



# CREWE TOWN COUNCIL

## EMPLOYEE HANDBOOK

Adopted by Personnel Committee on 28<sup>th</sup> January 2020

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### CONTENTS

	Page
Absences	3
Acceptance of gifts, rewards & hospitality	5
Accompaniment	5
Adoption Leave	6
Alcohol/ substance abuse	6
Anti Tax Evasion Policy	7
Appeal Procedure	7
Attendance	7
Bereavement	8
Bullying	8
Car parking	8
Collections for charities & fund raising	8
Council car policy	8
Council sick pay	9
Competence procedure	9
Computer network	11
Confidential information	11
Contracts of employment	12
Declaration of interest	12
Dependants	12
Disabled persons	12
Disciplinary Procedure	13
Duty of Fidelity	17
Employee development review	17
Employee's property	17
Employee liability/ professional indemnity insurance	17
Environment	17
Equal opportunities	18
Flexible working	18
Good housekeeping	18
Grievance procedure	18
Harassment	19
Health & Safety	19
Holiday entitlement	19
Hours of Work	21
Identity Documentation	22
Induction	22
Information & consultation	22
Investors in People	22
Job descriptions	22
Jury service	22
Literature	23
Making a protected disclosure (Whistle-blowing)	23
Maternity & Pregnancy	24
Medical examinations	27

(Access to) Medical reports	28
Medical Screening	28
Other employment	28
Parental leave	28
Part time workers	29
Paternity leave	29
Pay policy	29
Payment of salaries/wages	29
Pensions	30
Performance management system	30
Personal details	30
Personal appearance	31
Processing of personal data	31
Person specifications	31
Private trading	31
Probationary period	31
Public duties	31
Quality policy	32
Random and Specific checks	32
Recruitment	32
Redundancy/ Redeployment policy	32
References	35
Retirement	35
Smoke Free Policy	35
Statutory sick pay	35
Timekeeping	36
Telephone calls	36
Termination of employment	36
Trade union membership	37
Training & Development Policy	37
Travel & subsistence	37
Unofficial clubs, funds & schemes	37
Vehicles and Driving	38
Appendix 1-Officer Code of Conduct	40
Appendix 2-Dignity at Work Policy	50
Other associated documents-	
please see Constitution on Website or in Dropbox	
Member-Officer Protocol	
Equalities Policy	

## **INTRODUCTION**

This Handbook covers important aspects of employment and we ask that you read it carefully in conjunction with the Contract of Employment given to you when you commence employment. It also sets out the Council's approved Personnel Policies and Rules of Employment.

This document supersedes the version of November 2014 and is written to inform employees of their rights and conditions of employment but does not form part of your contract. It compliments the Council's Personnel Procedures which are written from a management perspective.

Crewe Town Council has adopted the collective agreement known as the "Green Book" issued by the NJC for Local Government Services (comprising representatives of employers & employees). The Green book contains four parts. Part 1 is Principles and Part 4 joint advice. It divides terms and conditions into key national conditions (Part 2) and national provisions which may be modified locally (Part 3).

The Council's Employee conditions of service as set out in this handbook, build on the Green Book. Local procedures are developed in accordance with ACAS guidelines.

The Council sets out to reward the commitment of its staff, consistent with its financial resources and to provide a satisfying and flexible working environment in which staff are given the opportunity to develop.

People are our most important asset and the quality and attitude of individuals is therefore the key to our continued success. Because of this, we will always treat each employee as an individual, and respect their rights and sensitivities.

NB. References to notifications to be made to the Town Clerk should be read as Chairman of Personnel Committee when the employee concerned is the Town Clerk.

## **ABSENCES**

Absence causes reduced levels of customer service and additional pressure on remaining employees to cover, often at short notice. The Council's Absences Policy provides a framework which helps us all to manage absenteeism and provides support to everyone involved. It recognises the need for a mutually responsible and caring approach to managing absence consistently.

We do accept and understand that from time to time, our staff will be ill, may need to take time away from work to look after their family, or may need to take time off to attend to some other urgent matter. However, for the above reasons, we do view persistent absence from work as a serious matter. Dealing with long term sickness will require a different approach to that needed for repeated short-term absences.

Absence rates will be monitored within our organisation. Along with an employee's absence rate, we will always review and consider the reason for their absence and will discuss this with the employee. By taking the time to understand why our staff are absent from work, we will be able to explore options with them and hopefully find solutions that will help them to attend work regularly. We will always treat staff fairly, and will not discriminate in the way we deal with absences, or grant time off.

The Absence Policy requires that every employee's absence record is assessed and reviewed with them after every period of absence. The purpose of the review will be:

- To welcome the employee back to work and provide an update about any developments which have occurred during their absence
- To check that an employee is fit for work and to understand their wellbeing needs
- To see whether the Organisation can provide any additional support to help rehabilitation
- To review the employee's absence record & discuss any patterns of absence which are apparent and which cause concern.
- To discuss with the employee the impact of their absence on the Council.

The form of the review will of course vary according to each individual's absence record.

## **APPOINTMENTS**

Employees are normally expected to ensure that any appointments made to visit the doctors, dentists, hospital, etc are made in their own time, and outside normal working hours. In the event that this is not reasonably practicable, time off work will be allowed to attend such appointments providing that:

- the appointment is substantiated with an appointment card, email or text,
- the timing of the appointment causes as little disruption as possible i.e. at the beginning or end of the working day, and
- prior permission is obtained from your Manager.

## **ABSENCE NOTIFICATION**

Employees must follow the procedure below for all periods of absence including:

- sickness
- appointments-dental/hospital etc
- other genuine emergency situations

Prior permission must be obtained from your Manager for all absence other than unexpected sickness. An Absence Record Form must be completed before the absence commences, for all absences other than unexpected sickness, injuries, or other genuine emergency situations.

Absence for reasons of sickness, injury or other genuine emergency situations must be notified as soon as possible, by telephoning your Manager by 9.30 am. (In the case of the Town Clerk, a notification will be made to the Deputy Town Clerk who will advise the Personnel Chairman). It is the employee's responsibility to keep the Council advised of circumstances which are preventing the employee from attending work and their likely return date.

In the case of absence because of an emergency situation, you will normally be required to take annual holiday entitlement (or time off in lieu) to cover the period of absence. In extreme cases such as bereavement of a close family member, the Town Clerk has discretion to grant compassionate leave. In cases of sickness of 7 calendar days or less, the Self Certification Form will be completed immediately upon return to work. Where, however, the absence is expected to or lasts for a period in excess of 7 days, Fit Certificate(s) [often referred to as Medical Certificates] will be required from a Doctor to cover the employee for the duration. Fit Certificates must be forwarded immediately by the employee. Failure to do so may result in sick pay being delayed or withheld and disciplinary action being taken. On the expiry of your fit certificate you will be assumed to be fit for work, unless evidence is supplied to the contrary.

If you are taken ill whilst at work and need to go home, the absence must be counted as sick leave and a self certificate completed. If you go home before 11.00am a full day's absence must be shown on the self certificate for that day. If you leave after 11.00am a half day's absence must be shown on the self certificate for that day. Unauthorised absence will lead to disciplinary action which may include dismissal.

Long term sick leave will be reviewed at regular intervals under the Absence Policy. If after a reasonable period you remain unable to work, the Competency Procedure may be invoked.

### **Pay during absence**

You are not entitled to be paid your wage/salary when absent from work unless authorised. However, if your absence is due to illness or injury you will qualify for Statutory Sick Pay (SSP) if you comply with the Absence Procedure. You may also qualify for Council Sick Pay to make up the difference between (SSP) and your normal salary. See the appropriate section of this handbook.

If you are absent from work due to incapacity caused through an accident and the Council has continued to pay you, the Council reserves the right to recover such sums as appropriate as part of any case for compensation pursued against a third party.

**Holidays.** For booking holidays or time off in lieu, see Holiday Entitlement below.

## **ACCEPTANCE OF GIFTS, REWARDS AND HOSPITALITY**

The acceptance of gifts and hospitality are particularly sensitive areas. The way in which you receive a gift/hospitality depends on the type of relationship involved and the context in which the gifts/hospitality are offered. Staff should always bear in mind the following points:

There must be nothing in your behaviour, which might give rise to a suspicion that you are acting in your own private interest, which might lead to a conflict of interest.

Your actions should never give the impression to the public; to any organisation with which you deal or to your colleagues that a gift or reward could influence the way in which you deal with any person or organisation.

Staff should always inform the Town Clerk of gifts/hospitality invitations/rewards made to them and the Town Clerk should advise the Mayor. Failure to do so will lead to disciplinary action.

You must comply with the Officer Code of Conduct set out as Appendix 1 to this Handbook.

## **ACCOMPANIMENT**

“Workers” have a statutory right to be accompanied by a fellow worker or by a trade union official, where they are required or invited by their employer to attend certain disciplinary or grievance hearings and they make a request to be so accompanied. This right applies not only to employees working under a contract of employment, but also to workers who are not genuinely self-employed, agency workers, home workers and casuals.

The ‘companion’ will be either:

- a fellow worker (another worker of the same employer);
- a full time official employed by a Trade Union; or
- a lay trade union official or workplace representative who has been specifically certified in writing by their union to act as a companion at disciplinary or grievance hearings.

The statutory right applies to:

**Disciplinary meetings** which could result in:

- the administration of a formal warning;
- the taking of some other action, which will include dismissal;
- the confirmation of a warning issued or some other action taken.

The Council also allow an employee to be accompanied under the Appeal Procedure or Competence Procedure.

In the case of a Grievance Meeting there may be no automatic legal right for a worker to be accompanied at a fact-finding interview (an investigatory meeting) prior to a formal disciplinary meeting, although if that investigatory interview, for instance, centres on a specific individual and disciplinary proceedings are likely to follow then the right to be accompanied is likely to apply.

## **ACCOMPANYING PERSON**

A worker who has been requested to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil this responsibility. A lay trade union official or a workplace representative is also entitled to reasonable paid time off by the employer provided that the worker who has requested to be accompanied is employed by the same employer.

Acting as a companion is voluntary and employees are under no obligation to do so.

The right to be accompanied by a trade union official is not limited to where the trade union is recognised by the employer.

The Council may, at its discretion, allow you to bring a companion who is not an employee or union official (for example, a member of your family, but not a legal representative) where this will help overcome a particular difficulty caused by a disability or where you have language difficulties.

The companion will be allowed to participate in the hearing and to ask questions. The companion has the legal right to address the hearing, but does not have the legal right to answer questions on behalf of the worker. Facilities should be made available to allow a reasonable amount of time for preparation and to confer privately during the course of the hearing.

If the designated companion cannot attend a hearing at the time proposed, the worker can suggest a reasonable alternative which must be within 5 working days of the first date suggested.

### **ADOPTION LEAVE**

Any employee who is adopting a child and meets certain qualifying conditions has the right to take 26 weeks ordinary unpaid adoption leave and the right to an additional 26 weeks of unpaid absence.

To qualify, you will need to have been continuously employed for at least 26 weeks. Statutory Adoption pay may be able to be claimed by some employees.

If this may apply to you, you are advised to discuss the matter with the Town Clerk and if necessary, with the Council's HR Advisers.

### **ALCOHOL/SUBSTANCE ABUSE**

The Town Council expressly prohibits the use of any illegal drugs or of any prescription drugs that have not been prescribed to you.

It is a criminal offence to be in possession of, use or distribute an illicit substance. If the Town Council suspects you have committed any such offences whilst on Town Council premises, whilst within a Town Council vehicle or whilst engaged elsewhere on Town Council business, the offence will be investigated and may lead to disciplinary action being taken against you and the matter being reported to the Police.

You may not:

- report, or endeavour to report, for duty having consumed drugs or alcohol likely to render you unfit and/or unsafe for work;
- consume or be under the influence of drugs or alcohol while on duty, including during authorised breaks;
- store drugs or alcohol in personal areas such as lockers and desk drawers;
- attempt to sell or give drugs or alcohol to any other employee or other person on Town Council Premises or while on Council business.

You should inform your manager of any prescribed medication that may have an effect on your ability to carry out your work properly and safely. Drugs that cause drowsiness, must not be used while at work.

If you are suffering from a drug or alcohol dependency you should advise a member of senior management of your own choosing. The Town Council will seek to provide reasonable assistance by treating absences for treatment and/or rehabilitation as sickness absence. If you fail to accept help or fail to continue with treatment you may be subject to the disciplinary procedures.

Alcohol must not be brought on to the Council's premises or consumed in any circumstances without the consent of the Town Clerk.

Any individual thought to be under the influence of excess alcohol will be escorted from the premises and escorted home and may be subject to action under the laid down disciplinary procedures.

## **ANTI TAX-EVASION POLICY**

The Council has a zero tolerance approach to all forms of tax evasion, whether under UK law or under the law of any foreign country.

Employees of the Council must not undertake any transactions which:

- a. Cause the Council to commit a tax evasion offence; or
- b. Facilitate a tax evasion offence by a third party.

The Council is committed to acting professionally, fairly and with integrity in all its business dealings and relationships and implementing and enforcing effective systems to counter tax evasion facilitation. At all times, business should be conducted in a manner such that the opportunity for, and incidence of, tax evasion is prevented.

This policy applies to all persons working for the Council, and its Members, including but not limited to agency workers, seconded workers, volunteers, contractors, external consultants, third-party representatives and business partners, sponsors or any other person associated with it.

## **APPEAL PROCEDURE**

An appeal against a disciplinary/competency/redundancy decision must be notified to the Town Clerk, in writing, within three working days of the receipt of written confirmation of disciplinary/ competence action taken.

The appeal will be considered as soon as possible and an invitation will be made to discuss the matter fully. The procedure is designed to ensure that employees are treated fairly and lawfully in all matters of discipline, competency and dismissal. An employee is entitled to be accompanied by a fellow employee or accredited trade union representative.

During the appeal meeting, the onus will be on the employee to put forward the grounds for appeal and any new evidence which could alter the original decision. The employee can be requested to provide prior written notification of the reasons for the appeal. If any new information comes to light, we will provide you with details in writing. You will have reasonable opportunity to consider this information before the meeting. If you raise any new matters in your appeal, we may need to carry out further investigation.

Following the appeal, we may:

- confirm the original decision;
- revoke the original decision; or
- substitute a different outcome;

The outcome of the appeal will be final, it will be notified to you in writing and copies of all correspondence, will be retained on the personnel file.

Appeals against action taken by a manager will be undertaken by the Town Clerk. Appeals against action taken by the Town Clerk will be undertaken by members of the Appeals Committee who have not been part of the original decision or an independent person appointed by the Committee.

If an employee does not accept the annual Employee Development Review, and this cannot be resolved with the Manager, an appeal may be made to the Town Clerk. The EDR will be reviewed with both the Manager and employee present and the Town Clerk's decision will be final. If the original appraisal was undertaken by the Town Clerk, the review will be undertaken by the Chairman/Vice Chairman of Appeals Committee. The Town Clerk may appeal against his/her EDR and it will be reviewed by 3 members of Appeals Committee not involved in the original review.

## **ATTENDANCE**

The Council requires regularity of attendance from its employees. This is of the utmost importance in maintaining an efficient business and high-quality service to customers. Breaches of this requirement may invoke the Council's Disciplinary Procedures.

