

Abingdon-on-Thames Town Council

DISCIPLINARY POLICY

The procedures do not apply in cases of redundancy, or a dismissal at the expiry of the term of a fixed term contract.

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing, and will consult on any significant changes

Purpose and scope

- 1.1 This policy is designed to help and encourage all employees to achieve and maintain standards of conduct and attendance. The Council rules in this Policy/Procedure apply to all employees/workers. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- 1.2 Informal action will be considered, where appropriate, to resolve problems.
- 1.3 No disciplinary action will be taken against an employee until a reasonable investigation of the allegations has been undertaken.
- 1.4 Staff will be advised of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made at a disciplinary meeting.
- 1.5 Staff will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting. Witness statements may be, in appropriate circumstances, anonymised.
- 1.6 At all meetings that may result in a disciplinary sanction being imposed, staff will have the right to be accompanied by a trade union representative or work colleague.
- 1.7 No employee with over 12 months' service will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- 1.8 Staff will have the right to appeal against any disciplinary action.
- 1.9 The procedure may be implemented at any stage if the employee's alleged misconduct warrants this.

The Procedure

First stage of formal procedure

- 1.10 This will normally be a *first warning for misconduct* if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform staff that a final written warning may be considered if there is no sustained satisfactory improvement or change. A copy of this written warning will be kept on the employee's Human Resources file but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct.

Final written warning

- 1.11 If the offence is sufficiently serious, or if there is further misconduct during the currency of a prior warning, a final written warning may be given. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept on employee's Human Resources file but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct.

Dismissal or other sanction

- 1.12 If there is still further misconduct the final step in the procedure may be dismissal or, in appropriate cases, some other action short of dismissal such as demotion, deduction of pay or transfer. Dismissal decisions can only be taken by the appropriate manager, and staff will be provided in writing an outline of the reasons for dismissal, the date on which the employment will terminate, and the right of appeal.
- 1.13 If some sanction short of dismissal is imposed, staff will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement in the future, and will be advised of the right of appeal.

Gross misconduct

- 1.14 The following list provides some examples of offences which are normally regarded as gross misconduct:
- 1.14.1 theft, dishonesty, falsification of documents or fraud
 - 1.14.2 physical violence/intimidation/aggressive behaviour or bullying
 - 1.14.3 deliberate/wilful damage to property or serious negligence causing substantial loss or damage to property

- 1.14.4 serious negligence causing loss, damage or injury
 - 1.14.5 Deliberately accessing internet sites containing pornographic, inappropriate, offensive or obscene material
 - 1.14.6 serious insubordination
 - 1.14.7 unauthorised absence
 - 1.14.8 failing to follow a reasonable management instruction
 - 1.14.9 unlawful discrimination or harassment
 - 1.14.10 bringing the organisation into serious disrepute
 - 1.14.11 serious incapability at work brought on by alcohol or illegal drugs
 - 1.14.12 causing loss, damage or injury through serious negligence
 - 1.14.13 a serious breach of health and safety rules
 - 1.14.14 a serious breach of trust and confidence.
- 1.15 If an employee is accused of an act of gross misconduct, they may be suspended from work on full pay, whilst the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the Council is reasonably satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

- 1.16 If you an employee wishes to appeal against a disciplinary decision they must do so within five working days of the receipt of the disciplinary decision letter. The appeal should state the ground (s) for the appeal which can only be on one or more of the following three categories:
- the finding or penalty is unfair
 - new evidence has come to light, or
 - the disciplinary procedure was not used correctly.
- 1.17 A nominated senior manager/Councillor will hear the appeal and their decision is final.
- 1.18 A written decision will be sent up to 10 working days following the Appeal.

GRIEVANCE POLICY

The procedures do not apply in cases of redundancy, or a dismissal at the expiry of the term of a fixed contract, disciplinary matters, performance matters, income tax, statutory sick pay, statutory maternity pay, national insurance, pension and pension rights, pay and grading (except for grievances about the processes involved in grading) and public interest disclosures..

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Dealing with grievances informally

- 2.1 If an employee has a grievance or complaint to do with their work or the people they work with they should, wherever possible, start by talking it over with their manager, and may be able to agree a solution informally between both parties.

Formal grievance

- 2.2 If the matter is serious and/or the employee wishes to raise the matter formally they should set out the grievance in writing to their manager. The employee should stick to the facts and avoid language that is insulting or abusive. Where the grievance is against their manager and they feel unable to approach him or her they should talk to another manager.

Grievance hearing

- 2.3 The employee's manager will call them to a meeting, normally within 5 working days, to discuss the grievance. The employee has the right to be accompanied by a colleague or trade union representative at this meeting. After the meeting the manager will give a decision in writing, normally within 5 working days.

Appeal

- 2.4 If the employee is unhappy with their manager's decision and they wish to appeal they should let their manager know, in writing outlining the reasons why they wish to appeal, within 5 working days from receipt of the decision letter. The employee will be invited to an appeal meeting, normally within 5 working days, and their appeal will be heard by a more senior manager or a Councillor/s. The employee has the right to be accompanied by a colleague or trade union representative at this meeting.
- 2.5 After the meeting the manager will give the employee a decision, normally within 5 working days. The manager's/Councillor's/Councillors' decision is final.

Mediation

2.6 In addition, where appropriate and at any stage of the process, either party can request that the matter is subject to mediation which would take place by the agreement of both parties, and may include the use of external third party mediators in an attempt to reach a mutually agreeable outcome.

2.7 Records of grievances

Records of formal grievances will be kept by the Town Clerk detailing the nature of the grievance raised, the Council's response, any action taken and the reasons for it. These records will be kept for no more than 18 months - records of grievances dealt with at the informal stage, will be kept by the line manager with the Town Clerk being given brief details for monitoring purposes. These records will also be kept for no more than 18 months. In all cases records will be retained in accordance with the Data Protection Act 1998. Copies of any meeting notes will be given to the employee except in exceptional circumstances, for example, to protect a witness.

2.8 Exceptional Circumstances

We will follow the above procedure unless there are reasonable grounds to believe that by doing so any party might be exposed to a significant threat, for example violent, abusive or intimidating behaviour. There will always be a certain amount of stress and anxiety when dealing with grievance cases. This exemption will only apply where the chairman is satisfied there is reasonable belief (on either side) that any party, their family or their property, would come to some serious physical or mental harm; or a third party is threatened. We therefore reserve the right to adjust the procedure to take account of exceptional circumstances.

2.9 Additional Notes

We will follow the timescales listed above wherever possible. However, where there are good reasons, e.g. the need for further investigation, holidays, sickness or the lack of availability of witnesses or fellow workers/trade union representatives, an extension of the permitted timescale may be necessary.

EQUAL OPPORTUNITIES POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

3.1 The Council is an equal opportunity employer. We are committed to ensuring within the framework of the law that our workplaces are free from unlawful or unfair discrimination because of Protected Characteristics as defined by the Equality Act 2010. We have adopted this policy as a means of helping to achieve these aims.

3.2 The Protected Characteristics are

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Gender
- Sexual Orientation
- Marriage and Civil Partnership
- Pregnancy and Maternity

3.3 We aim to ensure that our employees achieve their full potential and that all employment decisions are taken without reference to irrelevant or discriminatory criteria.

What is discrimination?

3.4 **Direct discrimination** – when someone is treated less favourably than another person because of a Protected Characteristic.

3.5 **Associative discrimination or discrimination by association** – direct discrimination against someone because they associate with another person who possesses a Protected Characteristic.

3.6 **Discrimination by perception** – direct discrimination against someone because it is thought that they possess a particular Protected Characteristic even if they do not actually possess it.

3.7 **Indirect discrimination** - occurs where an individual's employment is subject to an unjustified provision criterion or practice which e.g. one sex or race or nationality or age group finds more difficult to meet, although on the face of it the provision, criterion or practice is 'neutral'.

3.8 **Harassment** – unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that

individual. Employees may complain of such offensive behaviour even if it is not directed towards them personally.

- 3.9 **Victimisation** – when an employee is treated less favourably because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or are suspected of doing so.

Commitment

- 3.10 The Council is committed to ensuring that all employees and applicants for employment are protected from unlawful discrimination in employment.
- 3.11 Recruitment and employment decisions will be made on the basis of fair and objective criteria.
- 3.12 Person and job specifications shall be limited to those requirements which are necessary for the effective performance of the job.
- 3.13 Interviews will be conducted on an objective basis and personal or home commitments will not form the basis of employment decisions except where necessary and relevant.
- 3.14 All employees have a right to equality of opportunity and a duty to implement this policy. Discrimination is a serious disciplinary matter which will normally be treated as gross misconduct.
- 3.15 Anyone who believes that he or she may have been disadvantaged on discriminatory grounds should raise the matter through the Council's grievance procedure.

DIGNITY AT WORK POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 4.1 The Council aims to ensure that all its employees have dignity at work. That means that there are some types of behaviour that are unacceptable which will include the following:
 - 4.1.1 being offensive, abusive, malicious, insulting or intimidating to a fellow employee; or
 - 4.1.2 engaging in unjustifiable criticism towards a fellow employee; or
 - 4.1.3 imposing a punishment upon a fellow employee without reasonable justification; or
 - 4.1.4 changing an employee's duties or responsibilities to his or her detriment without reasonable justification.
- 4.2 This policy applies to all employees, regardless of their rank or seniority. Breach of this policy will be treated as misconduct.
- 4.3 If an employee feels that their dignity at work has been compromised they should raise the matter through the Council's grievance procedure.

WHISTLEBLOWING POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

What Is Whistleblowing?

