

# **CONGLETON TOWN COUNCIL**

## **EMPLOYEE HANDBOOK**

**Adopted by Personnel Committee on 29<sup>th</sup> March 2012**

# CONTENTS

	<b>Page</b>
Introduction	4
Absences	5
Acceptance of gifts, rewards & hospitality	7
Accompaniment	7
Adoption Leave	8
Alcohol/ substance abuse	9
Appeal Procedure	9
Attendance	10
Bereavement	10
Bullying	10
Car parking	11
Collections for charities & fund raising	11
Council car policy	11
Council sick pay	12
Long Term Absence	13
Competence procedure	16
Computer network	19
Confidential Information	19
Contract of Employment	20
Declaration of Interest	20
Dependants	21
Disabled persons	21
Disciplinary Procedure	21
Employee Development Review	26
Employee's Property	27
Employer's liability/ professional indemnity insurance	27
Environment	27
Equal Opportunities	27
Flexible Working	27
Good Housekeeping	28
Grievance Procedure	28
Harassment Policy & Procedure	28
Health & Safety	31
Holiday Entitlement	32
Hours of Work	33
Induction	34
Information & consultation	35
Investors in People	35
Job descriptions	35
Jury service	35
Literature	35
Making a protected disclosure (Whistle-blowing)	36
Maternity & Pregnancy	37
Maternity Support	38
Medical Examinations	38
(Access to) Medical reports	38
Medical Screening	39
Other employment	39
Parental leave	39
Part time workers	39

Paternity leave	40
Pay Policy	40
Payment of wages/ salaries	40
Pensions	40
Performance Management System	41
Personal Details	41
Processing of Personal Data	41
Person Specifications	42
Probationary period	42
Public duties	42
Quality policy	43
Recruitment	43
Redundancy/ Redeployment policy	43
References	46
Retirement	46
Smoke Free Policy	47
Statutory Sick Pay	47
Timekeeping	48
Telephone Calls	48
Termination of Employment	48
Trade Union Membership	48
Training & Development Policy	49
Travel & Subsistence	49
Unofficial Clubs, Funds & Schemes	50
Appendix 1-Equality Policy Statement	51
Appendix 2-Officer Code of Conduct	56
Appendix 3- Member-Officer Protocol	66
Appendix 4- Dignity at Work Policy	77

## **Introduction**

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

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

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

The Council's Employee conditions of service as set out in this handbook, build on the Green Book.

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

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

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

## **Absences**

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

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

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

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

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

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

## **Appointments**

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

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

## **Absence Notification**

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

- sickness
- injuries dental/hospital
- other genuine emergency situations

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

Absence for reasons of sickness injury or other genuine emergency situations must be notified as soon as possible, by telephoning your Manager by 9.30 am. (In the case of the Chief Officer, a notification will be made to the Support Manager who will advise the Personnel Chairman).

It is the employee's responsibility to keep the Council advised of circumstances which are preventing the employee from attending work and their likely return date.

In the case of absence because of an emergency situation, you will normally be required to take annual holiday entitlement to cover the period of absence. In extreme cases such as bereavement of a close family member, the Chief Officer may grant compassionate leave.

In cases of sickness of 7 calendar days or less the Self Certification Form will be completed immediately upon return to work. Where, however, the absence is expected to or lasts for a period in excess of 7 days, Fit Note Certificate Certificate(s) will be required from a Doctor to cover the employee for the duration. Medical Certificates must be forwarded immediately by the employee. Failure to do so may result in sick pay being delayed or withheld and disciplinary action being taken. On the expiry of your medical statement (sickness note) you will be assumed to be fit for work, unless evidence is supplied to the contrary.

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

Unauthorised absence will lead to disciplinary action which may include dismissal.

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

## **Pay during absence**

You are not entitled to be paid your wage/salary when absent from work unless authorised. However, if your absence is due to illness or injury you will qualify for 9 Statutory Sick Pay (SSP) if you comply with the Absence Procedure. You may also qualify for Council Sick Pay to make up the difference between (SSP) and your normal salary. See the appropriate section of this handbook.

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

## **Holidays**

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

## **Acceptance of gifts, rewards and hospitality**

The acceptance of gifts and hospitality are particularly sensitive areas.

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

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

Your actions should never give the impression to:

- the public
- any organisation with which you deal
- your colleagues

that a gift or reward could influence the way in which you deal with any person or organisation.

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

You must comply with the Officer Code of Conduct set out as Appendix 4 to this Handbook.

## **Accompaniment**

“Workers” have a statutory right to be accompanied by a fellow worker or by a trade union official, where they are required or invited by their employer to attend certain disciplinary or grievance hearings and they make a request to be so accompanied.

This right applies not only to employees working under a contract of employment, but also to workers who are not genuinely self-employed, agency workers, home workers and casuals.

The ‘companion’ will be either:

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

The statutory right applies to:

**Disciplinary meetings** which could result in:

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

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

## **Grievance meetings**

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

## **Accompanying Person**

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

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

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

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

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

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

## **Adoption Leave**

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

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

If this may apply to you, you are advised to discuss the matter with the Chief Officer.



## **Drugs and Alcohol**

We expressly prohibit the use of any illegal drugs or of any prescription drugs that have not been prescribed to you.

It is a criminal offence to be in possession of, use or distribute an illicit substance. If we suspect you have committed any such offences while on our premises, while within one of our vehicles or while engaged elsewhere on our business, the offence will be investigated by us. This may lead to disciplinary action being taken against you and the matter being reported to the Police.

You may not:

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

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

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

## **Appeal Procedure**

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

The appeal will be considered as soon as possible and an invitation will be made to discuss the matter fully.

The procedure is designed to ensure that employees are treated fairly and lawfully in all matters of discipline, competency and dismissal.

An employee is entitled to be accompanied by a fellow employee or accredited trade union representative.

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

## **Appeal Procedure cont...**

Following the appeal we may:-

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

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

The outcome of this appeal, together with copies of all correspondence, will be retained on the Personnel File.

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

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

## **Attendance**

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

## **Bereavement**

If you suffer bereavement in your immediate family - that is, the death of a parent, spouse, brother, sister, son, daughter, in-laws, legal guardian or partner, paid leave will be allowed for the funeral. Additional leave may be allowed for immediate family bereavement at the discretion of the Chief Officer. Time off for funerals will also be allowed for more distant relatives and close friends, at the discretion of the Chief Officer.

## **Bullying**

Workplace bullying is a separate issue from sexual and racial harassment but the effects can be the same. Within the working environment bullying can be described as the use of a position or power to coerce others by fear, oppression or threat.

The Council will not tolerate bullying behaviour at any level and it is the responsibility of all managers to eliminate any form of bullying which they become aware of.

Allegations of bullying will be dealt with under the Dignity at Work Policy and if appropriate the grievance or disciplinary procedure. Any employee who feels they are being bullied should consult any manager or the Chief Officer.

## **Car Parking**

Some parking facilities are provided for employees' cars. However, the Council disclaims all liability, whether in negligence or otherwise, for loss of or damage to any vehicle and/or its contents, howsoever caused, whilst left on the premises. It is not permitted to park in spaces allocated to other organisations.

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

## **Collections for Charities and Fundraising**

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

## **Council Car Policy**

The Council currently does not have a policy which entitles employees to the provision of a car as part of their contract of employment or the equivalent of an annual cash payment. Individual contracts of employment may allow for part of salary to be commuted for this purpose.

## **Use of Own Car**

Where the Council authorises an employee to use a private car on official business, the employee will receive a casual user allowance in accordance with the approved Green Book rate

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

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

Where staff are travelling to the same function/meeting every effort should be made to travel together.

## **Council Sick Pay**

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

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

The amounts are calculated in accordance with the Green Book.