## **BEREAVEMENT**

If you suffer bereavement in your immediate family - that is, the death of a parent, spouse, brother, sister, son, daughter, in-laws, legal guardian or partner, paid leave will be allowed for the funeral. Additional compassionate leave of up to 5 days may be allowed for immediate family bereavement at the discretion of the Town Clerk. (In the case of the Town Clerk, the discretion will lie with the Chairman and Vice Chairman of Personnel Committee). Time off for funerals will also be allowed for more distant relatives and close friends, at the discretion of the Town Clerk (or Chairman & Vice Chairman of Personnel Committee).

## **BULLYING**

Workplace bullying is a separate issue from harassment but the effects can be the same. While workplace harassment benefits from a legal definition, there is no standard definition of bullying. Within the working environment bullying can be described as the use of a position or power to coerce others by fear, oppression or threat.

The Council will not tolerate bullying behaviour at any level and it is the responsibility of everyone, and particularly managers to do everything possible to eliminate any form of bullying which they become aware of.

Allegations of bullying will be dealt with under the Dignity at Work Policy which forms Appendix 2 of this Handbook and if appropriate the grievance or disciplinary procedure. Any employee who feels they are being bullied should consult any manager or the Town Clerk.

## **CAMERA TELEPHONES/EQUIPMENT**

It is accepted that in the course of your work that you may need to use any of the following:

- the camera function of a mobile phone
- a digital or other camera;
- a camcorder or similar device
- a tape or other recording device for sound or pictures.

You should note these rules do not restrict any confidentiality obligations in your Statement of Particulars of Employment, this Handbook, any of our policies currently in force or any other confidentiality or non-disclosure agreement. These continue in full force and effect.

## **CAR PARKING**

Some parking facilities are provided for employees' cars. However, the Council disclaims all liability, whether in negligence or otherwise, for loss of or damage to any vehicle and/or its contents, howsoever caused, whilst left on the premises.

The Council encourage employees to use a more sustainable form of transport where possible, and where a vehicle is not required for business purposes.

## **COLLECTIONS FOR CHARITIES AND FUND RAISING**

The Town Council is keen to assist legitimate charitable and community activities, provided they do not interfere with the business of the Council. To ensure this does not happen and that the cause or activity concerned is genuine, all such collections and fund-raising must receive prior authorisation from the Town Clerk. Organisers should ensure that no pressure is placed on staff to contribute.

## **COUNCIL CAR POLICY**

The Council currently does not have a policy which entitles employees to the provision of a car as part of their contract of employment or the equivalent of an annual cash payment. For use of your own car, see Vehicles and Driving section below.

## **COUNCIL SICK PAY**

The Scheme is intended to supplement Statutory Sick Pay so as to maintain normal pay during defined periods of absence. Employees are entitled to receive Council sick pay after the Probationary Period or after 4 months employment for the following periods, providing the Absence Procedure has been fully complied with:

During 1 <sup>st</sup> year of service	1 month full pay and 2 months half pay
During 2 <sup>nd</sup> year of service	2 months full pay and 2 months half pay
During 3 <sup>rd</sup> year of service	4 months full pay and 4 months half pay
During 4 <sup>th</sup> & 5 <sup>th</sup> year of service	5 months full pay and 5 months half pay
After 5 years of service	6 months full pay and 6 months half pay

The amounts are calculated in accordance with the Green Book. The Council has discretion to extend the period of sick pay in exceptional cases.

## **COMPETENCE PROCEDURE**

This procedure is separate from the Disciplinary Procedure and is not intended to deal with misconduct, rather cases where an employee is unable for any reason to satisfactorily carry out the work required by the job description. It provides a framework within which managers can work with employees to maintain satisfactory performance and to encourage improvement where necessary. It is for guidance and does not form part of your contract of employment.

The Council will make every effort to discuss with the employee, the reasons for the inability to satisfactorily carry out work. It will jointly with the employee, seek solutions such as offering training or development opportunities, additional equipment or if possible changing the duties of the post. It will also look at the time or location if these are relevant. It may be necessary, dependent upon the circumstances of the competence issue, to suspend the employee on full pay, or to limit the scope of the work, whilst the necessary alternatives are investigated.

The capability issue may be associated with health or disability, the Council will seek as much information as possible and may require medical reports. The Council will see if it can make reasonable adjustments which will help you with your disability at work. The issue will never be determined on age grounds, unless there are any statutory requirements.

If these options do not provide a solution, the Council will seek to offer suitable alternative employment where possible. Termination of the Contract of Employment will only be pursued as a last resort.

### **Stage 1 Competence Hearing**

In the first instance, performance issues should normally be dealt with informally between you and your manager as part of day to day management or stemming from the annual Employee Development Review. Informal discussions may be held to:

- Clarify the required standard
- Identify areas of concern
- Establish causes of poor performance
- Setting lengths for improvement and/or
- Agreeing a time scale for review

The formal procedure will be used for more serious cases, or where informal discussions have not resulted in a satisfactory improvement. The hearing will be held with your manager, another manager or the Town Clerk. You must also take reasonable steps to attend a hearing. Failure to do so without good reason may be treated as misconduct. You will be entitled to be accompanied to a formal hearing.

The purposes of the first stage hearing include:

- Setting out the required standards that are considered not to be met;
- Establishing the likely causes of poor performance;
- Allowing you the opportunity to explain the poor performance and ask relevant questions;
- Discussing measures which may help you improve your performance
- Setting targets for improvements;
- Setting a time scale for review;

Following the hearing, we will if we deem it appropriate to do so, give you a written warning setting out:

- The areas in which you have not met the required performance standards;
- Targets for improvements;
- Measures such as additional training, or supervision which will be taken with a view to improving performance;
- A time scale for review;
- The consequences of failing to improve within the review period, or of further unsatisfactory improvement;

The warning will normally remain active for 6 months, but will be a permanent part of your personnel record. At the end of the review period:

- If your manager is satisfied with your performance, no further action will be taken; or
- If your manager feels there has been a substantial but insufficient improvement, the review period may be extended, or
- If your manager is not satisfied, the matter may be progressed to stage 2.

### **Stage 2 Competence Hearing**

If your performance does not improve within the review period, or if there are further instances of poor performance while your first written warning is still active, we will hold a second capability hearing. The Council reserve the right to proceed directly to the Stage 3 Competence Hearing where poor performance is serious enough to justify this. The purposes of the second capability hearing are similar to those of the first stage hearing but include the identification of further measure which may be appropriate.

Following the hearing, if we decide that it is appropriate to do so, we will give you a final written warning, setting out:

- The areas in which you have not met the required performance standards;
- Targets for improvement;
- Any measures, such as additional training or supervision, which will be taken with a view to improving performance;
- A further time-scale for review;
- The consequences of failing to improve within the time-scale or of further unsatisfactory performance;

A final written warning will normally remain active for 12 months, but will form a permanent part of your personnel record.

If your performance does not improve Your performance will be monitored and at the end of the review period we will write to inform you of the next step, as follows:

- If your Manager is satisfied with your performance, no further action will be taken;
- If your Manager is not satisfied, the matter may be progressed to a stage 3 capability hearing; or
- If the Manager feels that there has been a substantial but insufficient improvement, the review period may be extended;

### **Stage 3 Competence Hearing**

If your performance does not improve within the further review period set out in the final written warning, or if there are further serious instances of poor performance while your final written warning is still active, we will hold a further capability hearing.

The purposes of the stage 3 hearing include:

- Setting out the required standards that are considered not to have been met;
- Identifying areas in which performance is still unsatisfactory;
- Allowing you the opportunity to explain the poor performance and ask any relevant questions;
- Establishing whether there are any further steps that could reasonably be taken to rectify the poor performance;
- Establishing whether there is any reasonable likelihood of the required standard of performance being met within a reasonable time; and
- Discussing whether there is any practical alternative to dismissal, such as redeployment to any suitable job that is available at the same or lower grade;

In exceptional cases where we believe that there is a reasonable likelihood of the necessary improvement being made within a reasonable time, a further review period will be set and the final written warning extended.

If performance remains unsatisfactory and there is to be no further review period, we may:

- Redeploy you into another suitable job at the same or [if your contract permits] a lower grade; or
- Dismiss you;

Dismissal will normally be with full notice or payment in lieu of notice, unless you are guilty of gross misconduct within the meaning of our disciplinary policy, in which case we may dismiss you without notice or any pay in lieu.

Employees are entitled to appeal against any dismissal decision, in accordance with the Appeal Procedure.

## **COMPUTER NETWORK**

See IT Policy Documents included in this Handbook as Appendix 5

## **CONFIDENTIAL INFORMATION**

The Council encourages openness and the passing of information both internally; between itself and its partners and to the public. Nevertheless, during your employment you are likely to have access to confidential information relating to the Council's business or about clients or members of the public.

This may include:

- business plans, business strategy and marketing plans, not in the public arena
- financial information relating to financial results and financial forecasts, not in the public arena.
- details regarding employees and officers including the remuneration and other benefits paid to them.
- incidents and investigations relating to Town Council operations or business.
- information relating to any bids and tenders contemplated, offered or undertaken.
- confidential reports or research commissioned by or provided to the Town Council.
- any trade secrets including know-how and confidential transactions.
- details of any project on software development or any information relating to any type of replicated digital data medium including magnetic media tape, CD ROM or data designed to be circulated on the internet or any information relating to the methods, tools and techniques used by the Town Council.
- information relating to research activities, inventions, secret processes, designs, formulae undertaken
- details of any transaction, contract or dealings with any person or body in respect of which the Town Council owes an obligation of confidence to a third party.
- any information which you have been told is confidential and any information which has been given to you in confidence by clients, suppliers or other persons.

This list is not exhaustive.

Unless acting in the proper performance of your duties, or required by law, you must not disclose to any person or body, or use, any confidential information that you obtain during the course of your employment. These restrictions apply to disclosure of confidential information to work colleagues apart from certain named individuals. These restrictions shall continue after your employment has been terminated but shall cease to apply to any information or knowledge that subsequently comes into the public domain, other than as a result of unauthorised disclosure by you.

Confidential information, in whatever format made or received by you during the course of your employment is the Council's property. You must return to the Town Council, on request or upon termination of your employment, any confidential information which belongs to the Town Council and is in your possession or under your control. You must delete, on request, all confidential information in your possession and destroy any other documents and/or items which are in your possession or under your control and which contain or refer to any confidential information. You must not retain any copy/copies of any confidential information belonging to the Town Council.

At any time during your employment, or following termination of your employment, the Town Council may require you to provide a written undertaking that you have returned all property belonging to the Town Council including confidential information and that you have not retained any copy/copies of confidential information belonging to it.

### **CONTRACTS OF EMPLOYMENT**

A Contract of Employment will be given to each employee at the earliest opportunity following their employment commencing. It will contain the statutory written Statement of Employment Particulars and other main terms of Employment.

Two copies will be issued, one to be signed and returned by the employee, the other for his/her retention. Minor amendments to the Contract, e.g. a change in salary, will be amended by letter. More substantial changes, e.g. a promotion, may require the issue of a replacement Contract.

Please keep your Contract, any amendments, your job description and person specification safe for future reference.

### **DECLARATION OF INTEREST**

Staff are required to declare any interest they or a member of their family may have in accordance with the Officers' Code of Conduct.

### **DEPENDANTS**

Employees have the right to reasonable time off without pay during working hours to deal with incidents involving a dependant. (See Absence above). The Town Clerk has the discretion to allow pay for this time off in urgent cases of real need to deal with the incident. (In the case of the Town Clerk, the discretion lies with the Chairman & Vice Chairman of Personnel Committee).

The entitlement is to:

- provide assistance when a dependant falls ill, gives birth or is injured or assaulted.
- make arrangements for the provision of care for an ill or injured dependant
- take action in consequence of the death of a dependant.
- care of a dependant following the unexpected disruption or termination of arrangements.
- deal with an incident that involves your child and occurs unexpectedly while the child is at school/other educational establishment.

You must inform your manager of the reason for your absence and how long you expect to be absent as soon as is reasonably practicable. Time off work under this right is envisaged as being no more than one or two days in most cases.

A dependant is defined as your spouse, civil partner, child, parent, a person who lives with you other than as your employee, tenant, lodger or boarder, any other person who would reasonably rely on you for assistance if he/she fell ill or was injured or assaulted, or who would rely on you to make arrangements for the provision of care in the event of illness or injury; or in relation to the disruption or termination of care for a dependant, any other person who reasonably relies on you to make arrangements for the provision of their care.

### **DISABLED PERSONS**

If you are disabled, please ensure that the Council has a record of this and, if you are registered disabled, of your disablement number. The Council's Equalities Policy seeks to eliminate discrimination on the grounds of disability.

The Council will consider any reasonable request to carry out adaptation to make it easier for you to carry out your work.

## DISCIPLINARY PROCEDURE

### 1. INTRODUCTION

This disciplinary procedure is designed to help and encourage employees to achieve and maintain acceptable standards of conduct and job performance at all times, including the need to:

- Fulfil the duties specified in their contract of employment.
- Be honest and act beyond suspicion of dishonesty.
- Maintain high standards of integrity and conduct to protect the council's image and reputation with the public.

1.1 This policy indicates the disciplinary procedure that will normally be followed in the event of misconduct. The following list provides examples of conduct that will normally be regarded as misconduct leading to disciplinary proceedings. The list is not exhaustive.

- Unsatisfactory time keeping.
- Time wasting.
- Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- Damage to, or unauthorised use of council property.
- Failure to comply with rules and regulations applicable to job requirements.
- Minor breaches of your contract of employment.
- Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the council.
- Obscene language or other offensive behaviour.
- Insubordination or refusal to follow instructions.
- Any other conduct that from time to time is defined by the Council as amounting to misconduct or breach of Council General Rules.

This Procedure applies to all employees regardless of status or length of service, except to employees in their probationary period. It is for guidance and does not form part of your contract of employment. This Procedure does not apply to cases involving genuine sickness absence; proposed redundancies; or poor performance and competence.

### 1.2 GENERAL RULES

- Employees have an obligation to ensure that they conform to the requirements of the Equalities Policy and must not act in a manner which could be considered to be of an unlawful discriminatory nature against fellow employees, customers, or other people with whom they come into contact on the Council's business.
- Employees are expected to achieve and maintain a good standard of workmanship and cleanliness and to show a conscientious approach to the job or to the detail of that job to a standard that may reasonably be expected.
- To ensure maximum efficiency, employees are engaged on the basis that they must be prepared to undertake reasonable duties other than those for which they have been specifically engaged.
- The telephone, internet, emails or postal service must not be used for private purposes without prior permission.
- Visitors are not allowed on to the premises at any time without prior authority.
- An orderly and courteous manner must be maintained in front of customers, visitors and the public.
- It is not permitted to remove material or equipment of any kind from the Council or any other place of work without prior written permission.
- The Council's or customers'/clients' time, material or equipment must not be used for any unauthorised use.
- All authorised notices displayed are expected to be read and observed.
- Employees are expected to act wholeheartedly in the interests of the Council at all times. Any conduct detrimental to its interests or its relations with its customers, suppliers, the general public or damaging to its public image shall be considered to be in breach of the Council's rules.

- Employees must not perform, arrange, or carry out any work or activity which could be considered to be in competition with or which adversely affect in any way the Council's interests.
- Employees must act in accordance with the Council's operating procedures and policies.
- Employees must take reasonable care of the health and safety of employees and third parties.
- Comply with all reasonable instruction given by your manager.
- Comply with the Council's rules for IT and social media.
- Comply with Data Protection legislation and procedures.

1.3 For first instances of minor misconduct, the employee's manager or Town Clerk may speak to the employee informally before implementing a formal disciplinary procedure. However, there is no obligation for the employee's manager or Town Clerk to do this.

