRAINING**

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

### **D) PERFORMANCE AND REVIEW**

Our policy is to monitor your work performance on a continuous basis so that we can maximise your strengths, and help you overcome any possible weaknesses.

### **E) JOB FLEXIBILITY**

It is an express condition of employment that you are prepared, whenever necessary, to transfer to alternative departments or duties within our business. During holiday periods, etc. it may be necessary for you to take over some duties normally performed by colleagues. This flexibility is essential as the type and volume of work is always subject to change, and it allows us to operate efficiently and gain maximum potential.

### **F) MOBILITY**

Although you are usually employed at one particular site, it is a condition of your employment that you are prepared, whenever applicable, to transfer to any other of our sites. This mobility is essential to the smooth running of our business.

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**WAGES AND SALARIES, ETC.****A) ADMINISTRATION**

## 1. Payment

- a. The pay month is the calendar month. Wages and salaries are paid by the 28<sup>th</sup> day of the current month and overtime/commission payments are paid one month in arrears.
- b. You will receive a payslip showing how the total amount of your pay has been calculated. It will also show the deductions that have been made and the reasons for them, e.g. Income Tax, National Insurance, etc.
- c. Any pay queries that you may have should be raised with the Town Clerk.

## 2. Overpayments

If you are overpaid for any reason, the total amount of the overpayment will normally be deducted from your next payment but if this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period.

## 3. Income Tax and National Insurance

At the end of each tax year you will be given a form P60 showing the total pay you have received from us during that year and the amount of deductions for Income Tax and National Insurance. You may also be given a form P11D showing non-salary benefits. You should keep these documents in a safe place as you may need to produce them for tax purposes.

**B) LATENESS/ABSENTEEISM**

1. You must attend for work punctually at the specified time(s).
2. All absences must be notified in accordance with the sickness reporting procedures laid down in this Employee Handbook.
3. Lateness or absence may result in disciplinary action and/or loss of appropriate payment.

**C) SHORTAGE OF WORK**

If there is a temporary shortage of work for any reason, we will try to maintain your continuity of employment even if this necessitates placing you on short time working, or alternatively, lay off. If you are placed on short time working, your pay will be reduced according to time actually worked. If you are placed on lay off, you will receive no pay other than statutory guarantee pay.

**D) MATERNITY/PATERNITY LEAVE AND PAY**

You may be entitled to maternity/paternity leave and pay in accordance with the current statutory provisions. If you (or your partner) become pregnant you should notify the Town Clerk at an early stage so that your entitlements and obligations can be explained to you.

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

Five days paid Adoption Support Leave will be given to the partner or nominated carer of a primary adopter at or around the time of the placement.

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**E) PARENTAL LEAVE**

If you are entitled to take parental leave in respect of the current statutory provisions, you should discuss your needs with the Town Clerk, who will identify your entitlements and look at the proposed leave periods dependent upon your child's/children's particular circumstances and the operational aspects of the business.

**F) SHARED PARENTAL LEAVE**

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

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

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

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

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

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

**G) TIME OFF FOR DEPENDANTS**

You may be entitled to take a reasonable amount of unpaid time off during working hours to take action that is necessary to provide help to your dependants. Should this be necessary you should discuss your situation with the Town Clerk, who, if appropriate, will agree the necessary time off.

**H) PENSION**

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Oxfordshire County Council operates a pension scheme which you are entitled to join. Contributions will be deducted at 6% of your contracted salary (without overtime payments) and the Council will contribute at a rate of 21.7% of pensionable pay.

Further details are available from the Town Clerk.

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## **HOLIDAY ENTITLEMENT AND CONDITIONS**

### **A) ANNUAL HOLIDAYS**

1. Your holiday year begins on 1<sup>st</sup> April and ends on 31<sup>st</sup> March each year.
2. Your annual holiday entitlement is shown in your individual Contract of Employment.
3. It is our policy to encourage you to take all of your holiday entitlement in the current holiday year. However, you may be permitted to carry over up to five working days at the discretion of the Town Clerk.

### **B) CONDITIONS APPLYING TO YOUR ANNUAL HOLIDAY ENTITLEMENT**

1. You should complete form HR for all holiday requests and have it signed by your Line Manager before making any firm holiday arrangements.
2. Holiday requests will only be considered if you present them on a holiday request form and we will allocate agreed holiday dates on a "first come - first served" basis whilst ensuring that operational efficiency and minimum staffing levels are maintained throughout the year.
3. You should give at least one month's notice of your intention to take holidays and 3 days notice is required for odd single days.
4. You may not normally take more than two working weeks consecutively.
5. Your holiday pay will be at your normal basic pay unless shown otherwise on your Contract of Employment.
6. You are required to reserve sufficient days from your annual entitlement to cover the Christmas/New Year shut-down period. If you have not accrued sufficient holiday entitlement to cover this period you will be given unpaid leave of absence.
7. 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 holiday year, which have not been accrued pro-rata, then the appropriate payments will be deducted from your final wages/salary. This is an express written term of your contract of employment.

### **C) PUBLIC/BANK HOLIDAYS**

Your entitlement to public/bank holidays and to any additional payment which may be made for working on a public/bank holiday is shown in your individual Contract of Employment.





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## **MANAGING ATTENDANCE POLICY**

This policy forms part of your contract of employment. The council is entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing and will consult all employees on any significant changes.

### **A) INTRODUCTION**

1. Faringdon Town Council is committed to providing a high quality, cost-effective service to their customers. They are equally committed to the care and wellbeing of their employees. Whilst it is recognised that there will inevitably be sickness absence, high levels can lead to a reduction in service provision and place additional burden on colleagues.
2. To ensure the council provides the highest levels of service, we also have to commit to ensuring high standards of attendance. Procedures for recording and monitoring absence are detailed in the policy along with the responsibilities of both managers and employees in managing sickness absence. These procedures focus on ensuring all employees are treated fairly and given the appropriate support whilst maintaining service levels.
3. The policy sets out actions in cases where sickness becomes long-term. Where it is clear at the outset that it will be long-term, earlier action will be taken as appropriate with a view to ensuring a speedy return to work.

### **B) SICKNESS ABSENCE POLICY**

1. We will provide a healthy employment environment which promotes the wellbeing of all employees and reduces levels of absence, thereby ensuring effective service planning and delivery. We recognise the hard work of our employees and will assist those who have been absent to return to work as quickly and fully as possible. We will make sure our managers have the information necessary to monitor and manage sickness absence effectively.
2. We will take appropriate actions to ensure each employee is able to contribute fully and will encourage employees to adopt a healthy work-life balance.

### **C) RESPONSIBILITIES UNDER THE POLICY AND PROCEDURES**

1. Human resources (HR) responsibilities
  - a. to maintain the policy and update as appropriate to reflect legislative changes, best practice etc.
  - b. to ensure employees and managers understand their responsibilities in the context of the policy
  - c. to provide managers with training and guidance in delivering return to work interviews, information, counselling etc.
  - d. to provide advice and guidance to managers and employees
  - e. to provide reports as required.
2. Manager responsibilities
  - a. to understand and observe their responsibilities detailed in the managing attendance policy
  - b. to ensure that all employees are treated with respect and receive fair and consistent treatment

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- c. to ensure employees feel valued during periods of sickness absence and in the way their return to work is managed
  - d. to ensure good health and safety standards in their area and to comply with the councils' health and safety policies, as appropriate
  - e. to ensure employees are aware and observe their responsibilities regarding sickness notification and reporting procedures
  - f. to ensure that the Town Clerk is notified of any long term sickness immediately and the appropriate paper work forwarded to the Town Clerk to authorise the long term sickness (i.e. doctor's certificate etc)
  - g. to maintain contact with the employee during their absence; during long term absence it is recommended that the manager, the Town Clerk or both arrange a visit or meeting with the employee
  - h. to be aware of the impact on remaining employees of long term absence and take action accordingly
  - i. where there is insufficient information or lack of clarity about the employee's absence, to contact the Town Clerk for advice and request possible referral to the councils' OH advisor
  - j. to establish whether there is any work-based contributory cause to the absence and to consider taking any appropriate action to enable the employee to return to work (e.g. flexible working arrangements, temporary or permanent)
  - k. to ensure records are made of any sickness or action surrounding sickness and are kept up to date
  - l. to conduct return to work interviews as appropriate
  - m. to ensure that employees are not discriminated against under the Equality Act
3. Employee responsibilities
- a. to comply with health and safety regulations and policies
  - b. to care for their health and seek medical help as appropriate
  - c. to understand and observe their responsibilities in respect of the sickness notification and recording procedures
  - d. to report all periods of absence, including, but not limited to: compassionate leave, statutory parental leave, time off for ante-natal care, jury service, annual leave, flexi leave and sickness. Unauthorised absence will be dealt with under the council's disciplinary policy
  - e. to submit a doctor's certificate for periods of sickness absence exceeding seven consecutive days from the date of notification (including weekends/days not normally worked)
  - f. to refrain from participating in any activity inconsistent with their illness or which might aggravate it
  - g. to comply with the directions of their own GP
  - h. to refrain from undertaking any unauthorised work or employment whether paid or voluntary during the period of their sickness absence
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- i. where an employee has been absent for some time, or has consistent short term absences, the councils may require an additional medical opinion. In this circumstance the employee will be expected to give their permission for the council to contact their own GP/medical advisor for further details.
  - j. to attend a return to work interview as appropriate and provide his/her manager with an explanation of each sickness absence.