A maximum of 6 months full pay and 6 months half pay can be taken in any 12 month Period. Once this is exhausted there will be a 6 month requalification period before full sick pay entitlement is available.

The Council has discretion to extend the period of sick pay in exceptional cases.

### **Abuse of Sick Pay**

In most cases sickness absence is genuine and there is no need to suspend payment of sick pay. However there may be occasions where a manager has reasonable belief that the Sick Pay Scheme is being abused. In these cases managers may suspend the payment of an employee's sick pay.

The manager must write to the employee to inform them that their sick pay may be suspended, giving the reasons, and invite them to a meeting to discuss the matter. Employees may choose to be represented by a TU representative or a work colleague of their choice.

Following the meeting the line manager will decide whether sick pay will be suspended and inform the employee in writing of the decision.

An abuse of the Sick pay Scheme will be dealt with under the Disciplinary procedure and a serious abuse may constitute a gross misconduct offence.

## **Appeal against Suspension of Sick Pay**

Employees may appeal against the decision to suspend sick pay. An appeal should be sent to the Chief Officer in writing within 10 working days of receipt of the written decision from the line manager.

The Chief Officer or their nominated manager with the delegated authority will arrange a meeting. The employee may be represented by a Trade Union representative or a work colleague of their choice. A decision will be made and confirmed in writing to the employee.

## **Long Term Absence**

Long term sickness absence is an absence of more than four weeks. During such absences it is particularly important that managers maintain regular contact with their employee, being sensitive towards the circumstances of the employee's absence.

## **Exceptional Circumstances**

When exceptional circumstances arise, Managers must seek additional support and advice from the Chief Officer in conjunction with the Chairman of the Personnel Committee to ensure that a fair and consistent approach is adopted across the Council.

Examples of exceptional circumstances may include where an employee has:

- had a major operation.
- been diagnosed with a long term debilitating disease, disability or condition.
- a serious illness that has the potential to be terminal.
- been incapacitated, in the longer term, through a work place injury or other accident which is no fault of their own

A manager will need to be mindful that the way in which illness affects individuals, will be different.

These cases must be managed sensitively and the procedure may need to be adjusted to accommodate individual requirements. It is neither possible, nor practical, to cover all eventualities, however consideration should be made regarding timeframes and actions referred to in the procedure.

Where an employee returns after long term absence and starts another period of absence shortly afterwards, depending on the circumstances it may not always be necessary to revert to the start of the procedure.

## **Process**

Where a period of long term sickness absence occurs the line manager will normally make arrangements to meet with them ideally no later than four weeks from the first day of absence. The meeting will normally be arranged at a work or other suitable venue unless the employee is unable or unwell enough to travel to a venue in which case the meeting may take place at their home. The employee may be represented by a Trade Union representative or accompanied by a work colleague of their choice. The details of the meeting will be confirmed in writing by letter.

The purpose of this meeting is to discuss their absence and progress to date, establish when the employee is likely to return to work, any potential adjustments necessary to facilitate their return, any additional support and will normally include a referral to the Occupational Health Advisor.

The outcome of the meeting will be confirmed in writing to the employee by the line manager.

At approximately eight weeks, if the employee is still absent and unable to supply a return to work date, arrangements for a further meeting should be made by the line manager to discuss progress. If an Occupational Health report has been received a copy should be forwarded to the employee with the letter of invitation to the meeting.

The meeting should include a discussion regarding their progress to date, explore any recommendations from the Occupational Health report and any reasonable adjustments that may be required to assist the employee in their return to work.

By exception, if arrangements have not previously been made for an Occupational Health appointment this should now be done, so that clear and accurate information regarding the employee's health can be obtained.

### **First Formal Meeting**

At approximately twelve weeks if the employee is still absent from work and a return to work date has not been provided a First Formal meeting will normally be held chaired by the Chief Officer or designated manager.

A letter of invitation allowing 5 working days' notice from the receipt of the letter and will include the date, time, venue, people present, the right to be represented by a Trade Union representative or a work colleague of their choice and include a copy of the Attendance Management Policy and Procedure.

The purpose of this meeting is to review the employee's absence from work to date, what support they have received and what further support may be necessary to assist them in their return to work.

The following will be discussed as appropriate:

- How long the absence is likely to last.
- The advice provided by Occupational Health .
- Whether any further advice is required.
- What reasonable adjustments would assist the employee in their current role, including flexible and mobile working options.
- Whether it is appropriate to seek an alternative role via the Redeployment Procedure.
- Any other information relating to the employee that may have an impact on their ability to return to work.

The outcome of the meeting will be confirmed in writing to the employee and a copy retained on the employee's records.

At approximately sixteen to twenty weeks and following the First Formal meeting if the employee is still absent and there is no foreseeable return to work date a Second Formal Meeting will be arranged chaired by the Chief Officer and/or departmental manager.

### **Second Formal Meeting**

A letter of invitation will allow 5 working days' notice from the receipt of the letter and will include the date, time, venue, people present and the right to be represented by a Trade Union representative or accompanied by a work colleague of their choice.

Further consideration will be given to:

- How long the absence is likely to last.
- Any further advice provided by Occupational Health or other specialists.
- Adjustments to hours, duties, location.
- What additional support can be offered to assist the employee to return to work.
- Redeployment opportunities that may have arisen.
- Whether Ill health retirement may be appropriate.

The outcome of the meeting will be confirmed in writing to the employee and a copy retained on the employee's personal records.

### **Formal Hearing**

After approximately 26 Weeks absence (depending on the progress of the employee and their circumstances), following advice from Occupational Health and/or other appropriate medical practitioner and information gained at the Second Formal Meeting, if there is no foreseeable return to work date, a Formal Hearing should be arranged to consider what action is appropriate under the circumstances chaired by the Chief Officer or nominated manager with the delegated authority.

A letter of invitation will allow 10 working days' notice from the receipt of the letter and will include the date, time, venue, people present and the right to be represented with a Trade Union representative or accompanied by a work colleague of their choice.

Consideration will be given to:

- The length of the absence and the reason(s) for the extended absence
- The advice sought and received regarding the health and capability of the employee.
- Any reasonable adjustments considered/made including flexible and mobile working options.
- Opportunities for redeployment to another role.
- The likelihood of the employee returning to work in the foreseeable future.
- Whether any other options are available to assist the employee in returning to work that have not already been discussed.
- Whether retirement on the grounds of ill health is an option.
- Having exhausted all other options, whether dismissal on the grounds of ill health is the appropriate option.

The outcome of the meeting will be confirmed in writing to the employee and a copy retained on their employee file. In the case of dismissal on the grounds of ill health, pay in lieu of any notice period will be made.

The employee has a right of appeal against dismissal which must be presented in writing to the Chief Officer within 10 working days of receipt of the letter of dismissal. The Appeal will be to the Personnel Committee.

Other than in exceptional circumstances long term absence will not normally extend beyond 12 months. However all circumstances in each case will be taken into account when determining appropriate actions.

## **Competence Procedure**

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

The Council will make every effort to discuss with the employee, the reasons for the inability to satisfactorily carry out work. It will jointly with the employee, seek solutions such as offering training or development opportunities, additional equipment or if possible changing the duties of the post. It will also look at the time or location if these are relevant.

It may be necessary, dependent upon the circumstances of the competence issue, to suspend the employee on full pay, or to limit the scope of the work, whilst the necessary alternatives are investigated.

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

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

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

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

The formal procedure will be used for more serious cases, or where informal discussions have not resulted in a satisfactory improvement. The hearing will be held with your manager, another manager or the Chief Officer.

You must also take reasonable steps to attend a hearing. Failure to do so without good reason may be treated as misconduct. You will be entitled to be accompanied to a formal hearing.

