



**Okehampton
Town Council**

Employee Handbook

Okehampton Town Council

Contents	Page
Employee Handbook Issues And Updates.....	3
Introduction	4
Joining Our Council.....	5
Information For Apprentices	7
Salaries and Wages, etc	8
Holiday Entitlement and Conditions.....	10
Sickness/Injury Payments and Conditions	11
Other Benefits	14
Safeguards	15
Standards.....	18
Health, Safety, Welfare and Hygiene.....	19
Lone Worker Policy.....	21
General Terms and Procedures.....	23
Flexible Working Policy.....	28
Council Mobile Phone Policy.....	32
Capability Procedures	34
Disciplinary Procedures	38
Capability / Disciplinary Appeal Procedure.....	44
Grievance Procedure	45
Termination of Employment	48
Other Policies.....	49

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 council 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 the Town Clerk.

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 customers, 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.

Joining Our Council

INDUCTION

At the start of your employment with our Council, you are required to complete an induction programme, during which all our policies and procedures (including Health and Safety) will be explained to you. Information relating to these will be given to you at the induction.

WORK PERMITS

All employees are required in law to provide evidence of their eligibility to work in the UK. As an employer we have the legal obligation to comply with the applicable immigration legislation which includes ensuring that employees provide the appropriate documentation prior to the commencement of employment.

In the event that an employee is unable to provide satisfactory evidence of their eligibility to work in the UK the Council reserve the right to terminate the employment without notice. Acceptable evidence is set out in our Work Permits and Eligibility to Work Policy.

All costs relating to any immigration application must be borne by the employee in question and will be deducted from your salary.

JOB DESCRIPTION

Amendments may be made to your job description from time to time in relation to our changing needs and your own ability.

STAFF APPRAISAL SCHEME

We have a staff appraisal scheme in place for the purpose of monitoring staff performance levels with a view to maximising the effectiveness of individuals, details of which are available separately.

JOB FLEXIBILITY

It is an express condition of employment that you are prepared, whenever necessary, to transfer to alternative duties within our Council. During holiday periods, etc. it may be necessary for you to take over some duties normally performed by colleagues. This flexibility is essential for operational efficiency as the type and volumes of work are always subject to change.

STAFF MEETINGS, TRAINING AND OTHER ACTIVITIES

We hold regular meetings and training sessions in normal working hours where possible. It is a condition of your employment that you attend these meetings and training sessions as it is mandatory for all staff to attend, you will be given adequate notice.

DISCLOSURE AND BARRING CERTIFICATE(S)

Your initial employment is conditional upon the provision of a satisfactory Disclosure and Barring Certificate of a level appropriate to your post. You may be required to undertake subsequent criminal record checks from time to time during your employment as deemed appropriate by the Council. In the event that such certificate's are not supplied, your employment with us will be terminated.

Data collected about criminal convictions will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

CONVICTIONS AND OFFENCES

During your employment, you are required to immediately report to the Council any convictions or offences with which you are charged, including traffic offences. Data collected about criminal convictions will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

OTHER POLICIES AND PROCEDURES

The Council has a number of other policies and procedures that will have been explained to you during your induction. Copies of these will have been provided to you separately or are available on request from the office.

Information For Apprentices

TIME OFF FOR LEARNING

As an apprentice, you have joined the Council for a fixed period during which you will receive training from the Council in the skill/trade/occupation specified in your Apprenticeship Agreement. The Council will permit you time off during working hours to undertake your studies at your place of learning. You may be requested to provide proof of your required attendance at your place of learning.

Where applicable, you will also be permitted time off to attend examinations (this includes all examinations/tests that are required by your course). You will be expected to attend work both before and after examinations where this is reasonably required by your Line Manager. You may be required to undertake workplace assessments where it is a requirement of your apprenticeship that you do so. The conditions attached to attendance/performance in these examinations and/or assessments are set out in your Apprenticeship Agreement. Alternatively, your learning will take place on the job.

You are expected to use annual leave to cover any time off you may require during working time for examination revision.

EXAMINATIONS AND ASSESSMENTS

As the Council is investing in your learning, you are expected to apply due diligence in your examinations and/or assessments in order to perform at the required level. The conditions attached to your attendance and performance in those examinations and/or assessments is set out in your Apprenticeship Agreement. Failure to meet those standards is likely to result in the termination of your Apprenticeship Agreement.

You are required to provide notification to your Line Manager of the date/time of any examinations or assessments within two working days of your being informed that an examination will take place. If the date subsequently changes, or the examination or assessment is cancelled for any reason, you are required to inform your Line Manager at the earliest opportunity, and in all circumstances, before the examination or assessment was due to take place. If upon attendance for an examination or assessment, you are informed that it will not take place, you must contact your Line Manager immediately and attend work, unless instructed otherwise by your Line Manager.

You are subsequently required to provide notification of your examination results to your Line Manager at the soonest possible opportunity. Photocopies of hard copy results will be taken. If you are informed by e-mail, you must forward the e-mail to your Line Manager and this e-mail will be stored.

COMMUNICATION WITH LEARNING PROVIDER

Where necessary, the Council will undertake communications with your learning provider regarding, amongst other matters which may arise, your performance.

Salaries and Wages, etc

ADMINISTRATION

Payment

- a) For salaried staff the pay period is the calendar month. Basic salaries are paid by the 24th of the month
- 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.

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.

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.

Pay Reviews

Salaries are normally reviewed annually and any increase is at our discretion. The review does not imply an automatic increase in salary.

LATENESS/ABSENTEEISM

You must attend for work punctually at the specified time(s) and you are required to comply strictly with any time recording procedures relating to your area of work.

All absences must be notified in accordance with the sickness reporting procedures laid down in this Employee Handbook.

Lateness or absence may result in disciplinary action and/or loss of appropriate payment.

TIMESHEETS

You may be required to complete and submit timesheets as directed in order to ensure that you receive the correct payment. Incorrectly completed, or late submission of, timesheets may result in incorrect or delayed payment of wages. Deliberate falsification of timesheets will be regarded as a disciplinary offence and may lead to your summary dismissal.

SHORTAGE OF WORK

In the event that the Council is faced with a shortage of work, or is unable to provide you with work for any other reason, then you agree that the Council may temporarily:

- a) place you on short-time working, in which case you will be paid for those hours worked; or
- b) lay you off from work, in which case you will be paid in accordance with the statutory guarantee pay provisions in place at that time; or
- c) designate you as a furloughed (or similar) worker, in accordance with the terms of any Government furlough (or similar) scheme in place from time to time, in which case during such period, if required, you agree to a reduction in your hours or will cease to carry out any work for the Council. (For this purpose you agree that the Council may adjust your hours, salary and benefits by an appropriate amount to reflect the needs of the Council at that time and ensure that it receives reimbursement of salary and benefits under the said scheme to the fullest extent possible).

The entirety of this section entitled “Shortage of work” forms part of your contractual terms and conditions.

PENSION SCHEME

We operate a contributory pension scheme to which you will be auto-enrolled into (subject to the conditions of the scheme). The scheme enables you to save for your retirement using your own money, together with tax relief and contributions from the Council.

Holiday Entitlement and Conditions

ANNUAL HOLIDAYS

Your annual holiday entitlement is shown in your individual Statement of Main Terms of Employment (Form SMT).

All annual leave should be taken in the leave year during which it is accrued. A maximum of five days' leave can be carried over into the next leave year with the permission of the Town Clerk who will take into consideration recommendation from the employees line manager.

Holiday dates will normally be allocated on a "first come - first served" basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year.

We operate an online system for booking holidays via BrightHR. You will be given the rights to request absence online and you will also be able to view your holiday entitlement online at any time. This is to give you the facility to easily plan your holidays throughout the year.

Once you have registered your holiday request online, you will receive an e-mail from your Line Manager authorising or declining your request. If you feel that your request has been unreasonably refused for any reason you should refer the matter to the Town Clerk. They will endeavour to ensure that you have every opportunity to take your holidays at the time you request them, but they will need to balance your requests with the needs of the department.

You should give at least four weeks' notice of your intention to take holidays of a week or more and one week's notice is required for odd single days.

You may not normally take more than two working weeks consecutively.

Payment for holidays will be at the rate shown in your individual Statement of Main Terms of Employment.

PUBLIC/BANK HOLIDAYS

Your entitlement to public/bank holidays is shown in your individual Statement of Main Terms of Employment.