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

Our Policy

- 5.2 The Council is run in accordance with the law. No employee will suffer a detriment for speaking up if they believe that something is wrong.

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

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

Please raise your concerns immediately with the Town Clerk.

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

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

- A legal adviser in the course of getting legal advice.
- A Minister of the Crown.

- One of the prescribed persons set out in the Public Interest Disclosure (Prescribed Persons) Order 1999 (eg disclosure of a danger to health and safety to the Health and Safety Executive; disclosure of fraud to the Secretary of State for Trade and Industry; disclosure of breach of tax rules to HM Revenue & Customs).

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

- 5.4 After you have raised a concern, we will decide how to respond in a responsible and appropriate manner. This will usually involve making internal enquiries but it may become necessary to carry out a full investigation which may be formal or informal depending on the nature of the concern raised. We will endeavour to complete investigations within a reasonable time.
- 5.5 We will keep you informed of progress and let you know when the investigation is completed. We will not be able to inform you of any matters which would infringe any duty of confidentiality owed to others.
- 5.6 If you use this policy to raise a concern which you reasonably believe to be in the public interest, we assure you that you will not suffer any form of retribution or detrimental treatment.
- 5.7 Any employee who criticises, bullies or victimises a fellow employee by reason of their whistleblowing will be liable to disciplinary action up to and including dismissal, depending on the seriousness of the conduct.

HARASSMENT POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing, and will consult all employees on any significant changes.

- 6.1 Harassment pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. It may also have a damaging effect on other employees who are not themselves the object of unwanted behaviour, but are witness to it or who have knowledge of the behaviour. All employees are entitled to a working environment which respects their personal dignity and which is free from such objectionable conduct. Harassment could result in a disciplinary offence and may be treated as gross misconduct.
- 6.2 Harassment is either:
 - 6.2.1 Unwanted conduct related to a relevant *Protected Characteristic* which affects the dignity of men or women at work; or
 - 6.2.2 Bullying of colleagues by intimidatory behaviour; or
 - 6.2.3 Unfavourable conduct at work, whether verbal or non-verbal, towards someone based on a *Protected Characteristic* which could affect his/her dignity at work.
- 6.3 A single incident can amount to harassment if sufficiently grave.
- 6.4 Examples of harassment could include:
 - 6.4.1 Threatened or actual violence.
 - 6.4.2 Requests for sexual favours.
 - 6.4.3 Unnecessary body contact.
 - 6.4.4 Threat of dismissal, loss of promotion, etc. for refusal of sexual or other favours.
 - 6.4.5 Insensitive jokes and pranks.
 - 6.4.6 Lewd comments about appearance.
 - 6.4.7 Repeated instances of minor harassment acts.
 - 6.4.8 Speculation about a person's private life and or sexual activities.
 - 6.4.9 Displays of sexually offensive material, e.g. Pin-ups.
- 6.5 Bullying is defined as any form of physical or verbal attack and/or threat of such, or the abuse of position, in order to attack or undermine the confidence or ability

of another, or to place another employee under unreasonable pressure or subjecting another to detrimental treatment, by either act or omission.

- 6.6 Employees may complain of behaviour that they find offensive even if it is not directed at them personally, and they do not personally possess the relevant *Protected Characteristic*.
- 6.7 Employees are also protected from harassment related to Discrimination by *Perception and Associative Discrimination*.
- 6.8 Where harassment arises from people not directly employed by the Council eg. customers or clients, such complaints will be taken seriously and will be pursued with the third party concerned, exercising whatever sanctions are available.
- 6.9 Anyone who believes that he or she may have been the victim of harassment should raise the matter through the Council's grievance procedure.
- 6.10 All types of harassment should also be reported to either the line manager or the Town Clerk.

POOR PERFORMANCE POLICY AND PROCEDURE

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 7.1 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors. It does not apply to cases involving genuine sickness absence or misconduct. In those cases reference should be made to the appropriate procedure in the Handbook.
- 7.2 The aim of the Performance Procedure will be to attempt to reconcile any sub-standard work issues between employees and their respective manager, give an opportunity for improvement and to achieve the required standards; and identify any underlying causes of the poor performance.
- 7.3 Employees will not normally be dismissed for performance reasons without a previous warning. However, in cases of serious negligence, serious dereliction of duties, or instances of negligence which cause, or might have caused, the Council serious loss or damage (including one off incidents) or in any case involving an employee who has not yet completed their probationary period, or who has completed a probationary period but whose performance is still being closely monitored, the Council reserves the right to dismiss without prior warning and/or without notice.
- 7.4 In the first instance, performance issues will normally be dealt with informally between the employee and their manager as part of day-to-day management. Where appropriate, a note of any such informal discussions will be placed on their personnel file, and may be taken into consideration for the purposes of any subsequent formal proceedings. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement. Informal discussions may help:
 - 7.4.1 clarify the required standards;
 - 7.4.2 identify areas of concern;
 - 7.4.3 establish the likely causes of poor performance and identify any training needs; and/or
 - 7.4.4 set targets for improvement and a time-scale for review.
- 7.5 If the Council considers that there are grounds for taking formal action over alleged poor performance, the employee will be required to attend an initial performance review hearing. We will notify the employee in writing of our concerns over their performance, the reasons for those concerns, and the likely outcome if we decide after the hearing that the employee's performance has been unsatisfactory. We will also include the following where appropriate:

- 7.5.1 a summary of relevant information gathered as part of any investigation;
 - 7.5.2 a copy of any relevant documents which will be used at the performance review hearing; and
 - 7.5.3 a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible whilst maintaining confidentiality.
- 7.6 The aims of a capability hearing will usually include:
- 7.6.1 setting out the required standards that we believe the employee may have failed to meet, and going through any relevant evidence that we have gathered;
 - 7.6.2 allowing the employee to ask questions, present evidence, respond to evidence and make representations;
 - 7.6.3 establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
 - 7.6.4 identifying whether there are further measures, such as additional training or supervision, which may improve performance;
 - 7.6.5 where appropriate, discussing targets for improvement and a time-scale for review; and
 - 7.6.6 if dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment. Employees will have the right to be accompanied by a work colleague or trade union representative at any meeting where you may receive a warning that your performance must improve.
- 7.7 Following an initial capability hearing, if we decide that the employee's performance is unsatisfactory, the Council will give them an improvement note, setting out:
- 7.7.1 the areas in which the employee has not met the required performance standards;
 - 7.7.2 targets for improvement;
 - 7.7.3 any measures, such as additional training or supervision, which will be taken with a view to improving performance;

- 7.7.4 a period for review; and
- 7.7.5 the consequences of failing to improve within the review period, or of further unsatisfactory performance, which may indicate that unless there is a satisfactory improvement dismissal will follow.
- 7.8 Where the performance was so poor or so negligent or could have/did cause the Council serious loss/damage then the Council may issue the employee with a Final Written Warning, setting out that any further failures or instances of poor performance could result in the employees dismissal. In certain instances where the negligence/poor performance was so serious dismissal on the grounds of gross misconduct might be the only option to the Council.
- 7.9 The employee's performance will be monitored during any review period, and the Council will write to inform the employee of the outcome:
 - 7.9.1 if the employee's manager is satisfied with their performance, no further action will be taken;
 - 7.9.2. if the employee's manager is not satisfied, or they have not met the required levels of improvement the matter may be progressed to another capability hearing; or the period of review may be extended.
- 7.10 If the employee's performance does not improve within the review period set out in the improvement note, or if there is further evidence of poor performance whilst the employee's improvement note is still active, the Council may decide to hold another capability hearing. The employee will have the right to be accompanied by a work colleague or Trade Union Representative at any such hearing.
- 7.11 Following this second performance review hearing, if the Council decide that the employee's performance is unsatisfactory, we may either:
 - 7.11.1 decide to dismiss if the poor performance/negligence is so serious or
 - 7.11.2 if the employee is already on an improvement note they will be issued with a Final Written Warning
- 7.12 Any Final Written Warning issued will set out:
 - 7.12.1 the areas in which you have not met the required performance standards;
 - 7.12.2 targets for improvement;
 - 7.12.3. any measures, such as additional training or supervision, which will be taken with a view to improving performance;

- 7.12.4 a period for review;
 - 7.12.5 the consequences of failing to improve within the review period, or of further unsatisfactory performance.
- 7.13 Your performance will be monitored during the review period and we will write to inform you of the outcome:
- 7.13.1 if the employee's manager is satisfied with their performance, no further action will be taken;
 - 7.13.2 if the employee's manager is not satisfied, the matter may be progressed to a final capability hearing; or the review period may be extended.
- 7.14 The Council may decide to hold a final performance review hearing if they have reason to believe:
- 7.14.1 the employee's performance has not improved sufficiently/satisfactorily within any review period as set out in any improvement notice or within the final written warning; or
 - 7.14.2 the employee's performance is unsatisfactory while a final written warning is still active; or
 - 7.14.3 the employee's performance has been so seriously negligent such as to potentially warrant dismissal without the need for a final written warning or any previous warning.
- 7.15 The employee will have the right to be accompanied by a work colleague or Trade Union Representative at any such final hearing.
- 7.16 Following the hearing, if the Council find that your performance is unsatisfactory, it may consider a range of options including:
- 7.16.1 dismissal; or
 - 7.16.2 as an alternative to dismissal, redeploying the employee into another suitable job at the same or a lower grade; or
 - 7.16.3 extending an active final written warning and setting a further review period (in exceptional cases where we believe the requisite improvement is likely within a short period of time); or
 - 7.16.4 giving a final written warning (where no final written warning is currently active).
- 7.17 The employee will have a right of appeal against the imposition of any improvement note/warning/final written warning/dismissal under this procedure,

and all such appeals should be directed to the Town Clerk, or a nominated Councillor. The employee will have the right to be accompanied at any such appeal hearing by a work colleague or Trade Union Representative. In relation to any appeal under this procedure the employee should set out in writing the grounds of their appeal prior to the appeal hearing.