The purpose of the first stage hearing include:-

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



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

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

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

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

## **Stage 2      Competence Hearing**

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

The purposes of the second capability hearing are similar to those of the first stage hearing but include the identification of further measure which may be appropriate:

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

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

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

Your performance will be monitored and at the end of the review period we will write to inform you of the next step, as follows:-

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

### **Stage 3      Competence Hearing**

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

The purposes of the stage 3 hearing include:-

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

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

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

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

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

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

## **Computer Network**

This policy applies to the activities which constitute unacceptable use of the network operated by the Council for use by its employees and Members. The policy applies equally to contractors, visitors and others who may be allowed to use the facilities on a temporary basis, e.g. the following activities are prohibited:

1. The creation, transmission or deliberate receipt of any offensive, obscene or indecent images, data or other material or any data capable of being resolved into obscene or indecent images or material.
2. The creation of material which is designed or likely to cause annoyance, inconvenience or needless anxiety.
3. The creation or transmission of defamatory material.
4. The transmission of material in any way that infringes the copyright of another person.
5. The transmission of unsolicited commercial advertising material to networks belonging to other organisations.
6. Deliberate actions or activities with any of the following characteristics:
  - Wasting staff effort or networked resources
  - Corrupting or destroying another users data
  - Violating the privacy of other users
  - Disrupting the work of other users
  - Other misuse of networked resources by the deliberate introduction of viruses
  - Playing games during working hours

## **World Wide Web (WWW) Resources**

These facilities are provided for use to achieve Council objectives. Any use for unauthorised purposes will be regarded as gross misconduct. If you are unsure whether use would be authorised, you must seek advice from the Chief Officer in advance.

All staff, contractors and others are required to adhere to the IT Policy. We carry out monitoring of our computer equipment, including palmtop/hand-held computers, for security reasons to detect and deter unauthorised use.

Monitoring will consist of random checks on your computer equipment. The results of the monitoring will be maintained in strict confidence.

## **Confidential Information**

In the course of your employment with us, you may come into possession of confidential information.

Confidential information is any information of a confidential nature relating to our business and may include:

- our business plans, business strategy and marketing plans;
- financial information relating to us, our financial results and financial forecasts;
- details regarding our employees and officers including the remuneration and other benefits paid to them;
- incidents and investigations relating to our operations or business;
- information relating to any pitches and tenders contemplated, offered or undertaken by us or on our behalf;
- confidential reports or research commissioned by or provided to us;
- any of our trade secrets including know-how and confidential transactions;

- details of any project on software development or any information relating to any type of replicated digital data medium including magnetic media tape, CD ROM or data designed to be circulated on the internet or any information relating to the methods, tools and techniques used by us in the course of our business;
- information relating to research activities, inventions, secret processes, designs, formulae undertaken by us or on our behalf;
- details of any transaction, contract or dealings with any person or body in respect of which we owe an obligation of confidence to a third party;
- any information which you have been told is confidential and any information which has been given to you in confidence by clients, suppliers or other persons.

This list is not exhaustive.

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

Confidential information, in whatever format made or received by you during the course of your employment is our property.

You must return to us, on our request or upon termination of your employment, any confidential information which belongs to us and is in your possession or under your control. You must delete, on our request, all confidential information in your possession and destroy any other documents and/or items which are in your possession or under your control and which contain or refer to any confidential information.

You must not retain any copy/copies of any confidential information belonging to us. At any time during your employment, or following termination of your employment, we may require you to provide a written undertaking that you have returned all property belonging to us including confidential information and that you have not retained any copy/copies of confidential information belonging to us.

### **Contracts of Employment**

A Contract of Employment will be given to each employee within 8 weeks of commencement of employment. It will contain the statutory written Statement of Employment Particulars and other main terms of Employment.

Two copies will be issued, one to be signed and returned by the employee, the other for his/her retention.

Minor amendments to the Contract, e.g. a change in salary, will be amended by letter. More substantial changes, e.g. a promotion, may require the issue of a replacement Contract.

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

### **Declaration of Interest**

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

## **Dependants**

You are entitled to take a reasonable amount of (unpaid/paid) time off during working hours in order to take action:

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

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

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

## **Disabled Persons**

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

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

## **Disciplinary Procedure**

### **1. Introduction**

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

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

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

- i Unsatisfactory time keeping.
- ii Time wasting.
- iii Absenteeism, including any absence from work during a working day without prior authorisation or instruction.
- iv Damage to, or unauthorised use of council property
- v Failure to comply with rules and regulations applicable to job requirements.

- vi Minor breaches of your contract of employment.
- vii Failure by an employee to perform the duties and responsibilities of his or her post to the standard expected by the council.
- viii Obscene language or other offensive behaviour.
- ix Insubordination or refusal to follow instructions.
- x Any other conduct that from time to time is defined by the Council as amounting to misconduct or breach of Council General Rules.

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

## 1.2 General Rules

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

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

## **2. Scope**

The procedure applies to all employees of Congleton Town Council.

## **3. Verbal Warnings**

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

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

## **4. First Written Warning**

In the case of a serious offence or repetition of an earlier minor offence the employee will normally be given a First Written Warning. A First Written Warning will be issued by the employee's manager or Chief Officer and will set out:

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

A first Written Warning will normally remain in force for 12 months, but remain permanently on your Personnel Record.

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

## **5. Final Written Warning**

If further misconduct occurs within the time period specified in a First Written Warning, or if the misconduct is sufficiently serious the employee will be given a Final Written Warning. A Final Written Warning will be issued by the Chief Officer and will set out:

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

Final Written Warnings may also be issued in circumstances where the misconduct does not amount to gross misconduct, but is sufficiently serious enough to warrant only one written warning.

A Final Written Warning will normally remain in force for 12 months, but will remain permanently on your personnel records.

## **6. Standard Council Disciplinary Procedure**

- 1.1. In the case of further misconduct within the time period specified in any Final Written Warning or if the misconduct is sufficiently serious and the Council deems it to be appropriate to contemplate the dismissal, demotion or suspension (without pay) of the employee the following formal disciplinary procedure will be followed.
- 1.2. The Council will investigate the alleged misconduct and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses.
- 1.3. The Council will set out in writing the alleged conduct or other circumstances which lead the council to contemplate dismissing the employee or taking disciplinary action against the employee and the basis for the allegation and will send the employee a copy of the statement inviting the employee to attend a disciplinary meeting to discuss the matter. The employee will be provided with a reasonable opportunity to consider his or her response to the information provided in the statement before attending the meeting. The employee must take all reasonable steps to attend the meeting.
- 1.4. Disciplinary meetings will normally be convened within 10 working days of the council sending the employee the written statement referred to in 6.3 above. The employee may be accompanied to any disciplinary meeting by a fellow employee or by a representative of a trade union. The Council will be represented by the employee's manager or Chief Officer.
- 1.5. If the time or date proposed for the meeting is inconvenient (either for the employee or for the employees companion should he or she wish to be accompanied to the meeting pursuant to 6.4 above) the employee may ask to postpone the meeting by up to 5 working days.
- 1.6. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the [employee's manager/ Chief Officer] time to consider their decision.
- 1.7. After the meeting the council will inform the employee of their decision and any applicable sanction within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.
- 1.8. If the employee wishes to appeal against the decision he or she must notify the Council in writing within 5 days of receiving written notice of the decision.
- 1.9. If the employee notifies the Council that he or she wishes to appeal, the employee will be invited to attend a disciplinary appeal meeting before the Council's Personnel Committee. The employee must take all reasonable steps to attend that disciplinary appeal meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.
- 1.10. A disciplinary appeal meeting will normally be convened within 10 working days of the Council receiving notification that the employee wishes to appeal pursuant to 6.8 above. If the meeting date is inconvenient for the employee or the employee's companion he or she may ask to postpone the meeting by up to 5 working days.