### **C) NOTIFICATION OF ABSENCE**

1. Employees must ensure they have notified their manager within one hour of their usual start time (or as soon as is reasonable to do so) on the first day of sickness absence, the reason for absence and the likely date of return.
2. Personal contact must be made either by the employee or an appropriate person on their behalf. The most appropriate method of communication is via telephone, and, whenever possible, to the manager. (Sending a text message via a mobile phone or an email is not an acceptable method of notifying a period of absence, unless you have agreed this as a reasonable adjustment with your line manager).
3. If an employee is unable to return to work when indicated, they should repeat the above process.
4. If an employee is absent due to sickness for less than seven consecutive days (including weekends and days not normally worked), they need to record their sickness immediately on their return to work using Self – Certification form SCA available from the Town Clerk.
5. If an employee is absent due to sickness for more than seven consecutive days (including weekends/days not normally worked) they must send a doctor's certificate from their own GP/medical advisor directly to the Town Clerk.
6. It is important that employees maintain regular contact with their manager throughout the period of absence.
7. For extended periods of sickness absence, the employee should notify their manager each time a new medical certificate is issued. All medical certificates should run consecutively to ensure that there are no days during the period of absence when there is no certification.

### **D) RECORDING ABSENCE**

1. Employees are responsible for reporting all absences to the Town Clerk as soon as they return to work.
2. The manager\* should aim to authorise short term absence within 24 hours of it being reported and will notify the Town Clerk and payroll teams.
3. For absences over seven consecutive days from the first day of sickness, the employee will need to forward a medical certificate immediately to the Town Clerk. The Town Clerk will record and authorise the employee's absence and immediately notify payroll and their manager.
4. Please note that, if absence is not recorded and authorised as above, then this may lead to delay, subsequent adjustment or loss of pay. Where medical certificates are required by the council, but employees are unable to obtain one without cost, the reasonable cost will be met fully by the council in the absence of the line manager, sickness may be authorised by the senior manager or the Town Clerk.

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## E) THE BRADFORD FACTOR

1. The Bradford Factor (BF) is a recognised way of monitoring individual sickness absence on an ongoing basis. The Bradford Factor calculates a score based on the number of times an employee is absent and the number of days they are absent in a rolling 12 month period.

2. The formula used to calculate an employee's BF score is:

**Number of times absent x number of times absent x total number of days absent = BF**

e.g. in the 12 month period an employee is off on two occasions. One time for one day and the other time for two days. The score will be worked out as:

2 (no. of times they are off) x 2 (no. of times they are off) x 3 (total days off) = 12 (BF score)

3. Depending on the BF score, different steps will be considered in order to manage the employee's absence.

4. Short term absence can be very disruptive to a service and can severely affect the performance of the organisation and the services we provide. Short term absence can also put adverse pressure on colleagues as short term absences are unpredictable. Repeated short term absence can also be the symptom of a more serious health, work-related issue (eg stress or bullying) or personal problem, and so monitoring it using the BF can help these problems be avoided.

5. The BF helps by monitoring sickness absence on a rolling 12 month period and picks up when an employee reaches a certain score as laid out in the table below. Each step can then be taken to help manage the absence appropriately.

6. Each period of sickness will be assessed individually and the potential action as laid out in the table is by no means definitive. Where there are repeated absences for the same reason in quick succession (ie within two working days), these will be linked by the Town Clerk to ensure the score is not artificially raised by an employee attempting to return to work and then having to go off again. Employees are encouraged to work with their managers to resolve sickness absence problems before the BF score becomes exceptionally high. Any action taken will be firstly informal and then becomes progressively more formal until the capability policy is required.

7. Sickness relating to maternity, disability or industrial injury will also be recorded as it still has an effect that needs managing.

8. Below is the BF table which shows the scores and potential actions at each score. They are provided for guidance in order to ensure consistency but consideration should be given to the particular circumstances of the individual in each case. The process can be triggered at any level within the table where there is good reason to do so.

### **BF points total in 12 month rolling period Action**

Under 27	Manager talks to employee informally
27 – 199	Return to work interview with manager
200 – 359	Return to work interview with head of service (or member of Management Team where appropriate)
360 - 599	Initiate capability or disciplinary process
600 +	Follow next stage of capability or disciplinary process

9. The same scores apply to part-time employees. For some patterns of part-time work managers will need to adjust the totals to reflect the individual's circumstances in considering how to apply the policy and the Town Clerk can advise on this.

10. Managers should work with the Town Clerk, HR Advisors and the employee to agree a programme to reduce future sickness absence.

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## **F) BRADFORD FACTOR ACTIONS**

Return to work interview with manager

1. All employees should be asked by their manager, informally, how they are feeling and if they feel able to do their job, on their return to work following any period of sickness.
2. Once the number and days of absence has reached the BF score of 27 or over, the employee's manager will carry out a formal return to work interview. This should be done on the employee's first day back at work. The manager should complete form RTW either during or after the return to work interview.
3. The aim of the return to work interview is to:
  - a. show interest/concern regarding for the employee's welfare
  - b. confirm/establish the cause of absence
  - c. ascertain whether the employee's work environment was a contributing factor in the sickness absence
  - d. allow discussion of the general attendance record of the employee
  - e. provide the opportunity to discuss ways in which the employee can be further supported by their colleagues, manager and the organization
  - f. ascertain whether the employee's return to work can be aided by different duties in the immediate short term
  - g. any actions identified at the return to work interview should be acted on without delay. Return to work interview with manager's manager
4. Should the next level of the BF score be reached, the same process will be performed by the next level manager taking in to account all the above factors.
5. This manager will agree an improvement plan with the employee of which the details will be entered by the employee on the return to work form.

### **Use of the Capability Policy**

1. The council believe that every absence is genuine unless there is evidence to suggest otherwise. However repeated short term absence and long term absence can be extremely disruptive and so can become a capability issue. As such this may be dealt with under the Capability Policy.
2. Once a BF score of 360 is reached the manager will liaise with their HR advisors and make a decision about whether to follow the Capability Policy.
3. The manager and the Town Clerk will ascertain whether the use of the policy is appropriate by looking individually at each employee who reaches this score. The Town Clerk will ensure that all cases are viewed fairly and consistently with regard to all the factors involved, and that this policy is applied appropriately and in line with all relevant legislation.

## **G) LONG TERM ABSENCE**

1. When an employee is absent through sickness for over 20 consecutive calendar days in one episode, the manager will arrange to meet or visit the employee unless there are special circumstances which prevent this. Managers must seek the advice of the Town Clerk prior to any visit.

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2. Regular contact will be maintained with an employee on long- term sick to ensure communication is working both ways. The manager should ascertain the employee's expectations of when they will return to work.
  3. Employees on long term sickness absence may be referred to the councils' occupational health advisors. Full discussions will take place with the employee before this referral and consent sought to obtain the necessary enquiry forms.
  4. If there is no satisfactory indication of a return to work in the foreseeable future, and the team is being put under strain because of the employee's absence, consideration may then need to be given to whether continued employment is reasonable in the circumstances.
  5. Taking the employee's views into account and examining all the available evidence, the manager will have a number of options:
    - a. allow more time for improvement
    - b. offer alternative employment (if possible)
    - c. if an employee is or has become disabled then new working methods should be explored
    - d. refer to their head of service in order to terminate the contract of employment under the Capability Policy (in extreme cases).

#### **(H) RETURNING TO WORK AFTER LONG TERM ABSENCE**

1. Every employee is valued for their contribution and so the council aims to make an employee's return to work after long term sickness as smooth as possible.
2. If an employee has been absent from work for over 28 consecutive calendar days in one episode due to sickness, and where appropriate, the Town Clerk will discuss with the employee and the manager a suitable return to work plan. This may include returning to work on reduced hours or with reduced responsibilities.
3. Phased returns to work on the employee's normal working hours will need to be discussed and agreed with the Town Clerk.
4. Employees and their manager need to work together with the Town Clerk to ensure that the return to work plan is appropriate. Any issues should be discussed immediately as they arise and the plan re-worked if required.