## 2. SCOPE

The procedure applies to all employees of Crewe Town Council.

## 3. VERBAL WARNINGS

Verbal Warnings are issued by a manager or the Town Clerk (or in the case of the Town Clerk, nominated members of Personnel Committee) for most first instances of general misconduct, depending on the seriousness of the offence. If the employee is given a Verbal Warning, he or she will be warned of the likely consequences of any further disciplinary offences or a failure to improve his or her conduct to the satisfaction of the Council. A note confirming the Verbal Warning will be placed on the employee's personnel file. A Verbal Warning will normally remain in force for 6 months, but remain permanently on your Personnel record.

The Verbal Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

## 4. FIRST WRITTEN WARNING

In the case of a serious offence or repetition of an earlier minor offence the employee will normally be given a First Written Warning. A First Written Warning will be issued by the employee's manager or Town Clerk (or in the case of the Town Clerk, nominated members of Personnel Committee) and will set out:

- the nature of the offence and the improvement required (if appropriate) and over what period;
- the likely consequences of any further offence or failure by the employee to improve his/her conduct to an acceptable standard;
- that further offences will result in more serious disciplinary action; and
- the employee's right of appeal.

A first Written Warning will normally remain in force for 12 months, but remain permanently on your Personnel Record. The First Written Warning stage of the procedure may be omitted if the offence is of a sufficiently serious nature.

## 5. FINAL WRITTEN WARNING

If further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious, the employee will be given a Final Written Warning. A Final Written Warning will be issued by the Town Clerk (or in the case of the Town Clerk, nominated members of Personnel Committee) and will set out:

- the nature of the offence and the improvement required (if appropriate) and over what period;
- the likely consequences of any further offence or a failure by the employee to improve his/her conduct to an acceptable standard;
- that further offences will result in more serious disciplinary action up to and including dismissal; and
- the employees right of appeal.

Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning. A Final Written Warning will normally remain in force for 24 months, but will remain permanently on your personnel records.

## 6. STANDARD COUNCIL DISCIPLINARY PROCEDURE

- 6.1 The Council will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.
- 6.2 The Council will set out in writing the alleged conduct or other circumstances which lead the Council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.
- 6.3 Disciplinary meetings will normally be convened within 10 working days of the Council sending the employee the written statement referred to in 6.2 above. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a trade union. The Council will be represented by the employee's manager or Town Clerk, an advisor to the Council, or if the disciplinary action is against the Town Clerk, members of Personnel Committee.
- 6.4 If the time or date proposed for the meeting is inconvenient (either for the employee or for the Employee's companion should he or she wish to be accompanied to the meeting pursuant to 6.3 above) the employee may ask to postpone the meeting by up to 5 working days.
- 6.5 The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's representative(s) time to consider their decision.
- 6.6 After the meeting the Council will inform the employee of their decision and any applicable sanction within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.
- 6.7 If the employee wishes to appeal against the decision, he or she must notify the Council in writing within 5 days of receiving written notice of the decision.
- 6.8 If the employee notifies the Council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting before the Council's Appeals Committee. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.
- 6.9 A disciplinary appeal meeting will normally be convened within 10 working days of the Council receiving notification that the employee wishes to appeal. If the meeting date is inconvenient for the employee or the employee's companion he or she may ask to postpone the meeting by up to 5 working days.
- 6.10 The appeal hearing will:
  - Consider any new evidence the employee wishes to put forward or any new evidence from the manager.
  - Review the original disciplinary penalty.
  - Not increase the severity of the original penalty
- 6.11 The disciplinary appeal hearing will not necessarily take place before any disciplinary sanction imposed by the manager takes effect. If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.
- 6.12 The hearing may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's representative time to consider a decision.
- 6.13 After the disciplinary appeal hearing the Council's will inform the employee of the final decision within 5 working days. The hearing may be reconvened for this purpose. The decision will be confirmed to the employee in writing.
- 6.14 There is no further opportunity for the employee to appeal.

## 7. COUNCIL DISMISSAL PROCEDURE FOR USE IN GROSS MISCONDUCT

In the case of further misconduct within the time period specified in any Final Written Warning or if the misconduct is sufficiently serious and the Town Clerk [or Personnel Committee] deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee the following formal disciplinary procedure will be followed.

- 7.2 The following list provides examples of conduct that will normally be regarded as Gross Misconduct. This list is not exhaustive:
1. Refusal or repeated failure by an employee to carry out his or her duties.
  2. Falsification of documents or information (including expense claims).
  3. Unauthorised disclosure of confidential information.
  4. Assault, physical violence or bullying whilst acting or purporting to act on behalf of the Town Council.
  5. Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the Town Council.
  6. Serious or repeated harassment (including sexual and racial harassment).
  7. Incapacity at work due to the influence of alcohol, unprescribed drugs, alcohol or any other substance.
  8. Wilful damage to Council property.
  9. Deliberately accessing internet sites containing pornographic, offensive or obscene material.
  10. Theft, unauthorised use or possession of Town Council property or fraud.
  11. Serious insubordination.
  12. Conduct bringing the Town Council into disrepute.
  13. Serious breach of health and safety.
  14. Any other conduct that from time to time is defined by the Town Council.
- 7.3 If an employee is accused of any Gross Misconduct, he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such a period of suspension will not normally exceed 20 working days unless there are exceptional circumstances.
- 7.4 The Council's representative will investigate the matter and will establish the facts surrounding the complaint as necessary, taking in to account the statements of any available witnesses. As part of that investigation the employee will be interviewed.
- 7.5 If the Council's representative believes that there is sufficient reason, following a disciplinary hearing, to consider that the employee is guilty of gross misconduct his or her employment will be terminated summarily without notice or pay in lieu of notice.
- 7.6 The Council's representative will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the basis for thinking that the employee is guilty of that misconduct. The date on which the employment terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations he or she may have following the termination of employment. This statement will also explain the employee's right to appeal against the decision.
- 7.7 If the employee wishes to appeal against the decision he or she must notify the Council's representative in writing within 5 working days of receiving notice of the decision.
- 7.8 If the employee appeals, the Council's representative will invite the employee to attend a disciplinary appeal hearing convened by the Chair /Vice Chairman of the Appeals Committee. The employee must take all reasonable steps to attend the hearing. The employee has the right to be accompanied to a disciplinary appeal hearing by a fellow employee or by a representative of a trade union.

- 7.9 Any disciplinary appeal hearing will normally be convened within 10 working days of the Council's representative receiving notice from the employee that he or she wishes to appeal. If the date of the meeting is inconvenient for the employee or his or her companion the employee may ask to postpone the meeting by up to 5 working days.
- 7.10 After the disciplinary appeal meeting the employee will be informed of the Council's final decision within 5 working days, the meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

## 8. GENERAL PROCEDURAL INFORMATION

- 8.1. Verbal Warnings and First Written Warnings will normally be issued by the employee's manager or Town Clerk. Final Warnings and dismissals will normally be carried out by the Town Clerk. Disciplinary proceedings raised under the standard Council disciplinary procedure will also normally be investigated and any meetings to discuss the disciplinary proceedings conducted by the employee's manager or Town Clerk.
- 8.2. Where disciplinary proceedings are instigated against the Town Clerk, Verbal Warnings and Written Warnings will be given by the Personnel Committee. Any investigations and any meetings will be carried out by the Council's Personnel Committee. Dismissal of the Town Clerk will be ratified by Council. Any disciplinary appeal meeting will be conducted by members Appeals Committee who do not sit on the Personnel Committee.

### **DUTY OF FIDELITY**

All Council employees, regardless of their seniority or level of responsibility, have a duty to always act in the best interests of the Council. This includes devoting all time and attention to the proper performance of duties during working time; avoiding actions or inactions that may bring the name or reputation of the Council into disrepute; and not undertaking work, either personally or on behalf of someone else, that would compromise the Council's services.

### **EMPLOYEE DEVELOPMENT REVIEW**

As part of the Council's drive to improve quality and efficiency, employees will undergo an annual employee development review and may be given individual targets which reflect contributions to the Council's business plan objectives. The results may be used as part of the criteria for determining any incremental progression.

### **EMPLOYEE'S PROPERTY**

The Town Council accepts no responsibility whatsoever for damage or loss to employees' property left on the Council's premises. The Town Council will, of course, take every reasonable step to recover lost property, but you are advised not to leave articles of value on the premises.

### **EMPLOYERS' LIABILITY/PROFESSIONAL INDEMNITY**

Under the Employers' Liability (Compulsory Insurance) Act 1969, the Council is insured against liability for personal injury and/or disease sustained by its employees arising out of or in the course of their employment.

Professional Indemnity cover provides protection against breach of professional duty. The policy is designed to protect you against claims made by third parties. A comprehensive list of all insurances is held by the Council and can be inspected by any member of staff on request.

### **ENVIRONMENT**

The Council is very aware of their legal and moral responsibilities to look after the local and global environment. As a result, they have in place an Environment Policy and operating procedures which jointly govern how this is done. All employees are expected to contribute to implementing these policies and procedures.

## **EQUAL OPPORTUNITIES**

The Council is an Equal Opportunities employer. It is firmly committed to equal opportunities policies which aim to eliminate discrimination wherever it may exist on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation or marriage or civil partnership, in the recruitment, promotion and training or application of any employment conditions of its staff and in the provision of its services. The Town Council will be proactive on equality and review its achievements in this respect.

Disciplinary action will be taken against an employee found to be unlawfully discriminatory to prospective or current employees, customers, or suppliers. The Council will also expect its contractors and partners not to discriminate and to be positive about equality.

## **FLEXIBLE WORKING**

Employees with at least 6 months continuous service are entitled to request a formal flexible working arrangement, on a permanent basis, in terms of hours, location and pattern of work, in order to enable them to care for a child under 6 years (18 if registered disabled). Employees are requested to submit a written application at which time the Council will convene a meeting to discuss the circumstances and effect on the Council.

In addition to this statutory condition, the Council has a **family friendly and work-life balance policy** and will consider requests for flexible working sympathetically, where it does not disrupt the business in any of the following ways:

- burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes within the Council.

It is intended that this policy will prove beneficial to both the employee and the Council, and the hours which you work in any week will normally agreed with your manager.

## **GOOD HOUSEKEEPING**

You have a responsibility to contribute to 'good housekeeping' and to help to maintain the tidiness and cleanliness of the workplace. In particular, you are responsible for tidying up after completing work and leaving your workstation in a clean condition and for the safe collection and storage of materials delivered to your order. Staff should always seek to optimise the use of resources and minimise waste e.g. paper, heat, light, power etc.

## **GRIEVANCE PROCEDURE**

Where there is a grievance relating to any aspect of employment, the following procedure should be adopted.

Wherever possible, grievances should be taken up with the relevant manager, or Town Clerk informally before the formal Grievance Procedure is used.

1. The grievance should be raised verbally, or in writing, with the Town Clerk. Where appropriate a meeting will be held to enable the employee to give full details. Sufficient time will then be allowed for the facts of the case to be considered, and the outcome notified to the employee.
2. The grievance will normally be considered by the Town Clerk, however if he/she is part of the grievance issue, or has made the grievance, this will be undertaken by the Chairman/Vice Chairman of the Personnel Committee.
3. The employee is entitled to be accompanied by a fellow employee or accredited trade union representative.
4. The decision will always be confirmed in writing. If the employee is not satisfied with the outcome, they will have the right to appeal.

## **HARASSMENT**

The Council recognises the right of every employee to work in an atmosphere free of harassment and to complain about it should it occur. The Council agrees to take appropriate steps to promote such a workplace. It is against the policies of this Council for any employee to harass another employee in any way. Such conduct will not be tolerated. All employees will be expected to comply with the Council's comprehensive Dignity at Work Policy, included in this Handbook as Appendix 2. The Policy also explains how you can get help or make a formal complaint if you feel your are being harassed or just feeling uncomfortable.

## **HEALTH AND SAFETY**

Please make sure you read and understand the Council's Health and Safety Policy, and the organisation and arrangements for fulfilling that policy. Each employee will given a copy. You must have regard for the safety and well-being of yourself and others at work. Please report all potential hazards, dangerous occurrences and accidents to your manager or the Town Clerk. Advice is available from the Council's nominated consultants if necessary. It is important that you co-operate with any investigations into accidents or dangerous occurrences.

You will be issued with personal protective equipment and clothing where this is appropriate to your duties. You are required to wear this as directed.

### **Accidents**

If you are injured during the course of your work or are involved in a dangerous incident, report this to your manager or the Town Clerk as soon as possible. Please ensure that an entry is made in the Accident Book, which is kept on the premises.

### **Fire Instructions**

You must familiarise yourself with the instructions displayed on the notice boards. Please also acquaint yourself with at least the two fire exits nearest to the area in which you are working. Regular Fire Tests/Drills will be carried out.

### **First Aid**

During normal working hours first aid treatment is available from appointed first aiders. Please have treatment for any injury sustained at work, no matter how slight it may appear at first. Names of qualified first aiders within the Council will be displayed on the notice board. All treatment must be logged in the Accident Book.

### **Display Screen Equipment/Eye Tests**

To meet the requirements of the Display Screen Equipment Regulations, the Council will provide a free eye test for all staff who use VDU equipment as a major part of their job role. It is the Council's intention to optimise the use and application of display screen equipment within the Council, whilst safeguarding the health, welfare and job satisfaction of those involved in using such equipment.

## **HOLIDAY ENTITLEMENT**

### **Annual holiday entitlement**

The Council's holiday year runs from 1st April to the following 31st March. Allow employees to carry forward up to 5 days holiday entitlement into the following leave year at the Town Clerk's discretion

During your first full holiday year of employment with the Council (unless you have previous continuous local government service), you are entitled to 25 days holiday. Your entitlement for the holiday year in which you join the Council is calculated on a pro rata basis i.e. 1/12<sup>th</sup> of entitlement for each complete month of service, rounded up to the nearest whole day.

After 12 months or more continuous service with the Council or previous local authority, your holiday entitlement will then be increased by one day for each complete year of service up to a maximum of 5 days additional holiday (maximum 30 days).

As a condition of the holiday entitlement, you may be required to use part of your annual leave entitlement to enable offices to stay closed for the whole of the Christmas period.

Holidays are paid at your current wage/salary for the appropriate days. All holidays and bank holidays are allowed on a pro rata basis for part time staff. In the case of casual employees, your rate is enhanced to include holiday pay which is clearly shown on your payslip.

Paid holiday entitlement will be reduced, pro rata, in any year when your total absence due to sickness or injury exceeds an aggregate of twelve weeks.

You must agree the dates of your holidays with your Manager in advance which must be authorised and entered on your Time off/ Extra Hours Record. Where too many employees require the same holiday period which if granted would impair the efficiency of the operation, management will grant holidays on the basis of first request, first granted.

Subject to the required notice of the holiday dates requested being given in the usual way (see the section on Holiday entitlement) you will normally be able to use your holiday entitlement to observe special religious holidays.

On leaving the Council, you will receive payment for any part of the accrued annual holiday entitlement not taken, and for which you would normally have been paid. If you have taken more than your accrued entitlement at the date of leaving, the excess will be deducted from salary or other monies due to you. In calculating accrued entitlement for this purpose, your employment ends on the day you cease to work.

### **Public & Bank holidays**

You are entitled to the following public & Bank holidays with pay.