- i. Any new evidence that the employee wishes to put forward will be considered, as will any new evidence from the Council. The original disciplinary penalty will be reviewed.
  - ii. The disciplinary appeal sanction originally imposed cannot be increased upon appeal.
  - iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and the appeal is successful the employee will be reinstated and continuity of employment will be preserved.
  - iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Personnel Committee time to consider its decision.
- 1.11. After the disciplinary appeal meeting the Council will inform the employee of its final decision within 5 working days. The meeting may be reconvened for this purpose. The decision will be confirmed to the employee in writing.

## **7. Council Dismissal Procedure For Use in Gross Misconduct**

- 7.1. The following list provides examples of conduct that will normally be regarded by the Council as Gross Misconduct. This list is not exhaustive:
- i. Refusal or repeated failure by an employee to carry out his or her duties.
  - ii. Falsification of documents or information (including expense claims).
  - iii. Unauthorised disclosure of confidential information.
  - iv. Assault, physical violence or bullying whilst acting or purporting to act on behalf of the Council.
  - v. Insulting, indecent or offensive behaviour towards a fellow employee or any other person whilst acting or purporting to act on behalf of the council.
  - vi. Serious or repeated harassment (including sexual and racial harassment).
  - vii. Bringing the organisation into serious disrepute..
  - viii. Incapacity at work due to the influence of alcohol, unprescribed drugs or any other substance.
  - ix. Wilful damage to Council property.
  - x. Deliberately accessing internal sites containing pornographic, offensive or obscene material.
  - xi. Theft, unauthorised use or possession of council property or fraud.
  - xii. Serious insubordination.
  - xiii. Conduct bringing the Council into disrepute.
  - xiv. Serious breach of health and safety rule.
  - xv. Any other conduct that from time to time is defined by the Council as amounting to gross misconduct.
- 7.2. If an employee is accused of any Gross Misconduct he or she may be suspended from work on full pay pending the outcome of an investigation into the alleged offence(s). Such a period of suspension will not normally exceed 20 working days unless there are exceptional circumstances.
- 7.3. The Council will investigate the matter and will establish the facts surrounding the complaint as necessary, taking into account the statements of any available witnesses. As part of that investigation the employee will be interviewed.
- 7.4. If the Council believes the employee is guilty of gross misconduct his or her employment will be terminated summarily without notice or pay in lieu of notice.
- 7.5. The Council will send the employee a statement, setting out the allegations of misconduct that led to the employee's dismissal and the council's basis for thinking that the employee is guilty of that misconduct. The date on which the employment

terminated will be confirmed to the employee and the employee may be reminded of any continuing obligations he or she may have following the termination of employment. This statement will also explain the employee's right to appeal against the Council's decision.

- 7.6. If the employee wishes to appeal against the Council's decision he or she must notify the Council in writing within 5 working days of receiving notice of the Council's decision pursuant to 7.5 above.
- 7.7. If the employee appeals the Council will invite the employee to attend a disciplinary appeal meeting before the Council's Personnel Committee. The employee must take all reasonable steps to attend the meeting. The employee has the right to be accompanied to a disciplinary appeal meeting by a fellow employee or by a representative of a trade union.
- 7.8. Any disciplinary appeal meeting will normally be convened within 10 working days of the Council receiving notice from the employee that he or she wishes to appeal pursuant to 7.6 above. If the date of the meeting is inconvenient for the employee or his or her companion the employee may ask to postpone the meeting by up to 5 working days.
  - i. Any new evidence that the employee wishes to put forward will be considered as will any new evidence from the Council. The original disciplinary penalty will be reviewed.
  - ii. The disciplinary sanction originally imposed cannot be increased upon appeal.
  - iii. The disciplinary appeal meeting will not necessarily take place before any disciplinary sanction imposed by the Council takes effect. If the employee's appeal is against dismissal and the appeal is successful he or she will be reinstated and continuity of employment will be preserved.
  - iv. The meeting may be adjourned to allow matters raised during the course of the meeting to be investigated, or to afford the Council's Personnel Committee time to consider its decision.
- 7.9. After the disciplinary appeal meeting the employee will be informed of the Council's final decision within 5 working days, the meeting may be reconvened for this purpose. The Council's decision will be confirmed to the employee in writing.

## **8. General Procedural Information**

- 8.1. Verbal Warnings and First Written Warnings will normally be issued by the employee's manager or Chief Officer. Final Warnings and dismissals will normally be carried out by the Chief Officer. Disciplinary proceedings raised under the standard council disciplinary procedure will also normally be investigated and any meetings to discuss the disciplinary proceedings conducted by the employee's manager or Chief Officer.
- 8.2. Where disciplinary proceedings are instigated against the Chief Officer, Verbal Warnings and Written Warnings will be given by the Personnel Committee. Any investigations and any meetings will be carried out by the Council's Personnel Committee. Dismissal of the Chief Officer will be ratified by Council. Any disciplinary appeal meeting will be conducted by (3) members of the Council who do not sit on the Personnel Committee.

## **Employee Development Review**

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

## **Employee's Property**

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

## **Employer's Liability/Professional Indemnity**

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

Professional Indemnity cover provides protection against breach of professional duty. The policy is designed to protect you against claims made by third parties.

A comprehensive list of all insurances is held by the Council and can be inspected by any member of staff on request.

## **Environment**

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

## **Equal Opportunities (for Equality Policy see appendix 1)**

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

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

## **Flexible Working**

Employees with at least 6 months continuous service are entitled to request a flexible working arrangement, on a permanent basis, in terms of hours, location and pattern of work, in order to enable them to care for a child under 17 years (18 if registered disabled).

Employees are requested to submit a written application at which time the Council will convene a meeting to discuss the circumstances and effect on the Council balance policy.

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

- burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;

- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes within the Council.

### **Good Housekeeping**

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

### **Grievance Procedure**

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

The grievance should be raised verbally, or in writing, with the Chief Officer. Where appropriate a meeting will be held to enable the employees to give full details. Sufficient time will then be allowed for the facts of the case to be considered, and the outcome notified to the employee.

The grievance will normally be considered by the Chief Officer, however if he/she is part of the grievance issue, the Personnel Committee will officiate.

An employee is entitled to be accompanied by a fellow employee or accredited trade union representative.

The decision will always be confirmed in writing. If the employee is not satisfied with the outcome, they will have the right to appeal.

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

### **Harassment Policy and Procedure**

The Council recognises the right of every employee to work in an atmosphere free of harassment and to complain about it should it occur. The Council agrees to take appropriate steps to promote such a workplace.

It is against the policies of this Council for any employee to harass another employee in any way. Such conduct will not be tolerated. All employees will be expected to comply with this policy, and appropriate disciplinary action, including dismissal for serious offences, will be taken against any employee who violates this policy.

### **What is Harassment?**

There is not a single simple definition of harassment. This is because harassment can take many forms, occur on a variety of grounds and may be directed at an individual or group of individuals. Harassment may occur between people of the same sex or the opposite sex. It is not the intention of the perpetrator but the deed itself and the impact on the recipient which determines what constitutes harassment. Ultimately, the question which has to be asked is has an individual or group of individuals been treated in a detrimental way on improper grounds?

## Grounds of Harassment

Individuals may claim that they are subject to harassment on a wide variety of grounds including:

- their race, ethnic origin, nationality or skin colour.
- their sex, sexual orientation, or gender realignment.
- their religious or political connections.
- their willingness to challenge harassment, leading to victimisation.
- their membership or non membership, of a trade union.
- their disabilities, sensory impairment or learning disabilities.
- their status as ex-offenders.
- their age.
- their real or suspected infection with Aids/HIV.