SICKNESS ABSENCE POLICY AND PROCEDURE

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 8.1 The Council is sympathetic to health issues of its employees but this always has to be balanced against the business needs and any disruption that this is causing the Council. The Council requires the employee to fully assist it and co-operate with it by attending any meetings to discuss the employee's ill-health, and providing the Council with as much information as possible to enable the Council to cope with the employee's absence and make any necessary arrangements required to assist the employee back to work. The Council expects employees to keep in regular contact during any absence period, and to discuss with their GP any alternative duties/job roles they feel they could safely undertake despite their ill-health, or any changes to their current job or work environment that they feel could be made to allow them to return to work. The Council may seek a further opinion of the employee's medical condition, and request that they attend a session/s with the Council's medical adviser – subject to the provisions of the access to Medical Reports Act 1988.
- 8.2 On this basis, the Council has set out below its guidance on what are considered to be unacceptable levels of sickness absence and the potential consequences of exceeding these levels. The Council will always look at sickness absence on a case by case basis and the trigger points below are for guidance only.

Trigger points:

- 8.3 Where an employee has been absent for more than three separate periods within a rolling six month period, a meeting will be held to establish whether there are any underlying reasons for the levels of absence, and to see whether there are any steps which the Council can take to enable the employee's absence levels to improve.
- 8.4 If, following the meeting an employee is off sick for a further period of absence, within a rolling twelve month period (from the date of the first absence), the Council will consider taking formal action in relation to unacceptable levels of sickness absence, which may result in a first written caution being issued.
- 8.5 If, following a first written caution being issued, a further period of absence occurs within a rolling twelve month period (from the date of the first absence), the Council will consider taking disciplinary action in relation to unacceptable levels of sickness absence, which may result in a final written caution being issued.
- 8.6 If, following a final written caution being issued, a further period of absence occurs within a rolling twelve month period (from the date of the first absence), the Council will consider taking formal action in relation to unacceptable levels of sickness absence, which may result in dismissal on notice.

III Health Capability Procedure

- 8.7 During any excessive period of absence, whether it be long-term absence or frequent intermittent absences, the Council will usually ask the employee to attend an ill health capability meeting. The purposes of this meeting will usually include:
- 8.7.1 Discussing the reasons for the employee's absence(s) and any impact your absences are having on the business;
 - 8.7.2 Where the employee is on long-term sickness absence, discussing how long the absence is likely to last.
 - 8.7.3 Where the employee has been absent on a number of occasions, discussing the likelihood of further absences.
 - 8.7.4. If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given, and whether further advice is required.
 - 8.7.5 Considering the employee's ability to return to/remain in their job in view both of their capability and the Council's business needs and any adjustments that can reasonably be made to their job and/ or workplace to enable them to do so.
 - 8.7.6 Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist the employee to redeploy.
 - 8.7.7 Considering when the employee is able to return from long-term sick leave, whether to their job or a redeployed job, lighter duties and/or agreeing a return to work programme.
 - 8.7.8. If it is considered that the employee is unlikely to be able to return to work from long-term absence, whether there are any benefits for which they should be considered.
 - 8.7.9 Agreeing a way forward, action that will be taken and a time-scale for review and/or any further meeting(s). The employee should at all stages seek to inform the Council as to any duties/roles they feel that they might be able to safely undertake despite their ill health.
- 8.8 Depending on the matters discussed, a further meeting or meetings may or may not be necessary.
- 8.9 The purposes of any further meeting(s) may include the topics listed above. This may, depending on steps already taken by the Council, include warning the employee that they are at risk of dismissal.

- 8.10 Where the employee has already been warned that they are at risk of dismissal, the Council may invite them to a meeting. Arrangements for this meeting will follow the procedure set out above and they will be entitled to be accompanied by a colleague or trade union representative.
- 8.11 The purposes of the meeting will be:
- 8.11.1 To review any meetings that have taken place and matters already discussed with them.
 - 8.11.2 Where the employee remains on long-term sickness absence to consider whether there have been any significant changes since the last meeting, either as regards their possible return to work or opportunities for return or redeployment.
 - 8.11.3. To consider any further matters that they wish to raise.
 - 8.11.4 To consider whether there is a reasonable likelihood of returning to work or achieving the desired level of attendance in a reasonable time period.
 - 8.11.5 To consider medical evidence that has been obtained, considering the advice that has been given and whether further advice is required.
 - 8.11.6 To consider possible redeployment opportunities and whether any adjustments can reasonably be made to assist redeployment.
 - 8.11.7 To consider whether their employment shall be terminated on the grounds of ill-health capability.
- 8.12 Termination will normally be with full notice or payment in lieu of notice.
- 8.13 An employee will have a right of appeal against any dismissal under these procedures and any appeal should be in writing, setting out the grounds of any such appeal and why the decision is deemed unfair and sent to the Town Clerk within 5 working days of notification of the dismissal decision.

EQUAL PAY POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 9.1 The Council is committed to the principle of equal pay for men and women. In this context “pay” includes not only remuneration, but also other benefits of employment such as promotion and training opportunities, and access to facilities provided within the employment package from time to time.
- 9.2 The Council is committed to introducing and maintaining pay systems which are transparent, based on objective criteria and free from gender bias.
- 9.3 Women and men employed by the Council are entitled to equal pay if they are undertaking work which is substantially similar, or is of equal value to the organisation - unless there are specific and clear reasons unconnected with their gender which explain and justify any differential in pay. In some cases, individuals carrying out similar work may receive different salaries because of seniority, incremental points, qualifications and other such factors.
- 9.4 You should raise any query or grievance concerning your pay and its evaluation in accordance with the Council’s grievance procedure.

STRESS AT WORK POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 10.1 Life and work have become much busier in recent times. There seems to be too much to do and too little time in which to do it. As a consequence, more employees are experiencing stress at work.
- 10.2 Stress at work can come about for a variety of reasons. It may be excessive workload, unreasonable expectations, or overly-demanding work colleagues. As a reasonable Council, we try to ensure that you are in a pleasant working environment, and that you are as free from stress as possible.
- 10.3 If you experience unreasonable stress which you think may be caused by work you should raise your concerns through the Council's grievance procedure.
- 10.4 Managers, when performing risk assessments on the activities of their department, will pay special attention to potential risks from stress and signs of stress at work will be noted.
- 10.5 The Council (if deemed appropriate) will offer an employee assistance scheme which will offer confidential and individual counselling to employees who may need it.
- 10.6 Any employee with clear stress-related problems shall receive (if requested) appropriate counselling and help from the Council (employee) assistance scheme, but it is understood that this is not an alternative to looking at the cause of the stress and, if work-related, seeking to alter the structure and working arrangements of the job, and, if possible, meets the business needs of the Council.
- 10.7 Following action to reduce the risks, they shall be reassessed. If the risks remain unsustainable by the employee concerned, efforts shall be made to reassign that person to other work for which the risks are assessed as tolerable.

RELATIONSHIPS AT WORK

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 11.1 This policy covers all employees of the Council. It is intended to provide guidance in areas where personal relationships overlap with working relationships, and is intended to ensure that individual members of staff are not open to allegations of impropriety, bias, abuse of authority or conflict of interest. It is also intended to set out employees' rights and responsibilities to one another.
- 11.2 The Council values the integrity of professional relationships between its employees and, in order that the Council's business is conducted in a professional manner and perceived to be conducted in a professional manner, it is necessary to distinguish between, and take account of, personal relationships which overlap with professional ones.
- 11.3 In the context of this policy, a personal relationship is defined as:
 - 11.3.1 a family relationship; or
 - 11.3.2 a sexual/romantic relationship.
- 11.4 Both the Council, and any employees who are in personal relationships with any other employee, shall take all reasonable steps to ensure that personal relationships neither advantage nor unfairly disadvantage those involved.
- 11.5 If an employee becomes involved in a personal relationship with a fellow employee, it is the responsibility of both individuals to deal appropriately with any potential conflicts of interest. Ideally, such relationships should be reported, in confidence, to the Town Clerk, particularly where the relationship is between a manager and his/her subordinate.
- 11.6 Employees should take care that financial, familial or personal relationships entered into on a consensual basis, do not advantage or unfairly disadvantage any member of staff or other individuals.
- 11.7 Employees involved in personal relationships should exercise due regard for the professional nature of the workplace, and behave in a professional manner at all times paying due consideration to colleagues, customers and clients.
- 11.8 Where a personal relationship exists between employees who are in a line management or supervisory relationship at work, they must not be involved in recruitment, selection, appraisal, promotion or in any other management activity or process involving the other party, whereby there may be a conflict of interest or perceived conflict of interest as a result of the personal relationship. In such circumstances the relevant manager, senior manager or director should be informed and will, where appropriate, make alternative arrangements and confirm them in writing. The relevant manager, senior manager or Town Clerk will treat these matters in confidence.
- 11.9 If there is any inequality or perceived inequality in the relationship, extra care should be taken and employees' attention is drawn to the sexual harassment

policy. Sexual harassment is defined as “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, which occurs with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment”. Employees involved in personal relationships at work should ensure that any such relationships are fully consensual, and are not and cannot be perceived as an exploitation of one party’s position in relation to another.