#### **I) SICK PAY**

1. Your entitlement to Occupational sick pay (if any) is set out in your contract of employment.
  2. In the case of full pay periods, sick pay will be an amount which, when added to statutory sick pay and incapacity benefit receivable, will secure the equivalent of normal pay.
  3. In the case of half pay periods, sick pay will be an amount equal to half normal earnings plus an amount equivalent to statutory sick pay and incapacity benefit receivable, so long as the total sum does not exceed normal pay.
  4. Eligible employees are entitled to receive up to 28 weeks statutory sick pay in a period of incapacity for work. Eligibility does not depend on length of service. If applicable this will be offset against any payments made under the occupational scheme.
  5. The following employees are excluded from the right to SSP if on the first day of incapacity:
    - a. their average earnings are less than the lower earnings limit for National Insurance
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- b. they were claiming sickness or invalidity benefit or maternity allowance from the Department of Work and Pensions (DWP) in the period of 57 days immediately before the first day of incapacity. In these cases the employee will be given a 'linking letter' by the DWP to pass onto the Town Clerk.
  - c. a new employee has done no work at all under their contract of employment
  - d. there is a stoppage of work due to a trade dispute at the work place unless the employee can show that they did not have a direct interest in the dispute
  - e. they have provided a leaver's statement which shows that 28 weeks SSP has already been due from their former employer, and there is a gap of 56 days or less since the last day of SSP shown on the statement; or the employee has already received 28 weeks SSP from his employer for a continuous period of incapacity to work or linked period of incapacity to work
  - f. they are pregnant and within the disqualifying period which is a period of 18 weeks covering the maternity pay period. If the employee is still working, the 18 weeks begins at the fourth week before the expected week of confinement if she is sick with a pregnancy related illness
  - g. the employee is detained in legal custody or is serving a period of imprisonment.
  - h. SSP can only be paid for qualifying (i.e. working) days
  - i. employees are not eligible for SSP unless they are sick for four consecutive qualifying days; the first three qualifying days are called waiting days and do not attract payment.
  - j. Payment of SSP will be made on the first normal pay day practicable after the qualifying conditions have been met. The rate of SSP is reviewed annually and current rates are available from the Town Clerk.

**J) SICKNESS MONITORING**

- 1. The Town Clerk will monitor sickness and managers can use the Town Clerk to run sickness reports for all their employees, including Bradford Factor scores. The Town Clerk also produces quarterly statistics and bi annual sickness reports.
- 2. Individual sickness will be monitored on a rolling 12 month basis and each stage of the Bradford Factor model followed as appropriate, although managers will be expected to use discretion and evaluate each individual case of sickness before the Capability Policy is followed.
- 3. Employees and managers are expected to follow this process when reporting sickness. Failure to do so will be seen as a fraudulent act against the council and will be taken seriously. Disciplinary action could be instigated.

**K) COMMUNICATION OF THE POLICY**

- 1. The managing attendance policy will be communicated and explained to new employees via the Induction process, and to existing employees and to managers and supervisors as appropriate.



**SICKNESS SELF-CERTIFICATION ABSENCE**

Form SCA

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>			
<b>Dates of sickness (Including non-working days)</b>			
<b>FROM</b>		<b>TO</b>	
_____	am/pm	_____	am/pm
_____	day	_____	day
_____	date	_____	date
<b>Dates of absence</b>			
<b>FROM</b>		<b>TO</b>	
_____	am/pm	_____	am/pm
_____	day	_____	day
_____	date	_____	date
<b>Details of sickness or injury</b>			
<p>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.</p>			
<b>Declaration</b>			
<p>I certify that I was incapable of work because of my sickness/injury on the dates shown above and that this information is true and accurate.</p> <p>I acknowledge that false information will result in disciplinary action.</p> <p>I hereby give my employer permission to verify the above information.</p>			
Signed _____	Acknowledged _____		
(employee)	(for employer)		
Date _____			

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## **SAFEGUARDS**

### **A) RIGHTS OF SEARCH**

1. We have the contractual right to carry out searches of employees and their property (including vehicles) whilst they are on our premises or business. These searches are random and do not imply suspicion in relation to any individual concerned.
2. If you should be required to submit to a search, if practicable you will be entitled to be accompanied by a third party to be selected from only someone who is on the premises at the time a search is taking place. This right also applies at the time that any further questioning takes place.
3. You may be asked to remove the contents of your pockets, bags, vehicles, etc.
4. Whilst you have the right to refuse to be searched, refusal by you to agree to being searched will constitute a breach of contract, which could result in your dismissal.
5. We reserve the right to call in the police at any stage.

### **B) CONFIDENTIALITY**

1. All information that:-
  - a. is or has been acquired by you during, or in the course of your employment, or has otherwise been acquired by you in confidence;
  - b. relates particularly to our business, or that of other persons or bodies with whom we have dealings of any sort; and
  - c. has not been made public by, or with our authority;shall be confidential, and (save in the course of our business or as required by law) you shall not at any time, whether before or after the termination of your employment, disclose such information to any person without our prior written consent.
2. You are to exercise reasonable care to keep safe all documentary or other material containing confidential information, and shall at the time of termination of your employment with us, or at any other time upon demand, return to us any such material in your possession.

### **C) COPYRIGHT**

All written material, whether held on paper, electronically or magnetically which was made or acquired by you during the course of your employment with us, is our property and our copyright. At the time of termination of your employment with us, or at any other time upon demand, you shall return to us any such material in your possession.

### **D) STATEMENTS TO THE MEDIA**

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

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## **E) VIRUS PROTECTION PROCEDURES**

In order to prevent the introduction of virus contamination into the software system the following must be observed:-

- a. unauthorised software including public domain software, magazine cover disks/CDs or Internet/World Wide Web downloads must not be used; and
- b. all software must be virus checked using standard testing procedures before being used.

## **F) USE OF COMPUTER EQUIPMENT**

In order to control the use of the Council's computer equipment and reduce the risk of contamination the following will apply:-

- a. The introduction of new software must first of all be checked and authorised by the Town Clerk before general use will be permitted.
- b. Only authorised staff should have access to the Council's computer equipment.
- c. Only authorised software may be used on any of the Council's computer equipment.
- d. Only software that is used for business applications may be used.
- e. No software may be brought onto or taken from the Council's premises without prior authorisation.
- f. Unauthorised access to the computer facility will result in disciplinary action.
- g. Unauthorised copying and/or removal of computer equipment/software will result in disciplinary action, such actions could lead to dismissal.

## **H) E-MAIL AND INTERNET POLICY**

### **1. Introduction**

The purpose of the Internet and E-mail policy is to provide a framework to ensure that there is continuity of procedures in the usage of Internet and E-mail within the Council. The Internet and E-mail system have established themselves as an important communications facility within the Council and have provided us with contact with professional and academic sources throughout the world. Therefore, to ensure that we are able to utilise the system to its optimum we have devised a policy that provides maximum use of the facility whilst ensuring compliance with the legislation throughout.

### **2. Internet**

Where appropriate, duly authorised staff are encouraged to make use of the Internet as part of their official and professional activities. Attention must be paid to ensuring that published information has relevance to normal professional activities before material is released in the Council name. Where personal views are expressed a disclaimer stating that this is the case should be clearly added to all correspondence. The intellectual property right and copyright must not be compromised when publishing on the Internet. The availability and variety of information on the Internet has meant that it can be used to obtain material reasonably considered to be offensive. The use of the Internet to access and/or distribute any kind of offensive material, or material that is not work-related, leaves an individual liable to disciplinary action which could lead to dismissal.

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### 3. E-mail

The use of the E-mail system is encouraged as its appropriate use facilitates efficiency. Used correctly it is a facility that is of assistance to employees. Inappropriate use however causes many problems including distractions, time wasting and legal claims. The procedure sets out the Council's position on the correct use of the E-mail system.