The above are examples and should not be regarded as an exhaustive list.

## Forms of Harassment

Harassment may take many forms. It can range from extreme forms such as violence and bullying, to less obvious actions like ignoring an individual. Whatever the form of harassment it will be unwanted behaviour which is unwelcome and unpleasant. Forms of harassment may include;

- Physical contact ranging from touching to serious assault
- Sexual Harassment, for example:
  - **Physical Conduct of a Sexual Nature:** Unwanted and repeated physical contact including unnecessary touching, patting or pinching or brushing against another employee's body, assault, coercing sexual intercourse.
  - **Verbal Conduct of a Sexual Nature:** Unwanted sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendoes or lewd comments.
  - **Non-Verbal Conduct of a Sexual Nature:** The display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures.
  - **Sex-based Conduct:** Conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender-related.
- Verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters...
- Visual display of posters, graffiti, obscene gestures, flags, emblems...
- Isolation or non-cooperation at work, exclusion from social activities...
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups...
- Intrusion by pestering, spying, following...

## **The Effects of Harassment**

Harassment carries with it a high price for both the Council and its employees. The Council recognises that harassment can cause employees to be subject to fear, stress and anxiety which can put great strains on personal and family life. It can lead to illness, increased absenteeism, an apparent lack of commitment, poor performance and even resignation. All these have a direct impact on organisational effectiveness.

The damage, tension and conflict within the workplace which harassment creates not only results in poor morale but higher labour turnover, reduced productivity, lower efficiency and divided teams. Although the effects may be difficult to quantify, they will eventually show through in the performance of the Council.

Certain types of harassment may constitute unlawful discrimination under the Equality Act 2010.

## **Duty of Supervisors and Managers**

All supervisory personnel are responsible for eliminating any harassment or intimidation of which they are aware. Failure to do so will be considered a failure to fulfil all the responsibilities of the position.

In particular they should:

- a) Take prompt action to stop harassment as soon as it is identified; in some cases by pointing out that the behaviour is unacceptable. Line Managers will be able effectively to put a stop to the problem without the need for further action.
- b) Ensure that offensive or potentially offensive material is not displayed in the work place.
- c) Make clear to staff that this kind of behaviour is not acceptable and where appropriate will be treated as a disciplinary matter.
- d) Investigate all complaints made by any member of staff against another or others.

No Supervisor or Manager shall threaten or insinuate, either explicitly or implicitly, that an employee's rejection of sexual advances will be used as a basis for an employment decision affecting that employee. Such conduct by the Supervisor or Manager will be treated as a serious offence.

## **Harassment Complaint Procedure**

1. Wherever possible, an employee who believes that he or she has been the subject of harassment should, in the first instance, ask the person responsible to stop the harassing behaviour as it is unacceptable to them. Person to person reproof at an early stage will often be sufficient to stop the behaviour which is causing the offence without involving third parties.
2. If the recipient needs help or advice, they should seek the involvement of trusted friends. This would still be short of making the matter official by involving management.
3. If the harassment continues the employee should take their complaint through the grievance procedure.

4. All complaints will be handled in a timely and confidential manner. Employees shall be guaranteed a fair and impartial hearing and the matter will be investigated thoroughly.
5. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and prevent its recurrence will be taken. In such circumstances, if relocation proves necessary, every effort will be made to relocate the harasser and not the victim.
6. Employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against an employee for complaining about harassment is a disciplinary offence.

**NB** Whilst the objects of this Policy are clearly stated and are to be followed for reasons of equity and justice, it must also be advised that any employee who raises a complaint, which upon investigation is proven to be deliberately vexatious, that employee will themselves become the subject of disciplinary proceedings.

### **Health and Safety**

Please make sure you read and understand the Council's policy on health and safety at work, and the organisation and arrangements for fulfilling that policy. Each employee has been given a copy. You must have regard for the safety and well-being of yourself and others at work. Please report all potential hazards, dangerous occurrences and accidents to your manager or the Chief Officer. Advice is available from the Council's nominated consultant. It is important that you co-operate with any investigations into accidents or dangerous occurrences.

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

### **Accidents**

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

### **Fire Instructions**

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

### **First Aid**

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

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

To meet the requirements of the Display Screen Equipment Regulations the Council will provide a free eye test for all staff who use VDU equipment as a major part of their job role.

It is the Council's intention to optimise the use and application of display screen equipment within the Council, whilst safeguarding the health, welfare and job satisfaction of those involved in using such equipment.

## **Holiday Entitlement**

The Council's holiday year runs from 1st April to the following 31st March. Under European employment Law you are not permitted to carry over holiday entitlement into the following year.

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

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

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

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

Holidays are paid at your current wage/salary for the appropriate days. All holidays and bank holidays are allowed on a pro rata basis for staff who are part time.

You must agree the dates of your holidays with your Manager in advance which must be authorised and entered on your Time off/ Extra Hours Record Card (Appendix 2). Where too many employees require the same holiday period which if granted would impair the efficiency of the operation, management will grant holidays on the basis of first request, first granted.

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

## **Public & Bank holidays**

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

New Year's Day	Spring Bank Holiday Monday
Good Friday	Late Summer Bank Holiday Monday
Easter Monday	Christmas Day
May Day	Boxing Day

An alternative day will be designated where any of these days fall on a Saturday or Sunday, where Saturday or Sunday does not form part of the normal working week.

Precise holiday dates will be published as soon as possible each year.



### **Sickness During Holiday**

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

This entitlement is subject to the following strict conditions:

The total period of incapacity must be fully certificated by a qualified medical practitioner (where it exceeds seven days).

You must contact us by telephone as soon as you know that there will be a period of incapacity during your holiday.

You must submit a written request no later than 3 days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that you wish to take at another time.

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

Your request to take any replacement holiday must be in accordance with our rules on holiday requests above. We may require you to take all or part of your replacement holiday on particular days. We are not required to provide you with any minimum period of notice to do this although we will endeavour to provide reasonable notice.

### **Hours of Work**

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

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

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

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

Employees who earn in excess of Scale Point 28 are not eligible for overtime payments.

Overtime payments are made at the following rates:

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

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

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

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

- Weekly working time will be limited to an average of forty-eight hours calculated over a reference period of seventeen weeks.
- The reference period may be amended by a *relevant agreement* (for the definition, see below).
- Absences through sickness, holiday or maternity leave are excluded from the calculation, but absences for other reasons will serve to reduce the average working time.
- Workers may opt out of the weekly working time limit by individual written agreement, but they retain the right to opt back in by giving seven days' notice or up to three months' notice if so specified in the opt out agreement. In the event of any individual opting-out, the employer will have to maintain a list of those who have opted-out.
- Adult workers will be entitled to a rest period of not less than eleven consecutive hours and workers under the age of eighteen to a rest period of not less than twelve consecutive hours in each period of twenty-four hours during which they work.
- Adult workers will be entitled to a rest period of not less than twenty-four hours in each seven day period or a rest period of not less than forty eight hours in each fourteen day period.
- Workers under the age of eighteen will be entitled to a rest period of two days (i.e. each day starting at midnight) in each seven day period.
- Adult workers will be entitled to a rest break when daily working time is more than six hours. The rest break may be fixed by a *relevant agreement*, but, if not, it shall be an uninterrupted break of at least twenty minutes.
- Workers under the age of eighteen will be entitled to a rest break of thirty minutes when daily working time is more than four and a half hours.
- There are no relevant agreements currently in force at the Council.
- A significant exclusion from application of the Regulations is for those who regulate their own working time, particularly managers. If a person's working time is genuinely determined by him/ herself, then there is only a statutory entitlement to paid holidays and health assessment.
- Holidays, daily rest, weekly rest and daily breaks are only entitlements and not obligations. If a worker chooses not to take up any entitlement, there is no obligation on the employer to provide it.