Sickness/Injury Payments and Conditions

NOTIFICATION OF INCAPACITY FOR WORK

You must notify us by telephone on the first day of incapacity at the earliest possible opportunity and by no later than 9.30am. Other than in exceptional circumstances notification should be made personally, to your Line Manager.

You should try to give some indication of your expected return date and notify us as soon as possible if this date changes. The notification procedures should be followed on each day of absence unless you are covered by a medical certificate.

If your incapacity extends to more than seven calendar days you are required to notify us of your continued incapacity once a week thereafter, unless otherwise agreed.

EVIDENCE OF INCAPACITY

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

If your sickness has been (or you know that it will be) for longer than seven days (whether or not they are working days) you should obtain a medical certificate and forward this to us without delay. Subsequently you must supply us with consecutive medical certificates to cover the whole of your absence.

In some situations, in line with government guidance, an extension of self-certification of absence will be temporarily accepted. You will be informed of any such changes should these apply.

PAYMENTS

You are entitled to statutory sick pay (SSP) if you are absent because of sickness or injury provided you meet the statutory qualifying conditions. Statutory sick pay is treated like wages and is subject to normal deductions for tax and national insurance contributions.

Qualifying days are the only days for which you are entitled to SSP. These days are normally your working days unless otherwise notified to you. SSP is payable from the first day of sickness absence for a maximum of 28 weeks. If you have any queries regarding your entitlement to SSP you should contact the Town Clerk.

Any contractual sickness/injury payments are shown in your individual Statement of Main Terms of Employment.

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

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

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

SICK PAY AND PHASED RETURN TO WORK

Sick Pay Entitlement

Occupational Sick Pay is calculated on a rolling 12-month basis. To determine your entitlement on the first day of any new absence, the council will review the total number of paid sick days you have taken during the 12 months immediately preceding that date. This aggregate will be deducted from your maximum entitlement to determine the remaining period and rate of pay available to you.

Phased Return to Work

If you return to work on reduced or amended hours following the expiry of your full-pay entitlement (typically after six months), your compensation will be structured as follows:

- **Worked Hours:** You will receive full pay for all hours physically worked.
- **Unworked Hours:** You will receive half-pay Council Sick Pay (CSP) for the remaining hours of your contracted week that you are unable to work due to your phased return.

Using Annual Leave During Phased Return

You may choose to use your accrued holiday entitlement to supplement your income and "top up" your hours to full pay.

Example (based on a 24-hour contract):

If you are fit to work 12 hours per week:

12 hours: Paid at the full hourly rate (Worked Hours).

6 hours: Paid at half-pay CSP (Unworked Hours).

6 hours: Taken as Annual Leave to ensure you receive full pay for these hours.

Note: The use of annual leave for this purpose is subject to standard departmental notice and approval requirements.

RETURN TO WORK

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

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

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

Upon returning to work after any period of sickness/injury absence, you may be required to attend a "return to work" interview to discuss the state of your health and fitness for work. Information arising from such an interview will be treated with the strictest confidence.

GENERAL

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

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

We will take a serious view if you take sickness/injury leave which is not genuine, and it will result in disciplinary action being taken. In addition, we will take a serious view if you are found to be undertaking any activity during sickness absence which we reasonably believe is inconsistent with being incapable of work at that time despite the presence of an illness, injury or medical condition. Disciplinary action will be taken in this instance.

If we consider it necessary, we may ask your permission to contact your doctor and/or for you to be independently medically examined by our Occupational Health Specialists, Health Assured Limited.

Other Benefits

EMPLOYEE ASSISTANCE PROGRAMME

We recognise that sometimes you may face certain challenges in your work and home life that are difficult to deal with. We subscribe to a confidential and professional life management service that provides you with a qualified counsellor who can offer personal support for any practical or emotional challenges you may be facing. The service is initially provided via telephone and online advice but face to face meetings will be arranged where this is felt clinically appropriate. This service is totally confidential. You can use the Health Assured App or call 0800 0474097. More details of this service are available from the Town Clerk.

As part of our Employee Assistance Programme, you also have access to an online wellbeing tool, Wisdom AI, which you can use to find fast answers to any wellbeing questions you have. You can access Wisdom AI at any time via the Health Assured portal. The link in the menu bar will take you directly to the Wisdom AI homepage, where you can ask your question. More details of this service are available the Town Clerk.

BRIGHT EXCHANGE

We currently subscribe to an online HR tool, Bright HR. Through Bright HR you have exclusive access to Bright Exchange. Bright Exchange is an online marketplace exclusive to Bright HR users giving you access to hundreds of products, services and special offers from a wide range of different companies. You can use your Bright HR credentials to log in to Bright Exchange and take advantage of these offers. More details are available from the Town Clerk.

Safeguards

RIGHTS OF SEARCH

Although we do not have the contractual right to carry out searches of employees and their property (including vehicles) whilst they are on our premises or Council, we would ask all employees to assist us in this matter should we feel that such a search is necessary.

Where practicable, searches will be carried out in the presence of a colleague of your choice who is available on the premises at the time of the search. This will also apply at the time that any further questioning takes place.

We reserve the right to call in the police at any stage.

CONFIDENTIALITY

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 Council, 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 Council 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.

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.

You must make yourself aware of our policies on data protection in relation to personal data and ensure compliance with them at all times.

DATA PROTECTION

The General Data Protection Regulation (GDPR) and the current Data Protection Act regulates our use of your personal data. As an employer, it is our responsibility to ensure that the personal data we process in relation to you is done so in accordance with the required principles. Any data held shall be processed fairly and lawfully and in accordance with the rights of data subjects.

We will process data in line with our privacy notices in relation to both job applicants and employees.

You have several rights in relation to your data. More information about these rights is available in our “Policy on your rights in relation to your data”. We commit to ensuring that your rights are upheld in accordance with the law and have appropriate mechanisms for dealing with such.

We may ask for your consent for processing certain types of personal data. In these circumstances, you will be fully informed as to the personal data we wish to process and the reason for the processing. You may choose to provide or withhold your consent. Once consent is provided, you are able to withdraw consent at any time.

You are required to comply with all Council policies and procedures in relation to processing data. Failure to do so may result in disciplinary action up to and including dismissal.

COUNCIL PROPERTY AND 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, where appropriate, 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.

STATEMENTS TO THE MEDIA

Any statements to reporters from newspapers, radio, television, etc. in relation to our Council will be given only by, or with the approval of the Town Clerk.

INVENTIONS/DISCOVERIES

An invention or discovery made by you will normally belong to you. However, an invention or discovery made by you will become our property if it was made:

- a) in the course of your normal duties under such circumstances that an invention might reasonably be expected to result from those duties;
- b) outside the course of your normal duties, but during duties specifically assigned to you, when an invention might reasonably be expected to result from these; and
- c) during the course of any of your duties, and at the time you had a special obligation to further our interests arising from the nature of those duties, and your particular responsibilities.

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, USBs, external hard drives, CDs or internet downloads must not be used; and
- b) all software must be virus checked using standard testing procedures before being used.

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 Council 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; and
- g) unauthorised copying and/or removal of computer equipment/software will result in disciplinary action, such actions could lead to dismissal.

E-MAIL AND INTERNET POLICY

Please refer to the Council IT policy for further information.

USE OF SOCIAL NETWORKING SITES

Any work related issue or material that could identify an individual who is a customer or work colleague, which could adversely affect the Council, a customer or our relationship with any customer must not be placed on a social networking site. This means that work related matters must not be placed on any such site at any time either during or outside of working hours and includes access via any computer equipment or mobile device.

KEYHOLDING/ALARM SETTING

If you are an allocated key holder, you must ensure that all procedures and guidelines are followed when securing the building prior to leaving. The keys and any security measure such as alarm codes must be kept safe at all times. You must not give the keys or alarm code to any third party unless authorisation is obtained from the Town Clerk. Any loss or damage caused as a result of your failure to follow procedures or your negligence in ensuring the safekeeping of the keys and alarm code will result in disciplinary action which could lead to your summary dismissal. We also reserve the right to deduct the cost of any loss, repair or replacement from any monies owing to you.

Any breaches or security issues including the loss or theft of keys must be reported immediately to the Town Clerk.

To satisfy the requirements of our insurers and to protect us from fire and theft, you must secure all properties and premises when unattended. The last person to leave the premises must ensure lights and appropriate electrical equipment are switched off, windows and doors are secure and alarms are set accordingly.