- 11.10 Any employee who is, or who has been, involved in a sexual/romantic relationship with another member of staff, and who does not consider their involvement to be truly consensual, will have the right to complain under the Council’s harassment policy / grievance procedure.
- 11.11 Applicants for employment within the Council will be asked to declare whether they are in a personal relationship with any existing employee or Councillor of the Council. The existence of a relationship between an applicant and an employee or Councillor will not bar anyone from applying to the Council for employment, but relationships must be declared at the outset.
- 11.12 External and internal applicants for posts will be asked to declare relevant personal relationships when applying for the post to ensure that the member of staff or Councillor they are related to / in a relationship with, has no involvement in the application process.
- 11.13 Managers and staff who are uncertain about whether they should take action regarding a personal relationship (whether their own or someone else’s relationship that is affecting them) are invited to seek guidance in confidence from the Town Clerk.
- 11.14 Employee should be aware that a breach of this policy could lead to disciplinary action being taken.

MATERNITY POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

Ante-natal Care

- 12.1 An employee has the right not to be unreasonably refused paid time off during working hours to receive ante-natal care.
- 12.2 The appointment must be made on the advice of a registered doctor, midwife or health visitor. After the first appointment, the employee must be prepared to produce a certificate confirming their pregnancy and their appointment card. Time off for ante-natal classes will be paid at the appropriate hourly rate, the calculation of which depends on whether or not they have regular hours.

Maternity Leave

- 12.3 The employee is entitled to a maximum of 52 weeks maternity leave comprising of Ordinary Maternity Leave and Additional Maternity Leave.

They are entitled to Maternity Leave provided they notify the Council on or before the 15th week before the baby is due of:

- 12.3.1 their pregnancy; and
 - 12.3.2 their Expected Week of Childbirth (EWC); and
 - 12.3.3 the date on which they intend their Ordinary Maternity Leave to start. This date cannot be earlier than the 11th week before the EWC; and
 - 12.3.4 they must also provide the Council with the original Maternity Certificate (MAT B1) issued by their doctor.
- 12.4 Ordinary Maternity Leave is a maximum of 26 weeks in duration.
 - 12.5 The employee can choose to work right up to childbirth unless there are health and safety reasons which prohibit this.
 - 12.6 Ordinary Maternity Leave commences on the date chosen by the employee except:
 - 12.6.1 where Ordinary Maternity Leave commences early due to pregnancy related sickness absence.
 - 12.6.2 Ordinary Maternity Leave will commence on the day of childbirth if this is earlier than the employee's chosen start date.

Additional Maternity Leave

12.7 The employee will be entitled to Additional Maternity Leave. This is an additional period of 26 weeks' maternity leave following immediately after the end of the Ordinary Maternity Leave. The employee therefore receives a total maximum period of maternity leave of 1 year.

Information from the employee - Intended Start of Maternity Leave

12.8 At the same time as giving the Council the Maternity Certificate and informing the Council of the pregnancy, the employee should also give notice of the date on which they intend to start maternity leave. If the employee cannot provide this information on or before the 15th week before the EWC they should do so as soon as is reasonably practicable.

12.9 The employee can change their mind about the intended start date of leave, and must give the Council at least 28 days notice either before the original start date of leave, or new start date of leave, whichever is the earliest.

12.10 If the employee gives less than 28 days notice of the date on which they intend to start maternity leave, they must also give an explanation for the delay. Depending on circumstances, the Council may refuse to allow them to start their maternity leave until the 29th day after receipt of notice.

Information from the Council - Expected Date of Return

12.11 Within 28 days of receiving the notice of intended start of Maternity Leave, the Council will send a letter stating the expected date of the employees return from maternity leave.

12.12 The Council will assume, unless otherwise advised by the employee, that they wish to take their full maternity leave entitlement.

Maternity Payment Period

12.13 Most employees are entitled to maternity benefit for the first 39 weeks of Maternity Leave. Maternity benefit is either Statutory Maternity Pay paid by the Council or Maternity Allowance paid by the Department of Work and Pensions.

Maternity Pay

12.14 Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) where eligible.

12.15 Payments for employees who have completed not less than one year's continuous local government service at the 11th week before the EWC shall be as follows:

- 12.16 For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- 12.17 If having declared their intention to return to work, then for the subsequent 12 weeks they shall be paid half a week's pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependants' allowances if the employee is not eligible for SMP) exceeds full pay.
- 12.18 For employees not intending to return to work payments during the subsequent 12 weeks shall be the employee's entitlement to SMP.
- 12.19 Payments made by the Council during maternity leave under 12.17 above shall be made on the understanding that the employee will return to local authority employment for a period of at least 3 months, which may be varied by the Council on good cause being shown and, in the event of them not doing so, they shall refund the monies paid, or such part thereof, if any, as the Council may decide. Payments made to the employee by way of SMP are not refundable.

A Week's Pay

- 12.20 The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

Statutory Maternity Pay

- 12.21 The employee will qualify for Statutory Maternity Pay (SMP) if:

- 12.21.1 they have been employed by the Council for 26 weeks prior to the 15th week before EWC; and
- 12.21.2 they have paid sufficient National Insurance Contributions; and
- 12.21.3 they notify the Council at least 28 days before the date they want payments of SMP to commence, or if not reasonably practicable, as soon as is reasonably practicable. If giving late notice, the employee should give the Council an explanation of the delay.

- 12.22 SMP will not be paid before the 11th week before the EWC.

- 12.23 There are two rates of SMP, an earnings related rate and a prescribed rate. The earnings related rate is paid during the first 6 weeks of Ordinary Maternity Leave, and the prescribed rate is paid during the following 33 weeks of Maternity Leave giving a total of 39 weeks maximum entitlement of SMP.

12.24 The earnings related rate of SMP is 90% of the employee's average weekly earnings. The average weekly earnings are calculated on the basis of average earnings during the 8 weeks immediately preceding the 14th week before the EWC.

Maternity Allowance

12.25 If the employee does not qualify for SMP, the Council will give them a form SMP1 to explain why they do not qualify. Employees who do not qualify for SMP will normally qualify for Maternity Allowance.

12.26 Maternity Allowance is paid at either 90% of average weekly earnings or the prescribed rate, whichever is less.

12.27 Maternity Allowance is claimed by the employee from the Department of Work and Pensions (DWP). The employee will receive Maternity Allowance from the DWP not the Council. It is their responsibility to claim Maternity Allowance from the DWP at a Benefits Office.

Working during the Maternity Payment Period (MPP)

12.28 If the employee works for the Council during the 26 weeks of their MPP they will receive normal remuneration for the periods they work.

12.29 If they:

12.29.1 are taken into legal custody, or

12.29.2 work for another Council

during the Maternity Pay Period they must notify the Council (and the DWP if they are claiming Maternity Allowance) as soon as possible, as their entitlement to SMP or Maternity Allowance may be affected.

Notice of Actual Date of Birth

12.30 The employee should inform their manager as soon as reasonably practical of their baby's actual date of birth.

Returning To Work

12.31 As set out above, the employee will have received a letter from the Council stating the expected date of return to work. The expected date of return will be the first working day after the end of the full period of maternity leave to which they are entitled.

Returning to Work Earlier than the Expected Date of Return

- 12.32 If the employee wishes to return before the expected date of return, they must give notice to the Council at least 8 weeks before your new intended return date, or if that is not reasonably practicable, as soon as reasonably practicable. If the notice is given late, it must be accompanied by an explanation for the delay.
- 12.33 The Council will write to the employee within 28 days of receipt of their notice to confirm the new intended start date.
- 12.34 If less than 8 weeks' notice is given by the employee, the Council may be entitled to refuse to allow them to return to work until the 8 week period has been given.
- 12.35 In any event the employee is not permitted to return to work within 2 weeks' of the actual date of birth.

Returning to Work Later than the Expected Date of Return

- 12.36 If an employee wishes to postpone their return to work until after the end of their full entitlement to maternity leave, they must contact their manager, and submit a medical certificate confirming that they are suffering from a medical condition which prevents them from working, or provide another authorised reason (such as holiday or parental leave), for their returning late.

The Job

- 12.37 If the employee returns at the end of Ordinary Maternity Leave, they are entitled to return to the same job.
- 12.38 It may not be practicable for the Council to offer them the same job after taking Additional Maternity Leave. If this is the case, the Council will offer them suitable alternative employment (unless a redundancy situation arises).

Keeping in Touch Days

- 12.39 By agreement the employee may be entitled to work for up to 10 days during your maternity leave period.
- 12.40 If an employee wishes to consider working during this period please contact your manager, who will notify you and agree terms and remuneration.

Health & Safety

- 12.41 Some circumstances exist where the Council may have to suspend you on full pay because of your condition. These circumstances might include:
- 12.41.1 where the employee's pregnancy makes you unable to do your job adequately;
 - 12.41.2 where it is unlawful for a pregnant woman to do a particular job;

- 12.41.3 where they are engaged on night work and produce a medical certificate that states that for health and safety reasons they should not continue working at night
 - 12.41.4 where a health and safety risk to the employee and/or the baby has been identified but cannot be eliminated.
- 12.42 Before such action is taken, every possible effort will be made by the Council to change the employee's hours of work or working conditions if there is a health and safety risk, or to find suitable alternative work for them.
- 12.43 The Council is required to assess the risks to health and safety to which pregnant employees and others could be exposed. Please refer to the Council's Health and Safety Policy for details.

PATERNITY LEAVE POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 13.1 Paternity leave and paternity pay are available to employees who are the father of a newborn child or the spouse or partner of the mother or adoptive parent.
- 13.2 Newborn children; paternity leave and pay applies to employees whose child was born on or after 6 April 2003
- 13.3 **Adopted children**; paternity leave and pay applies to employees who receive notice from an approved adoption agency that a match with a child (under 18) has been made and placement started on or after 6 April 2003.