New Year's Day  
Good Friday  
Easter Monday  
May Day

Spring Bank Holiday Monday  
Late Summer Bank Holiday Monday  
Christmas Day  
Boxing Day

An alternative day will be designated where any of these days fall on a Saturday or Sunday, where Saturday or Sunday do not form part of the normal working week. Precise holiday dates will be published as soon as possible each year.

Please note, that part-time staff will be allocated these bank holidays on a pro rata basis.

### **Sickness during holidays**

If you are absent on sick leave, you will continue to accrue your full statutory holiday entitlement (currently 5.6 working weeks). However, any contractual holiday entitlement over and above the minimum statutory holiday entitlement will not accrue during any paid or unpaid period of sick leave once you have been continuously absent for a period of one month.

This entitlement is subject to the following strict conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner (where it exceeds seven days).
- You must contact your manager by telephone as soon as you know that there will be a period of incapacity during your holiday.
- You must submit a written request no later than 3 days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that you wish to take at another time.

If you are ill or injured before the start of a period of planned holiday, your manager will consent to you postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the rules on sickness absence. You must submit a written request to postpone the planned holiday and this must be accompanied by a letter from your doctor confirming that you are unfit, or is still likely to be unfit, to take the holiday.

Your manager may require you to take all or part of your replacement holiday on particular days. The Town Council is not required to provide you with any minimum period of notice to do this but will endeavour to provide reasonable notice.

## **HOURS OF WORK**

Your normal hours of work are stated in your Contract of Employment but are based on a standard week of 37 hours. You are expected to work flexibly in accordance with the demands of the job and your specific hours will be agreed by you with your Manager. The Council reserves the right to change working hours after the usual consultation process with staff.

The Town Clerk will be responsible for ensuring adequate cover is maintained for the Council's services during working hours.

The Town Clerk will determine the need for overtime, when it is to be worked and the employees required, taking into account the circumstances appertaining at the time. Except in the case of an emergency, you will be consulted on any overtime requirements by the Town Clerk and as much notice as is possible will be given within the demands of business.

Overtime must be authorised in advance by the Town Clerk or relevant manager. Eligible staff will normally be given time off in lieu, for over time, but may, at the discretion of the Town Clerk, be paid at overtime rates. The first half hour worked on any day will not be classed as overtime, but as "flexible working", and will not attract time off in lieu or overtime payment. No payment is made for travelling time where overtime is worked, except in the case of split shifts.

Employees who earn in excess of Scale Point 22 are not normally eligible for overtime payments, except at the discretion of the Council.

Overtime payments are made at the following rates:

Weekdays,		Time and a half
Saturdays	-	Time and a half
Sundays & public holidays.	-	Double time.

Time off in lieu will always be on a single time basis

Part-time employees are entitled to these enhancements for weekdays only after 37 hours

The Working Time Regulations determine entitlements for working hours, breaks, rest and holidays. The following is a guide only to the provisions relevant to the Council.

- Weekly working time will be limited to an average of forty-eight hours calculated over a reference period of seventeen weeks.
- The reference period may be amended by a *relevant agreement* (for the definition, see below).
- Absences through sickness, holiday or maternity leave are excluded from the calculation, but absences for other reasons will serve to reduce the average working time.
- Workers may opt out of the weekly working time limit by individual written agreement, but they retain the right to opt back in by giving seven days' notice or up to three months' notice if so specified in the opt out agreement. In the event of any individual opting-out, the employer will have to maintain a list of those who have opted-out.
- Adult workers will be entitled to a rest period of not less than eleven consecutive hours and workers under the age of eighteen to a rest period of not less than twelve consecutive hours in each period of twenty-four hours during which they work.
- Adult workers will be entitled to a rest period of not less than twenty-four hours in each seven day period or a rest period of not less than forty eight hours in each fourteen day period.
- Workers under the age of eighteen will be entitled to a rest period of two days (i.e. each day starting at midnight) in each seven day period.
- Adult workers will be entitled to a rest break when daily working time is more than six hours. The rest break may be fixed by a *relevant agreement*, but, if not, it shall be an uninterrupted break of at least twenty minutes.
- Workers under the age of eighteen will be entitled to a rest break of thirty minutes when daily working time is more than four and a half hours.

- There are no relevant agreements currently in force at the Council.
- A significant exclusion from application of the Regulations is for those who regulate their own working time, particularly managers. If a person's working time is genuinely determined by him/herself, then there is only a statutory entitlement to paid holidays and health assessment.
- Holidays, daily rest, weekly rest and daily breaks are only entitlements and not obligations. If a worker chooses not to take up any entitlement, there is no obligation on the employer to provide it.

## **IDENTITY DOCUMENTATION**

Before you started work, the Town Council will have requested documentation from you proving your entitlement to work in the UK. The Town Council is required to check and to satisfy itself that you are the rightful holder of any document/s that you provide. All documents will be checked for the likeness of photographs, dates of birth being consistent with your appearance, expiry dates, stamps, endorsements and names.

Photocopies of the document/relevant parts of the document will be kept on your personnel file. Depending on the particular documentation which you have provided prior to commencing your employment, the Town Council may be required to undertake follow-up checks of your documentation on an annual basis. If in such circumstances you are unable to provide original copies of the documentation required in terms of the relevant legislation, your employment may be terminated.

## **INDUCTION**

For new employees, induction training is carried out as soon as possible after a he/she commences employment, to accelerate their ability to do the job. The objectives of this training are to ensure that the new employee is:

- able to understand the Council's philosophy, hierarchy, organisation and geography.
- introduced to immediate colleagues and other relevant employees.
- familiar with all the conditions which relate to his/her employment.

## **INFORMATION AND CONSULTATION**

The Council is exempt from the provisions of the Information and Consultation of Employees Regulations 2004, but never the less will provide employees with a level of Information and consultation. This will include all statutory notifications and the right to comment on changes to working conditions.

## **INVESTORS IN PEOPLE**

The Council has a very strong commitment to the principles of 'Investors in People' national standard and all its human resource development policies and procedures reflect this.

## **JOB DESCRIPTION**

A job description has been prepared for each post, to give an accurate description of the main duties, responsibilities and relationship involved. It does not include every activity that might have to be done, but whatever is necessary to show the nature and purpose of the job.

A copy will be issued with the Contract of Employment.

## **JURY SERVICE**

Employees are entitled to time off work to fulfil their obligations with regard to Jury Service. In the event of an employee being summoned to attend for Jury Service, they must notify the Town Clerk immediately on receipt of the Jury Summons, giving details of dates they are required to attend the Court.

In the event that an employee is retained on Jury Service for a prolonged period, the employee has an obligation to notify the Town Clerk and should keep in regular contact throughout the period.

Employees are expected to return to normal working immediately following their release from their duties. Employees are entitled to payment for this time off, but should claim expenses from the Court to cover their costs, and also compensation for loss of earnings. These will be payable to the Council.

## LITERATURE

You may display, with the permission of the Town Clerk, relevant literature on the premises.

### **MAKING A PROTECTED DISCLOSURE (Whistle-blowing)**

You must notify the Town Clerk immediately if you have knowledge of (or have reason to suspect) any criminal activity, theft, fraud, or other suspicious act taking place within or relating to our services. Furthermore, everyone has a responsibility to be alert to strangers and suspicious persons who appear to have no obvious reason for being on (or loitering near) Council events or premises.

Employees are entitled to specific rights relating to the disclosure of certain types of information (or whistle-blowing). This protection applies in the following circumstances where the employee has reasonable belief that:

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

However, there will not be protection for the disclosure if the employee commits an offence by making the disclosure, or it is a disclosure in respect of which legal professional privilege would apply.

### **Qualifying Procedures**

In order for the disclosure to be protected, the employee must make it by one of the following methods or procedures:

- to the employer, or legally responsible person or appropriate person authorised by the employee to receive disclosures;
- to a legal advisor;
- to a prescribed person (i.e. to a listed regulatory body, such as the Health and Safety Executive, the Audit Commission or the Environmental Agency).

In addition, disclosure is protected if it is to an individual unconnected with the organisation, such as the police or the media. In this case an employee will only be protected if;

- the matter has previously been raised with the employer or prescribed person, or it has not been so raised because the employee reasonably believes that he or she will be victimised;
- if there is no prescribed person, the employee has a reasonable belief that a complaint to the employer would result in evidence being concealed or destroyed;
- the information has already been disclosed to the employer or prescribed person;
- the information is serious enough to justify bypassing one of the other specified procedures;
- the disclosure is made in good faith, in the reasonable belief that the claims are substantially true, not for the employee's personal gain; and
- it is "reasonable in all the circumstances" to make the disclosure.

## **MATERNITY & PREGNANCY**

### **1. INITIAL OBLIGATIONS/NOTIFICATION OF PREGNANCY**

You are required to notify your Manager of the following at least 28 days before you want your maternity absence to begin and in order to meet the requirements of Statutory Maternity Pay (SMP).

- That you are pregnant.
- Of the expected week of childbirth
- Of the date you want your maternity leave to start. This cannot be earlier than the 11th week before the week baby is due.

Although the latest you can leave it is 28 days before you want your absence to begin, it is advisable to inform your Line Manager as early as you are able, to ensure your Health and Safety rights are

implemented and so that you can take your entitlement to time off for ante natal care. It is perfectly acceptable to inform your line manager of the pregnancy as early as you want, to take advantage of your rights, but not put your official written notification in until at least 28 days before wishing to commence maternity leave.

For the Council's part we will respond to your notification within 28 days, advising of your return to work date, along with your maternity pay entitlements. If you take your full entitlement to maternity leave your return to work will be 52 weeks from the start of your leave.

## 2. ANTE-NATAL CARE

Under the terms and conditions governing your employment you are entitled to paid time off for ante-natal care so long as you can show:

- You are pregnant
- That the appointment was made on the advice of a GP, Registered Midwife or Consultant.
- That the purpose of the appointment is to receive antenatal care.

You are therefore asked to produce a certificate from your GP, Midwife or Consultant with evidence of appointments before being granted time off for the first time. Time off must be granted for any appointment that is made on medical grounds and, therefore, will obviously cover appointments for scans and tests.

Ante-natal care includes not only medical examinations but also relaxation classes and parent craft classes if recommended by your doctor or midwife.

## 3. MATERNITY LEAVE ENTITLEMENT

- All employees are entitled to maternity leave of 52 weeks regardless of service. 26 weeks known as ordinary maternity leave and 26 weeks known as additional maternity leave.
- Maternity leave will start automatically before the chosen start date in two situations:
  1. Trigger by premature birth – this will start the maternity leave on the day after the date of birth.
  2. Trigger by sickness –if you are absent from work due to a pregnancy related reason after the beginning of the fourth week before the expected week of confinement (EWC), but before the date you have notified as your start date, the maternity leave begins automatically on the day after the first day of absence
- Maternity leave shall commence no earlier than 11 weeks before the week baby is due or from the time of childbirth if that is earlier. The week baby is due always starts with a Sunday, for example if baby was expected on Tuesday 30th June then the week baby is due would be from Sunday 28th June to Saturday 3rd July.

## 4. MATERNITY PAY

a) If you have at least one year's continuous service at the 11th week before week baby due you will be entitled to the following:

Weeks 1-6 inclusive

9/10 of a week's pay (offset against payments made by way of Statutory Maternity Pay (SMP)\*

Weeks 7 –18 inclusive

where you have declared in writing you intend to return to work you will receive half pay without deduction except to the extent that the half pay plus SMP or Maternity Allowance (MA) exceeds full pay. This half pay is paid on the understanding that you will return to local authority employment for at least 3 months.

If you are not intending to return you will receive your entitlement to SMP only.

If you receive the half pay and do not return, then you must repay the Occupational Maternity Pay to the Council. SMP does not have to be repaid.

Weeks 19-39 inclusive

For the remaining 21 weeks you will receive your Entitlement to SMP.

- SMP is 90% of average earnings for the first 6 weeks, then it is in accordance with statutory payments and remains a taxable payment. If you are in receipt of an honorarium your maternity pay will be based on your substantive grade, and not the rate of your honorarium, as you will not be covering work of a higher grade during your maternity leave.
- b) If you have less than 1 years continuous service at the 11th week before the week baby is due you will receive your entitlement to SMP, which will be as follows:
- |                      |   |
|----------------------|---|
| Weeks 1-6 inclusive  | 6 weeks at 9/10 of average pay.                   |
| Weeks 7-39 inclusive | SMP or 90% of average pay whichever is the lower. |

In order to receive this you must have 26 weeks service by the end of the 15th week before the week baby is due and your average earnings in the 8 weeks prior to this must equal the lower earnings limit.

If you do not meet this criterion then Payroll Services will issue you with an SMP1 form so that you may be able to claim Maternity Allowance from the Benefits Agency.

**Please note that if your baby is born early you may be overpaid and this will be recovered from you.**

## 5. PENSION

- a) During any period of unpaid maternity/adoption leave you will not make any contributions. However, at the end of the maternity or adoption leave period you can, within 30 days elect to pay contributions for this unpaid period to allow it to count as pensionable service.

## 6. RIGHT TO RETURN

- (a) Subject to (b) to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those, which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work, which she is employed to do, and the capacity and place in which she is so employed.
- (b) Where it is not practicable by reason of redundancy for the authority to permit her to return to work in her job as defined in (a) above the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she had been able to return in the job in which she was originally employed.
- (c) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which she was employed prior to her absence. The work to be done should be suitable to her and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.
- (d) Exercise of the Rights to Early Return to Work  
All employees shall notify the authority in writing 21 days before the day on which she proposes to return if this is before the end of the maternity leave period. The authority may postpone her return to work until a date not more than 21 days after the notified date of return. To do this the authority's notification shall be conveyed to the officer before the notified date of return and shall give the reasons for postponing her return until the later date.

- (e) Where an employee is unable to return on the expected day due to sickness, the absence will be covered by the sickness absence policy in the normal way. For delays due to industrial action, work will be resumed as soon as reasonable.

If your baby is due after 3rd April 2011 you have the choice to transfer up to six months maternity leave to the child's father should you wish to, which can be taken by the father once the mother has returned to work.

Further information on this is available by following the links on [www.direct.gov.uk](http://www.direct.gov.uk) Or accessing the Paternity Leave guide on the intranet.

## 6. RELATIONSHIP WITH SICKNESS AND ANNUAL LEAVE/BANK HOLIDAYS

- (a) Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement of sickness leave.
- (b) Ordinary and additional maternity leave is regarded as continuous service for the purpose of sickness and maternity schemes and annual leave. Annual leave continues to accrue during both ordinary and additional maternity leave.
- (c) Bank holidays that fall within the 26 weeks ordinary maternity leave and 26 weeks additional maternity leave will continue to accrue, and a substitute day will be provided.

## 8. RIGHT TO REQUEST PART TIME/CHANGED HOURS

If and when you decide to return to work after maternity leave you have the right to request changed hours if you wish, either on a temporary or permanent basis. The Council has an obligation to consider your request, and to look at whether this can be accommodated within your service area/job.

In order for full consideration to be given to any request, you should notify your Line Manager of your wishes at least 4 weeks before you intend to return. The right to request part time / changed hours does not equate to a right to have this request granted, as this depends upon the nature of your work and your job, however every attempt will be made to reach a mutually acceptable arrangement before you return to work. The Council has the right to delay your return from maternity leave for up to 28 days in order to make the necessary arrangements to accommodate this, so it is recommended that you make any such request as soon as you are able.