## **Induction**

For new employees, induction training is carried out as soon as possible after a new employee commences employment, to accelerate their ability to do the job.

The objectives of this training are to ensure that the new employee is:-

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

## **Information and Consultation**

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

## **Investors in People**

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

## **Job Description**

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

A copy will be issued with the Contract of Employment.

## **Jury Service**

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

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

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

## **Literature**

You may display, with the permission of the Chief Officer, relevant literature on the premises.

## **Making a Protected Disclosure (Whistle-blowing)**

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

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

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

### **Qualifying Procedures**

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

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

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

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

## **MATERNITY & PREGNANCY**

Pregnant employees have certain statutory rights. The following information is given for guidance purposes only and confers no rights beyond those provided by statute and the Green Book.

- **Ante-Natal Care**

Pregnant employees are entitled to reasonable time off work with pay to attend for ante-natal care. This applies to any appointments made on the advice of a registered medical practitioner, midwife or health visitor. If requested, the employee must provide a certificate of pregnancy and an appointment card.

- **Statutory Maternity Pay (SMP)**

Employees who stop work and who meet the following conditions are entitled to receive SMP. An employee must;

- have been continuously employed in local government for at least 26 weeks by the beginning of the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC);
- have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance Contributions;
- still be pregnant at the 11<sup>th</sup> week before the EWC or have given birth by that time;
- give at least 28 days' notice that she intends to stop work; and
- provide medical evidence of the EWC.

For the first six weeks SMP is payable at the earnings related rate (equivalent to 90% of average weekly earnings) and for the remaining 33 weeks at the standard rate or 90% of average weekly earnings if this is less than the standard rate.

- **Ordinary Maternity Leave**

Employees who stop work no earlier than the 11<sup>th</sup> week before the EWC and who meet the following conditions are entitled to 26 weeks' ordinary maternity leave. An employee must notify the employer (in writing if requested) by the 15<sup>th</sup> week before the EWC, unless that is not reasonably practicable, of the following;

- that she is pregnant;
- the EWC;
- the date on which she intends her ordinary maternity leave to start; and
- if requested, provide medical evidence of the EWC.

Employees are legally prohibited from working during the two weeks immediately after the birth, four weeks if the woman is a factory worker, this is known as the "compulsory maternity leave period" and is considered part of the ordinary maternity leave period.

Employees who wish to return to work prior to the end of the ordinary maternity leave, must give at least 8 weeks' notice of their intended date of return.

During the leave, all contractual benefits except for remuneration are maintained as if they were not absent. Employers are entitled to return to their original job at the end of their maternity leave.

- **Additional Maternity Leave**

In addition to the right to ordinary maternity leave, employees have the right to a further 26 weeks off and to return to their original job providing the following conditions are met and it is

reasonably practicable. The additional maternity leave period commences on the day after the last day of the ordinary maternity leave period.

An employee must:

- have been continuously employed for at least 26 weeks by the beginning of the 14<sup>th</sup> week before the EWC;
- be entitled to ordinary maternity leave; and
- return to work within a period of 26 weeks calculated from the day after the last day of ordinary maternity leave.

Employees who wish to return to work prior to the end of the additional maternity leave period must give at least 8 weeks notice of their intended date of return.

This period of absence will count towards continuity of employment.

### **Maternity Support Leave**

Maternity support leave of up to 5 days with pay is available to the child's father or partner of the expectant mother at or around the time of birth.

### **Medical Examinations**

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

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

### **(Access to) Medical Reports**

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

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

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

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

- Employees may withhold consent to the report being sought.
- Employees can request to see the report prior to it being forwarded to the Managing Director
- If employees indicate that they wish to see the report in advance the Council will inform the employee when the Doctor/Specialist is written to and he/she will be informed that he employee wishes to see the report. Employees then have 21 days to contact the Doctor/Specialist regarding arrangements to see the report.
- Should the employee indicate that he/she does not wish to see the report prior to

the Council the employee has the right to write to the Doctor within 21 days of the report having been received. It is our policy to send employees a copy of the report in any event prior to a meeting being arranged to discuss the content.

- Employees have the right to ask the Doctor/Specialist for a copy of the report for up to 6 months after it has been supplied. There may be a charge for this. The Doctor/Specialist cannot submit the report to the Council without the employee's consent.
- Employees may ask the Doctor/Specialist to amend any part of the report which is considered by the employee to be incorrect or misleading. If the Doctor/Specialist is not in agreement the employee may attach a statement of his/her views with the report.
- If the Doctor/Specialist thinks the employee or others would be harmed by the report or any part of the report it can be withheld from the employee.

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

### **Medical Screening**

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

### **Other Employment**

You must not become engaged or concerned in any other business in which your duties may conflict with the interests of the Council, without prior permission from the Chief Officer. You must not become engaged in any secondary occupation that may interfere with your work. Officers earning in excess of Scale Point 28 must not be otherwise employed without the authority of the Chief Officer. The Chief Officer must obtain authority from Council before undertaking other employment.

### **Parental Leave**

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

There are a number of statutory conditions which apply.

### **Part Time Workers**

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

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

In general, part-time workers are entitled to pay and benefits on a pro-rata basis which gives part-time workers the right to pay and benefits proportionate to those of full-time workers.

This will normally mean the same (hourly) rate of pay as a comparable full-time worker, however, rates of pay for overtime will be payable at the same rate as comparable full-time workers only after the part-time worker has worked more than the normal full-time hours.

### **Paternity Leave**

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

Statutory Paternity Pay will be at the same rate as Standard Maternity Pay (or 90% of average earnings if this is less). To qualify employees must have been employed for at least 26 weeks in local government. Your paternity rights will be in accordance with the current relevant statutory regulations. Further information regarding the procedures to be followed and your entitlements are available from the Chief Officer.

### **Pay Policy**

By adopting the Green Book, the Council will determine pay according to current pay scales. Actual scale points are based on job content, responsibility, qualifications and experience. Pay Scales are reviewed annually in April through national negotiation.

### **Payment of Wages/Salaries**

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

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

### **Pensions**

The Council does not operate a local authority pension scheme as a standard condition of employment and there is no contracting out certificate in force in respect of most employees. Employees are therefore contracted into the State Earnings Related Pension Scheme (SERPS) unless either they have made their own personal pension arrangements, or their individual Contract of Employment varies this. The Council does offer maximum choice and would encourage all employees to join a pension scheme.

The Council will agree to a sum of an individual's employment package being commuted into a pension scheme of their choice. Or the Council will afford any employee access to a Stakeholder Pension provider to enable them to consider their own personal pension arrangements.

1. Employees appointed directly by the Council will benefit from a 110% flexible Package of Remuneration.
2. An employee may opt to apply 10% of their package towards an employer's contribution to a private pension scheme of their choice. Where you choose to take the 110% of scale point as salary, you also agree that should it become a legal requirement for the Council to make an Employers contribution to a pension scheme, this contribution will be deducted from the 110% pay, however your gross pay will not reduce to less than 100% of scale point.



3. An employee may alternatively opt to apply 10% of their package to the Employer's Contribution of the Cheshire Pension Scheme, the Council will then contribute the remaining part of the Employers contribution.
4. That where the Employer contribution is varied in future reviews of the Cheshire Pension Scheme, the Town Council will adjust their contribution accordingly.

The Council will at your request, pay a nominated sum from your salary directly into a pension plan.

### **Performance Management System**

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

### **Personal Details**

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

The Council will respect the confidentiality of any personal information that it keeps.