Qualification

- 13.4 Paternity leave is available if the employee:
 - 13.4.1 has worked continuously for the Council for not less than 26 weeks by the 15th week before the child is expected to be born; and
 - 13.4.2 is the biological father of the child or the mother's husband or partner or the adopter's husband, wife or partner; and
 - 13.4.3 have or expect to have responsibility for the child's upbringing; and
 - 13.4.4 give appropriate notification to the Council; and
 - 13.4.5 give the Council a self-certificate to support their entitlement to paternity leave.
- 13.5 The employee cannot take both adoption leave and paternity leave in respect of the same child. Therefore if adopting a child as a couple - it is up to them to decide who will take adoption leave, and who will take paternity leave.

Duration of Leave

- 13.6 Up to 2 weeks' leave can be taken.
- 13.7 The leave must be taken either as 1 week or 2 consecutive weeks' leave. The leave cannot be taken as 2 separate weeks' leave. Only one period of leave is available, irrespective of whether more than one child is born at the same time. Therefore, if twins are born, your entitlement is still up to 2 weeks' leave and not four weeks.

When Leave can be Taken

13.8 The employee can choose to start their leave:

13.8.1 from the date of the child's birth (or date of placement in adoption cases); or

13.8.2 from a chosen number of days or weeks after the date of the child's birth or placement; or

13.8.3 from a chosen date.

13.9 The leave must be completed:

13.9.1 within 56 days (8 weeks) of the actual date of birth of the child; or

13.9.2 if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

Notification

13.10 The employee must inform the Council of their intention to take paternity leave by the 15th week before the baby is expected. If this is not reasonably practicable, they must give notice as soon as reasonably practicable and should provide a written explanation for the delay.

13.11 The employee must also inform the Council:

13.11.1 of the Expected Week of Childbirth (the week the baby is due);

13.11.2 whether they wish to take one or two weeks' paternity leave;

13.11.3 of the date on which they want their leave to start.

13.12 The employee can change their mind about the date they want their paternity leave to begin, provided they give the Council at least 28 days' notice, ending at the original start date or new start date, whichever is the earlier. If this is not reasonably practicable, they must give notice as soon as reasonably practicable and should provide a written explanation for the delay. If notice is given late, and the explanation for the delay is inadequate the Council can postpone the start of their paternity leave until the 29th day after receipt of the notice.

13.13 It is not necessary for the employee to give notice of expected return date, since the leave is only one or two weeks in duration.

Statutory Paternity Pay

13.14 Subject to the employee satisfying the qualifications set out below, Statutory Paternity Pay (SPP) will generally be payable for paternity leave taken within 56 days of the date of the child's birth (or placement for adoption).

Qualification

13.15 To qualify for SPP, you must:

- 13.15.1 have continuous service with the Council for not less than 26 weeks by the 15th week before the child is expected to be born (or placed for adoption); and
- 13.15.2 have continuous service with the Council from that 15th week up to the child's date of birth (or placement); and
- 13.15.3 be the biological father of the child or the mother's husband or partner or the adopter's husband, wife or partner; and
- 13.15.4 have or expect to have responsibility for the child's upbringing; and
- 13.15.5 give appropriate notification; and
- 13.15.6 give the Council a self-certificate to support your entitlement to SPP;
- 13.15.7 have average weekly earnings equal to or above the Lower Earnings Limit applying to National Insurance Contributions (NICs).

Amount Paid

13.16 SPP will be the lesser of the current weekly prescribed rate or 90% of the employee's average weekly earnings.

13.17 If the employee does not qualify for SPP they may be eligible for income support whilst on paternity leave.

13.18 The employee should discuss their particular circumstances with their local social security office (Department for Work and Pensions), as they may be eligible for further financial support, such as housing benefit, Council tax benefit, tax credits or a Sure Start Maternity Grant.

ADDITIONAL PATERNITY LEAVE AND PAY

13.19 The Additional Paternity Leave Regulations 2010 give the biological father of a child (or partner of the mother) up to 26 weeks' Additional Paternity Leave to care for a child under the age of one (or in the case of adopted children during the first year after being placed for adoption.)

13.20 The Additional Statutory Paternity Pay (General) Regulations 2010 allow the biological father (or partner of the mother) to be paid Additional Statutory Paternity Pay if they are not working during their partner's maternity or adoption pay period. The mother must have been entitled to maternity allowance, statutory maternity pay or statutory adoption pay and have returned to work.

13.21 The total amount of paid leave will be 39 weeks. The balance of what the mother has not used can be taken by the father.

13.22 To be eligible for Additional Statutory Paternity Leave the employee must -

- 13.22.1 be the father of the child and/or the husband or partner (including same sex partner or civil partner) of a woman who is due to give birth on or after 3rd April 2011, or the employee and/or the other adoptive parent must receive notification on or after 3 April 2011 that they have been matched with a child for adoption;
- 13.22.2 have or expect to have the main responsibility for the child's upbringing apart from any responsibility of the mother;
- 13.22.3 have at least 26 weeks' continuous employment with the Council ending with the qualifying week (the 15th week before the expected week of childbirth);
- 13.22.4 continue to work for the Council from the qualifying week into the week before they wish to take Additional Paternity Leave;
- 13.22.5 be taking the time off to care for the child.

13.23 The child's mother must also:

- 13.23.1 be entitled to statutory maternity leave, statutory maternity pay or maternity allowance or statutory adoption pay; and
- 13.23.2 return to work at least 2 weeks' after the child's birth, but with at least 2 weeks' of unexpired statutory maternity leave entitlement remaining.

13.24 The employee will only be able to start their Additional Paternity Leave:

- 13.24.1 20 or more weeks after the child's birth or placement for adoption;
- 13.24.2 once their partner has returned to work from statutory maternity leave or statutory adoption leave, and/or ended their entitlement to statutory maternity or adoption pay or maternity allowance.

13.25 The employee's Additional Paternity Leave will have to have ended by the end of the 52nd week after the child's birth or placement for adoption.

13.26 If the employee wishes to take Additional Paternity Leave they must comply with the notice requirements. In addition, the mother (or primary adopter) must self-certify their intention to return to work and confirm that they are the only person exercising the right to Additional Paternity Leave.

- 13.27 To qualify for Additional Paternity Leave and Pay the employee must give the Council written notice at least 8 weeks before the start of the leave on the prescribed form (SC7).
- 13.28 In addition, the child's mother or co-adopter must also provide a signed declaration stating:
- 13.28.1 their name, address (including postcode) and national insurance number;
 - 13.28.2 that they have notified their intention to return to work to their employer, and the date of their intended return to work;
 - 13.28.3 that they are eligible for statutory maternity pay, maternity allowance or statutory adoption leave or pay, and the date their statutory maternity pay, maternity allowance or statutory adoption pay period started;
 - 13.28.4 in the case of UK adoptions - that they are their spouse, partner or civil partner and that they were jointly matched for adoption with the child;
 - 13.28.5 in all other cases – that they are the father or co-adopter of the child or the spouse, partner or civil partner of the child's mother or co-adopter, and have main responsibility for the upbringing of the child apart from its mother, or were jointly matched for adoption with the child and that they are the only person to take Additional Paternity Leave or Pay in respect of the child; and
 - 13.28.6 that they consent to the Council processing the information given in the notice.
- 13.29 The Council may request additional information from the employee to support their claim for Additional Paternity Leave or Pay. Within 28 days of receiving notification the Council can request a copy of either:
- 13.29.1 the child's birth certificate or
 - 13.29.2 the notification from the adoption agency including the name and address of the agency; the date on which the employee was notified of having been matched for adoption, and the date that the agency was expecting the placement to begin.
- 13.30 The Council can also request the name and address of the mother's or co-adopter's employer.

- 13.31 If such further information is requested, the employee must provide it within 28 days of the request.
- 13.32 The Council will confirm the date of the employee's Additional Paternity Leave and entitlement to Additional Statutory Paternity Pay within 28 days of receiving a completed notice. If the employee applies for Additional Statutory Paternity Pay, but are not eligible, they will be issued with a form ASPP1.
- 13.33 If the employee wishes to change the date of their Additional Paternity Leave or if they no longer wish to take it, they must give the Council six weeks' notice.
- 13.34 The Council will respond to this notice within 28 days confirming the dates of the employee's leave and pay.
- 13.35 If the employee should be no longer eligible for Additional Paternity Leave, e.g. if their partner has not returned to work, they must tell the Council as soon as possible.

Additional Statutory Paternity Pay

- 13.36 The employee is entitled to be paid Additional Statutory Paternity Pay during the mother or co-adopter's statutory maternity pay period, or statutory adoption pay period. This runs for 39 weeks from the date the mother or co-adopter started receiving their pay.
- 13.37 Some of the Additional Paternity Leave will be paid at the statutory rate, which will be the same as the prescribed rate of statutory maternity pay or statutory adoption pay, provided the mother (or primary adopter) has not exhausted her entitlement to SMP / SAP.
- 13.38 The current rate of Additional Statutory Paternity Pay is the lower of –
- 13.38.1 90% of the employee's average weekly earnings
 - 13.38.2 the standard weekly rate

ADOPTION LEAVE POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

Qualification

- 14.1 Adoption leave and pay is available to individuals who adopt or one member of a couple where a couple adopt jointly.
- 14.2 Both paid adoption leave and paid paternity leave will be available to employees who qualify where an approved adoption agency notified the adopter of a match with a child on or after 6 April 2003.
- 14.3 To qualify for adoption leave, you must:
 - 14.3.1 have been notified that the employee has been matched by an adoption agency with a child for the purposes of adoption; and
 - 14.3.2 have been continuously employed by the Council for a period of not less than 26 weeks ending with the week on which the notification was given; and
 - 14.3.3 give the Council appropriate notice; and
 - 14.3.4 give the Council a Matching Certificate as evidence of entitlement to adoption leave.