## 9. ANNUAL LEAVE DURING MATERNITY LEAVE

During the period of your maternity leave, whether paid or unpaid, you will accrue holiday entitlement for the period of absence. You may wish to consider taking any accrued holiday leave as part of your total period of absence before you return to work. The benefit to you of doing this will depend on when you are planning to start and finish your maternity leave. Please discuss this with the Town Clerk, who can discuss the options with you. You should be aware that you will not normally be allowed to carry over more than the 5 days allowed for in the Holiday and other Leave policy into any subsequent leave year. You should also be aware that if you do not return to work, or return on reduced hours, your holiday entitlement will be reduced on a pro-rata basis, and may necessitate the recovery of an overpayment.

## 10. DEFINITIONS

- (a) A Week's Pay – Please liaise with the Town Clerk if you have a query in relation to the definition of a weeks pay.
- (b) Childbirth - Childbirth means the live birth or a stillbirth after a pregnancy lasting at least 24 weeks.
- (c) Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

## 11. MATERNITY SUPPORT LEAVE

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner of an expectant mother at or around the time of birth. Alternatively leave may be granted to a sole carer who is nominated by the mother in the long-term absence of the child's father to provide full time care and assistance at or around the time of birth. Evidence of sole caring responsibility may be requested. Maternity Support Leave must be taken within 56 days of the date of birth. In addition, providing the employee has 26 weeks continuous service by the end of the 15th week before the week baby due they are entitled to a second weeks leave paid at the current statutory paternity rate.

If the baby is born early, leave can be taken at any time between the actual date of birth and the end of the 8 week period, running from the Sunday of the week the baby was originally due.

## 12. PARENTAL LEAVE

See section "Parental Leave" below.

## 13. PATERNITY LEAVE

See section "paternity Leave" below

## 14. KEEPING IN TOUCH DAYS

It may be that you want to keep in touch with new working arrangements, or any other changes during your maternity leave. Maternity leave regulations provide that you will be able to do 10 days work during your maternity leave without bringing your maternity leave to an end. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. There is no obligation for you to work during your maternity leave, and likewise you cannot insist that you are given work to do. You will continue to receive your SMP for any week in which you do work, and additional payment will be subject to agreement with the Town Clerk prior to any day worked.

Where an employee works on a KIT day during the ordinary maternity or adoption leave period, both the employee and the employer will pay pension contributions based on the pay the employee receives for that day.

N.B. Maternity leave will not be extended due to the fact that work has been carried out during the maternity leave period.

## 15. REASONABLE CONTACT

The maternity regulations make it clear than an employer and employee are allowed to make reasonable contact during maternity leave to discuss such issues as the return to work. This would not constitute 'work' and would not therefore count towards the 10 Keeping In Touch Days. The Regulations specifically provide that such contact will not bring the maternity leave period to an end.

In addition, the Council will also ensure than an employee is kept informed of other issues, such as job vacancies, significant workplace developments and training opportunities.

## 16. ESSENTIAL USER CAR ALLOWANCE

Essential car user allowance will be paid for Ordinary Maternity Leave and Additional Maternity Leave periods where applicable.

## MEDICAL EXAMINATIONS

If you are, or have been unable to carry out your duties as a consequence of illness or injury, you may be required to have an examination by a medical practitioner nominated by the Council. Any expense incurred will be met by the Council and you will be required to provide a copy of the resulting medical report.

Should this requirement be implemented, you will be consulted in advance and given full reasons as to why it is required.

## **ACCESS TO MEDICAL REPORTS**

In certain circumstances it may be necessary for the Council to obtain a Medical Report from an employee's Doctor/Specialist in order to establish:

- Reason for absence.
- Duration of absence.
- When the employee will be able to return to work.
- What, if any, treatment is being prescribed.
- Whether the problem will recur.
- Whether the employee can do all the duties of the job.

The above will enable the Council to plan workloads. It is in the interests of both the employee and the Council to establish the employee's ability to work with the benefit of expert medical opinion.

Employees have certain rights under the Access to Medical Reports Act 1988 which are as follows:

- Employees may withhold consent to the report being sought.
- Employees can request to see the report prior to it being forwarded to the Town Clerk
- If employees indicate that they wish to see the report in advance the Council will inform the employee when the Doctor/Specialist is written to and he/she will be informed that he employee wishes to see the report. Employees then have 21 days to contact the Doctor/Specialist regarding arrangements to see the report.
- Should the employee indicate that he/she does not wish to see the report prior to the Council the employee has the right to write to the Doctor within 21 days of the report having been received. It is our policy to send employees a copy of the report in any event prior to a meeting being arranged to discuss the content.
- Employees have the right to ask the Doctor/Specialist for a copy of the report for up to 6 months after it has been supplied. There may be a charge for this. The Doctor/Specialist cannot submit the report to the Council without the employee's consent.
- Employees may ask the Doctor/Specialist to amend any part of the report which is considered by the employee to be incorrect or misleading. If the Doctor/Specialist is not in agreement the employee may attach a statement of his/her views with the report.
- If the Doctor/Specialist thinks the employee or others would be harmed by the report or any part of the report it can be withheld from the employee.

The Council would stress that no decision will be made that could affect an individual's employment without full consultation with that individual and careful consideration of all the circumstances. Where the Council wishes to obtain a medical report, employees will be asked for their written consent.

## **MEDICAL SCREENING**

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

## **OTHER EMPLOYMENT**

You must not become engaged or concerned in any other business in which your duties may conflict with the interests of the Council, without prior permission from the Town Clerk. You must not become engaged in any secondary occupation that may interfere with your work. Officers earning in excess of Scale Point 22 must not be otherwise employed without the authority of the Town Clerk. The Town Clerk must obtain authority from Council before undertaking other employment.

## **PARENTAL LEAVE**

Employees are entitled to statutory, unpaid parental leave for the purpose of caring for a child if they are a parent of a child born or placed for adoption, on or after 15 December 1999, or of a child entitled to a disability living allowance. The employee must have one years service to qualify.

There are a number of statutory conditions which apply. The right to unpaid Parental Leave has been increased from 13 to 18 weeks per child, and can be taken in blocks of up to 4 weeks. This right is available up to the child's 18<sup>th</sup> birthday.

## **PART TIME WORKERS**

The Council will treat part time workers no less favourably than a full-time worker on the grounds that a worker is part-time.

A part-time worker is someone who is paid according to the time worked and is not identifiable as a full-time worker having regard to the Council's custom and practice or to the Contract of Employment. Any comparison is with someone who is a 'comparable full-time worker', working at the same establishment and doing work which is the same or at least similar, and who has broadly similar levels of qualifications, skills and experience; comparison is also with a person working under the same type of contract (i.e. a part-time casual worker may have a different type of contract to a full-time permanent worker).

In general, part-time workers are entitled to pay and benefits on a pro-rata basis which gives part-time workers the right to pay and benefits proportionate to those of full-time workers. This will normally mean the same (hourly) rate of pay as a comparable full-time worker, however, rates of pay for overtime will be payable at the same rate as comparable full-time workers only after the part-time worker has worked more than the normal full-time hours.

## **PATERNITY LEAVE**

Fathers of newborn children, employees married to or partners of the child's mother or the partner of those adopting children are entitled to one period of leave off work, with Statutory Maternity pay, of either one week or two consecutive weeks to care for the child or support the child's mother (or the person with whom the child is placed for adoption).

Statutory Paternity Pay will be at the same rate as Standard Maternity Pay (or 90% of average earnings if this is less). To qualify employees must have been employed for at least 26 weeks in local government.

Your paternity rights will be in accordance with the current relevant statutory regulations. Further information regarding the procedures to be followed and your entitlements are available from the Town Clerk.

## **PAY POLICY**

By adopting the Green Book, the Council will determine pay according to current pay scales. Actual scale points are based on job content, responsibility, qualifications and experience.

Pay Scales are reviewed annually in April through national negotiation.

Employees may be appointed to a specific scale point (Spot Salary) or to a scale. In the latter case they may progress through a series of annual increments until reaching the highest point of their scale. The annual increment will be subject to the annual Employee Development Review and will not be automatic.

Accelerated increments within the grade may be given on the grounds of exceptional merit or ability or on the post-holder gaining a qualification which is considered by the Council to be beneficial to the role of the post.

## **PAYMENT OF SALARIES/WAGES**

Salaries are paid by credit transfer to the bank or building society of your choice normally on the fifteenth day of each calendar month.

You will be given an itemised statement recording your gross salary, deductions and the net amount. Charity deductions will be made on request.

## **PENSIONS**

The Pensions Act 2008 requires the Council to enrol “eligible job holders” automatically into a qualifying pension scheme. An “eligible job holder” is aged between 22 and state pension age and currently (2019) has earnings above £10,000 p.a. They are required to contribute to the scheme. They can voluntarily opt out after being enrolled, but have the right to re-join. The Council must again auto enrol the eligible person every 3 years.

“Non-eligible jobholders” who are not eligible for auto enrolment, can choose to opt in to a qualifying scheme. They are aged 16-74 with qualifying earnings currently (2016) below £10,000 p.a. but greater than £6144 p.a. Employees aged 16-21 or between state age and 74 with earnings above £10,000 p.a. can simply opt in.

“Entitled workers”, those aged 16-74 and currently (2019) earning less than £6136 p.a. are entitled by law to require an employer to join them in at least a non-contributory scheme.

**The Council operates a local authority pension scheme as a standard condition of employment which is open to all employees (whatever their status under the 2008 Act) after they have completed 3 months of any probation period. The Cheshire Local Government Pension Scheme (LGPS) is Crewe Town Council’s nominated qualifying scheme.**

If you are auto enrolled or choose to join the Cheshire Local Government Pension Scheme, the Council will pay into the Scheme, the Employer contribution. You will then be required to pay the employee contribution which currently ranges from 5.5% to 8.5% depending on full time equivalent salary.

Further information is available from the Town Clerk.

Where an employee has a contractual condition under a previous policy, that the Council will contribute to a pension scheme of his or her choice, this will be honoured as long as it is allowed under the current legislation.

## **PERFORMANCE MANAGEMENT SYSTEM**

The Town Council will develop a performance culture with targets set for the Organisation as a whole or teams in the business plan. Employees will undergo an annual employee development review and will be given individual targets which reflect contributions to the business plan objectives. Regular performance monitoring will be undertaken.

## **PERSONAL DETAILS**

The Town Council needs to keep up-to-date information on your home address and telephone number, together with the name, address and telephone number of your next of kin (or other such person) for emergency contact purposes. Please inform the Town Clerk in writing of any changes of the above to personal details.

On the commencement of your employment, the Town Council will create a personnel file containing documents, letters, etc. relating to your employment. The Town Council holds personal data to ensure compliance with record keeping obligations and for the purpose of personnel administration. All personal data will be retained by in a manual or computerised form. The Town Council may use the information to contact you when required. Such contact may require to be made outside your normal working hours.

The Town Council will respect the confidentiality of any personal information that it keeps and comply with current data protection rules. Full details are contained in the Privacy notice which is given to you.

## **PERSONAL APPEARANCE**

In your appearance as well as in your behaviour, you should regard yourself as an ambassador for the Council and dress in clothing that is appropriate for your duties. The Council do not currently have a dress code however they reserve the right to introduce one, if appropriate to project a particular image of the Council, for example receptionists.

All employees are required to be neat and tidy in appearance. If you have direct contact with customers or members of the public, you must look smart.

If you are required to wear specific items of clothing, hairstyles or jewellery in accordance with your ethnic background or faith, your needs will be accommodated where possible and practicable.

The Council reserves the right to insist that you do not wear particular items of clothing or jewellery which it believes may cause offence to customers, suppliers, or other employees or which may pose a risk to the health and safety of any person.

The Council will enforce these rules having regard to the differences for male, female and transgender employees.

If the Town Council decides to introduce security ID badge or name badges you will be expected to wear them at all times so that they are clearly visible.

## **PROCESSING OF PERSONAL DATA**

Data protection legislation regulates the way in which certain data about employees, both in paper and electronic form, is held and used. The Council will handle all personal data in accordance with its Data Protection Policy and Privacy Notice which is given to you.

## **PERSON SPECIFICATION**

A person specification has been prepared for each post, to set out the personal characteristics and experience likely to be required for a person to undertake the role. A copy will be issued with the Contract of Employment and job description.

## **PRIVATE TRADING**

Private trading on the Council's or customers premises is not allowed.

## **PROBATIONARY PERIOD**

If you are new to local government you are subject to a probationary period of up to six months during which time your performance and ability will be assessed. At the end of the period, and subject to a satisfactory report by your line manager, your probation period will have been fulfilled and your employment confirmed.

If your performance has not met expectations during the probationary period, the Council may extend the probationary period with an action plan being agreed. If ultimately performance remains unsatisfactory at the end of such extension your employment will not be confirmed and your employment terminated.

## **PUBLIC DUTIES**

Employees who hold certain public positions have the right to reasonable time off with pay during working hours to perform duties associated with these positions.

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

Employees holding such positions are encouraged to discuss their position with the Town Clerk so that suitable arrangements can be made.

## **QUALITY POLICY**

The Council has a commitment to quality services and has adopted a Quality Policy. It may adopt an integrated quality management system as an aid to encourage and assist continuous improvement within the Council. It is intended to help develop a quality culture within the Organisation, and to equip it to move in to the future with confidence.

The Quality procedures should be adhered to by staff at all times. If you believe they can be improved, do not ignore them, talk to your manager about changing them. Remember-Quality can only be improved with your help.

The Council have also determined to gain and maintain accreditation under the Local Council Award Scheme.

## **RANDOM AND SPECIFIC CHECKS**

The Town Council may require you to submit to a personal search and/or a search of all your baggage, personal items, lockers, car etc., at any time while you are on Town Council premises or engaged on Town Council business. Searches may be required to protect both the Town Council and our employees from illegal activities such as:

- any theft of Town Council property or property belonging to another employee or third party.
- the possession or supply of illegal substances.

A request to carry out a search does not indicate any suspicion of wrongdoing; searches will normally be carried out at random. However, the Town Council reserves the right to stop and search you when there is a reasonable suspicion that you may have committed an illegal act.

If you are found to be in unauthorised possession of Town Council property, or property belonging to another employee or other third party you will be suspended on full pay and the matter will be the subject of further investigation. This may lead to serious disciplinary action including dismissal and you may also be reported to the police.

If you unreasonably refuse to submit to a search in accordance with these rules you will be subject to disciplinary action. Please be assured that the Town Council will not resort to searches unless it is essential.

## **RECRUITMENT**

The Council believes that it is important to recruit the right person to any vacancy, be it a new job or a replacement for an existing position. It will always make clear the qualities and experience it is looking for and will recruit in accordance with its Personnel Procedures.

The Council will rigidly apply its equality policies. Where appropriate existing employees will be encouraged to apply for other positions within the Council.

## **REDUNDANCY/REDEPLOYMENT POLICY**

### **Introduction**

This procedure will apply to all employees of the Council. It sets out the overall approach to be adopted should the need arise for redundancies within the Council.

### **General Principles**

It is the Council's policy to provide to the best of its ability, security of employment for all its employees. However, it is recognised that over time, changes in the political environment, funding regimes and other operational requirements may impact on the staff resource required to deliver organisational objectives. It is the agreed aim of the Council to maintain operational efficiency and effectiveness to help safeguard the future employment of all its employees. Where a redundancy situation is anticipated all alternatives will be explored for any potential surplus staff.

If after exhausting all alternatives, redundancy is unavoidable the Council will endeavour to handle such redundancy in a consistent, objective and sympathetic manner to minimise hardship for the employees concerned. The Council will rigidly apply its equal opportunity policies.