CLOSED CIRCUIT TELEVISION

CCTV is operated on some of our Council premises for several reasons, including the prevention of crime and the safety of employees and customers.

We will ensure all personal data obtained in this way is processed in line with the current Data Protection Act. You may refer to the employee privacy notice for more information on the data we hold, the reasons we hold it and the lawful basis which applies.

PROFESSIONAL BOUNDARIES

Staff must ensure that communication with young people/children is within clear and explicit professional boundaries. Communication via telephone, e-mail, text or social networking sites between an adult and a child under the age of 18 outside of professional protocol may lead to disciplinary action. Never reveal personal numbers or e-mail addresses to young person.

The council regard the private lives of staff as being nobody's business but their own. Staff must be careful, however, to ensure that nothing they say or do, including through the use of social networking sites, brings the Town Council's name into disrepute. Gossip in communities can be very damaging.

COMPLAINTS POLICY & PROCEDURE

Please refer to the Council policy for further information.

Standards

WASTAGE

We maintain a policy of "minimum waste" which is essential to the cost-effective and efficient running of our council.

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.

The following provision is an express written term of your contract of employment:

- a) any damage to vehicles, stock or property that is the result of your carelessness, negligence or deliberate vandalism may 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 may render you liable to reimburse 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.

In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

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 uniforms are not provided, you should wear clothes and footwear appropriate to your job responsibilities, and they should be kept clean and tidy at all times.

Where uniforms are provided, these must be worn at all times whilst at work and laundered on a regular basis.

HOUSEKEEPING

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

Health, Safety, Welfare and Hygiene

SAFETY

You should make yourself familiar with our Health and Safety Policy and your own health and safety duties and responsibilities, as shown separately.

You must not take any action that could threaten the health or safety of yourself, other employees, customers or members of the public.

Protective wear and other equipment that 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.

You should report all accidents, near misses and injuries at work, no matter how minor, in the accident book, your Line Manager or the Town Clerk.

You must ensure that you are aware of our fire and evacuation procedures and the action you should take in the event of such an emergency.

First-Aid at Work

We will comply with our obligations regarding first-aid at work and ensure that all employees are given details of our first-aid arrangements, in accordance with current legislation. This may include (but is not limited to) providing trained first-aiders, depending on the outcome of our first-aid needs assessment.

REFRESHMENT MAKING FACILITIES

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

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 Council and/or the health and safety of our employees.

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.

NO SMOKING POLICY

Smoking on the premises or in Council vehicles is not permitted. You may only smoke during authorised breaks. Whilst there is no designated smoking area, you should ensure that you are away from the premises and any windows/doors. This includes the use of vapes and e-cigarettes.

PERSONAL HYGIENE

Your highest attention to your own personal hygiene is requested at all times, as you work in close proximity with our customers and fellow colleagues.

FITNESS FOR WORK

If you arrive for work and, in our opinion, you are not fit to work, we reserve the right to exercise our duty of care if we believe that you may not be able to undertake your duties in a safe manner or may pose a safety risk to others, and send you away for the remainder of the day with or without pay and, dependent on the circumstances, you may be liable to disciplinary action.

MANUAL HANDLING

You are required, in accordance with the Manual Handling Regulations 1992, to advise us of any condition which may make you more vulnerable to injury.

Lone Worker Policy

The Council will avoid the need for employees to work alone where reasonably practicable. Where lone working is necessary, the Council will take all reasonable steps to ensure the health and safety of employees working alone.

The Council will ensure that a risk assessment is conducted and that arrangements are in place prior to employees working alone.

The Line Manager will ensure that:

- a) loneworking is avoided as far as is reasonably practicable;
- b) emergency procedures are in place so that members of staff working alone can obtain assistance if required;
- c) a risk assessment is completed by a person competent to do so prior to employees working alone;
- d) any employee working alone is capable of undertaking the work alone;
- e) where possible, arrangements are in place so that someone else is aware of a lone worker's whereabouts at all times;
- f) persons working alone are provided with adequate information, instruction and training to understand the hazards and risks and the safe working procedures associated with working alone; and
- g) training records are kept;
- h) whilst lone working, please ensure your mobile is with you at all times.

The person conducting the lone working assessment will:

- a) give consideration to the greater risks to expectant mothers and young persons;
- b) involve the employee who is working alone in the assessment process and the development of safe working methods;
- c) advise the employee undertaking the lone working of the findings of the assessment; and
- d) maintain a file of all lone working.

Employees working alone will:

- a) follow the safe working arrangements developed by the Council for lone working;
- b) take reasonable steps to ensure their own safety; and
- c) inform their Line Manager of any incidents or safety concerns.

Leading Statutory Authority

Health and Safety at Work etc. Act 1974 Management of Health and Safety at Work Regulations 1999 (SI 1999/3242).

Employers have a general duty under the Health and Safety at Work etc. Act 1974 to ensure the health, safety and welfare of their employees as far as is reasonably practicable, which includes providing safe systems, a safe place of work and suitable arrangements for employees' welfare.

Regulation 3 of the Management of Health and Safety at work Regulations 1999 requires a suitable and sufficient assessment of risks arising from work activities (including lone working) to be undertaken.

Regulation 13 of the Management of Health and Safety at Work Regulations 1999 requires employers to consider the physical and mental capabilities of employees when deciding on the tasks they will undertake.

Lone working is not permitted under certain legislation. It is prudent for employers to review any regulations specific to their Council prior to allowing lone working.

In relation to a lone working risk assessment consideration should be given to:

- a) the remoteness of the workplace;
- b) potential communication problems;
- c) the likelihood of a criminal attack;
- d) potential for verbal and physical abuse;
- e) vulnerability of lone workers to feelings of isolation, stress and depression;
- f) whether all the plant, equipment, materials, etc. can be handled safely by one person;
- g) whether the person is medically fit and suitable to work alone;
- h) how the lone worker will be supervised;
- i) how the lone worker will obtain help in an emergency such as an assault, vehicle breakdown, accident or fire; and
- j) whether there is adequate first-aid cover.

General Terms and Procedures

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.

OTHER EMPLOYMENT

You are expected to devote the whole of your time and attention during working hours to the Council. If you propose taking up employment with an employer or pursuing separate business interests or any similar venture, you must discuss the proposal with the Town Clerk in order to establish the likely impact of these activities on both yourself and the Council. You will be asked to give full details of the proposal and consideration will be given to:

Working hours;
Competition, reputation and credibility;
Conflict of Interest;
Health, safety and welfare.

You will be notified in writing of the Clerk's decision. The Clerk may refuse to consent to your request. If you work without consent this could result in the termination of your employment.

If you are unhappy with the decision, you may appeal using the Grievance Procedure.

PRIVATE WORK

You are forbidden from undertaking any private work without authorisation from the Council. You will not be allowed to undertake any work which could otherwise have been undertaken by the Council. In the event of you being approached to undertake such work you must report the approach to the Town Clerk.

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. Where this is not possible, depending on the length of time off needed, you may at our discretion be able to make up the time otherwise it will be unpaid. To minimise the impact you should try and get the first/last appointment of the day.

LEAVE WITHOUT PAY

Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk.

IMPLICATIONS OF AUTHORISED UNPAID LEAVE AND INDUSTRIAL ACTION FOR LOCAL GOVERNMENT PENSIONABLE SERVICE

Under the LGPS 2014 rules, if employees who are LGPS members are granted unpaid leave of absence they will have the option to buy back the lost pension by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.

If employees who are LGPS members are absent from work due to industrial action they will also have the option to buy back the lost pension by making an Additional Pension Contribution. In order to do so they must write to the Town Clerk as above; however there is no time limit and the entire cost will be met by the employee.

MATERNITY/PATERNITY/ADOPTION LEAVE AND PAY

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

NEONATAL CARE LEAVE

Eligible employees are entitled to neonatal care leave and pay in line with current statutory provisions. If you need time off in these circumstances you should speak with your Manager who will explain your entitlements and agree time off.

PARENTAL/SHARED PARENTAL LEAVE

If you are entitled to take parental leave or shared 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 Council.

PARENTAL BEREAVEMENT LEAVE

In the unfortunate event that you experience the loss of a child, you may be entitled to parental bereavement leave and pay in accordance with the current statutory provisions. You should discuss your circumstances with the Town Clerk and agree time off.