Notification

- 14.4 The employee is required to inform the Council of their intention to take adoption leave within 7 days of being notified that they have been matched with a child for adoption, unless this is not reasonably practicable. If not reasonably practicable, they should notify the Council as soon as reasonably practicable with a written explanation for the delay.
- 14.5 The notice must include the following information:
 - 14.5.1 when the child is expected to be placed with the employee;
 - 14.5.2 when the employee wants to start the adoption leave;
- 14.6 The employee can change their mind about the date they want their leave to start, provided they give at least 28 days' notice in advance (again unless this is not reasonably practicable). If 28 days' notice is not reasonably practicable, they should give notice as soon as reasonably practicable with a written explanation of the delay.
- 14.7 The Council will respond within 28 days of receipt of your notification. The Council will write to the employee setting out the date on which we expect them

to return to work if the full entitlement to adoption leave is taken. This date is the Expected Return Date.

Matching Certificate

14.8 The employee must provide a completed matching certificate (available from the Agency who is placing the child with the employee).

Duration of Leave

14.9 The employee will be entitled to a maximum of 52 weeks' Adoption Leave; 26 weeks' Ordinary Adoption leave and 26 weeks' Additional Adoption Leave.

When Leave Can Be Taken

14.10 The employee can choose to start their leave either:

14.10.1 from the date of placement (whether this is earlier or later than expected); or

14.10.2 from a fixed date which can be up to 14 days before the expected date of placement.

14.11 Only one period of leave is available regardless of whether more than one child is placed for adoption as part of the same arrangement.

14.12 Sometimes the placement ends during the adoption leave period, for instance when the adoption agency that matched the employee with the child notifies the employee that the child will not in fact be placed with him or her, or if the child dies or the match is considered unsuitable. If this happens, the employee is entitled to continue the adoption leave for up to 8 weeks after the end of the placement.

14.13 It should be noted that adoption leave is in addition to parental leave (currently 13 weeks' or 18 weeks' for parents of disabled children).

Returning to Work

Right to Return

14.14 Where the employee takes Ordinary Adoption Leave only (ie: up to 26 weeks) they have the right to return to the same job as the one they left, and to be treated as if they had never been absent.

14.15 Where they take Additional Adoption Leave (ie: more than 26 weeks' and up to 52 weeks' leave) they have the right to return to the same job, or if that is not reasonably practicable, to another job which is both suitable and appropriate in the circumstances.

Notice of Return

- 14.16 Where the employee tends to return to work on the Expected Return Date, no notice is required to be given to the Council.
- 14.17 Where the employee wishes to return to work before the Expected Return Date, they must give the Council at least 8 weeks' notice of the date they intend to return. This notice may be verbal.
- 14.18 If the employee fails to give at least 8 weeks' notice then the Council is entitled to postpone their return, and is not obliged to pay them your normal remuneration until the agreed return date.

Adoption Pay

- 14.19 Payments for employees who have less than 1 year's continuous local government service by the week in which they are notified by an approved adoption agency that a match has been made with a child, shall be the employee's entitlement to Statutory Adoption Pay (SAP).
- 14.20 Payments for employees who have completed not less than one year's continuous local government service by the week in which they are notified by an approved adoption agency that a match has been made with a child, shall be as follows:
- 14.20.1 For the first six weeks' of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SAP.
- 14.20.2 If having declared their intention to return to work then for the subsequent 20 weeks they shall be paid half a week's pay without deduction, except by the extent to which the combined pay and SAP exceeds full pay.
- 14.20.3 For employees not intending to return to work payments during the subsequent 20 weeks shall be the employee's entitlement to SAP.
- 14.21 Payments made by the Council during adoption leave under 14.20.1 above, shall be made on the understanding that the employee will return to the Council's employment for a period of at least three months, which may be varied by the Council on good cause being shown and, in the event of them not doing so, they shall refund the monies paid, or such part thereof, if any, as the Council may decide. Payments made to the employee by way of SAP are not refundable.

A Week's Pay

- 14.22 The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to the employee, under the current contract of

employment for working their normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

Statutory Adoption Pay

14.23 Statutory Adoption Pay (SAP) is available if the employee:

14.23.1 has 26 weeks' continuous service by the week in which they are notified by an approved adoption agency that match has been made with a child; and

14.23.2 gives appropriate notification to the Council; and

14.23.3 gives the Council a completed Self Certificate; and

14.23.4 has average weekly earnings of not less than the lower earnings limit apply to National Insurance Contributions.

Notification

14.24 The employee must give the Council at least 28 days' notice of the date upon which they expect any payment of Statutory Adoption Pay to begin, unless this is not reasonably practicable.

14.25 The employee can change their mind about the date they want your SAP to start provided they give at least 28 days' notice in advance (again, unless this is not reasonably practicable).

14.26 If 28 days' notice is not reasonably practicable, they should give notice as soon as reasonably practicable with a written explanation for the delay.

Amount Paid

14.27 SAP will be the lesser of the prescribed rate per week or 90% of the employee's average weekly earnings. This rate is the same for Statutory Maternity Pay and Statutory Paternity Pay.

Alternative / Additional Financial Help for Adopters

14.28 If the employee's average weekly earnings are below the lower earnings limit for National Insurance Contributions purposes, and do not qualify for SAP, they may be eligible for income support whilst on adoption leave.

PARENTAL LEAVE POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

15.1 The Council recognises the importance of balancing our working lives with home and family commitments.

15.2 In line with the Council's policy to adapt to developments in employment law and follow best practice in employment relations, the Council set out below the scheme adopted by the Council and the key facts about parental leave.

Eligibility

15.3 To be eligible to take parental leave the employee must be a parent (including adoptive parents) of a child born (or adopted) after 15th December 1999; or anyone who has obtained formal parental responsibility for a child under the Children Act or its Scottish equivalent after 15th December 1999. The Council may need to request evidence of this, for example in the form of a birth certificate.

15.4 In addition the employee must have completed one year's service with the Council.

Entitlements

15.5 If the employee meets the conditions set out above they are entitled to a total of 13 the weeks' (unpaid) parental leave in respect of each child (18 weeks if the employee **is the parent of a child entitled to a disability living allowance**).

Time Limit

15.6 Parental leave can be taken up until the child's fifth birthday. In the case of adopted children, leave can be taken up until five years have elapsed following placement (or until the child's 18th birthday if that comes sooner);

15.7 If the employee has a disabled child, leave can be taken until the child's 18th birthday. For the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded.

Parental Leave Scheme

15.8 The employee must take parental leave in blocks or multiples of 1 week (blocks of one day for parents of disabled children).

15.9 The employee is required to give 21 days' notice before they intend to take this leave.

15.10 If the employee intends to take leave immediately after the birth or placement for adoption, they should give notice 21 days before the beginning of the

expected week of childbirth, or placement. In rare cases where it is not possible to give 21 days' notice of the date of placement for adoption, the employee should give the notice as soon as reasonably practicable.

- 15.11 The employee can take up to a maximum of four weeks leave in any calendar year.
- 15.12 The leave can be postponed by the Council for up to 6 months where the business cannot cope; but leave cannot be postponed if the employee gives notice to take this leave immediately after the time their child is born, or is placed with the their family for adoption.

The Employer's Rights Whilst on Leave

- 15.13 At the present time there is NO ENTITLEMENT TO REMUNERATION, i.e. the leave is unpaid. However, the employee is guaranteed the right to return to the same job as before they went on leave.
- 15.14 In the case of mothers taking parental leave immediately following maternity leave, there are special provisions depending on whether the mother has taken ordinary or additional maternity leave;
- 15.15 **Ordinary** maternity leave period (26 weeks) - return to the same job;
- 15.16 **Additional** maternity leave period - return to the same job, unless this would not have been reasonably practicable at the end of the additional leave period and is still not reasonably practicable, in which case a similar job which has the same or better status, terms and conditions as the old job.
- 15.17 During the period of parental leave the employee is entitled to the benefits of their terms and conditions of employment relating to notice of termination, compensation in the event of redundancy and disciplinary and grievance procedures.

Postponement of Leave

- 15.18 If the Council consider that the employee's absence will unduly disrupt the business, they can postpone the leave for no longer than 6 months from the beginning of the period that the employee requested to start the their parental leave;
- 15.19 Examples of the reasons which might justify the Council postponing parental leave include work being at a seasonal peak, a significant proportion of the workforce applying for parental leave at the same time, or if the employer's role is such that their absence at a particular time would unduly harm the business.
- 15.20 If this is the case, and the Council need to postpone the employer's leave, the Council will discuss the matter with them and confirm the postponement arrangements in writing no more than 7 working days after their notice to take leave. The notice will set out the reason for the postponement and the new

dates of parental leave. If leave is postponed, the length of the leave will still be the equivalent of their original request.

- 15.21 The Council trust that the above guidance is helpful in setting out the right to take parental leave, however, if the employee has any further questions, please do not hesitate to raise them with their manager.

TIME OFF FOR DEPENDENTS POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 16.1 The Council recognises that situations arise where the employee needs to take time off work to deal with an emergency involving someone who depends on them. Provided the reasons for such a request are genuine and the employee informs the Council as soon as possible that they need this time off, they will be allowed reasonable **unpaid** time off work to deal with such emergencies.

Dependents

- 16.2 The employee's husband, wife or partner, child or parent, or someone living with the employee as part of their family can all be considered as depending on them. Others who rely solely on the employee for help in an emergency may also qualify. For further detail as to who counts as depending on the employee, and guidance on individual circumstances, please speak to a manager.