### 4. Procedures - Authorised Use

- a. Unauthorised or inappropriate use of the E-mail system may result in disciplinary action which could include summary dismissal.
- b. The E-mail system is available for communication and matters directly concerned with the legitimate business of the Council. Employees using the E-mail system should give particular attention to the following points:-
  - i) all comply with Council communication standards;
  - ii) E-mail messages and copies should only be sent to those for whom they are particularly relevant;
  - iii) E-mail should not be used as a substitute for face-to-face communication or telephone contact. Flame mails (i.e. E-mails that are abusive) must not be sent. Hasty messages sent without proper consideration can cause upset, concern or misunderstanding;
  - iv) if E-mail is confidential the user must ensure that the necessary steps are taken to protect confidentiality. The Council will be liable for infringing copyright or any defamatory information that is circulated either within the Council or to external users of the system; and
  - v) offers or contracts transmitted by E-mail are as legally binding on the Council as those sent on paper.
- c. The Council will not tolerate the use of the E-mail system for unofficial or inappropriate purposes, including:-
  - i) any messages that could constitute bullying, harassment or other detriment;
  - ii) personal use (e.g. social invitations, personal messages, jokes, cartoons, chain letters or other private matters);
  - iii) on-line gambling;
  - iv) accessing or transmitting pornography;
  - v) transmitting copyright information and/or any software available to the user; or
  - vi) posting confidential information about other employees, the Council or its customers or suppliers.

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## SOCIAL NETWORKING SITES

### Council Equipment

For the purpose of these guidelines, social media is defined as a type of interactive social media that allows parties to communicate instantly with each other or to share data on a public forum. This includes, email, online social forums such as Facebook and Twitter, blogs, video and image sharing websites.

Faringdon Town council encourage employees to make reasonable and appropriate use of social media as part of their work, it is recognised that it is an important part of how the Town council communicates with its audience and many positive outcomes can come from the correct and safe use of social media.

Employees must only post on social media sites and pages that have been approved. Posting on wider social media sites and pages must be expressly authorised by the Town Clerk.

Employees must be aware at all times that, while contributing to the social media activities, they are representing the Town Council and whilst using social media as part of their job must adhere to the following safeguards:

Use of the internet (especially chat rooms and community sites such as Facebook) slows the system and encourages accidental downloading of viruses.

Employees are prohibited from using social networking website such as Facebook or instant messaging services on Council computers or during working hours other than for business purposes and **must not log in with personal accounts.**

Employees must obtain permission from their line manager before embarking on a public campaign using social media.

Employees must not give away personal information about an individual (such as a colleague or yourself). The Town Council or partner organisations.

Any communication on social media must be positive. Employees must not post anything that could be considered discriminatory against, or bullying or harassment of, any individual.

Employees must not respond to negative comments or enter into any dialogue without the permission of their line manager.

Employees are prohibited from downloading or saving music or videos on the Council's computer systems.

Your business email address must not be used:

- to register an account on any website being used for personal reasons, or to receive communications from such websites e.g. Social networking sites such as Facebook and eBay or similar sites, message boards or any blog sites;
- to receive communications relating to any personal businesses or income generating ventures, such as property letting;
- to subscribe to regular update emails for social activities such as cinema or theatre listings or other non-business purposes.

Employees should not under any circumstances use our systems to participate in any internet chat room, "twitter" system, any on-line auction website, post messages on any internet message board or set up or log text or information on a blog or wiki, even in their own time.

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## **Personal Equipment**

If you use social networking sites at home or outside of work any comments you make may still have an impact on your work and your colleagues. Please note that you may still be subject to the Council's Disciplinary Procedures if you make any defamatory, inappropriate and/or offensive comments about the Council, its clients or your colleagues when on line.

Please ensure therefore that you do not use systems like Facebook or Twitter to:

- gossip about colleagues in relation to work issues
- gossip or complain about management or management policies
- give out any information in relation to your workplace
- directly communicate with or harass a colleague in relation to an issue of dispute

Such comments are capable of amounting to gross misconduct and may therefore result in the termination of your employment.

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## **STANDARDS**

### **A) WASTAGE**

1. We maintain a policy of "minimum waste" which is essential to the cost-effective and efficient running of all our operations.
2. You are able to promote this policy by taking extra care during your normal duties by avoiding unnecessary or extravagant use of services, time, energy, etc. The following points are illustrations of this:-
  - a. handle machines, equipment and stock with care;
  - b. turn off any unnecessary lighting and heating. Keep doors closed whenever possible;
  - c. ask for other work if your job has come to a standstill; and
  - d. start with the minimum of delay after arriving for work and after breaks.
3. The following provision is an express written term of your contract of employment:-
  - a. any damage to vehicles, stock or property (including non-statutory safety equipment) that is the result of your carelessness, negligence or deliberate vandalism will render you liable to pay the full or part of the cost of repair or replacement;
  - b. any loss to us that is the result of your failure to observe rules, procedures or instruction, or is as a result of your negligent behaviour or your unsatisfactory standards of work will render you liable to re-imburse to us the full or part of the cost of the loss; and
  - c. in the event of an at fault accident whilst driving one of our vehicles you may be required to pay the cost of the insurance excess up to a maximum of £250.00.
4. In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

### **B) STANDARDS OF DRESS**

As you are liable to come into contact with customers and members of the public, it is important that you present a professional image with regard to appearance and standards of dress. Where uniform/name badges are provided, these must be worn at all times whilst at work and laundered on a regular basis. Where uniforms are not provided, you should wear clothes appropriate to your job responsibilities, and they should be kept clean and tidy at all times.

### **C) HOUSEKEEPING**

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

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## **HEALTH, SAFETY, WELFARE AND HYGIENE**

### **A) SAFETY**

1. You should make yourself familiar with our Health and Safety Policy and your own health and safety duties and responsibilities, as shown separately.
2. You must not take any action that could threaten the health or safety of yourself, other employees, customers or members of the public.
3. Protective clothing and other equipment which may be issued for your protection because of the nature of your job must be worn and used at all appropriate times. Failure to do so could be a contravention of your health and safety responsibilities. Once issued, this protective wear/equipment is your responsibility.
4. You should report all accidents and injuries at work, no matter how minor, in the accident book that can be found in the office. Either the Town Clerk or Deputy Town Clerk must make the authorised entry.

### **B) REFRESHMENT MAKING FACILITIES**

We provide refreshment making facilities for your use, which must be kept clean and tidy at all times.

### **C) SMOKING POLICY**

Our policy of no smoking in buildings and vehicles must be observed at all times. For the purposes of this policy Smoking includes the use of e-cigarettes and personal vaporizers.

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.

### **D) ALCOHOL & DRUGS POLICY**

Under legislation we, as your employer, have a duty to ensure so far as is reasonably practicable, the health and safety and welfare at work of all our employees and similarly you have a responsibility to yourself and your colleagues. The use of alcohol and drugs may impair the safe and efficient running of the business and/or the health and safety of our employees.

The effects of alcohol and drugs can be numerous:-

(These are examples only and not an exhaustive list).

- a. absenteeism (e.g. unauthorised absence, lateness, excessive levels of sickness, etc.);
- b. higher accident levels (e.g. at work, elsewhere, driving to and from work); and
- c. work performance (e.g. difficulty in concentrating, tasks taking more time, making mistakes, etc.).

If your performance or attendance at work is affected as a result of alcohol or drugs, or we believe you have been involved in any drug related action/offence, you may be subject to disciplinary action and, dependent on the circumstances, this may lead to your dismissal.

### **E) HYGIENE**

1. Any exposed cut or burn must be covered with a first-aid dressing.
2. If you are 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.



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3. Contact with any person suffering from an infectious or contagious disease must be reported before commencing work.

## **GENERAL TERMS OF EMPLOYMENT, INFORMATION AND PROCEDURES**

### **A) CHANGES IN PERSONAL DETAILS**

You must notify us of any change of name, address, telephone number, etc., so that we can maintain accurate information on our records and make contact with you in an emergency, if necessary, outside normal working hours.

### **B) OTHER EMPLOYMENT**

If you already have any other employment or are considering any additional employment you must notify us so that we can discuss any implications arising from the current working time legislation.

### **C) TIME OFF**

Circumstances may arise where you need time off for medical/dental appointments, or for other reasons. Where possible, such appointments should be made outside normal working hours. If this is not possible, time off required for these purposes may be granted at the discretion of the Town Clerk and will normally be with pay.

Necessary paid time off will be granted for the purpose of cancer screening appointments.

### **D) BEREAVEMENT LEAVE**

Individuals' reactions to bereavement vary greatly and the setting of fixed rules for time off is therefore inappropriate. You should discuss your circumstances with the Town Clerk and agree appropriate time off, which will normally be with pay.

### **E) TRAVEL EXPENSES**

We will reimburse you for any reasonable expenses incurred whilst travelling on our business. The rules relating to travelling expenses will be issued separately. You must provide receipts for any expenditure.

### **F) EMPLOYEES' PROPERTY**

We do 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.

### **G) LOST PROPERTY**

Articles of lost property should be handed to your Line Manager who will retain them whilst attempts are made to discover the owner.