## **Consultation**

Where the Council is considering redundancies or a reorganisation which is likely to impact on its workforce it will consult at the earliest opportunity. Such consultation will be undertaken with a view to reaching agreement and will be aimed at avoiding redundancies. All relevant information will be made available to the staff to support this process, with a reasonable timescale agreed to enable proper consideration to take place.

## **Selection Criteria**

The Town Council will consult with the staff and *seek to* agree the criteria to be used for staff selection. When all avenues, including voluntary redundancy and early retirement have been exhausted and it is clear that compulsory redundancy is inevitable, the Town Council will agree the criteria to be used for staff selection.

- Specialism
- Functional area of work i.e. business unit
- Other relevant factors

The above selection definition would then be extended and the criteria may include:

- Experience, skills or qualifications (or a combination of these) to ensure the retention of a balanced staff profile to meet the future objectives of the business.
- Individual ability linked to a specialist business objective.
- Standard work performance supported by objective evidence which would include the performance management system
- Attendance history or disciplinary records

In respect of each criterion for each business unit there will be a definition of what is being measured. Each criterion will have a range of points addressing an individual's competence and the criteria will be weighted in line with their importance against each other and also against the relevant job. The weighting will be applied consistently for each business unit but may vary for different units in the same round of redundancy.

Whatever selection criteria are chosen, they will be objective and consistently applied. The actual selection will be in line with the criteria and cover all individuals within the relevant unit affected by the redundancy.

## **Action to Avoid/Minimise Compulsory Redundancy**

All measures would be considered to minimise the need for compulsory redundancy. This would include:

- Planning and managing change as far into the future as possible.
  - Minimising external recruitment where staff can be retained or redeployed to fill existing vacancies or vacancies that are expected to arise in the short term.
  - Reducing or eliminating overtime.
  - The termination of temporary employees or contract staff where this would not impact on the achievement of business objectives.
- Seeking application for early retirement or voluntary redundancy before declaring compulsory redundancy.

## **Redeployment**

For those members of staff affected by restructuring or redundancy, the Council is committed where possible, to redeploying them into other business areas.

A surplus employee, who is considered suitable, may be offered a higher or lower paid position. Full details of such opportunities will be given to the employee to enable them to decide whether or not the alternative position is acceptable.

Where a higher paid position is accepted the salary for that post will apply.

Where an employee accepts an alternative position that is lower paid the following protection of salary arrangements will apply:

The salary for the lower paid position will be established and the difference between that and the old salary calculated.

- Fifty percent of this difference is the protected amount.
- On taking up a new position the salary will be enhanced by the protected amount for one year.
- On the first anniversary of taking up the new job the protected amount will be reduced to 40% of the difference.
- On the second anniversary of taking up the new job the protected amount will be reduced to 20% of the difference.
- On the third anniversary of taking up the new job the protected amount will be extinguished.

During the above three-year period the salary applicable to the new role will be reviewed in the normal way subject to satisfactory performance.

Where redeployment within the Council occurs a trial period of 4 weeks will apply.

When retraining is to take place as part of the redeployment, the trial period may be for a longer period. In these circumstances there will be a written training plan setting out the arrangements and stating the length of the trial period; this will be issued before the start of the trial period. Such trial periods are to allow both the individual and the Council to decide whether the alternative employment is mutually satisfactory. If, during the trial period, the job is not satisfactory to the employee or the job performance is not to the Council's standard, *the employee will be made redundant*. If the trial period is completed successfully, a full performance review will be undertaken 6 months after taking up the new post.

The individual's right to redundancy payment will not be affected by any trial period of redeployment unless dismissal occurred due to a reason unconnected with the redundancy in which case the entitlement would be lost.

### **Period of Notice**

The period of notice for redundant staff will not be less than 30 days and where it is not possible to give such notice affected staff will be given pay in lieu of notice.

### **Appeals**

Employees may appeal against their selection for redundancy. Appeals must be in writing setting out the detailed grounds of appeal. Such appeals will be heard by Members of the Appeals Committee.

### **Assistance to Staff**

The Council will arrange support for redundant staff to assist them in finding alternative employment.

This could include:

- Discussing future career plans
- Completion of CV's
- Interview skills
- Other guidance/support

Staff under notice of redundancy will be allowed reasonable time off on full pay to attend interviews or arrange training to enhance their future prospects.

### **Compensation**

Redundancy compensation terms for those members of staff who are made redundant will be in accordance with the statutory redundancy calculator, increased to the actual weeks pay rather than the statutory minimum. No further enhancements will be made.

## **REFERENCES**

When you have been made a formal offer of employment, the Council will take up references from your previous employers. Any offer of employment is conditional upon satisfactory references being obtained.

Should it subsequently come to our notice that you have given inaccurate information, we may reconsider your employment. We will not accept references given to us directly by an employee or potential employee.

You may request to see a copy of a reference from a previous employer, but the Council may refuse to let the employee see the reference if, in doing so, it would disclose information about another individual who can be identified from the information or can be identified as a source of the information. It will be acceptable to let the employee see the reference if the third party has consented to the disclosure or it is otherwise reasonable in the circumstances to disclose the information.

When you leave the Council or apply for another job, your manager will normally give you a reference on behalf of the Council. This will be accurate and truthful as required by law. You will not be given an "open" reference, it will always be addressed to a particular person. References that are given by an employer, are exempt from the subject access provisions of the Data Protection legislation and therefore it is at the manager's discretion whether or not you are shown a copy of the reference.

## **RETIREMENT**

The Council do not have a default retirement age and employees are welcome to remain with the Council beyond the state retirement age. Any termination of employment by the Council will not be related to age.

However, any employee retains the right to retire earlier if they so wish. The Council will be pleased to advise on any matter relating to retirement and help you make any adjustments. In certain cases, depending on circumstances and length of service, pension may be accessible before state retirement age.

## **SMOKE FREE POLICY**

It is the policy of Crewe Town Council that smoking is not permitted in any part of its premises, entrances or grounds, or in its vehicles. This Policy applies to all employees, members, consultants, customers, visitors and contractors, whom it is intended to benefit.

The Council have decided that E-cigarettes (battery powered devices designed to replicate smoking behaviour without the use of tobacco which turn nicotine, flavour and other chemicals into a vapour that is inhaled by the user) are also prohibited.

The Council will not provide smoking areas on its premises and employees will not be given breaks for smoking during working hours. The Council will help employees who wish to stop smoking through approved NHS services, and may give time off to attend such services by arrangement with management.

Overall responsibility for policy implementation rests with the Town Clerk, however all staff are obliged to adhere to and support the implementation of the policy.

Appropriate 'no-smoking' signs will be clearly displayed at the entrance to and within premises and in all vehicles.

## **STATUTORY SICK PAY**

Certain employees are entitled to receive pay when they are absent from work due to sickness. This is known as Statutory Sick Pay (SSP) and is paid out and administered by employers on behalf of the State.

There are many requirements and conditions attached to payment of SSP both for the employee and the employer. If employees are to receive their entitlement, the following rules and procedures together with those set out in the procedure for Absence Notification, must be adhered to.

## 1. Notification

SSP cannot be paid to an employee unless and until the following written evidence is supplied:

- first 7 days of absence - a Self Certification form, absence record form or Doctor's Certificate
- Thereafter - Doctor's Fit Certificate.

It is important to remember that no payment can be made for any intervals of sickness absence not covered by a certificate.

## 2 When SSP is Payable

SSP is normally only paid for a day or days worked. For example, if an employee works Monday to Friday and not at weekends, SSP will only apply to those 5 days.

In some cases, SSP can be paid when an employee is ill whilst on holiday -including bank/public holidays.

Employers cannot pay SSP for the first 3 days of an employee's sickness. Therefore, payment starts on the 4th day, and continues for as long as the employee is absent up to a maximum of 28 weeks in anyone period of sickness. However, if an employee is absent due to sickness within 8 weeks of a previous period of sickness, and providing both periods of absence are for 4 days or more (calendar days), SSP will be paid from the start of the second period of absence.

SSP is paid in exactly the same way as normal earnings, although the employee's average earnings must be over the National Insurance Lower Earnings Limit to qualify for SSP.

## 3 When SSP is not payable

SSP is not payable in certain circumstances, the principal ones being:

- once employment has terminated
- where Statutory Maternity Pay is being paid

### **IMPORTANT**

Any employee who has been absent due to sickness and is found not to have been genuinely ill, will be subject to disciplinary action which could include dismissal.

### **TIMEKEEPING**

Employees are responsible for attending punctually for work in accordance with the hours defined within the Written Particulars of Main Terms of Employment.

Employees may not leave work prior to their normal finishing time without permission from their manager. In the event of an employee requiring time away from work during the normal working period, he/she must report to his/her manager upon leaving and returning to work.

Persistent lateness will be considered to be a breach of procedures and may result in disciplinary action.

Lateness for work may result in pay being reduced accordingly.

### **TELEPHONE CALLS**

You are requested to restrict personal telephone call to those which are essential and cannot be made outside working hours. The use of the Council's telephone is restricted to cases of emergency and local calls. International calls and premier rate calls (0900, 118, 070) should not be made without the specific consent of the Town Clerk.

### **TERMINATION OF EMPLOYMENT**

Should you wish to terminate your employment, you must give the appropriate written notice stating the date you wish to leave in line with the conditions of your Contract of Employment. You will normally be expected to work your period of notice, but this may be waived or reduced at the discretion of the Council.

You must ensure that any property issued to you by the Council is returned.

## **TRADE UNION MEMBERSHIP**

The Council does not recognise any trade union for collective bargaining purposes but does subscribe to the National Joint Council for local government for national negotiations.

Employees have the right to belong to or take part in the activities of any independent trade union. They also have the right not to be a member of a trade union or a particular trade union.

The Council will not discriminate against any person because he/she chooses/chooses not to be a trade union member.

Employees only have the right to reasonable time off to take part in trade union activities or to carry out trade union duties, if that trade union is recognised by their employer for collective bargaining purposes.

## **TRAINING AND DEVELOPMENT**

The Town Council acknowledges the essential need to provide appropriate and systematic training and development for our employees. All employees will be encouraged to maximise their potential to achieve job satisfaction and reach the highest standard of efficiency and competence.

The Council has developed a comprehensive Training and Development Policy which will be available to all employees. This will be supported by an annual programme of training priorities.

## **TRAVEL AND SUBSISTENCE (ON COUNCIL BUSINESS)**

### **1. Subsistence**

No flat rate payment for subsistence will be made i.e. no payment where staff are out of the office for more than 5 to 10 hours and no overnight allowance. Reasonable meal/entertainment expenses incurred on Town Council business will be reimbursed on production of receipts.

### **2. Hotels**

Where staff are required to stay overnight on Town Council business, the recommended benchmark for all staff is an AA 2 or 3 star hotel. Guidance can be obtained from the Town Clerk.

Where staff incur additional reasonable incidental costs whilst staying overnight on Town Council business these will be reimbursed. Receipts should where possible be obtained. All claims need to be authorised by the Town Clerk.

### **3 Air Travel**

All reservations must be approved in advance by the Town Clerk.

### **4 Rail Travel**

All staff will travel 2nd class with the option to reserve a seat. Staff may travel 1st class at the discretion of the Town Clerk where substantial amounts of work are to be undertaken during the journey.

### **5 Other Ad Hoc items**

Subjects such as relocation and lodging allowances crop up infrequently and will be dealt with on an individual basis.

### **6 Payment of Expenses**

Expenses are paid monthly by credit transfer to the Bank/Building Society of your choice. To ensure accuracy and timely reclaim of costs, all expenses need to be claimed within 3 months of being incurred. Where claims are made outside this period the Town Council reserves the right to refuse payment.

## **UNOFFICIAL CLUBS, FUNDS AND SCHEMES**

The Council is not responsible for the way in which any unauthorised employee funds, holiday clubs, saving schemes or lottery syndicates are conducted, or for the safety of those funds.

## VEHICLES and DRIVING

### FITNESS TO DRIVE

If you are required to drive on public roads on the Council's behalf, you must be physically and mentally capable of doing so in a safe, respectful and secure manner. If you are too tired, physically or mentally, or suffering from sickness or illness, you must not drive the vehicle.

### DRIVING LICENCES

You must possess a full and valid Driving Licence for the relevant class of vehicle, before the Council will authorise you to drive on its behalf. Employees must produce their Driving Licence for inspection upon demand, as and when required.

Since 2015, the paper portion of Driving Licences has no longer been issued by the DVLA. Drivers with paper licences issued before 1998 will still be valid. New penalty points will only be recorded electronically, and will not be printed or written on Driving Licences. Instead, this information will be held at DVLA, and can be viewed online. There is a facility that allows employees to 'share access' temporarily with their employer by clicking on an option '*Share your Licence*', and this will provide management with a 72-hour window to view your Licence. No other information is taken during this temporary 'window', but it does allow employers to maintain an accurate Driving Licence audit without having to manually check licences every year.

We require all our employees who drive on our behalf to allow access to their Driving Licence details as described above.

vehicle. Always ensure the vehicle is secure overnight, and is not left unattended in potentially vulnerable locations. The Council cannot be held responsible for personal belongings left in vehicles.

### MOBILE PHONES

It is against the law, and dangerous, to drive whilst using a hand-held mobile phone, whether speaking, dialling, texting, or accessing other services such as the internet.

An offence is committed if the phone is being 'held' whilst in use. 'Cradling' a phone, for instance between ear and shoulder, is considered as being 'held'. Penalty upon conviction can range from a fixed penalty, licence penalty points, a minimum £200 fine, or a much higher fine on conviction at court (*more for drivers of vans, goods vehicles, buses and coaches*). If convicted of driving carelessly or dangerously while

### CHANGES TO YOUR DRIVING LICENCE, ENDORSEMENTS AND DISQUALIFICATION

If you drive on the Council's behalf, you must inform management of any changes to your Driving Licence, including endorsements.

If you become disqualified from driving, your authorisation to drive on the Council's behalf is immediately and automatically revoked. The Council cannot guarantee to find alternative employment for a disqualified driver and, if the disqualification renders you incapable of doing your job, this could result in your dismissal, or discharge from your employment.

### MOTORING OFFENCES, FIXED PENALTIES, AND PARKING FINES

Drivers are personally responsible for any fines or penalties incurred as the result of motoring offences, including fixed penalties and parking or speeding fines. Employers are required by law to disclose details of a presumed driver if requested by the relevant authorities.

### RULES OF THE ROAD

When driving on the Council's behalf, you must comply with all current road traffic legislation. You are expected to convey a high standard of driving etiquette; and to be respectful and courteous to all other road users at all times. Seat belts (*both front and, when occupied, rear*) are required by law to be worn at all times where fitted. The Council will not accept any responsibility for fines imposed for breach of this legislation.

### PROPERTY IN VEHICLES

Please ensure that no property is left unattended or on view in vehicles being driven on the Council's behalf. All removable items should be either locked away out of view or, ideally, taken with you when you leave the using a phone, then the penalties can increase to include disqualification, a fine of up to £1,000, and a prison sentence.

*Employees must adhere to the following policy in relation to the use of mobile phones whilst driving:*

- A driver should avoid making or accepting calls or text services whilst driving;
- If another employee is in the vehicle, he or she should make or accept any calls;
- If the driver is the sole occupant of the vehicle, he or she should find a safe place to stop the vehicle before making, accepting or returning calls;
- If it is essential for drivers to make or accept calls whilst driving, then a hands-free system must be used. Even when a hands-free system is available, drivers should not make or accept calls unless it is legal and safe to do so;
- Whenever possible, allow calls to go to a voicemail or messaging service, and return the calls on occasions when you are not driving. 'Not driving' means out of traffic and engine off. Your vehicle may be stationary, (e.g. in a traffic hold-up or at traffic lights), but this still amounts to 'driving'.