The Emergency

- 16.3 The right to time off only covers emergencies. If the employee knows in advance that they are going to need time off, they may be able to arrange this with the Council by taking another form of leave, such as parental, maternity, paternity or adoption leave.
- 16.4 For these purposes, an emergency is an unexpected situation that arises where someone who depends on the employee:
- 16.4.1 is ill and needs their help;
 - 16.4.2 is involved in an accident or assaulted;
 - 16.4.3 needs the employee to arrange their longer term care;
 - 16.4.4 needs the employee to deal with an unexpected disruption or breakdown in care, such as a child minder or nurse failing to turn up;
 - 16.4.5 goes into labour.
- 16.5 The employee can also take time off if a dependent dies, and the employee needs to make funeral arrangements or attend the funeral.

Length of Time Off

- 16.6 The employee can only take off as long as it takes to deal with the immediate emergency. For example, if a dependant is ill the employee can take enough time off to deal with their initial needs, such as taking them to the doctor and arranging for their care. They cannot take time off work to provide that care themselves, and will need to make alternative arrangements for their longer term care. If the employee wants to stay off work longer to care for them, they will normally need to take this as part of their annual leave entitlement.
- 16.7 As a general benchmark, no more than a day should be necessary.

Notice

- 16.8 The employee must tell the Council as soon as possible why they are away from work and how long they expect to be off. In extreme cases of emergency where the employee cannot inform the Council of their absence before they return to work, on their return they should still inform their manager why they were absent.

FLEXIBLE WORKING POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

Qualification

- 17.1 In order to make a request for flexible working the employee must:
 - 17.1.1 be an employee;
 - 17.1.2 not be an agency worker;
 - 17.1.3 are, or become, a carer;
 - 17.1.4 have a child under 17 years, or 18 years in the case of a disabled child;
 - 17.1.5 have been continuously employed by the Council for a period of not less than 26 weeks at the date the application is made;
 - 17.1.6 make the application no later than before the child's 17th birthday or 18th birthday in the case of a disabled child;
 - 17.1.7 have or expect to have responsibility for the child's upbringing;
 - 17.1.8 be making the application to enable you to care for the child;
 - 17.1.9 be responsible for the care of a person aged 18 or over.
 - 17.1.10 not have made another application to work flexibly under the right to make such applications during the past 12 months.
- 17.2 The right to apply for flexible working arrangements applies to the mother, father, adopter, guardian or foster parent of the child or the partner or spouse of such a person, living with the child.

Scope of a Request

- 17.3 The Council will endeavor to accommodate the employee's needs, but when doing so, will take into account the Council's business requirements.
- 17.4 If you qualify, you have a legal right to request:
 - 17.4.1 a change to hours worked;
 - 17.4.2 a change to the times you are required to work;
 - 17.4.3 a change in duties;
 - 17.4.4 a change to any other terms of your employment.

17.5 Any agreed change to the employee's terms and conditions will be permanent, unless the Council agree otherwise.

Application

17.6 If an employee decides to make a flexible working request they must follow this procedure. However, before making an application they should think about:

17.6.1 what working pattern will help them best care for the child;

17.6.2 the financial implications a change might have on them;

17.6.3 what effects, if any, the change will have on the Council's business and how these might be accommodated.

17.7 The application must be in writing, signed and dated and:

17.7.1 state that it is an application under the right to apply for flexible working arrangements;

17.7.2 specify the change applied for;

17.7.3 specify the date on which the employee would like the change to be effective;

17.7.4 explain what effect, if any, making the change applied for would have on the Council; and

17.7.5 explain how the employee meets the eligibility requirements.

17.8 The employee can only make one application per year. If they have made a previous application to the Council for flexible working arrangements, then the application must state this and give the date on which the previous application(s) are, or were, made.

The Council's Response

17.9 The Council may agree to the request without discussing it with the employee provided we notify you within 28 days of receipt of the application that the request is granted.

17.10 Otherwise, the Council will arrange to meet with the employee within 28 days of receiving the application (or longer if mutually agreed). If the person who would normally consider the application is on holiday, or sick leave, this time limit will be automatically extended.

The Meeting

17.10 The employee is entitled to bring a companion to the meeting. The companion can address the meeting, but not answer questions on your behalf. The companion should be a trade union representative or work colleague of the employee's choosing.

17.11 At the meeting, the Council will discuss the work pattern suggested in depth and how best it might be accommodated. If there are problems in accommodating the request, we will consider alternative working patterns.

After the Meeting

17.12 Within 14 days of the meeting the Council will write to the employee to either agree a new working pattern and a start date or, where the decision is to refuse the variation, to set out the grounds for the refusal;

17.13 The grounds on which the Council can reject your request include:

17.13.1 burden of additional costs;

17.13.2 detrimental effect on the ability to meet customer demand;

17.13.3 inability to reorganise work amongst existing staff;

17.13.4 inability to recruit additional staff;

17.13.5 detrimental effect on quality;

17.13.6 detrimental impact on performance;

17.13.7 insufficiency of work during the periods the employee proposes to work;

17.13.8 planned structural changes;

17.13.9 any other ground allowed by regulations.

The Appeal Procedure

17.14 The employee may appeal the Council's decision provided they do so within 14 days of receiving the Council's decision. The notice of appeal must be in writing, signed and dated as before, and set out the grounds of the appeal.

17.15 Within 14 days of receipt of the notice of appeal, the Council will either hold a meeting with the employee to hear the appeal, *or* allow the appeal and notify them accordingly.

17.16 Within 14 days of holding the meeting to hear the appeal, the Council will give the employee notice of its decision on the appeal. If we allow the appeal, the notice will specify the variation in terms and conditions agreed, and the date from which it is to take effect. Where the Council dismisses the appeal, the notice will set out the grounds on which the dismissal is based.

HEALTH AND SAFETY AT WORK POLICY STATEMENT

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 18.1 The Council recognises that it has a legal duty of care towards protecting the Health and Safety of its employees and others who may be affected by the Council's activities.
- 18.2 It is the responsibility of all employees to co-operate in the implementation of this Health and Safety Policy within their areas of influence. All employees have a legal duty to ensure their own safety and the safety of others (for example, colleagues, visitors, contractors) under the Health and Safety at Work etc Act 1974.

Employees must therefore:

- 18.2.1 comply with any safety instructions and directions issued by the Council;
 - 18.2.2 take reasonable care for health and safety and the health and safety of other persons (e.g. other employees, contractors, customers, workmen, etc.) who may be affected by the employee's acts or omissions at work, by observing safety rules which are applicable to you;
 - 18.2.3 co-operate with the Council to ensure that the aims of the Health and Safety policy are achieved, and any duty or requirement on the Council by or under any of the relevant statutory provisions is complied with;
 - 18.2.4 report and co-operate in the investigation of all accidents or incidents that have led to or may lead to injury;
 - 18.2.5 use equipment or protective clothing provided in accordance with the training you have received;
 - 18.2.6 report any potential risk or hazard or malfunction of equipment to the appropriate authority.
- 18.3 In order to discharge its responsibilities the management will:
- 18.3.1 provide an organisational structure that defines the responsibilities for health and safety;
 - 18.3.2 ensure that the systems and procedures relating to this Policy Statement are rigorously applied;

- 18.3.3 provide adequate control of the health and safety risks arising from our work activities;
 - 18.3.4 consult with our employees on matters affecting their health and safety;
 - 18.3.5 provide and maintain safe plant and equipment;
 - 18.3.6 ensure the safe handling and use of hazardous substances;
 - 18.3.7 provide information, instruction and supervision for employees;
 - 18.3.8 provide adequate training and ensure that all employees are competent to do their tasks;
 - 18.3.9 prevent accidents and cases of work-related ill health;
 - 18.3.10 maintain safe and healthy working conditions;
 - 18.3.11 satisfy itself that any organisation who is contracted to carry out work for the Council, is able to demonstrate that it pays due regard to health and safety matters;
 - 18.3.12 bring this Policy Statement to the attention of all employees and seek their co-operation in supporting the management in its efforts to establish and maintain a safe and healthy working environment.
- 18.4 This Health and Safety Policy Statement and its associated organisational arrangements, systems and procedures, will be reviewed at least annually and revised as necessary to reflect changes to the business activities. Any changes to the Policy will be brought to the attention of all employees.
- 18.5 Any failure by an employee to comply with any aspect of the Council's health and safety procedures, rules or duties will be treated by the Council as serious or gross misconduct.
- 18.6 An employee has a responsibility to observe all safety rules, and to co-operate with the manager charged with responsibility for the implementation of the Council's health and safety policy to achieve a healthy and safe workplace, and to take reasonable care of themselves and others.

ALCOHOL AND DRUG ABUSE POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing and will consult on any significant changes.