### **H) MAIL**

All mail received by us will be opened by the Town Clerk, including that addressed to employees. Private mail, therefore, should not be sent care of our address. No private mail may be posted at our expense except in those cases where a formal re-charge arrangement has been made.

### **I) TELEPHONE CALLS/ MOBILE PHONES**

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Telephones are essential for our business. Incoming personal telephone calls are allowed only in the case of emergency. Outgoing calls can only be made with the prior permission of your Line Manager. Personal calls made on Council mobile phones must be paid for.

**J) BUYING OR SELLING OF GOODS**

You are not allowed to buy or sell goods on your own behalf on our premises or during your working hours.

**K) FRIENDS AND RELATIVES CONTACT**

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

**L) PERSONAL CAR USE**

If you are using your own car for business purposes, you must ensure that your car insurance provides, adequate cover. You are required to produce your driving licence for our inspection at any time when so requested and your Tax/MOT/insurance will need to be checked by the Council at least once a year. If it is a requirement of your job duties that you possess a current driving licence, the loss of such a licence as a result of a motoring conviction or on health grounds, may, if we are unable to provide suitable alternative employment, lead to the termination of your employment.

**M) USE OF MOBILE WHILST DRIVING**

It is illegal to use a mobile phone whilst driving (without a hands-free set) it is our policy that you should not use any mobile phone whilst driving. You should pull over to the side of the road in an appropriate place before making or receiving any telephone calls.

**N) SPECIAL LEAVE**

Any member of staff who wishes to offer their services as a Retained **Firefighter** will be released on full pay during call out periods when they occur during normal working hours.

**WHISTLEBLOWING POLICY****What Is Whistleblowing?**

A “whistleblower” is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law protects whistleblowers from their employer subjecting them to detriment or dismissal by reason of their having “blown the whistle” and from detrimental treatment by their colleagues. To be protected by the law, the act of whistleblowing must fall within the legal rules and the whistleblower must reasonably believe that their disclosure of wrongdoing is made in the public interest.

**Our Policy**

Our business is run in accordance with the law. No employee will suffer a detriment for speaking up if they believe that something is wrong.

If you have information you believe shows any of the following:

- A criminal offence was committed or is being or is likely to be committed
- A person has or is or is likely to fail to comply with a legal obligation
- A miscarriage of justice has occurred or is or is likely to occur
- The health and safety of any individual has been or is being or is likely to be endangered
- The environment has been, is being or is likely to be damaged
- That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

Please raise your concerns immediately with the Town Clerk.

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

However, you will still be protected in law if you disclose the information to the following:

- A legal adviser in the course of getting legal advice
- A Minister of the Crown
- One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (e.g. disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenue & Customs).

Disclosure to any other person is not generally protected except in very limited circumstances.

After you have raised a concern, we will decide how to respond in a responsible and appropriate manner. This will usually involve making internal enquiries but it may become necessary to carry out a full investigation which may be formal or informal depending on the nature of the concern raised. We will endeavour to complete investigations within a reasonable time.

We will keep you informed of progress and let you know when the investigation is completed. We will not be able to inform you of any matters which would infringe any duty of confidentiality owed to others.

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If you use this policy to raise a concern which you reasonably believe to be in the public interest, we assure you that you will not suffer any form of retribution or detrimental treatment.

Any employee who criticises, bullies or victimises a fellow employee by reason of their whistleblowing will be liable to disciplinary action up to and including dismissal, depending on the seriousness of the conduct.

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## **CAPABILITY POLICY AND PROCEDURE**

This policy forms part of your contract of employment. The council is entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing and will consult all employees on any significant changes.

### **A) INTRODUCTION**

1. For the council to function effectively it needs employees capable of carrying out the tasks expected of them. Unfortunately there are occasions where employees do not display the expected capability. This may manifest itself through unacceptable performance, where an employee consistently fails to carry out their duties in a satisfactory manner, or through persistent or long-term absence from work through ill health.
2. This policy sets out how each council deals with capability issues in a fair and consistent way and takes account of the amendments made in line with legislation.
3. The procedures will apply to all council employees with the exception of casual or seasonal employees employed by an agency.
4. The Town Clerk and line managers authorised on her behalf, have a right and duty to supervise the employees of their team and to deal promptly with matters relating to discipline, misconduct and/or performance.
5. In dealing with cases of poor performance, the council distinguishes between what is within the employee's control (e.g. negligence, lack of application or attitudinal problems) and what is outside their control (e.g. health, a lack of training or the changing nature of the job). If the reason is within the employee's control, the disciplinary policy and procedures apply and this could relate to employees with unsatisfactory attendance records where no medical reason is established. If the reason is outside their control, the capability policy applies.

### **B) SHORT SERVICE STAFF**

We retain discretion in respect of the capability procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal but you will retain the right to a hearing and you will have the right to appeal.

### **C) PRINCIPLES**

The principles of the policy are to ensure that:

- a) managers use capability procedures primarily to help and encourage employees to improve and carry out tasks expected of them
- b) whenever possible, managers use informal and low-key methods in resolving difficulties related to unsatisfactory performance
- c) whenever possible, managers make reasonable adjustments to cater for employees who have a disability
- d) at all stages of the process the employee will be given the opportunity to state their case before any decision is reached
- e) employees have the right of appeal against a decision to terminate their contract of employment on grounds of capability

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**D) RESPONSIBILITIES OF EACH COUNCIL AS AN EMPLOYER**

The council will:

- a) ensure the recruitment process is robust and fairly reflects the job being recruited for
- b) train and develop employees to ensure they can perform the duties of their post
- c) ensure that all employees are aware of the job description for their post and know how they are expected to perform to meet actions stated in the job description
- d) encourage informal coaching and mentoring
- e) ensure managers are liaising with HR and HR Advisors to deal with unsatisfactory performance
- f) provide welfare support and advice

Where standards change because of a council or management decision, the employee should be properly informed, trained as required and made fully aware of their new obligations and the required standards.

**E) RESPONSIBILITIES OF THE HR TEAM**

The HR team will:

- a) keep the policy updated
- b) ensure all employees are aware of this policy and that managers are trained in how to apply the policy
- c) provide advice and support at formal capability hearings as appropriate

**F) RESPONSIBILITIES OF EVERY LINE MANAGER**

Line managers should:

- a) use the capability procedures primarily to help and encourage employees to improve and carry out tasks expected of them
- b) use the service and work planning process to ensure employees know what is expected of them
- c) use informal methods to resolve difficulties relating to poor performance initially such as informal advice and coaching
- d) ensure the appropriate training is given to help the employee in their current job
- e) make reasonable adjustments to cater for employees who have a disability, having regard to the provisions of the Equality Act
- f) make reasonable adjustments to cater for employees returning from long term sickness absence, again having regard to the provisions of the councils' Equality in Employment Policy and the Equality Act
- g) ensure they consider whether there are any factors outside of the working environment that could be affecting performance
- h) be aware of this policy and understand how to apply it

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- i) record evidence relating to unsatisfactory performance
  - j) develop a performance improvement plan (pip) to help an employee improve their performance as part of the informal or formal capability process
  - k) advise their HR Advisor of any formal action they intend to take

**G) UNACCEPTABLE PERFORMANCE**

1. Unacceptable performance is repeated failure over time to carry out the duties associated with a particular job in a satisfactory manner. None of these failures need be in themselves especially significant but cumulatively they may cause a manager to conclude that the individual concerned is not capable of delivering against the job description set out for their particular post. The council acknowledges and will take into account that poor performance may also arise from factors outside the employee's control including poor communication, lack of supervision and inadequate team working by colleagues.

**H) INFORMAL CAPABILITY PROCEDURE**

1. When a line manager first identifies that the performance of an employee has become unacceptable or their performance is not to the standard required, the manager will hold an informal discussion with the employee to establish the reason(s), giving the employee examples of where their performance has been unsatisfactory.
2. Where necessary, the manager will act on any explanation given by the employee, including possible referral to an occupational health (OH) advisor if appropriate. The manager will then arrange a subsequent meeting to agree a way to help the employee bring their performance up to an acceptable level. Any or all of the following outcomes and actions are possible:
  - a) the manager decides that the performance targets already agreed are unreasonable, in which case the manager will revise the targets
  - b) if poor performance is attributable to a change in the duties of the post, the manager will explain the new duties and, provide additional support in the form of training and/or coaching at the earliest opportunity
  - c) if the problems experienced by the employee are related to his/her personal life the manager will agree a timescale with the employee within which full/acceptable performance will be restored
  - d) if the problems stem from ill health, the manager will deal with the issue using the ill-health process as detailed later in this policy.
  - e) if the manager considers that the poor performance is within the employee's control they will deal with the issue under the disciplinary procedure
  - f) the manager and employee agree reasonable adjustments if poor performance is disability related
3. Following this meeting, the manager will hold regular (normally fortnightly) performance review meetings for an appropriate time (normally two months). The manager will keep records / diary notes of these review meetings, provide a copy to the employee and place copies on the employee's personnel file.
4. The manager may consider withholding a pay increment (where applicable) whilst an employee is subject to capability proceedings.