You are reminded that you have access to the Employee Assistance Programme, a confidential telephone counselling service offered by the Council where you can talk to a trained counsellor about your circumstances. You can access this by accessing online resources or calling the number provided, further details are available from the Town Clerk.

BEREAVED PARTNER'S PATERNITY LEAVE

In the unfortunate event that the primary carer of your child dies, you may be entitled to bereaved partner's paternity leave in accordance with the current statutory provisions. You should discuss your circumstances with the Town Clerk and agree time off.

You are reminded that you have access to the Employee Assistance Programme, a confidential telephone counselling service offered by the Council where you can talk to a trained counsellor about your circumstances. You can access this by accessing online resources or calling the number provided, further details are available from the Town Clerk.

CARER'S LEAVE

Employees with caring responsibilities may be entitled to take Carer's Leave in line with current statutory provisions. You should discuss your situation with your Manager who will explain your entitlements and if appropriate, agree time off.

FLEXIBLE WORKING

You have the right to request flexible working in accordance with the current statutory provisions. Further information on the application process can be obtained from the Town Clerk.

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.

COMPASSIONATE LEAVE WITH PAY

Up to three days' compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes:

- Husband, wife, or partner;
- Mother or father;
- Child, including any adopted child; and
- Sister or brother

A further day may be granted for attending the funeral.

Employees may also wish to consider taking a period of parental bereavement leave following the loss of a child under the age of 18. See parental bereavement leave.

All applications for Compassionate Leave must be made to the Town Clerk for determination.

In exceptional circumstances, the Town Clerk will consider granting a maximum of a further seven days' compassionate leave in any one year.

PUBLIC DUTIES

Up to five days' leave with pay per year may be given with the permission of the Town Clerk for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

Where an allowance is claimable for loss of earnings, employees should claim and pay the allowance to the Council.

JURY SERVICE

If you are required to undertake jury service or to attend court you must advise the Town Clerk in order that the necessary arrangements for your work can be made. You are normally eligible for loss of earnings, travel and subsistence allowances. You will be permitted reasonable time off to carry out such public duty, but you should not volunteer for jury service beyond 14 days without referral and permission from the Town Clerk.

EXPENSES

We will reimburse you for any reasonable expenses incurred whilst travelling on our Council. The rules relating to travelling expenses will be issued separately. You must provide receipts for any expenditure. Please refer to the council expense policy.

EMPLOYEES' PROPERTY AND LOST 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. Articles of lost property should be handed to the Town Clerk who will retain them whilst attempts are made to discover the owner.

FRIENDS AND RELATIVES CONTACT / TELEPHONE CALLS / MOBILE PHONES

You should discourage your friends and relatives from either calling on you in person or by telephone except in an emergency. Personal telephone calls, both incoming and outgoing are discouraged. Permission to make outgoing personal calls from council phones should be sought from the Town Clerk. Personal mobile phones should be switched to silent during working hours. Personal use of personal mobile phones should be kept to a minimum and not interfere with your duties during working hours.

It is illegal to hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving.

It is our Council policy that you should not hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving. You should ensure you are safely parked and you have turned off the engine before making or receiving any telephone calls. In the event of you being unable to answer a call because you cannot find a safe place to stop, you must return the call as soon as conveniently possible after you have safely parked and turned off the engine.

You can use a device held in your hand in the following circumstances only:

- you need to call 999 or 112 in an emergency and it is unsafe or impractical to stop
- you are safely parked
- you are making a contactless payment in a vehicle that is not moving, for example at a drive-through restaurant
- you are using the device to park the vehicle remotely.

You can use devices with hands-free access, such as a built-in sat nav, provided you do not hold the device at any time during usage.

COUNCIL TOOLS/EQUIPMENT

The Council provides the tools and/or equipment necessary to carry out your duties. You should keep these in good repair and take all reasonable steps to ensure that they are secure at all times. You must report any lost, damaged or mislaid tools and/or equipment to the Town Clerk. You must return all Council tools and/or equipment upon termination of employment by either party. Failure to return any tools and/or equipment, or any loss or damage suffered as a result of your negligence, will result in a deduction to cover the cost of the tools and/or equipment being made from monies due to you.

BEHAVIOUR AT WORK

You should behave with civility towards fellow employees, and no rudeness will be permitted towards customers or members of the public. Objectionable or insulting behaviour, or bad language will render you liable to disciplinary action. You should use your best endeavours to promote the interests of the Council and shall, during normal working hours, devote the whole of your time, attention and abilities to the Council and its affairs. Any involvement in activities which could be construed as being in competition with us is not allowed.

BEHAVIOUR OUTSIDE OF WORK

The Council recognises the importance of work/life balance. However, owing to the nature of the Council, the Council insists on employing staff of the highest integrity, we expect you to maintain these standards outside of working hours. Activities that result in adverse publicity to ourselves, or which cause us to lose faith in your integrity, may give us grounds for your dismissal.

ADVERSE WEATHER/TRAVEL ARRANGEMENT DISRUPTION

Every reasonable effort should be made to attend work in accordance with your contract. In the event that you are unable to attend work owing to inclement weather conditions and/or severe disruption to your travel arrangements, you should report your absence through the normal absence reporting procedures. Your absence will be unpaid unless you have sufficient annual leave in which case you may request to use this. Alternatively, you may be able to work additional hours to compensate for the lost hours at the sole discretion of your Line Manager.

COUNCIL FUEL/CREDIT CARDS

If you have been provided with a Council fuel/credit card, you are responsible for its security and safekeeping. In the event that it is lost or stolen, it is imperative that you report this to the Town Clerk immediately. The card is to be used exclusively for Council purposes only and receipts should be obtained for every transaction. Usage will be regularly monitored therefore it is in your interest to keep a personal record of transactions in order that you are able to explain them if necessary.

Personal use of a Council fuel/credit card is not permitted under any circumstances. Misuse of the card and/or failure to comply with Council procedures will result in disciplinary action, which may result in your dismissal. You will be required to reimburse us the cost of any unauthorised expenditure. In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

DRIVING LICENCE

If driving is a necessary part of your role it is imperative that you maintain a valid driving licence suitable for the vehicle you operate at all times during your employment. You are required upon request to produce your driving licence to the Town Clerk. We may also require you to provide us with the ability to access your driving licence details online. If at any time your licence is endorsed, or you are disqualified from driving, we must be informed immediately. If you are required to drive as part of your job and we are unable to find alternative employment, your employment may be terminated.

Data collected about driving licences will be processed in line with the Data Protection Act. You may read more about the data we hold on you, why we hold it and the lawful basis that applies in the employee privacy notice.

FINES

Any fines imposed by relevant authorities including (but not limited to) speeding and parking will be payable by the employee. The Council takes no responsibility for the payment of fines incurred by the employee during their employment.

CAR INSURANCE

If your position requires you to use your own car for Council purposes, you must ensure that your car insurance provides adequate cover. Proof of adequate insurance, Driving Licence, Tax and an MOT Certificate must be produced for scrutiny by the Council, upon renewal and at any time when so requested.

THIRD PARTY INVOLVEMENT

We reserve the right to allow third parties to chair any meeting, for example disciplinary, capability, grievance, this is not an exhaustive list. Where we are required to share special category data to any third parties as part of that hearing, we ensure that a relevant condition of processing is met and we do not rely upon your consent for the processing.

RECORDING OF FORMAL MEETINGS

We reserve the right to record any formal meetings whether conducted by us or a third party, a copy of the recording can be made available on request. All personal data collected for this purpose will be processed in line with the current Data Protection Act.

Flexible Working Policy

INTRODUCTION

The Council believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best workforce, and utilising all the talent and experience available within the community. We also appreciate that the workforce is becoming increasingly diverse and includes a high percentage of those with caring responsibilities, as well as those whose interests and aspirations impact on their time. We therefore appreciate that standard or established working hours are, in many cases, incompatible with increasing demand for a better work-life balance.

The Council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.

This policy aims to set out the ways in which flexible working can increase staff motivation, build better relationships between the Council and its employees, increase the rate of retention of staff, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Council's efficiency, productivity and competitiveness. It provides a description of the issues involved, taking into account the possible benefits of each kind of flexible working to both employees and the Council, but also raising possible drawbacks and areas of potential concern.