### **Processing of Personal Data**

Data protection legislation regulates the way in which certain data about employees, both in paper and electronic form, is held and used. The following will give employees some useful information in terms of the type of data that the Council keeps about them and the purpose for which this is kept.

Throughout employment and for as long as is necessary after the termination of employment, the Council will need to process data about employees for purposes connected with their employment, including their recruitment and the termination of their employment. Processing includes the collection, storage, retrieval, alteration, disclosure or destruction of data.

The kind of data that the Council will process includes:

- any references obtained during recruitment
- details of terms of employment
- payroll details
- tax and national insurance information
- details of job duties
- details of health and sickness absence records
- details of holiday records
- information about performance
- details of disciplinary investigations, proceedings and outcomes
- training records
- contact names and addresses
- correspondence with the Council and other information that employees have given the Council

The Council believe that those records used are consistent with the employment relationship between the Council and its employees and with the data protection principles. The data the Council holds will be for management and administrative use only but the Council may, from time to time, need to disclose some data they hold about employees to relevant third parties (e.g. where legally obliged to do so by the Inland Revenue or where requested to do so by employees for the purpose of giving a reference)

In some cases the Council may hold sensitive personal data, as defined by the legislation, about employees. For example, this could be information about a person's health, racial or ethnic origin, criminal convictions, trade union membership or political or religious beliefs. This information may be processed not only to meet the Council's legal responsibilities but, for example, for purposes of personnel management and administration, suitability for employment and to comply with equal opportunity legislation. Since this information is considered sensitive, the processing of which may cause concern or distress, individuals will be asked to give express consent for this information to be processed, unless the Council has a specific legal requirement to process such data.

Employees may, within a period of forty days of their written request or, where applicable, a period of forty days from the payment of the fee, inspect and/or have a copy, subject to requirements of the legislation, of information in their own personnel file and/or other specified personal data and, if necessary, require corrections should such records be faulty. Those employees who wish to do so must make a written request to their immediate Manager. The Council is entitled to change the above provisions at any time at its discretion.

### **Person Specification**

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

### **Private Trading**

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

### **Probationary Period**

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

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

### **Public Duties**

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

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

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

## **Quality Policy**

The Council has a commitment to quality services and has adopted a Quality Policy. It has had a Quality Management System called "Chamber Assure" developed by the East Cheshire Chamber of Commerce.

The Council wanted the benefits available from an effective quality management system designed to encourage and assist continuous improvement within the Council. It is intended to help develop a quality culture within the Organisation, and to equip it to move in to the future with confidence.

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

The Council have also determined to become a quality local council.

## **Recruitment**

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

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

## **Redundancy/Redeployment Policy**

### **Introduction**

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

### **General Principles**

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

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

### **Consultation**

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

## **Actions to avoid/minimise compulsory redundancy.**

### **Selection Criteria**

The Council will consult with the staff and *seek to* agree the criteria to be used for staff selection.

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

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

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

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

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

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

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

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

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

## Redeployment

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

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

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

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

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

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

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

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

When retaining is to take place as part of the redeployment, the trial period may be for a longer period. In these circumstances there will be a written training plan setting out the arrangements and stating the length of the trial period; this will be issued before the start of the trial period.

Such trial periods are to allow both the individual and the Council to decide whether the alternative employment is mutually satisfactory. If, during the trial period, the job is not satisfactory to the employee or the job performance is not to the Council's standard, *the employee will be made redundant*. If the trial period is completed successfully, a full performance review will be undertaken 6 months after taking up the new post.

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

## Period of Notice

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

## Appeals

Such appeals will be heard by Members who are not on Personnel Committee.

Appeals must be in writing setting out the detailed grounds of appeal.

Employees may appeal against their selection for redundancy.

## **Assistance to Staff**

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

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

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

## **Compensation**

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

## **References**

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

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

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

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

## **Retirement**

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

However, any employee retains the right to retire earlier if they so wish. The Council will be pleased to advise on any matter relating to retirement and help you make any adjustments.

## **Smoke Free Policy**

It is the policy of Congleton Town Council that smoking is not permitted in any part of its premises, entrances or grounds, or in its vehicles.

This Policy applies to all employees, members, consultants, customers, visitors and contractors, whom it is intended to benefit.

The Council will not provide smoking areas on its premises and employees will not be given breaks for smoking during working hours.

The Council will help employees who wish to stop smoking through approved NHS services, and may give time off to attend such services by arrangement with management.

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

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

Containers for smoking waste will be provided as appropriate outside Council premises to reduce litter.

## **Statutory Sick Pay**

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

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

### **Notification**

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

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

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

### **When SSP is Payable**

SSP is normally only paid for a day or days worked.

For example, if an employee works Monday to Friday and not at weekends, SSP will only apply to those 5 days.

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

Employers cannot pay SSP for the first 3 days of an employee's sickness.

Therefore, payment starts on the 4th day, and continues for as long as the employee is absent up to a maximum of 28 weeks in anyone period of sickness. However, if an employee is absent due to sickness within 8 weeks of a previous period of sickness, and providing both periods of absence are for 4 days or more (calendar days), SSP will be paid from the start of the second period of absence.

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

## **When SSP is not Payable**

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

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

## **IMPORTANT**

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

## **Timekeeping**

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

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

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

Lateness for work may result in pay being reduced accordingly.

## **Telephone Calls**

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

## **Termination of Employment**

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

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

## **Trade Union Membership**

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

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

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

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



## **Training and Development Policy**

1. We acknowledge the essential need to provide appropriate and systematic training and development for our employees. All employees will be encouraged to maximise their potential to achieve job satisfaction and reach the highest standard of efficiency and competence.
2. The Council will invest in its employees in order to achieve its business objectives and therefore train and develop its staff to be competent in their current work role.
3. It is our policy to provide a programme of induction training for new employees. The basis of this will be on-the-job' training, supervised by the immediate Manager.
4. Further development is normally achieved by experience, with which knowledge and capability is extended. This may be aided by appropriate formal training (external or in-house), in accordance with regularly assessed training needs.
5. An individual may be included in training programmes in one of the following ways:-
  - by the recommendation of their immediate Manager
  - because of a requirement for a training need relating to groups of employees
  - arising from legislative, technological or similar external factors which require additional specialist expertise.
6. It is our policy to ensure that special attention to safety training is provided, both at the induction stage and subsequently.
7. Employees are encouraged to benefit from attending National Vocational Qualifications (NVQs) further education facilities which provide additional knowledge and/or qualifications relevant to their work. Accordingly, financial assistance may be provided in connection with attendance at approved evening classes or in assessment and registration for a vocational qualification.
8. In order to carry out this policy, we will allocate sufficient resources to achieve the objectives set.
9. Employees are entitled to paid leave for sitting approved examinations and revision in accordance with the Green Book.
10. Some training will be a requirement of the post.

## **Travel and Subsistence**

### **Travel on Council Business**

#### **Subsistence**

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

#### **Hotels**

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

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

## **Air Travel**

All reservations must be approved in advance by the Chief Officer.

## **Rail Travel**

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

## **Other Ad Hoc items**

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

## **Payment of Expenses**

Expenses are paid monthly by credit transfer to the Bank/Building Society of your choice.

To ensure accuracy and timely reclaim of costs, all expenses need to be claimed within 3 months of being incurred. Where claims are made outside this period the Council reserves the right to refuse payment.

## **Unofficial Clubs, Funds and Schemes.**

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

## **Appendix 1: Equality Policy Statement**

### **The Council Equality Statement**

The Council aspires to be an Equal Opportunities employer, service provider and community leader. Our aim is to ensure that all employees and service users are not subject to any form of discrimination, harassment and/or victimisation at any time on the basis of age, gender, gender reassignment, ethnic origin, colour, disability, illness (such as HIV or AIDS), marital status or being in a civil partnership, nationality, race, religion or belief, sexual orientation, pregnancy and maternity or social background.