## OTHER DISTRACTIONS

Do not forget the advice in the Highway Code regarding other distractions that might affect your concentration when driving. *To drive safely, avoid:*

- Loud music that could mask other sounds, inserting CDs etc or tuning the radio;
- Trying to read a map, adjust satellite navigation, or follow written instructions;
- Eating or drinking whilst driving.

See Smoke Free Policy above in respect of Council vehicles.

## ACCIDENTS / INCIDENTS

If you are unfortunately involved in an accident or incident whilst driving on the Council's behalf, *you should not under any circumstances* express any opinion (*one way or the other*) on the degree of responsibility or the cause. Exchange particulars and nothing more.

If you are asked to give a statement to the police, remember that you may want to be legally represented before you give any statement. You are not obliged to make any comment.

It is a condition of the Council's insurance policy that the insurers are notified of all accidents/incidents, even if apparently of no consequence. You must provide management with a written report within 24 hours.

*Whenever possible the following points should appear on the report:*

- Names and addresses of the third-party driver and details of their insurers;
- Names and addresses of anyone else involved in the accident/incident;
- Names and addresses of all passengers in both your vehicle and any third party's vehicle;
- Names and addresses of all witnesses. It will be of considerable assistance if statements can be obtained from all witnesses at the time;
- Particulars of the attending emergency services.

## USING YOUR OWN VEHICLE FOR COUNCIL ACTIVITIES

Where the Council authorises an employee to use a private car on official business, the employee will receive a casual user allowance in accordance with the approved Green Book rate. Where staff are travelling to the same function/meeting every effort should be made to travel together.

Business mileage is usually the distance travelled between your normal office and the place you are visiting. Where you are commencing travel from home for business purposes i.e. not to your normal office, then the business mileage to be claimed is from your home to the place you are visiting or your normal office to the place you are visiting, whichever is the lesser.

The Council's requirements regarding driving standards, cleanliness, driving etiquette, and rules of the road are the same as those outlined previously within this policy.

Private cars must be insured for business use. The Council reserves the right to request copies of the individual's insurance certificate, to ensure adequate cover is in place for the business use of the vehicle.



## OFFICERS' CODE OF CONDUCT

(Adopted by Personnel Committee on 28<sup>th</sup> January 2020)

Review Date: April 2022

This version supersedes that of 2013.

### CONTENTS

Introduction

Status of the Code

Who is the Code Aimed At?

- 1 Standards and Integrity Policy
- 2 Disclosure of Information
- 3 Political Neutrality
- 4 Relationships
  
- 5 Appointment and Other Employment Matters
- 6 Outside Commitments
- 7 Personal Interests
- 8 Equality Issues
- 9 Separation of Roles during Tendering
- 10 Corruption
- 11 Use of Financial Resources
- 12 Hospitality
- 13 Sponsorship - Giving and Receiving
- 14 Contact with the Public, Press
- 15 Conduct outside Working Hours
- 16 Disclosure of Criminal Convictions

### **INTRODUCTION**

The public are entitled to expect the highest standards of conduct from all employees who work for local government. The purpose of this Code is to make a clear statement about the standards of conduct expected of employees of Crewe Town Council;

- ensure the highest standards of conduct by identifying corporate standards which sit alongside professional codes and guidelines;
- help all employees to act in a way which upholds the Council's standards and at the same time, protect them from criticism, misunderstanding or complaint; and
- help build trust between the Council and the people who come into contact with those working for it.

**The Codes themselves are printed in bold type and *beneath has been added procedural guidelines in italics.***

These Procedural Guidelines are intended to provide background information to help employees understand and interpret the requirements of the Code of Conduct. They cannot cover all circumstances and are not to be considered as a substitute for reading the Code itself.

## STATUS OF THE CODE

This Code is based on the voluntary Code of Conduct approved by the Local Council Associations and the Local Government Management Board, adapted and/or amplified where perceived necessary to meet local circumstances or requirements. It also incorporates the principles contained in a draft national model Code of Conduct for Local Council Employees. The standards contained in it are the minimum that should apply.

The Code of Conduct embraces the seven principles of public life which were drawn up by the Nolan Committee and are endorsed by Parliament. These are:

Selflessness – Acting solely in terms of the public interest

Integrity – Avoiding placing yourself under any obligation to people or organisations that might try inappropriately to influence you in your work. You should not act or take decisions in order to gain financial or other material benefits for yourself, your family, or your friends. You must declare and resolve any interests and relationships as detailed in the Code of Conduct.

Objectivity – Act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability – Be accountable to the public for your decisions and actions and submit yourself to scrutiny necessary to ensure this.

Openness - being as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

Honesty – Act with honesty, and be truthful.

Leadership – Exhibit these principles in your own behaviour. Actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**WHO IS THE CODE AIMED AT?** The Code is intended to cover all employees under a contract of employment with the Council and casual or contract staff. Reference to “manager” is intended to mean Chairman of Personnel Committee when the Code is applied to the Town Clerk.

## 1 STANDARDS

- 1.1 The Council’s employees are expected to give the highest possible standard of service to the public, and must perform their duties with honesty, integrity, impartiality and objectivity. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees shall report to the appropriate manager any impropriety or breach of procedure that is more than trivial. (See making a protected disclosure in the Employee Handbook)
- 1.2 An employee shall be accountable to the Council for his/ her actions.
- 1.3 An employee shall at all time act in accordance with the trust that the public is entitled to place in him/ her. The guidance in this Code is based on these principles. At the end of the day the Council relies on the integrity, reasonableness, common sense and professional judgement of individual officers. Staff should not hesitate at any time, to seek advice on the interpretation of the Code, or when circumstances arise which it does not cover.

## PROCEDURAL GUIDELINES

- 1.A In determining acceptable standards, employees are asked to familiarise themselves, not only with the Council’s Code of Conduct for Officers, but also with any operating procedures used, policy or governance documents including Standing Orders & Financial Regulations.

## 2 DISCLOSURE OF INFORMATION

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself is open about other types of information. Employees shall not however disclose any confidential information unless authorised to do so in writing by the Town Clerk or the Council. Employees must ensure compliance with the Council’s Information and Data Protection policy.

- 2.2** Employees shall not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Council, should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 2.3** Employees shall not prevent another person from gaining access to information to which that person is entitled under the Freedom of information Act or other legislation.

### **PROCEDURAL GUIDELINES**

- 2.A** The Council's employees receive information relating to the Council's business, as well as confidential information about clients and the public, businesses, Councillors and other employees. Much of this information needs to be treated as confidential and should not be betrayed either inside or outside work, even to family and friends. See the Council's Information and Data Protection Policy.
- 2.B.** Both councillors and the public have rights to certain information, particularly that listed in the Publication Scheme Information Guide and all officers should encourage people to access this.

### **3 POLITICAL NEUTRALITY**

- 3.1** Employees serve the Council as a whole. It follows they shall serve all councillors and must ensure that the individual rights of all councillors are respected.
- 3.2** Employees must follow every lawful expressed policy of the Council and shall not allow their own personal or political opinions to interfere with or otherwise bias their work.
- 3.3** Subject to the Town Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

### **PROCEDURAL GUIDELINES**

- 3.A** *It is only to be expected that the Town Clerk will work closely with members of the Council. Confidentiality over discussions with particular groups is vital.*

### **4 RELATIONSHIPS**

#### **4.1 Councillors**

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

#### **4.2 The Local Community and Service Users**

Employees will always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council. All members of the community should be treated fairly and with respect in accordance with the Council's Equalities statement. Employees will ensure that they are always fit to perform their duties effectively and will not allow standards to be impaired in any way.

#### **4.3 Colleagues**

Mutual respect between fellow employees is also essential to maintaining constructive working relationships and providing a high quality service to the community. It is also a key part of the Council's Equalities statement.

## 4.5 Contractors

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

- 4.6 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, shall declare that relationship to the Town Clerk or the Mayor (in the case of the Town Clerk) in writing.
- 4.7 In the event of employees engaging a Contractor for private work at home, who is known by the employee to be one of the Council's contractors, care shall be taken to ensure that the price paid for the work represents full value and thereby cannot be construed as an inducement or reward for the award of Council contracts. Especial care shall be taken in this respect by employees who engage or supervise contractors in the course of their employment.

### **PROCEDURAL GUIDELINES**

4A *The Town is a relatively small community and it is impossible not to know some councillors in other walks of life. This must be correctly and openly managed without favour.*

4.B *It is not sufficient to ensure that a relationship with a contractor or potential contractor will not unduly influence their business involvement with the Council, but impartiality and integrity need to be demonstrated. It is necessary for such relationships to be open and beyond suspicion by the reasonable person.*

4.C *It is difficult to define precisely when a declaration should be made. The decision should be made after you have assessed the degree of influence that you may have over the Council's relationship with the particular contractor. If you are responsible for the administration of the contract, or are in any way involved in it, a declaration should always be made.*

## 5 APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 5.1 Employees involved in appointments shall ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees shall not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, employees shall not be involved in decisions relating to discipline, promotion, training or pay adjustments for any other employee who is a relative, partner, etc.

### **PROCEDURAL GUIDELINES**

- 5.A *In cases where you are involved in deciding any matter relating to the appointment, promotion, discipline, pay, conditions of service or training opportunities for a person who is a relative, partner or with whom you have a close personal relationship outside work, you **shall** declare this to the Town Clerk or Mayor (in the case of the Town Clerk) and have no further involvement in the matter.*
- 5.B *In this paragraph "relative" means a spouse, partner, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons and "partner" means a member of a couple.*

## **6 OUTSIDE COMMITMENTS**

- 6.1** You shall not become engaged or concerned in any other business in which your duties may conflict with the interests of the Council, without advising the Council. You shall not become engaged in any secondary occupation that may unduly interfere with your work.
- 6.2** The Town Council is consultee for making recommendations to the determining bodies for applications for various types of consent such as planning permission, licensing etc. and also determines grant applications. Staff members who are in any way concerned, connected or consulted in their work during the processing of such applications are precluded from preparing or assisting with those submissions in any private capacity on behalf of applicants (unless for their own submissions when, of course, their private interest in the matter would be perfectly clear and should be declared).
- 6.3** The general rule is therefore as follows:
- (a)** Staff at all levels shall not undertake any outside work which would put them in a position of conflict of interest. Such a conflict would arise when an employee is to be paid by a member of the public or any outside organisation or body for work which is in any way connected with the scope of his or her official duties.
- (b)** Employees shall follow such rules as the Council may from time to time impose on the ownership of intellectual property or copyright created during their employment.

## **PROCEDURAL GUIDELINES**

- 6.A** As some employees may only work part time or on a casual basis, this part of the Code is in no way intended to prevent them having other employment, merely to avoid conflicts of interest.

## **7 PERSONAL INTERESTS**

- 7.1** An employee shall not in his/her official or personal capacity, allow personal interests to conflict with the Council's requirements, or use his/ her position improperly to confer an advantage or disadvantage on any person.
- 7.2** Employees shall declare to the Town Clerk or Mayor (in the case of the Town Clerk) in writing, any non-financial interests that they consider could bring about conflict with the Council's interests e.g. school governor, membership of local sports club, membership of the district or county council.
- 7.3** Employees shall declare to the Town Clerk or Mayor (in the case of the Town Clerk) in writing, any financial interests which could conflict with the Council's interests e.g. financial interests of a spouse or other member of the family in a contract.
- 7.4** Employees shall declare to the Town Clerk, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

## **PROCEDURAL GUIDELINES**

### **7.A Non Financial Interests**

The test as to whether an interest in an outside body Must be declared, is whether or not the interests of the body may conflict with those of the Council.

By way of advice, it **shall** always be appropriate to declare being a governor of a school within the Town, or membership of another council. Similarly, membership of a trust or statutory body operating within the Town shall be declared.

In the case of, for instance, local sports clubs, these should be declared when a conflict of interest may arise, e.g. where planning permission is sought, or where land is being brought from or sold to the Council.

## **7.B Financial Interests**

The Council needs to be aware of all cases where an employee or his/her close relative, partner or associate has a financial interest in a business (including private company, public sector organisation and/or voluntary organisation) which are, or are seeking to have business dealings or enter into a contract with the Council.

### **Examples of such interests are:**

- Paid employment, directorships, consultancies or personal sponsorship.
- An interest in land or other assets, held or used by the business organisation.
- Share capital in the company exceeding £25,000 (the amount need not be declared) or more than  $\frac{1}{100}$ <sup>th</sup> of the issued shares or securities

NB This does not include money invested in a Building Society or Bank where you have no influence over the dealings of that organisation.

7.C Organisations not open to the public with formal membership etc. E.g. Free Masons.

## **8 EQUALITY ISSUES**

8.1 All local government employees shall ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness, respect and equity.

### **PROCEDURAL GUIDELINES**

8.A Reference should be made to the Equality Policy adopted by the Council. The Council celebrate diversity.

## **9 ROLES DURING TENDERING**

9.1 Employees shall exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

9.2 Employees who are privy to confidential information on tenders or costs shall not disclose that information to any unauthorised party or organisation.

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

## **10 CORRUPTION**

10.1 Employees shall be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

### **PROCEDURAL GUIDELINES**

10.A It is essential to remember that dealings with officers and members of local authorities and other public bodies are subject to the provisions of special legislation with onerous requirements and imposing sanctions under criminal law designed to protect the public interest and public confidence.

The particular legislation is contained in:  
The Public Bodies Corrupt Practices Act 1889  
The Prevention of Corruption Act 1906  
The Prevention of Corruption Act 1916  
The Local Government Act 1972, Section 117(2)

- 10.B In summary, anyone who corruptly gives, promises or offers any gift, loan, fee, reward or advantage to any person as an inducement to or a reward for any member, officer or servant of a public body for doing or forbearing to do anything in respect of any matter or transaction is guilty of a criminal offence. Similarly, a criminal offence is committed by anyone who corruptly solicits, receives or agrees to receive for themselves or any other person such an inducement or reward.
- 10.C It is particularly to be noted that the giving or acceptance of any money, gift or other consideration is deemed to have been given or received corruptly unless the contrary is proved. This represents a departure from the general principle that a person is deemed innocent until proven guilty.

## **11 USE OF FINANCIAL RESOURCES**

- 11.1 Employees shall ensure that they use public funds entrusted to them in a responsible and lawful manner. They shall strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 11.2 Employees shall not make personal use of property or facilities of the Council unless properly authorised to do so.