This policy applies to flexible working requests received by the Council on or after 6 April 2024. Requests received before that date which have not reached conclusion will continue to be considered under our previous policy.

The policy considers the following options as types of flexible working but we recognise that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- job-sharing;
- part-time working;
- annualised hours;
- compressed hours;
- flexitime;
- term-time working;
- swapping hours;
- working from home;
- career breaks;
- flexible shift working.

THE COUNCIL NEED

Although the Council is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the business.

Where an instance of flexible working is requested, we will take into account a number of criteria including (but not limited to):

- Additional burden of costs;
- Inability to reorganise work among other staff;
- Inability to recruit additional staff;
- Detrimental impact on quality
- Detrimental effect on customer service;
- Detrimental impact on performance;

- Insufficient work available during the periods the employee proposes to work; or
- The proposal does not fit in with planned structural changes.

ELIGIBILITY

Although we recognise that not all of the flexible working patterns considered will be suitable for all sections of the Council's workforce, there should be no arbitrary barriers. Employees in all areas and levels of the Council will be considered for flexible working regardless of their age, sex, sexual orientation, race, religion or belief, pregnancy, marital/civil partnership status, gender reassignment or disability. However, there is no automatic right for employees to change to any of the flexible working patterns. Each application will be considered on its own merits save for where it is made as a reasonable adjustment under disability legislation in which case it will be considered under the rules applying to our duty under those laws.

RIGHT TO REQUEST FLEXIBLE WORKING

You are entitled to make a statutory request for flexible working from the first day of your employment.

You can make a maximum of two statutory flexible working requests during any 12-month period. A request cannot be made until any previous request has been concluded in full.

While it is the Council's policy to be flexible on working patterns for all its employees, in order to ensure that we are complying with our legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

THE APPLICATION

You can get an application form to complete from the Town Clerk in order to make a request.

Anyone considering flexible working should first discuss with their manager the reasons for the request to change their working pattern and how they think it could work. A formal application can then be made in writing to the Town Clerk. It should set out clearly:

- The desired change in working pattern;
- How it will impact upon the work of the Council;
- How the employee will manage their work to ensure there is no loss in efficiency;
- The impact of the change of the work pattern on the employee's colleagues;
- How any potential problems will be overcome; and
- When the employee wishes to start the new way of working.

The application must also state whether you are requesting the variation as a reasonable adjustment under the disability discrimination provisions of the Equality Act 2010.

PROCEDURE FOR DEALING WITH AN APPLICATION

Consultation on your Application

The Town Clerk will consult with you as part of a discussion following receipt of the application, unless we notify you in writing of agreement to the variation. The time and place of the discussion will be convenient to both of us. The consultation will include exploration of alternative arrangements that may be acceptable to you if we are unable to agree to the exact variation requested.

Notice of Decision

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting of the Personnel Sub-Committee. The request may be granted in full or in part: for example, the Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

Where the decision is to refuse the application, the notice will state which of the specified grounds for refusal are considered to apply, with an explanation of why those grounds apply in relation to the application, and set out the appeal procedure.

Right of Appeal

You may appeal against the Council's decision to refuse an application. An Appeal should be submitted in writing to the Town Clerk who will arrange an appeal meeting. Appeals will be heard by a panel set up by the Personnel Sub-Committee who will notify the employee of the outcome, following the meeting.

The notice of appeal must be in writing, setting out the grounds for appeal and be dated.

We will discuss the appeal with you once the grounds for appeal are received, unless we give you written notification that the original decision has been overturned and specifies the variation which has now been agreed and the date on which it will take effect. If an appeal meeting is held, the time and place will be convenient to both of us.

After the appeal meeting has been held, we will give you written, dated, notice of the decision on the appeal. Where we uphold the appeal, the notice will specify the contract variation agreed to and state the date on which it is to take effect. Where our decision to reject the application remains, the notice will state the grounds for the decision and contain a sufficient explanation as to why those grounds apply.

Acceptance of Variation

Where we accept your application, it will mean a permanent variation of your contract, unless we agree otherwise. This means that once a change has been made, there is no right for you to revert back to your previous terms and conditions. Further requests will count towards the maximum amount permitted in any 12 month period.

Timescale

We will deal with and conclude your application for flexible working within two months of the date of the application, unless we both agree on an extension in which case we will confirm this in writing.

Accompaniment

At any meetings held to discuss the application, including any appeal meetings, you can be accompanied by a colleague of your choice.

Conflicting requests

Where conflicting requests for flexible working are received from employees, the Council may require a compromise to be found so that all requests may be accommodated albeit on different terms as those set out in each request. If no compromise is achievable after consultation with the employees involved, the Council may use a random selection method to determine the granting of individual requests.

WITHDRAWAL OF APPLICATION BY EMPLOYEE

The Council will treat an application as withdrawn under the statutory provisions where you:

- notify us, orally or in writing, that you are withdrawing the application; or
- without reasonable cause, fail to attend a meeting to discuss your application or appeal meeting more than once.

The Council will confirm the withdrawal of the application to you in writing unless you have already provided written notice of the withdrawal.

EMPLOYEE CONSULTATION/PARTICIPATION

While some approaches to flexible working practices will involve changes to individual contracts of employment and be relatively easy to implement, the Council recognises that others such as flexitime or the imposition of annualised hours will have a greater impact on sections of the workforce as a whole. Before any such working pattern is implemented it is therefore committed to in-depth consultation with employees and their representatives, and recognises that gaining their agreement is likely to have a positive impact on the success of the scheme. The Council works on the basis that consultation gives all parties the opportunity to raise the issues that are of greatest importance to them and ensures that they are considered from all angles.

Consultation will usually take the form of an employee survey followed by focus groups and a pilot scheme of the new working pattern. The findings of any consultation will be communicated to the workforce, along with any proposed action resulting from the consultation.

Council Mobile Phone Policy

The following policy applies to all employees of the Council who are issued with a Council mobile phone. The following guidelines should be adhered to:

Council mobile phones are provided to you in order for you to fulfil your duties professionally and efficiently. The mobile phone provided does not belong to you. It is to be used strictly for business purposes, only except in the case of an emergency. Text messages should not be sent from your Council phone unless they are work related.

Security is imperative, and the mobile phone must be password/pin protected. This password must not be shared with anyone else.

Internet (where applicable) should not be accessed at any time. We reserve the right to monitor internet use on a Council mobile phone to ensure compliance with our policy and any personal use will be recharged back to you. Council policy in relation to inappropriate internet use (contained within the E-mail and Internet Policy in the Employee Handbook) applies to internet use on Council mobile phones and you should make yourself aware of its provisions.

The Council reserves the right to monitor all use of Council mobile phones, and all communication made using any means including text message, email or any application added to the phone. Therefore, communicating in this way via a Council mobile phone is done in the knowledge that those communications may be read by those in the Council responsible for monitoring mobile phone use.

Software must not be added to Council mobile phones without express prior authorisation from the Town Clerk.

For security and privacy reasons, it is strictly prohibited to download, access or install any apps to Council mobile phones, including but not limited to TikTok and YouTube, without express prior authorisation from the Town Clerk

When using a Council phone you are an ambassador of the Council therefore you should deal with all calls courteously and professionally.

If you are issued with a Council mobile phone you are responsible for its safe-keeping, ensuring that its batteries are fully charged and that it is switched on at all times when on duty. However, there are some circumstances where it may be necessary to set the phone to silent or divert to voicemail – for example when attending a meeting.

When you are on annual leave, you should change your voicemail to reflect this; clearly stating who can be contacted for assistance in your absence.

It is illegal to hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving.

It is our Council policy that you should not hold and use a mobile phone, sat nav, tablet or any device that can send and receive data whilst driving. You should ensure you are safely parked and you have turned off the engine before making or receiving any telephone calls. In the event of you being unable to answer a call because you cannot find a safe place to stop, you must return the call as soon as conveniently possible after you have safely parked and turned off the engine.

You can use a device held in your hand in the following circumstances only:

- you need to call 999 or 112 in an emergency and it is unsafe or impractical to stop
- you are safely parked
- you are using the device to park the vehicle remotely.

You can use devices with hands-free access, such as a built-in sat nav, provided you do not hold the device at any time during usage.

If you lose or have your Council mobile phone stolen you must report this immediately to the Town Clerk so the SIM card can be cancelled so no unauthorised user can make calls. You must also report it immediately to the local police station and obtain a crime reference number.