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## I) FORMAL CAPABILITY PROCEDURE

1. Should the employee fail to show adequate improvement in performance after following the informal capability procedure, the manager will arrange an initial capability hearing between the employee and the Town Clerk, at a time to be agreed. If the employee is the Town Clerk, or reports directly to the Town clerk, the formal meeting will be between the employee and a Council Member from the Staff Working Party.
2. The letter inviting the employee to an initial capability hearing will:
  - a) include details of why the employee's performance is still considered to be unsatisfactory
  - b) state the time and place of the hearing, giving at least three working days' notice
  - c) inform them who will chair the hearing
  - d) inform them that they have the right to be accompanied by a colleague or trade union representative at the hearing
  - e) inform the employee that HR will supply them with copies of all documents to be referred to in the hearing at least five working days in advance
  - f) ask them to submit any documents they wish the chair to consider to the Town Clerk at least five working days in advance of the hearing so that these documents can be referred to in the hearing
  - g) remind the employee that they can request a hard copy of the capability policy and procedures HR.
3. The aim of the hearing will be to:
  - a) explain clearly the shortfall between the employee's performance and the required standard
  - b) identify the cause(s) of the continuing poor performance and to determine what, if any, support the council can give agreeing reasonable adjustments if poor performance is disability related
  - c) determine whether the main cause of the poor performance relates to ill health
  - d) allow the employee the opportunity to challenge and put forward any facts or evidence for consideration. This may include the need to review what standards are required or in some instances a review of the manager's approach in their interactions with the employee
  - e) set a reasonable review period for the employee to reach the required standard and agree how performance will be monitored during that period
  - f) explain to the employee what will happen if they do not reach the required standard.

## J) INITIAL CAPABILITY HEARING

Appendix one outlines the process normally followed at an initial capability hearing.

1. Roles of all parties involved in an initial capability hearing are as follows:
  - a) **Chair** – this will be the Town Clerk or a Council Member from the Staff Working Party and their role is to consider evidence presented by the line manager and also the



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employee's response to this evidence and make a decision based on the cases presented to them in the hearing.

- b) **Employee** – opportunity to state their case and state any mitigating factors that should be taken into consideration.
- c) **Line manager** - presents evidence to support why the employee has not sustained the required level of performance.
- d) **HR**– ensure that employee and chair have copies of all documents relating to the hearing and needs to advise all parties on capability procedures where necessary.
- e) **Colleague / trade union rep** - may present the case on behalf of the employee which could include making opening and closing statements, presenting the case, answering questions on behalf of the employee.
- a. **Note taker** – take notes of the hearing and circulate final version to employee, chair and HR.

- 2. When following the formal capability procedure line managers are required, under the Equality Act, to make reasonable adjustments for employees with a registered disability. Where a line manager is already aware that an employee has a registered disability, or believes this to be the case, they should work closely with HR before taking any formal capability action, seeking advice from the council's HR advisors if necessary.

#### **K) OUTCOME OF INITIAL CAPABILITY HEARING**

- 1. Having heard from the employee and the employee's line manager in the hearing and considered any relevant precedents, the chair can decide to take the following actions:
  - a) confirm that the employee has now sustained the required level of performance and no further review period or hearing is necessary
  - b) set a reasonable review period for the employee to reach the required standard (normally two months), confirm how performance will be monitored during that period and confirm whether any further training or support is required. The chair may consider withholding a pay increment (where applicable).
  - c) ask the employee to attend an appointment with an OH advisor to establish whether they are disabled within the definition of the Equality Act. If this is the case, the chair will consider appropriate action, including making reasonable adjustments to the duties of the post and workplace. If an employee refuses to attend an OH appointment they may be subject to the disciplinary procedure.
  - d) OH may ask the employee to consent to them contacting their GP
- 2. The chair will inform the employee of the outcome verbally and will also confirm this in writing within five working days.

#### **L) REVIEW PERIOD**

- 1. If, after the initial capability hearing, the chair decides that a further review period is necessary the line manager should continue to review the employee's performance during the review period and give regular feedback to the employee on their progress.

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**M) FINAL CAPABILITY HEARING**

Appendix one outlines the process normally followed at a final capability hearing.

1. At the end of the review period the line manager will write to the employee to arrange a final capability hearing who will again have the right to be accompanied by a colleague or trade union representative. The final capability hearing will involve those attending the original hearing wherever possible.
2. Roles of all parties involved in a final capability hearing will be the same as in the initial capability hearing.

**N) OUTCOME OF FINAL CAPABILITY HEARING**

1. Having heard from the employee and the employee's line manager in the final capability hearing and considered any relevant precedents, the chair can decide to take the following actions:
  - a) confirm that the employee has now sustained the required level of performance, encourage the employee to maintain this level of performance and confirm that no further review period is necessary
  - b) agree to offer an extended review period if they consider there to be mitigating circumstances affecting the employee's performance throughout the review period
  - c) offer the employee an alternative vacant post if appropriate
  - d) terminate the employee's contract of employment.
2. The chair will inform the employee of the outcome verbally and will also confirm this in writing within five working days.
3. If the outcome is to confirm that the employee has now sustained the required level of performance, the outcome letter will be kept on the employee's personnel file for 12 months. If the employee's performance becomes unacceptable again within this period, the line manager will arrange another final capability hearing which could lead to dismissal.
4. If the outcome is to offer the employee an alternative vacant post then the employee will have five working days to decide whether to accept the offer.
5. If the outcome is to terminate the employee's contract of employment the outcome letter will advise the employee that they will receive pay in lieu of notice as per their contract of employment and will also advise them of their right of appeal to the Town Council.

**O) APPEAL AGAINST DISMISSAL**

Appendix two outlines the process normally followed at an appeal hearing.

1. If an employee wishes to appeal, they must write to the Town Clerk within five working days of receiving the outcome letter of the final capability hearing. The appeal letter should state at least one of the following grounds of appeal:
  - a) the finding or penalty is unfair
  - b) the capability procedure was not used correctly
2. The purpose of the appeal is to investigate whether the decision to dismiss was reasonable in all the circumstances. The appeal will not take the form of a complete re-hearing of the case. The appeal hearing need not take place before any dismissal takes effect.

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3. The Town Clerk will arrange for a member of the Town Council Staff Working Party to chair the appeal hearing.
  4. The Town Clerk will respond to the employee in writing within five working days of receipt of the appeal and the letter will:
    - a) invite them to an appeal hearing stating the time and place of the hearing and giving at least five working days' notice
    - c) inform them who will chair the appeal hearing
    - d) inform them that they have the right to be accompanied by a colleague or trade union representative at the appeal hearing
    - e) ask them to submit any documents supporting their appeal to the Town Clerk at least two working days in advance of the hearing so that these documents can be referred to in the hearing. The employee may introduce new evidence only if it has become available since the date of the latest capability hearing.
  5. The chair of the initial and final capability hearings will attend the appeal hearing as well as the chair of the appeal hearing, the employee concerned, their line manager, the employee's colleague or trade union representative, the Town Clerk and a note taker.
  6. The chair conducting the appeal hearing has the authority to uphold or quash the appeal and their decision is final.
  7. The chair will inform the employee of the outcome verbally and will also confirm this in writing within five working days.

**P) ILL HEALTH**

1. Whilst each council is sympathetic to employees who are absent from work due to sickness or injury it is important to have a policy for dealing with unacceptable absence from work due to ill health as this causes disruption to services and puts pressure on colleagues.
2. The council applies the Bradford Factor (BF) when managing sickness (see the managing attendance policy). This calculates an absence 'score' based on the individual absences on a 12 month rolling basis. Due to the nature of the BF score, instances of frequent absences are identified as well as those which continue for a considerable length of time. This policy deals with frequent absences and long term absences separately as detailed below.
3. Managers should ensure that they are adhering to the Equality Act. For further advice please contact HR Advisors.