## **12 HOSPITALITY AND GIFTS**

- 12.1 Employees shall only accept offers of hospitality if there is a genuine and clear need to impart information or represent the local Council in the community. Offers to attend purely social or sporting functions must be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They shall be properly authorised and recorded. It is generally more acceptable to join in hospitality offered to a group of people rather than something unique to the individual, i.e. there is a degree of safety in numbers. Hospitality should only be accepted when it is reasonably incidental and on a scale appropriate to the occasion or circumstances.
- 12.2 When hospitality has to be declined, those making the offer shall be courteously but firmly informed of the procedures and standards operating within the Council.
- 12.3 Employees shall not accept significant personal gifts from contractors and outside suppliers, although the Council allow employees to keep insignificant items of token value such as pens, diaries etc.
- 12.4 When receiving authorised hospitality, employees shall be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality. Where it is known that a particular person or body has a matter currently in issue with the Town Council, an offer of hospitality shall be refused even if in normal times it would be acceptable.
- 12.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal and where it is clear that any purchasing decisions are not compromised. Approval to attend a relevant conference or course will be considered to be approval of allied hospitality as outlined above. Where visits to inspect equipment etc are required, employees shall ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 12.6 Employees shall report to the Town Clerk or Mayor (in the case of the Town Clerk) the offer of any gifts or hospitality. These must be recorded in the register maintained by the Town Clerk

## **PROCEDURAL GUIDELINES**

- 12.A Offers of hospitality and gifts in a Town Council will be rare but should be approached with caution. Members of staff should ask themselves what a member of the public, who may be critical or suspicious, might think. Offers of hospitality where any suggestion of improper

influence is possible should be tactfully refused. Hospitality **shall** only be accepted when it is reasonably incidental, and on a scale appropriate, to the occasion or circumstances. If in doubt say no.

- 12.B Employees **shall** only accept reasonable or modest hospitality and, if in doubt as to whether such hospitality is reasonable or modest in the circumstances, the employee **shall** seek guidance from the Town Clerk or Mayor (in the case of the Town Clerk).
- 12.C Clearly, hospitality received in the ordinary course of business (for example working lunches) need not be declared or registered provided it is modest and reasonable.
- 12.D All hospitality received (other than that mentioned in 12.3 above) and hospitality offered but not accepted **shall** be registered in the Register of Hospitality (see below).
- 12.E Any employee receiving an offer of hospitality **shall** inform the supplier or contractor offering the same that the employee is under a duty to register hospitality received or offered but not accepted.
- 12.F A Register will be kept and maintained by the Town Clerk. The details to be included in the Register will be:
- i* the name of the employee concerned;
  - ii* the name of the contractor or the supplier or other party making the invitation;
  - iii* the nature of the hospitality received or offered but not accepted; and
  - iv* the date or receipt of hospitality.
- 12.G As with Declarations of Interest, it is the duty of each individual employee to register hospitality received, or offered but not accepted, within a reasonable period before or after that hospitality is received or offered and it is suggested for this purpose that a reasonable period would be no longer than 7 days after the hospitality is received or offered. Notices to be sent to Town Clerk or Chairman.
- 12.H Some offers of hospitality are clearly unacceptable, e.g. offers of holiday accommodation. Invitations to sporting fixtures or evenings at the theatre are acceptable only in accordance with paragraph 12.1 of the Code of Conduct for Officers, or when they are clearly required for the conduct of Council.

**These rules also, of course, apply to offers by firms to members of staff of discounts going Gifts**  
Examples of the type of modest gifts which would normally be acceptable are:-

- Small gifts of office equipment or stationery given by way of trade advertisement to a range of officers or for use in the office. Nothing more elaborate than calendars, diaries, rulers or blotters would fall into this category;
- Small gifts of only token value given on the conclusion of an official courtesy visit e.g. to a factory or other premises.
- Gifts to a member of staff or a member of their family where the donor is a personal friend. Extreme care needs to be taken in such circumstances that friendships are equal in both directions and declarations are made in accordance with Section 4 of the Code.
- If a gift outside the exceptions arrives without warning, it must be handed to the Town Clerk or Mayor (in the case of the Town Clerk) to decide whether the gift should be returned (or passed to an appropriate charity) and to ensure the donor is informed of what has happened.

### **13. CONTACT WITH THE PUBLIC, PRESS & MEDIA**

**13.1** Employees should refer to the Protocol on Communications in the Information and Data

Protection Policy. Basically, you should not make any statement to the media which you are not authorised to make. No employee should give a view which is contrary to or critical of Council policy. Employees should seek authorisation from the Town Clerk prior to speaking to the media.

- 13.2** Outside working hours, an employee is entitled to voice their opinion on issues affecting the local community e.g. at a neighbourhood forum. However, employees have a general duty of care to avoid a conflict of interest and should not criticise, damage or act in any way against the Council.
- 13.3** Employees must comply with the Town Council's protocols and policies on social media and the use of emails. Again, employees have a general duty of care to avoid a conflict of interest and should not criticise, damage or act in any way against the Council, or otherwise bring it in to disrepute.
- 14 SPONSORSHIP - GIVING AND RECEIVING**
- 14.1** Where an outside organisation wishes to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care shall be taken when dealing with contractors or potential contractors.
- 14.2** Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Town Clerk or Mayor (in the case of the Town Clerk) of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees shall ensure that impartial advice is given and that there is no conflict of interest involved.

#### **PROCEDURAL GUIDELINES**

**14.A** The Council shall not be seen to offer any special favours or business in return for sponsorship.

#### **15 CONDUCT OUTSIDE WORKING HOURS**

- 15.1** The Town Council does not wish to intrude on your interests/activities outside normal working hours. However, you should not become involved in activities which prevent you from fulfilling your duties or which result in adverse publicity for the Town Council. For the avoidance of doubt this requirement involves the appropriate use of social networking sites which are in the public domain.
- 15.2** In order to foster team spirit and good working relationships, the Town Council may offer you the opportunity to attend social events from time to time and may also organise work-related social events to which clients, as well as staff, are invited. Although such social events usually take place away from the workplace and outside of normal working hours, the code of conduct applies to such events. Whilst the Town Council does not wish to affect your enjoyment of such social events, certain rules of conduct are necessary for the protection and comfort of all those attending. Accordingly, if you attend a work-related social event you must observe the following rules and principles:
- Alcohol should be consumed only in moderation.
  - The use of illegal drugs, including cannabis, is forbidden.
  - The policy on dignity at work should be observed.
  - Do not behave in a way that could offend, intimidate, embarrass or upset any other person, whether as a joke or not.
  - Do not swear or use intemperate language.
  - Do not behave in any way that could bring the Town Council into disrepute.
  - Any breach of the above rules may result in disciplinary action being taken against you under the disciplinary procedure.

## **16 DISCLOSURE OF CRIMINAL CONVICTIONS**

- 16.1** Criminal charges, or convictions, for offences of dishonesty, or violence committed during the period of your employment with the Town Council, whether committed during or outside normal working hours must be reported to the Town Clerk immediately. Such charges, or convictions, may result in disciplinary action being taken against you up to and including summary dismissal. Failure to disclose such criminal proceedings/convictions that arise during the period of your employment could also result in disciplinary action being taken against you up to and including summary dismissal.
- 16.2** A charge or conviction for any other type of offence during the period of your employment should also be reported to the Town Clerk. Such charges or convictions may result in disciplinary proceedings being taken against you, up to and including dismissal, where, in our opinion, the charge or conviction:
- affects your suitability for your role.
  - impairs the reputation of the Town Council.
  - seriously undermines the trust and confidence in you.

Draft



## Appendix 2

# Dignity at Work Policy

Adopted by Personnel Committee on 28<sup>th</sup> January 2020

Review Date: April 2022

### Introduction

The Town Council is committed to creating a harmonious environment by ensuring equal opportunities and fair treatment for every employee in the workplace. One of the key aims of the policy is to provide a positive working environment in which all staff feel comfortable and in which everyone is treated with respect and dignity, regardless of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief or any other personal factor or quality.

This policy aims to ensure that there is no bullying and harassment of and by any employee, contractor, or anyone else engaged to work on Town Council premises. The purpose of this policy is to provide you with both protection and a procedure to raise and effectively deal with a complaint either informally or formally, if you believe you have been harassed or bullied.

### Bullying and Harassment

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, outlined above. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure another person.

Examples, though not an exhaustive list, which may constitute bullying are:

- threats, abuse, teasing, gossip and practical jokes;
- humiliation and ridicule either in private, at meetings or in front of customers or clients;
- name calling, insults, devaluing with reference to age, appearance;
- setting impossible deadlines;
- excessive monitoring;
- removing responsibilities;
- withholding information.

Harassment, in general terms, is unwanted conduct related to a relevant protected characteristic, that:

- violates a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by a person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something which is meant to be 'banter' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others.

Harassment may occur where an individual is subjected to unwanted conduct due to his/her association with another individual who has a protected characteristic.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she has a mistaken perception that the recipient has a protected characteristic.

Harassment may also occur where an individual is subjected to unwanted conduct from a third party, such as a client or customer. If you feel that you have been bullied or harassed by customers, suppliers, vendors or visitors, you should report any such behaviour in order that appropriate action is taken. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

For the avoidance of doubt the Town Council will treat a single incident as harassment if it is sufficiently serious.

All bullying and harassment are misconduct and is a disciplinary offence which will be dealt with under the disciplinary procedure. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Examples, though not an exhaustive list, of behaviour which may constitute harassment are:

- physical contact ranging from touching to serious assault;
- verbal and written harassment through jokes, offensive language, gossip and defamatory references;
- unwanted nicknames related to a protected characteristic;
- excluding an individual from social activities due to his/her association with someone with a protected characteristic;
- ignoring an individual because he/she has a protected characteristic when in fact he/she does not have the perceived protected characteristic;
- intrusion by pestering, spying, following etc.

The Town Council will treat all such complaints of harassment and bullying seriously and will investigate them promptly, efficiently and in confidence.

The main aim of this policy is to provide a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

### **Raising a Complaint**

You have a right to complain if you are treated in a manner that you believe constitutes harassment or bullying. This will include behaviour that has caused you offence, humiliation, embarrassment or distress.

Apart from complaints about the behaviour of colleagues, you also have the right to complain if you believe that you have been bullied or harassed by a third party, for example a customer, client or supplier.

If you raise a complaint under this policy you are automatically protected and under no circumstances will you be subjected to any unfavourable treatment or victimisation as a result of making a complaint. However, if it is established that you have made a knowingly false or malicious complaint against another person about harassment or bullying, serious disciplinary action will be taken against you which may result in your dismissal.

If you witness an incident that you believe to be the harassment or bullying of another member of staff you should report the incident in confidence to your manager who will consider all such reports seriously and will treat the information in strict confidence, as far as it is reasonably possible to do so.

### **Reporting a Complaint**

Before raising a formal complaint, you are encouraged in the first instance to talk directly and informally to the person to whom you believe is harassing you and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence to you, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach may resolve the matter without the need for formal action.

If you would like support in making such an approach, you should contact your manager or the Town Clerk. However, if you feel unable to take this course of action, or if you have already approached the person to no avail, or if the harassment is of a very serious nature, you may decide to raise a formal complaint.

Formal complaints may be raised, in writing, with your manager or, if preferred, the Town Clerk. You may feel more comfortable speaking to them about it before putting it in writing, which is quite acceptable.

When lodging your complaint of harassment/bullying, you should state:

- the name of the person whose behaviour you believe amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that you have already taken to try to deal with the harassment or bullying.

### **Management Responsibility**

When a complaint of harassment or bullying is received, there is a duty to investigate the matter thoroughly and objectively and to take corrective action in order to ensure compliance with the Dignity at Work Policy.

The Town Council will be responsive and supportive towards anyone who raises a genuine complaint of harassment or bullying. The Town Clerk will assist any manager in dealing with complaints of harassment or bullying.

The Town Clerk may suspend you from duty pending investigation for harassment or bullying for a temporary period whilst investigations are carried out. Such suspension will be for as short a time as possible and will be on full pay.

If you are accused of harassment or bullying you will be informed of the exact nature of the complaint against you and afforded a full opportunity to challenge the allegations and put forward an explanation for your alleged behaviour in a confidential interview, with a companion present if you choose. It will not be presumed that following an allegation of harassment you are guilty.

All forms of harassment and bullying will be regarded as serious misconduct, and if you are found to have harassed or bullied a colleague you will be liable to serious disciplinary action up to and including summary dismissal.

Although not always necessary, if a complaint against you is not upheld, a voluntary transfer of either of the parties may be offered, if that is practicable. Such transfers will be consensual.

If it is agreed neither party will move, the Town Clerk will monitor and check the situation in terms of our duty of care to determine whether there has been any form of victimisation or retaliation. Alternatively, where a complaint is upheld it may be necessary, if practicable to relocate or transfer one of the parties to another department or function.

Following the meeting, you will be informed in writing of the outcome within 7 working days and told of any actions as a result of your complaint. If you are dissatisfied with the outcome, you may make an appeal. Your appeal should be made in writing to the Town Clerk. You should clearly state the grounds of your appeal, i.e. the basis on which you say that our findings were inaccurate or inappropriate. This should be done within 7 working days of the written notification of the outcome of the grievance. An appeal meeting will normally be arranged to take place within 5 working days of the submission of your appeal.

Following the appeal hearing, you will be informed of the outcome within 5 working days. The Town Clerk will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the Data Protection legislation.

## Exploitation of Workers

There is an obligation on employers under the Modern Slavery Act (2015) to address the issues of slavery and human trafficking, and to commit to the prohibition and avoidance of the violation of human rights (not only within the employer's own operations, but also in relation to those businesses with which products and services are provided or received).

- The Council is forthright and steadfast in complying with these obligations, and fully embraces not only the legal aspects of these issues, but also the moral and ethical duties and responsibilities in identifying and, where necessary, eliminating potential breaches of basic human rights.
- It is therefore the policy of the Council that practices such as forced labour, debt-bonded labour, and human trafficking are totally unacceptable and will not be tolerated.
- Similarly, inhumane treatment such as corporal punishment or other inhumane threats are also viewed as totally unacceptable and will not be tolerated.
- Furthermore, we expect corresponding standards, duties, and responsibilities to be upheld and maintained by all our officers and members, guests, sub-contractors, and business associates.
- Through our existing policies and procedures, we will always seek to promote the highest moral standards, and will voluntarily and wholeheartedly support all statutory legislation and regulatory guidelines aimed at eliminating these totally unacceptable and inhumane practices.
- We encourage all those within our organisation and services, whether directly or indirectly, to report (without fear of prejudice or recrimination) any issues or concerns relating to the potential breaches of human rights.

## Stress and Anxiety at Work

Workplace anxieties and stress are issues that could impact on the health, safety and welfare of individuals, and it is important to identify potential situations that could escalate normal everyday situations into excessive pressures and anxieties. (see also Health and Safety Policy)

The Health and Safety Executive (HSE) defines stress as *“the adverse reaction people have to excessive pressure or other types of demand placed on them”*. This definition makes an important distinction between pressure, which can be a positive state if managed correctly; and stress, which can be detrimental to health and welfare.

The Council will therefore seek to identify situations that could lead to excessive stress or anxiety, with a view to eliminating, or controlling and minimising, the risks. To achieve this, we will:

- Encourage interaction and consultation between management and staff, with a view to identifying and preventing excessive stress levels;
- Encourage good management practices and appropriate information sharing;
- Offer impartial support (for instance, via our HR advisers) for staff affected by stress, whether in work or externally;
- Only undertake fundamental procedural changes within the organisation following appropriate consultation with staff members;
- Ensure staff members are fully capable of carrying out their role and duties;
- Monitor workloads to ensure that staff members are not struggling and overloaded;
- Monitor contractual working time and overtime to ensure that staff members are not struggling and overworking;
- Monitor holiday leave to ensure that staff members are taking their full annual entitlement;
- Ensure that, where available and appropriate, staff members are provided with meaningful role development opportunities;
- Consider training in management practices, and health, safety and welfare;
- Be vigilant, and offer additional support to individual employees who may be experiencing stress issues outside work (e.g. bereavement, divorce, family issues);
- Support staff members who have been off sick with stress, and plan a structured and considerate return to work.