On termination of employment, your Council mobile phone, accessories and password/pin must be handed in to the Town Clerk on your last date of employment.

Capability Procedures

INTRODUCTION

We recognise that during your employment with us your capability to carry out your duties may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and you fail to keep pace with the changes, or you change (most commonly because of health reasons) and you can no longer cope with the work.

The procedure aims to ensure that consistent and fair treatment is given to all individuals.

SCOPE

Where there are issues of misconduct or of negligence, these will be dealt with under the Disciplinary Procedure. For matters of sickness, disability, or ill health, the Absence Management Policy will be used.

GENERAL PRINCIPLES

The Procedure is not a substitute for good management practices. It should only be invoked when initial attempts to improve performance have been unsuccessful following discussions between the employee and their line manager.

The employee must be given at least 5 working days' notice of the requirement to attend a formal review meeting or an appeal.

The employee has the right to be represented at formal review meetings or appeals.

In the event of a formal warning or a dismissal, the employee has the right of appeal.

REPRESENTATION

Employees have the right to representation at hearings and appeals relating to any stage of the formal procedure. This can be a trade union representative or a work colleague.

Representatives can take an active part in review meetings.

JOB CHANGES/GENERAL CAPABILITY ISSUES

If the nature of your job changes or if we have general concerns about your ability to perform your job we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. Concerns regarding your capability will normally first be discussed in an informal manner and you will be given time to improve.

If your standard of performance is still not adequate you will be warned in writing that a failure to improve and to maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work if possible.

If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, or if your level of performance has a serious or substantial effect on our organisation or reputation, you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and maintained.

If such improvement is not forthcoming after a reasonable period of time, you will be dismissed with the appropriate notice.

PERSONAL CIRCUMSTANCES/HEALTH ISSUES

Personal circumstances may arise which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

There may also be personal circumstances which prevent you from attending work, either for a prolonged period(s) or for frequent short absences. Under these circumstances we will need to know when we can expect your attendance record to reach an acceptable level. This may again mean asking your own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When we have obtained as much information as possible regarding your condition, and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

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.

THE INFORMAL PROCEDURE

The Town Clerk or line manager (or Chair of the Personnel Sub- Committee in relation to matters concerning the Town Clerk) should deal with minor issues of poor performance in the first instance.

A meeting with the employee to discuss poor performance should be arranged and any problems or areas for concern should be raised by the Town Clerk or line manager. Appropriate support and training should be offered to assist the individual towards meeting the required standards in the future. Realistic targets should be agreed with the individual and future expectations made clear by the Town Clerk or line manager. The Town Clerk or line manager will record the points discussed in the meeting and confirm this in writing to the employee along with the agreed plan to achieve acceptable levels of performance. A review meeting should be arranged within 2 months to assess whether the targets have been met and whether the performance is satisfactory.

In most cases, these meetings should provide sufficient guidance, support, and clarification of standards to rectify the situation.

However, the formal procedure will apply when:

- Previous informal advice or guidance has proved ineffective; or
- The performance is so poor that informal discussions are unlikely to help.

THE FORMAL REVIEW

If informal discussions have proved unsuccessful in raising performance levels to the standards set by the Town Clerk or line manager then the formal procedure will be invoked. There are three stages to the formal procedure. The employee has the right of representation at each stage.

During each stage, the employee's performance will be monitored closely. The method of doing this will be made clear to them at the conclusion of each review meeting.

Stage 1: The Capability Review

The Capability Review should build on the informal discussions. It should be sufficiently specific so that the employee knows exactly what it is about their performance that is unsatisfactory and how they can improve to the required standard. The Town Clerk (or Chair of the Personnel Sub- Committee, in relation to matters concerning the Town Clerk) will carry out the Review.

The review has four main purposes:

1. To allow the Town Clerk to discuss with the employee: (i) the standards of work required; (ii) what improvement is necessary; (iii) how the employee can be helped to achieve them; and (iv) how improvement will be assessed and the timescale which must be reasonable.
2. To allow the employee to: (i) obtain a clear understanding of what is expected of them; (ii) give an explanation or comment on their work; and (iii) give their views on how the problem can best be tackled.
3. To allow the Town Clerk and the employee to explore other options, such as: (i) additional instruction, training, or personal development activity; or referral to occupational health, which may involve alternative action under the Council's Absence Management Policy. Please refer to the Absence Management Policy.
4. To make clear to the employee: (i) the timescale for improvement; (ii) how and by whom their work will be monitored during the review period; and (iii) the consequences if their work does not improve or if improvement is not maintained.

Ideally, standards of performance should be agreed between the Town Clerk and employee. However, in the absence of such an agreement, the Town Clerk must satisfy himself or herself that any targets set are reasonable and non-discriminatory. If training has already been given, then its effectiveness should be reviewed and any further training and support agreed.

If the Town Clerk is satisfied at the conclusion of the review that there is a shortfall in performance, the employee will be issued with a formal warning and an action plan, including timescales, to achieve. It will also be made clear that failure to achieve the action plan will lead to the next stage of the formal procedure. The length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances it should not be more than 3 months. The Town Clerk should confirm the outcome of the meeting in writing to the individual within 5 working days.

Stage 2 – The Capability Review

If the employee fails to achieve the standards or the timescales set out in the action plan, then Stage 2 of the procedure is invoked. This involves a further review based on the same structure as Stage 1.

Stage 2 of the Capability Review will be conducted by the Town Clerk (or Chair of the Personnel Sub-Committee, in relation to matters concerning the Town Clerk). If it is concluded that there is still a performance issue to be addressed, a further formal warning should be issued along with an action plan giving details of the standards of performance required and the timescales within which these must be achieved. The employee should be reminded that if the action plan is not achieved, then Stage 3 will be invoked. It needs to be made clear that Stage 3 may result in a decision to dismiss the employee. Again, the length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances should not be more than 3 months. A letter to confirm the outcome of the meeting should be sent to the employee within 5 working days, it should also explain the employee's right to appeal against any warning issued.

Stage 3 – The Final Capability Review

The Final Capability Review will be heard by three members of the Personnel Sub- Committee.

The Town Clerk and line manager who conducted Stages 1 and 2 should also be present to provide details of the previous review meetings and of the steps taken to encourage improvement in the employee's performance.

The employee will have the opportunity to respond and put forward any points they wish to be considered.

Consideration should be given to any alternatives to dismissal, such as redeployment or options of downgrading. However, this may not always be possible and will depend on each individual situation and the circumstances of the organisation.

The Panel must satisfy themselves that they have heard all of the relevant information and that the employee has been given sufficient opportunity to improve. If they consider that the employee’s performance remains unsatisfactory, they must inform the employee that their employment is terminated on the grounds of capability or any alternatives to dismissal.

The employee’s dismissal will be with notice or, if serving their notice period is not in the interests of the Council, they will receive pay in lieu of notice. The dismissal must be confirmed in writing within 5 working days, stating the reasons for it, and informing the employee of their right of appeal.

LEVELS OF AUTHORITY

Guidance is given here on the appropriate levels of authority, although alternative arrangements may have to be made on occasion.

Formal	Officer	Authority
Stage 1 & 2	Town Clerk	Formal warnings
Stage 3	Personnel Sub-Committee	Dismissal

THE RIGHT OF APPEAL

In the event of a formal warning or dismissal, the employee has the right of appeal to the Town Clerk (or Chair of the Personnel Sub-Committee, in relation to matters concerning the Town Clerk). The Appeal must be made in writing within 10 days of the date of the letter confirming dismissal.

Three members of the Appeal Committee, being either members of the Personnel Sub-Committee or Policy & Resources Committee, will hear the appeal, providing that they have had no previous involvement in the matter. They may be assisted by an independent adviser.

The appeal will take place as soon as is practically possible. The Appeal Panel will consider the details of the poor performance presented by the Chair of the Final Capability Review and will consider the comments of the employee.

The decision of any appeal hearing is final.

Disciplinary Procedures

INTRODUCTION

This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The aim is to ensure consistent and fair treatment for the individual. This procedure sets out the framework for resolving issues relating to misconduct and unsatisfactory performance in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures.

This procedure applies to all employees except where it conflicts with a contractual or statutory requirement, which takes precedence

It is necessary to have a minimum number of rules in the interests of the whole council.

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.

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.