**Q) FREQUENT SICKNESS ABSENCE**

1. If an employee has a high Bradford Factor score mainly due to frequent sickness absence the manager may arrange a formal meeting with the employee, themselves, the Town Clerk and the Deputy Town Clerk. The employee will have the right to be accompanied by a colleague or trade union representative.
2. The aim of the formal meeting will be to:
  - a) discuss reasons for absence and ensure the employee is aware their absence record is causing concern
  - b) inform the employee that frequent absence is unacceptable, particularly where no medical reason is given for the absence and if attendance does not improve their manager could follow the disciplinary policy

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- c) advise the employee to seek proper medical attention where there is evidence of a medical problem, if they have not already done so. The Town Clerk will refer the employee to an occupational health advisor if appropriate.
  - d) provide an opportunity for the employee to explain any personal problems affecting attendance so appropriate support can be considered
  - e) consider if there is a case for making reasonable adjustments to the employee's role, responsibilities or working arrangements to accommodate their short or long term requirements
  - f) decide whether a medical certificate will be required for all absences due to sickness regardless of duration. The employing council will reimburse the full, reasonable cost of obtaining these certificates.
  - g) set a formal target and review date for improved attendance. Progress will be monitored through the review period
  - h) explain what will happen if the attendance target is not met
3. The manager will confirm the outcome of the meeting in writing to the employee within five working days.
  4. At the end of the review period or before the end of the review period if the BF score reaches the next level of action, the manager may arrange a formal review meeting with the employee, themselves, the Town Clerk and the Deputy Town Clerk. The employee will have the right to be accompanied by a colleague or trade union representative.
  5. If there has been an improvement this will be noted and the outcome of the meeting will be confirmed in writing to the employee.
  6. If there has been no improvement or the BF score has risen to the next level or higher within the improvement timescale it is likely the manager will follow the disciplinary policy.

**R) LONG-TERM SICKNESS ABSENCE**

1. If an employee has a high Bradford Factor score mainly due to long-term sickness absence the manager will arrange a formal meeting with the employee, themselves, the Town Clerk and the Deputy Town Clerk. The employee will have the right to be accompanied by a colleague or trade union representative.
  2. If an employee is too unwell to attend the meeting at their normal place of work the meeting can take place at the employee's home or any other venue that is mutually acceptable. If an employee unreasonably refuses to attend a formal meeting then the manager is likely to follow the disciplinary policy.
  3. The formal meeting will be with the employee, the employee's manager, the Town Clerk and the Deputy Town Clerk. The employee will have the right to be accompanied by a colleague or trade union representative.
  4. The aim of the formal meeting will be to:
    - a) establish reasons for the absence and a likely return to work date
    - b) agree a return to work plan
    - c) establish whether the employee should be referred to an OH advisor (refusal to attend could result in disciplinary action being taken). The referral should give an indication of the length of time the employee is likely to be absent, the long term effect on their capability to do their job at the required level of performance, and their
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- attendance at work. Referral may also seek to establish whether the Equality Act comes in to play, so reasonable adjustments should be considered
- d) establish whether offering alternative employment or adjustments to the job would facilitate an earlier return to work
  - e) provide an opportunity for the employee to explain any personal problems that are affecting attendance so that the Town Clerk can consider possible support (including referral to the employee assistance programme if appropriate)
  - f) consider whether there is a case for making reasonable adjustments to the employee's role, responsibilities or working arrangements to accommodate their short or long-term requirements
  - g) decide whether we require the employee to provide medical certificates for all absences from work due to sickness, regardless of their duration. We will reimburse the full cost of obtaining these certificates.
  - h) to set a formal target and review date for improved attendance, usually two months to allow time for any adjustments / coping strategies to take effect. During the review period the manager will arrange at least one meeting with the employee to monitor progress
  - h) explain to the employee what will happen if they do not meet the formal attendance target
5. The manager will confirm the outcome of the meeting in writing to the employee within five working days.
  6. If the employee has not returned to work either on their original terms of employment or on a phased return to work by the end of the review period, the manager will arrange a formal review meeting with the employee, themselves, the Town Clerk and the Deputy Town Clerk and inform the employee in writing that the outcome of the meeting could be dismissal on capability grounds. The Town Clerk will chair the meeting. The employee will have the right to be accompanied by a colleague or trade union representative at the formal meeting.
  7. The Town Clerk will make a final decision about what action to take and will confirm this in writing to the employee within five working days of the formal meeting, advising the employee of their right of appeal to the Town Council.

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## **DISCIPLINARY PROCEDURES**

### **A) INTRODUCTION**

1. It is necessary to have a minimum number of rules in the interests of the whole organisation.
2. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.
3. Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.
4. The following rules and procedures should ensure that:-
  - a. the correct procedure is used when requiring you to attend a disciplinary hearing;
  - b. you are fully aware of the standards of performance, action and behaviour required of you;
  - c. disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner;
  - d. you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on contractual pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind;
  - e. other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee or trade union representative at all stages of the formal disciplinary process;
  - f. you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct; and
  - g. if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

### **B) DISCIPLINARY RULES**

It is not practicable to specify all disciplinary rules or offences that may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other specific conditions, procedures, rules etc. that are contained within this handbook or that have otherwise been made known to you, will also result in this procedure being used to deal with such matters.

### **C) RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT**

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:-

- a. failure to abide by the general health and safety rules and procedures;
- b. smoking in designated non smoking areas;
- c. consumption of alcohol on the premises;

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- d. persistent absenteeism and/or lateness;
  - e. unsatisfactory standards or output of work;
  - f. rudeness towards customers, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language;
  - g. failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours;
  - h. unauthorised use of E-mail and Internet;
  - i. failure to carry out all reasonable instructions or follow our rules and procedures;
  - j. unauthorised use or negligent damage or loss of our property;
  - k. failure to report immediately any damage to property or premises caused by you;
  - l. use of our vehicles without approval or the private use of our commercial vehicles without authorisation;
  - m. failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs;
  - n. if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction;
  - o. carrying unauthorised goods or passengers in our commercial vehicles or the use of our vehicles for personal gain; and
  - p. loss of driving licence where driving on public roads forms an essential part of the duties of the post.

**D) SERIOUS MISCONDUCT**

1. Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation, you may be issued with a final written warning in the first instance.
2. You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

**E) RULES COVERING GROSS MISCONDUCT**

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:-

- a. theft or fraud;
  - b. physical violence or bullying;
  - c. deliberate damage to property;
  - d. deliberate acts of unlawful discrimination or harassment;
  - e. possession, or being under the influence, of illegal drugs at work; and
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- f. breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.

(The above examples are illustrative and do not form an exhaustive list.)

**F) DISCIPLINARY PROCEDURE**

1. 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		

2. We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal but you will retain the right to a disciplinary hearing and you will have the right of appeal.
3. If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.
4. In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

**G) 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. However, the list does not prevent a higher or lower level of seniority, in the event of the appropriate level not being available, or suitable, progressing any action at whatever stage of the disciplinary process.

Written warning	Town Clerk
Final written warning	Town Clerk
Dismissal	Town Clerk

**H) PERIOD OF WARNINGS**

1. Written warning

A written warning will normally be disregarded for disciplinary purposes after a six month period.



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2. Final written warning

A final written warning will normally be disregarded for disciplinary purposes after a twelve month period.

**I) GENERAL NOTES**

1. If you are in a supervisory or managerial position then demotion to a lower status at the appropriate rate may be considered as an alternative to dismissal except in cases of gross misconduct.
2. In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.
3. Gross misconduct offences will result in dismissal without notice.
4. You have the right to appeal against any disciplinary action.

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## **CAPABILITY/DISCIPLINARY APPEAL PROCEDURE**

1. You have the right to lodge an appeal in respect of any capability/disciplinary action taken against you.
2. If you wish to exercise this right you should apply either verbally or in writing to the person indicated in your individual Contract of Employment.
3. An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.
4. The appeal procedure will normally be conducted by a member of staff not previously connected with the process so that an independent decision into the severity and appropriateness of the action taken can be made.
5. If you are appealing on the grounds that you have not committed the offence then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.
6. You may be accompanied at any stage of the appeal hearing by a fellow employee or trade union representative of your choice. The result of the appeal will be made known to you in writing, normally within five working days after the hearing.

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## **GRIEVANCE PROCEDURE**

1. It is important that if you feel dissatisfied with any matter relating to your employment you should have an effective means by which such a grievance can be aired and, where appropriate, resolved.
2. Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.
3. You have the right to be accompanied at any stage of the procedure by a fellow employee who may act as a witness or speak on your behalf to explain the situation more clearly.
4. If you feel aggrieved at any matter relating to your work (except personal harassment, for which there is a separate procedure following this section), you should first raise the matter with your line manager, or if that is not appropriate, with the Town Clerk or Chair of the Staff Working Party explaining fully the nature and extent of your grievance. You will then be invited to a meeting at a reasonable time and location at which your grievance will be investigated fully either by the Town Clerk or a panel of Councillors, as appropriate. You must take all reasonable steps to attend this meeting. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.
5. If you wish to appeal you must inform the Town Clerk or the person named in the outcome letter 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 Senior Officer or Panel of Councillors who have not been involved in the initial hearing.
6. Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.