- 19.1 An employee must not drink alcohol whilst they are at work on Council premises or the premises of its customers or clients – unless they have been given prior permission by a member of the Council's Management Team, and it does not impair their ability to do their work duties.
- 19.2 Any employee who is found consuming alcohol, without the prior permission by a member of the Council's Management Team, on the Council's premises or the premises of its customers and clients, or is found to be intoxicated at work will normally face disciplinary action on the ground of gross misconduct under the Council's disciplinary procedure.
- 19.3 Employees may be asked to undergo a medical examination, which will seek to determine whether he/she has taken a controlled drug or has an alcohol abuse problem.
- 19.4 A refusal to give consent to such an examination, or a refusal to undergo the screening will normally be treated as gross misconduct for employees.
- 19.5 The possession, use or distribution of drugs for non-medical purposes on the Council's premises is strictly forbidden and a gross misconduct offence.
- 19.6 If an employee is prescribed drugs by their doctor which may affect their ability to perform their work they should discuss the problem with their line manager.
- 19.7 If the Council suspects there has been a breach of this policy, or the employee's work performance or conduct has been impaired through substance abuse, the Council reserves the right to require them to undergo a medical examination to determine the cause of the problem.
- 19.8 If the employee refuses to undergo a medical examination in such circumstances, their refusal will normally be treated as gross misconduct.
- 19.9 If, having undergone a medical examination, it is confirmed that the employee has been positively tested for a controlled drug, or they admit there is a problem, the Council reserves the right to suspend them from their employment (with or without pay), to allow the Council to decide whether to deal with the matter under the terms of the Council's disciplinary procedure, and/or to require the employee to undergo treatment and rehabilitation.
- 19.10 The Council reserves the right to search the employee, or any of their property held on Council premises, at any time if there are reasonable grounds to believe that this policy is being or has been infringed, or for any other reason. If the employee refuses to comply with these search procedures, their refusal will normally be treated as gross misconduct.

19.11 The Council reserves the right to inform the police of any suspicions it may have with regard to the use of controlled drugs by its employees on the Council's premises.

BEREAVEMENT POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing, and will consult all employees on any significant changes.

- 20.1 It is the policy of the Council to grant all employees up to a total of 5 working days bereavement time off without loss of pay when a death occurs in an employee's immediate family (i.e. mother, father, wife/husband, live in partner, sister, brother, daughter, son, grandchildren or grandparents).
- 20.2 An employee will not be eligible to receive paid bereavement time-off benefits while off or absent from work because of holiday, sickness (paid or unpaid) or for any other reason.

DATA PROTECTION POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing, and will consult all employees on any significant changes.

21.1 The Data Protection Act relates to the handling of all data including employee information as well as client or customer related data. Data under the Act breaks down into two categories - ordinary personal data and sensitive personal data. The Act requires the Council to take additional steps to protect sensitive personal data.

What Sensitive Personal Data Does the Council Hold?

21.2 The Council believe that the vast majority of the information which it holds is not considered (under the terms of the Act) to be sensitive personal data. The Council believe that the only exceptions to this are:

21.2.1 racial or ethnic origin - which it holds for the purposes of equal opportunity monitoring;

21.2.2 employment health questionnaire and other information relating to an employee's health and sickness absence - which the Council holds so it can monitor and control sickness absence and ensure that it can pay you sick pay; and

21.2.3 any disciplinary or other records to the extent that they relate to criminal offences. For example, this would include criminal offences which the employee has disclosed when they applied for a job with the Council (and which are not exempt from disclosure under the Rehabilitation of Offenders Act), and data created in the thankfully infrequent event of allegations being made against employees that involve, or could involve, a criminal offence such as theft.

21.3 Subject to some exceptions, the Data Protection Act requires the Council to obtain your explicit consent to hold and process sensitive personal data. Without this consent the Council will not be able to process this data, which would for example potentially produce the result that the Council could not pay you if you were off sick.

What Other Personal Data Does the Council Hold About an Employee?

21.4 In general terms, the Act entitles the employee, on making a written request and paying the required fee, to obtain access to the data that the Council holds and processes about them. Precise details of what data the Council holds will vary from person to person. Broadly, however, the types of data that the Council will hold and process about the employee will include:

Personal Details

- 21.4.1.1 Title, Name, Address - for contact purposes;
- 21.4.1.2 Home and mobile phone numbers - for contact purposes;
- 21.4.1.3 National Insurance number - for payroll processing and tax purposes;
- 21.4.1.4 Date of birth and age - in order to address benefit related queries where age is a relevant factor, and for the purpose of applying the Council's retirement policy;
- 21.4.1.5 Emergency contact (possibly next of kin) details - for emergency contact purposes and for administration of flexible benefits; and
- 21.4.1.6 Marital status - in order to address benefit related queries where marital status may be a factor and for tax purposes.

Employment record

- 21.4.2.1 Start date and length of service - for processing and informational purposes, and to determine employment rights and eligibility for some benefits;
- 21.4.2.2 Employment history - in order to monitor career development;
- 21.4.2.3 Holiday entitlement - for payroll processing and informational purposes;
- 21.4.2.4 Pension scheme member - in order to respond to enquiries;
- 21.4.2.5 Health and safety roles - if applicable;
- 21.4.2.6 Accidents at work - if applicable for health and safety reasons; and
- 21.4.2.7 Any current disciplinary warnings.

VEHICLE POLICY & USE OF MOBILE PHONE POLICY

The Council is entitled to introduce minor and non-fundamental changes to this policy by notifying employees of these changes in writing, and will consult all employees on any significant changes.

General

22.1 Employees are notified individually if they are entitled to use a Council vehicle for the better performance of their duties. Council vehicles are provided as a tool of an employee's trade and not as a benefit. Such entitlement is subject to the following terms and conditions of this policy. In the event of an employee failing to comply with the obligations under this policy, the Council shall be entitled, at its sole discretion, to withdraw or limit the use of the Council vehicle provided without giving any reason and without compensation.

Employee Obligations

22.2 Employees provided with a Council vehicle are required to comply with the following requirements, which are conditions of entitlement to the use of a Council vehicle:

22.2.1 to take reasonable care of the vehicle and to keep it in a clean condition;

22.2.2 to ensure that the vehicle is in a roadworthy condition, and to take appropriate action to remedy any faults;

22.2.3 to report at the earliest opportunity to the Council any damage to the vehicle or any accident arising from its use, regardless of how such damage or accident occurred. Failure to do so may lead to loss of insurance cover for such damage or accident, in which event the employee will be liable to indemnify the Council for such loss;

22.2.4 to report at the earliest opportunity any incident concerning the police which arises from the use of the Council vehicle;

22.2.5 to comply with the provisions and conditions of any policy of insurance relating to the vehicle and the Council's requirements in respect of assisting with insurance claims or investigations into accidents, damage or police enquiries arising from the use of the Council vehicle. The employee is responsible for the above matters, even if not personally driving the Council vehicle at the relevant time. No person other than the authorised employee is allowed to drive the vehicle unless they have the written permission of the Council.

22.2.6 Employee's are not permitted to smoke inside the Council's vehicles – this is against the law and Council policy.

- 22.2.7 Employees are not permitted to use their vehicles for private use – unless they have prior permission from one of the Council's management team.
- 22.2.8 The Council reserves the right to report employees to the police if they believe that they are breaking, or have broken, the law.

Accidents

- 22.3 The Council is mindful of its rising insurance cost and considers two or more accidents involving the same employee in any 12-month period to be unacceptable. In such event, the employee concerned will be liable to pay the Council's insurance excess for the third and subsequent accidents. If an employee has an accident due to his/her carelessness, negligence or dangerous driving such conduct will be treated as misconduct and might result in dismissal.
- 22.4 If, for whatever reason, an employee ceases to hold a valid driving licence and should thereby be unable to carry out the employment properly and effectively or attend for work (as the case may be), then in the absence of suitable alternative employment being available the employee may be liable for dismissal.

Criminal Proceedings

- 22.5 In the event of either the employee or the Council becoming involved in criminal proceedings in connection with the employee's use of the Council vehicle, the employee will be responsible for all parking fines and charges, costs, fines, criminal compensation and any other similar liability connected with or arising from such criminal proceedings. In the event of the Council initially paying some of the above liabilities, the employee will reimburse such sums within 28 days, in default of which the employee agrees that such sums may be deducted from the employee's salary. These provisions also apply to an employee where such fines and other liabilities have been incurred by any other person who has used the vehicle.

Termination of Employment

- 22.6 The employee shall inform the Council immediately if they are convicted of any offence under road traffic legislation in the United Kingdom or elsewhere. If the employee is disqualified from driving for any period the Council reserves the right to dismiss them, provided driving is an essential requirement of their job.

Use of Mobile Phones in Vehicles

- 22.7 As part of the Council's overall health and safety policy, the Council is committed to reducing the risks which its staff face and create when driving or riding for work. The Council asks its entire staff to play their part, whether they use a Council vehicle, their own or a hire vehicle.

22.8 It is against the law to receive or make calls on a mobile phone whilst driving; therefore staff must never make or receive calls or texts on a mobile phone when driving Council vehicles. Also, the Council does not allow employees, whilst driving at work, the use of a mobile hands free facility. Persistent failure in complying with these instructions will be regarded as a disciplinary matter.

Senior Managers must:

- Lead by example, both in the way they drive themselves and by not tolerating poor driving practice among colleagues. They must never make or receive a call on a mobile phone while driving.

Line Managers must ensure that:

- they also lead by personal example;
- they do not expect staff to answer calls when they are driving;
- staff understand their responsibilities not to use a hand-held or hands-free mobile phone while driving;
- staff switch phones to voicemail, or switch them off, while driving, or ask a passenger to use the phone;
- staff plan journeys to include rest stops which also provide opportunities to check messages and return calls;
- work practices do not pressurise staff to use a mobile phone while driving;
- compliance with the mobile phone policy is included in team meetings and staff appraisals;
- they follow the Council's monitoring, reporting and investigation procedures to help learn lessons which could help improve the Council's future road safety performance;
- they challenge unsafe attitudes and behaviours, encourage staff to drive safely, and lead by personal example by never themselves using a phone when driving.

Staff who drive for work must:

- never use a hand-held or hands-free phone while driving;
- plan journeys so they include rest stops when messages can be checked and calls returned;
- ensure their phone is switched off and can take messages while they are driving, or allow a passenger to use the phone;
- co-operate with monitoring, reporting and investigation procedures.

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