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. Once the Investigating Officer has gathered all the relevant facts and reviewed the evidence, a report should be drafted to the Town Clerk (or Personnel Sub Committee) recommending one of the following:
 - Take no further action and inform the employee accordingly;
 - Advise the arrangement of counselling, training, extra supervision, or written advice (as appropriate); or
 - Arrange a disciplinary hearing.

On some occasions we may implement temporary measures in order that an uninterrupted investigation can take place.

These measures may include, for example:

- working in a different department, or from a different office or site
- a change to your usual duties
- working with different customers, or away from customers
- working from home
- suspension on contractual pay.

This list is not exhaustive, and we may implement other measures which are appropriate to the circumstances. None of these measures are to be regarded as disciplinary action or a penalty of any kind.

Where an employee on temporary suspension tells us that they are sick, the employee will be considered to be on sickness absence, rather than suspension, until the employee notifies us that they are no longer sick, at which point suspension will resume where appropriate.

e) other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee 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.

ARRANGING A HEARING

If, following the recommendations of the Investigating Officer, the Town Clerk concludes that a hearing is required then the necessary arrangements should be made by the Town Clerk. The employee will be given at least 5 clear working days' notice in writing. The letter to the employee should include a clear written statement of the allegation, state the potential outcome of the hearing and a reminder of the employee's right to be represented. Enclosed with the letter should also be the investigation pack which would normally include a copy of the investigation report, supporting appendices and the relevant policy. The Investigating Officer is responsible for presenting the case and making arrangements for any witnesses that they rely upon to attend the hearing.

The employee is responsible for arranging any representation they choose to have and any witnesses that they may wish to call. Details of any witnesses the employee intends to call and a copy of all documents that the employee may wish to refer to at the hearing must be submitted to the Hearing Chair at least 3 clear working days prior to the hearing.

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.

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;

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 Council 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.

SERIOUS MISCONDUCT

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.

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.

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 drugs* at work and/or testing positive for drug use in a test carried out in line with our policy; and

*For this purpose, the term 'drugs' is used to describe both illegal drugs and other psychoactive (mind-altering) substances which may or may not be illegal.

- 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.)

CONDUCTING A HEARING

The objective of the Hearing panel is:

To hear the evidence in respect of the allegation, the employee's response, and to decide whether or not the allegation is substantiated; and

If the allegation is substantiated, to determine the disciplinary sanction to be applied in light of the seriousness of the offence and having regard to previous relevant disciplinary history.

The procedure to be followed is:

1. Introduction of the Panel members and outline of their roles;
2. Statement of the purpose of the hearing and the allegation(s);
3. Presentation of the case by the Investigating Officer with witnesses called as necessary;
4. Questions by employee or their representative;
5. Questions by the Panel;
6. Presentation of the case by the employee or their representative with witnesses called as necessary;
7. Questions from Investigating Officer;
8. Questions from Panel;
9. Concluding statement by Investigating Officer;
10. Concluding statement by employee or their representative;
11. Adjournment of the Panel to make their decision;
12. The Panel reconvenes and the employee/representative is informed of the decision and, if necessary, their rights of appeal. Requests for an adjournment can be made at any stage and it is up to the Chair to decide whether or not a request should be granted.

The decision of the Panel will be confirmed to the employee in writing within 5 working days.

The letter should clearly set out:

- The Panel's decision;
- The length of time that any warning will be active for;
- The expected improvement in conduct;
- Any assistance that will be provided to achieve this; and
- The employee's right to appeal.

ROLES AND RESPONSIBILITIES

It is advisable to determine the roles and responsibilities of those potentially involved in the disciplinary procedure at the earliest opportunity so that those roles are not compromised.

Line Manager

The Line Manager is normally responsible for considering minor disciplinary issues and resolving them, if they can, without recourse to the formal procedure. The Line Manager could also be the Town Clerk. Allegations of more serious misconduct or where a previous warning has been given but the required improvement has not been made should immediately be referred to the Town Clerk.

Town Clerk

The Town Clerk is normally responsible for managing the formal disciplinary procedure including appointing an appropriate Investigating Officer. Alternatively, they may appoint another individual to manage the process, if required.

Personnel Sub-Committee

The Personnel Sub-Committee is normally responsible for managing the disciplinary process and appointing an appropriate Investigating Officer for misconduct which relates to the Town Clerk.

Investigating Officer

The Investigating Officer is responsible for collecting evidence and gathering all documentation in relation to the allegation. The Investigating Officer need not be the employee's supervisor or Line Manager, although this would normally be the case. Where appropriate, an external investigating officer may be used. The Investigating Officer who carries out an investigation should not participate in any subsequent decision to take action under the procedure.

Hearing Panel

The Panel for a hearing will normally comprise of the Town Clerk, and Chairman of the Personnel Sub-Committee. For matters concerning the Town Clerk then the panel would normally comprise of three members of the Personnel Sub-Committee. The responsibilities and objective of the panel is set out in section

The panel members hearing a case should not have been involved in the investigation beforehand. The panel must not include the Investigating Officer. An independent HR representative can be called upon to advise the panel, if appropriate.

Appeal Panel

The Appeal Panel will normally comprise of three members, of the Personnel Sub-Committee or the Policy & Resources Committee as necessary. The responsibilities and objective of the appeal panel is set out in section

The appeal panel members should not have had any previous involvement in the matter. An independent HR representative can be called upon to advise the panel, if appropriate.

Note Taker

During each stage of the disciplinary procedure, it is recommended that a note taker is present to capture the context of the meetings

DISCIPLINARY PROCEDURE

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

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
Unsatisfactory Conduct	Formal Verbal Warning	Written Warning	Final Written Warning	Dismissal
Misconduct	Written Warning	Final Written Warning	Dismissal	
Serious Misconduct	Final written warning	Dismissal		
Gross Misconduct	Dismissal			

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.

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.

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.

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 level of seniority progressing any action at whatever stage of the disciplinary process.

Levels of Disciplinary Action		
	Disciplinary Authority for All Employees	Town Clerk
Formal Verbal Warning	Town Clerk	Personnel sub-Committee
Written Warning	Town Clerk	Personnel sub-Committee
Final Written Warning	Town Clerk	Personnel sub-Committee
Dismissal	Personnel-Sub-Committee	Policy & Resources Committee

PERIOD OF WARNINGS

Formal verbal warning

A formal verbal warning will normally be disregarded for disciplinary purposes after a three month period.

Written warning

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

Final written warning

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

GENERAL NOTES

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.

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.

Gross misconduct offences will result in dismissal without notice.

You have the right to appeal against any disciplinary action.

Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the hearing and appeal stages of the formal procedure. Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee’s case. However, they have no right to answer questions on the employee’s behalf.

Informal Procedure

Informal Advice and Guidance Where a minor breach of acceptable/established standards of conduct occurs, which does not justify formal disciplinary action, the Line Manager (who also be the Town Clerk) will advise the employee concerned of the conduct and the standard expected in the future. In many cases, this will provide sufficient encouragement for the employee not to commit further acts of misconduct. The employee will be offered guidance, support, and additional training – where appropriate – to achieve the necessary standards. Representation will not normally be appropriate. Managers should make a note of such informal advice and guidance and should set out in writing to the employee the required improvements and standards of conduct that are expected in the future. Records of informal advice/counselling should be kept on employee’s personal files.

Capability / Disciplinary Appeal Procedure

An employee has the right to appeal against disciplinary action resulting in a warning or their dismissal.

Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate. An employee who wishes to appeal must do so in writing to the Town Clerk (or Chair of the Personnel Sub Committee, in relation to matters concerning the Town Clerk).

It may be necessary, because of the size of our council, for the appeal to be heard by the person who took the original action and it is therefore important that your appeal gives details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.

If you are appealing on the grounds that you have not committed the offence, it may be necessary for the person conducting the appeal to have a complete re-hearing so that there can be a reappraisal of all matters before a decision is made to grant or refuse the appeal.

You may be accompanied at the appeal hearing by a fellow employee of your choice and the result of the appeal will be made known to you in writing, normally within five working days after the hearing. This is the final stage of the appeal process.

Please refer to our full Capability Procedure for further details

Arranging an Appeal

The date and time of the appeal will be organised by the Town Clerk (or Chair of the Personnel Sub Committee, in relation to matters concerning the Town Clerk). It is the responsibility of each side to prepare themselves for the appeal, including arranging for any witnesses to attend.