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## **PERSONAL HARASSMENT POLICY AND PROCEDURE**

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### **A) INTRODUCTION**

1. Harassment or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation is unacceptable.
2. Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable.
3. We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

### **B) POLICY**

1. We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees.
2. We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.
3. We recognise that we have a duty to implement this policy and all employees are expected to comply with it.

### **C) EXAMPLES OF PERSONAL HARASSMENT**

Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- a. insensitive jokes and pranks;
- b. lewd or abusive comments about appearance;
- c. deliberate exclusion from conversations;
- d. displaying abusive or offensive writing or material;
- e. unwelcome touching; and
- f. abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

### **D) COMPLAINING ABOUT PERSONAL HARASSMENT**

1. Informal complaint

We recognise that complaints of personal harassment, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the Town Clerk, who will be responsible for investigating the matter if it becomes a formal complaint.

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If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

## 2. Formal complaint

Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the Town Clerk as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:-

- a. the name of the alleged harasser;
- b. the nature of the alleged harassment;
- c. the dates and times when the alleged harassment occurred;
- d. the names of any witnesses; and
- e. any action already taken by you to stop the alleged harassment.

On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged harasser. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

## **E) GENERAL NOTES**

1. If the report concludes that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary and disciplinary dismissal procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal by using our capability/disciplinary appeal procedure.
2. If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

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## **EQUAL OPPORTUNITIES POLICY**

### **A) STATEMENT OF POLICY**

1. We recognise that discrimination is unacceptable and although equality of opportunity has been a long standing feature of our employment practices and procedure, we have made the decision to adopt a formal equal opportunities policy. Breaches of the policy will lead to disciplinary proceedings and, if appropriate, disciplinary action.
2. The aim of the policy is to ensure no job applicant, employee or worker is discriminated against either directly or indirectly on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.
3. We will ensure that the policy is circulated to any agencies responsible for our recruitment and a copy of the policy will be made available for all employees and made known to all applicants for employment.
4. The policy will be communicated to all private contractors reminding them of their responsibilities towards the equality of opportunity.
5. The policy will be implemented in accordance with the appropriate statutory requirements and full account will be taken of all available guidance and in particular any relevant Codes of Practice.
6. We will maintain a neutral working environment in which no employee or worker feels under threat or intimidated.

### **B) RECRUITMENT AND SELECTION**

1. The recruitment and selection process is crucially important to any equal opportunities policy. We will endeavour through appropriate training to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously, in making these decisions.
2. Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.
3. Job descriptions, where used, will be revised to ensure that they are in line with our equal opportunities policy. Job requirements will be reflected accurately in any personnel specifications.
4. We will adopt a consistent, non-discriminatory approach to the advertising of vacancies.
5. We will not confine our recruitment to areas or media sources which provide only, or mainly, applicants of a particular group.
6. All applicants who apply for jobs with us will receive fair treatment and will be considered solely on their ability to do the job.
7. All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate.
8. Short listing and interviewing will be carried out by more than one person where possible.
9. Interview questions will be related to the requirements of the job and will not be of a discriminatory nature
10. We will not disqualify any applicant because he/she is unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for the safe and effective performance of the job.

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11. Selection decisions will not be influenced by any perceived prejudices of other staff.

**C) TRAINING AND PROMOTION**

1. Senior staff will receive training in the application of this policy to ensure that they are aware of its contents and provisions.
2. All promotion will be in line with this policy.

**D) MONITORING**

1. We will maintain and review the employment records of all employees in order to monitor the progress of this policy.
2. Monitoring may involve:-
  - a. the collection and classification of information regarding the race in terms of ethnic/national origin and sex of all applicants and current employees;
  - b. the examination by ethnic/national origin and sex of the distribution of employees and the success rate of the applicants; and
  - c. recording recruitment, training and promotional records of all employees, the decisions reached and the reason for those decisions.
3. The results of any monitoring procedure will be reviewed at regular intervals to assess the effectiveness of the implementation of this policy. Consideration will be given, if necessary, to adjusting this policy to afford greater equality of opportunities to all applicants and staff.

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**TERMINATION OF EMPLOYMENT****A) RESIGNATIONS**

All resignations by employees must be supplied in writing, stating your reason for resignation.

**B) TERMINATING EMPLOYMENT WITHOUT GIVING NOTICE**

If you terminate your employment without giving or working the required period of notice, as indicated in your individual contract of employment, you will have an amount equal to any additional cost of covering your duties during the notice period not worked deducted from any termination pay due to you. This is an express written term of your contract of employment. You will also forfeit any contractual accrued holiday pay due to you over and above your statutory holiday pay, if you fail to give or work the required period of notice.

**C) RETURN OF OUR PROPERTY**

On the termination of your employment you must return all our property which is in your possession or for which you have responsibility. Failure to return such items will result in the cost of the items being deducted from any monies outstanding to you. This is an express written term of your contract of employment.



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## **TIME OFF IN LIEU POLICY (TOIL)**

Each employee's contracted hours are detailed within their terms and conditions of employment.

Any hours worked in addition to these can be taken as time off in lieu. For each incidence of time off in lieu employees must complete the details on a monthly time off in lieu sheet which must then be signed off by their Line Manager. Time off in lieu will be compensated on an hour by hour basis.

The date when the time off in lieu is to be taken by employees is to be mutually agreed, detailed on the time off in lieu sheets and signed off by their Line Manager.

Ideally time off in lieu should be taken as soon as possible for example if you have an evening visit come into the office later than your normal start time either that or the following day.

At the end of each month a copy of the time off in lieu sheets should be given to the finance director and any remaining time off in lieu should be carried forward to the next month.

The amount of time off in lieu staff, have will be subject to regular review via supervision with their Line Manager.

It should be noted that travel time to visits at the beginning and end of the working day should not include your normal home to office travel time.

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## ANTI-BRIBERY STATEMENT

The Council is committed to applying the highest standards of ethical conduct and integrity to its business activities in the UK and overseas. When acting on behalf of the Council you are responsible for maintaining the Council's reputation and for conducting business honestly and professionally.

The integrity and reputation of the Council depends on the honesty, fairness and integrity brought to the job by everyone associated with the Council.

The Council will not tolerate any form of bribery, whether direct or indirect, by, or of, its employees, officers, agents or consultants or any persons or companies acting for it or on its behalf.

The Directors and senior management are committed to implementing and enforcing effective systems throughout the Council to prevent, monitor and eliminate bribery, in accordance with its obligations under the Bribery Act 2010.

The Council's Anti-Bribery procedures apply to all employees, as well as agency workers, consultants and contractors both in the UK and overseas.

All employees and any other individuals acting on behalf of the Council are required to familiarise themselves with and comply with the Council's Anti-Bribery Procedures.

A bribe is defined as a financial advantage or other reward that is offered to, promised to, given to, or received by an individual or company to induce or influence that individual or company to perform its public or corporate functions or duties in an improper manner (ie not in good faith, not impartially, or not in accordance with a position of trust).

All employees and any other person acting on behalf of the Council are prohibited from offering, giving, soliciting or accepting any bribe, whether cash or other form of inducement to or from any person or company in order to gain any commercial, contractual or regulatory advantage for the Council in a way which is unethical or in order to gain any personal advantage, monetary or otherwise, for themselves or anyone connected with them.

The Council will continue to provide bona fide hospitality to clients and incur promotional expenditure. However, all such expenditure must be transparent, proportionate, reasonable and authorised in advance, in accordance with the Council's anti-bribery procedures.

In the course of providing services to clients, or in dealings with suppliers, or any other person having similar connections to the Council, employees should under no circumstances accept money, gifts or other forms of reward with a value exceeding £25 without prior consent from the Town Clerk. All such reported gifts shall be recorded.

Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Town Clerk before proceeding.

Any breach of the Council's Anti-Bribery procedures will normally be treated as Gross Misconduct.

Employees should also note that bribery is a criminal offence.

The Council will not conduct business with third parties including clients, suppliers, agents or representatives who are not prepared to support its anti-bribery objectives.

The Council depends on all employees, and those acting for the organisation, to assist in the prevention of bribery. Therefore, all employees and others acting for, or on behalf of, the Council are expected to report any suspected bribery to the Council following the Council's Anti-Bribery procedures.

All employees will receive the support of the Council if they report of suspected bribery in good faith even if, following an investigation, it is found that no bribery took place.

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