The Chair of the original Panel and the employee or their representative will, where possible, agree papers for submission to the appeal 5 clear days prior to the hearing.

Conducting an Appeal Hearing

The objective is:

To review the decision of the disciplinary hearing and decide whether that action is warranted or not; and

If the action is not warranted, to determine what action if any is appropriate; In doing so, the Appeal Panel will have regard to the seriousness of the offence and any previous relevant disciplinary history.

The procedure to be followed is:

1. Presentation of the case by the Manager (the Chair of the previous hearing) who took the disciplinary action;
2. Questions by the appellant to the Manager;
3. Presentation of the appellant's case, including calling any witnesses;
4. Questions by the Manager to the appellant and their witnesses;
5. Questions by the Appeals Panel to both parties and their witnesses;
6. Concluding statements by the parties. No new information should be introduced at this stage and the appellant should have the opportunity to sum up last;
7. Adjournment of the Panel to make their decision;
8. The appeal is reconvened if possible and both parties are informed of the decision;
9. Written confirmation of the Appeals Panel's decision within 5 working days of the hearing.

The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

Grievance Procedure

Okehampton Town Council recognises that individual employees or groups of employees may, from time to time, feel they have been treated unfairly and wish to raise a concern about an aspect of their employment. The Council accepts that each employee has the right to raise a grievance and to expect that management will consider it and respond.

The purpose of the counselling procedure is to provide a framework for dealing promptly and fairly with such grievances. The aim is to encourage communication between employees and managers to ensure that problems arising during the course of employment can be expressed and resolved at the earliest opportunity and minimise the need for escalation to formal stages of this process.

Matters appropriately dealt with under the Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:

- Matters that have already been considered in accordance with this procedure;
- Matters arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Matters in respect of issues over which the Council has no control. e.g. external legislation;
- Matters that are already the subject of a collective grievance or dispute; and
- Matters relating to Councillors who have allegedly breached the Council's Code of Conduct. (See section 2 for further information regarding how these matters should be addressed). The timescales shown in the following procedure may be altered by mutual agreement.

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.

You have the right to be accompanied at any stage of the procedure by a fellow employee or a Trade Union Official who may act as a witness or speak on your behalf to explain the situation more clearly.

If you feel aggrieved at any matter relating to your work (except personal harassment, for which there is a separate procedure, you should first raise the matter with the person specified in your Statement of Main Terms of Employment, 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. 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.

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

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

GRIEVANCES RELATING TO BREACHES OF THE COUNCIL'S CODE OF CONDUCT BY COUNCILLORS

A grievance or complaint which relates to a breach of the Council's Code of Conduct by one or more Councillors of Okehampton Town Council can initially be addressed informally as described in 3.2. below. However, if this is not possible/successful then a complaint should be made to the Monitoring Officer at West Devon Borough Council rather than being addressed via the formal stages of this Grievance Procedure. As a matter of courtesy, the Town Clerk should be informed if the matter has been raised with the Monitoring Officer.

Where only part of a grievance or complaint relates to a Code of Conduct complaint, consideration should be given to which part(s) can be addressed under the Council's Grievance Procedure and which must be referred to the Monitoring Officer.

A copy of the Councillor Code of Conduct may be accessed from the Town Council's website or obtained from the Town Clerk.

Procedural Guideline

General Principles

The grievance procedure should not be used as a substitute for constructive dialogue between employees or difficult conversations between employees and managers.

Grievances will be handled as quickly and fairly as possible.

Throughout any investigation that takes place, the Town Clerk or other nominated point of contact will ensure that any employees affected by this process are informed of likely timescales.

All employees involved in a grievance process should respect confidentiality and the privacy of others at all times. Confidentiality breaches may result in disciplinary action being taken.

The Council will take all grievances seriously. However, where there is evidence to suggest that a grievance has been raised in bad faith and/or is malicious or vexatious this may be addressed as a disciplinary matter.

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

Employees may wish to seek the advice of a trade union representative or work colleague when considering raising a grievance or when doing so.

INFORMAL RESOLUTION

In many cases the most effective way to resolve a grievance is to do so quickly and informally. Employees are encouraged to try to do this wherever possible.

Grievances should be raised informally as soon as possible and, other than in exceptional circumstances, within twenty working days of the incident or event. However, it is recognised that in some cases a recent grievance can include a series of directly related incidents which have had a cumulative effect and have happened over a longer time period.

Options include:

- The employee can discuss their grievance with the person/people who are the subject of those concerns in order to resolve the situation.
- The employee can have an informal discussion with their line manager to explain their grievance and ask them to assist in resolving it.
- The employee can have an informal discussion with the Town Clerk to explain their grievance and ask them to assist in resolving it.
- Mediation (see below).

Where the employee approaches their line manager or the Town Clerk for assistance, the line manager/Town Clerk should consider and seek to resolve the grievance within ten working days. Whether or not informal resolution proves possible, the employee should in every case be given relevant feedback.

MEDIATION

Workplace mediation is a voluntary and confidential process that can be used to attempt to resolve workplace conflict.

This option is available to the Town Council as a means to resolve the grievance informally, although mediation may also be used at any stage of the grievance process.

During mediation a trained, impartial mediator works with the parties to try to:

- clarify each person's concerns, perspectives and desired outcomes;
- support them to express this to the other party/parties in a safe and controlled environment;
- facilitate further discussion to explore the issues and reach a shared understanding;
- reach agreement about how things will work in future to resolve their differences and avoid future conflict.

FORMAL RESOLUTION

If the employee is not satisfied with the result of the informal process, they can take the matter up with the Town Clerk in writing, stating the nature of the grievance. This should be done within ten working days of receiving feedback on the informal process.

The Town Clerk will arrange a meeting with the employee to discuss the grievance as soon as possible and normally within ten working days.

Having heard the employee's grievance submission, it may be decided that further investigation is required. In this case the meeting will be adjourned while an appropriate investigator (who may be external to the Town Council) conducts any necessary investigation. This may include interviewing other parties. The investigation will be concluded as soon as reasonably practicable.

It is not expected that other parties to the grievance would attend the meeting. However, if it is determined by the Town Clerk that their contributions would facilitate consideration of the grievance they will be asked to make themselves available, in order that they may respond to any matters raised by the aggrieved employee during the course of the meeting.

A formal written response to the grievance should be issued within 5 working days of either the initial or the reconvened grievance meeting as appropriate.

APPEAL

If the employee is still aggrieved, there is a right of appeal to a panel of members of the Personnel Sub-Committee. The notice of appeal should be submitted in writing within ten working days of receipt of the formal written response issued by the Town Clerk. The Appeal Panel shall consider the appeal within twenty working days of receipt of the written appeal.

There is no further right of appeal.

GRIEVANCES RELATING TO THE TOWN CLERK

If the grievance relates directly to the action or omission of the Town Clerk, the grievance should be submitted in writing directly to the Mayor or the Chairman of the Policy & Resources Committee who will oversee the investigation process and respond to the grievance as outlined above.

If the grievance is being raised by the Town Clerk the grievance should be submitted in writing to the Mayor or the Chairman of the Policy & Resources Committee as above.

REPRESENTATION

An individual raising a formal grievance may be accompanied throughout the formal stages of the process by a trade union representative or work colleague of their choice.

Termination of Employment

RESIGNATIONS

All resignations must be supplied in writing, stating the reason for resigning your post.

TERMINATING EMPLOYMENT WITHOUT GIVING NOTICE

If you terminate your employment without giving or working the required period of notice, as indicated in your individual Statement of Main Terms 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.

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.

RETURN OF VEHICLES

On termination of your employment you must return any Council vehicle in your possession to our premises. Failure to return the vehicle will result in the cost of its recovery being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

GARDEN LEAVE

If either you or the Council serves notice on the other to terminate your employment the Council may require you to take “garden leave” for all or part of the remaining period of your employment.

NB.

During any period of garden leave you will continue to receive your full pay and any other contractual benefits.

Other Policies

The Council has a number of other policies and procedures, copies of these will have been provided to you separately or are available via the Council website, please ensure you have read and understood the following:-

- **Anti-Bribery Policy**
- **Anti-Tax Evasion Policy**
- **Whistle-blowers**
- **Personal Harassment Policy and Procedure**
- **Sexual Harassment Policy**
- **Equality, Inclusion and Diversity Policy**

If you require any clarification or additional information please refer to the Town Clerk.