### **Positive and Equality, Diversity and Human Rights**

This Policy replaces the Council's original Policy of December 2005 (as amended December 2007) and recognises its general equality duty under the Equality Act 2010.

The Council is committed to providing the highest quality of governance and service and recognises that the implementation of an effective Equality Policy is an integral part of any approach based on quality of service and provision. It is not a coincidence that an organisation that is able to provide services to meet the diverse needs of its users, usually carries out its core business efficiently. Equally a workforce that has a supportive environment is more productive. The Council as a corporate body has responsibilities as an employer, a service provider and a public authority, but both Members and employees as individuals also have responsibilities as well as rights.

We are committed to ensuring that our services and employment practices are fair, accessible, responsive and appropriate for all residents, clients & service users, voluntary and business organizations and visitors in the community we serve, as well as the dedicated staff we employ and volunteers and partners who work with us.

To achieve this we are we are working on eliminating all forms of discrimination in accordance with our Equality Statement and ensure that human rights (dignity and respect) are central to the way in which we deliver services.

We will strive to advance equality of opportunity between people who share a protected characteristic and those who do not and to foster good relations between people who share a protected characteristic and those who do not.

We will engage with people we believe to have an interest in our approach to Equality. We will undertake periodic Equality Assessments to help us in deciding whether an existing or proposed policy, procedure, practice or service does (or may) affect people differently, and if so, whether it affects them in an adverse way. and if so, what we can do to change it.

### **Positive as an Employer**

The Council is committed to making full use of the talents and resources of all its employees. It will recruit, reward, develop, promote and transfer employees on the basis of the skills, relevant qualifications, experience, aptitude and ability they can bring to the job.

The Council will encourage and develop all employees to support and carry out the requirements of this Equality policy. All employees will be encouraged to identify and disseminate good practice.

## **Recruitment**

The Council recruitment process must result in the selection of the most suitable person for the job, in respect of experience and qualifications. It is against The Council's policy to discriminate either directly or indirectly on the grounds of any characteristic listed in its Equality Statement, at any stage of the recruitment process.

The Council staff must ensure that:

- all job opportunities are open to all applicants
- no prejudgement or assumptions are made by recruiters or managers.
- all applications are given equal consideration
- no decision is made in advance regarding the outcome of recruitment
- all applicants and staff are made aware of the Council policy on recruitment

All recruitment publicity must positively encourage applications from all suitably qualified and experienced people and should avoid any stereotyping of roles. All publicity should state that The Council is an Equal Opportunities employer and welcomes diversity. All vacancies must be advertised in accordance with the Council's Personnel Policies.

The selection process must be carried out consistently at all levels. It must be fair and non-discriminatory. Application forms where used, must state that The Council is an Equal Opportunities employer. The only criteria to be used in the selection process are those based on the skills, experience and qualifications essential for the job.

All aspects of The Council's recruitment and selection process will be monitored by the Chief Officer to ensure the Council meets its obligations as an Equal Opportunities and quality employer.

## **Training and Development**

Training and development opportunities will be made available to all employees and any form of discrimination whether direct or indirect will not be tolerated. Priority will be given to training or development activity which is linked to the achievement of The Council's aims and objectives. Where resources permit the Council will support training and development beyond the needs of the job which can be returned as a benefit to the Council i.e. increased flexibility, breadth of experience and commitment.

## **Terms and conditions**

All employees will be treated equitably with respect to pay and other conditions of their contracts of employment.

## **Breaches of Policy**

Employees who feel that they have been subject to discrimination should attempt to resolve the issue by talking to the individual whom they feel has acted inappropriately. If this does not resolve the issue then the employee can approach their Manager or, if necessary, the Chief Officer under the Grievance Procedure

## **Harassment**

The Council will not tolerate or accept any form of harassment of its employees. All employees have the right to be treated with dignity and any contravention of this right may be subject to the appropriate grievance or disciplinary procedure. Harassment policy and processes are included in the Council's Personnel Policies.

## **Discrimination against people with disabilities**

The Council will make reasonable changes to the physical features of its premises or to its method of undertaking business where this can enable an employee to properly undertake their job role. We will think positively about disabled staff as we do with disabled customers.

## **Religious discrimination**

Discriminatory behaviour which fails to acknowledge the rights and needs of people with different beliefs or practices will be treated as a disciplinary offence.

## **Bullying**

Workplace bullying is a separate issue from sexual and racial harassment but the effects can be the same. Within the working environment bullying can be described as the use of a position or power to coerce others by fear, oppression or threat.

The Council will not tolerate bullying behaviour at any level and it is the responsibility of all managers to eliminate any form of bullying which they become aware of. Allegations of bullying will be dealt with under the grievance or disciplinary procedures. Any employee who feels they are being bullied should consult any manager or the Chief Officer.

## **Victimisation**

The Council will ensure that no employee is treated less favourably than other people because, for example they have brought proceedings, given evidence, or complained about the behaviour of someone who has been harassing or discriminating against them.

## **Age**

- Recruitment is based entirely on relevant criteria, this criteria will be specific to the post and will not include age or age related criteria.
- All Job advertisements will avoid the use of ageist language. Phrases such as 'applicants should be 25-35 years of age', 'young graduates' and 'mature person' are discriminatory.
- Person specifications must focus on job needs only. Criteria unnecessarily specifying experience, personal qualities or qualifications will be removed from job advertisements and person specifications.
- Where appropriate, advertisements will be designed to attract a mixed-age response through advertising.
- Age related details will be separated from the application form as far as practicable.
- Direct age related details (such as date of birth) will be separated via the equal opportunities monitoring form.
- Application forms will be reviewed to minimise inferred calculation of age.
- The selection of candidates will be based upon individual assessment against the relevant criteria and will not include age or age-related criteria.
- Candidates will be selected on the basis of skills and abilities. Recruitment procedures will ensure that the process is fair, consistent and does not discriminate against a particular age group.
- Only job-related questions should be asked of job applicants. Candidates will be measured against selection criteria to help decision-making.

- All successful applicants will be subject to an employment medical questionnaire irrespective of age. Assumptions about capability or medical fitness will not be based on the age of the applicant.
- Selection panel members must not make judgements about the abilities of a candidate based on stereotypical assumptions about age.
- Promotion, training and career development opportunities will be provided equally for all staff whatever their age.
- Procedures relating to appraisal, regarding and the award of accelerated or discretionary increments and other employment situations where selection is required will apply to all staff regardless of age. Any such review will focus on skills and ability.
- The take-up of training and development from different ages will be monitored.
- Specific length of service provisions relating to pay and benefits will only be permitted where this can be justified in that the arrangement rewards loyalty, encourages motivation or recognises relevant experience.
- Pay scales and access to other benefits including the occupational pension and bonuses will not be based on age. Any age related criteria will be removed.
- All policies will be reviewed to check whether they include reference to age related or length of service related entitlement. Where age or length of service related criteria are used these will be reviewed and revised where necessary.
- The Council does not have a default age for retirement.
- Any voluntary redundancy scheme will not be based on age related criteria unless such criteria may be justified under the regulations.
- Selection for redundancy will not be based on length of service alone as this is indirectly discriminatory.

### **Responsibilities**

- All employees of the Council have a responsibility to ensure that the Council's Equal Opportunities policy is communicated and its requirements adhered to.
- All the Council staff will receive training and development in equal opportunities issues. The Council policies on managing diversity form part of its Employee Handbook.

### **Positive about Service Delivery**

The Council's clients have the right to expect fair and non-discriminatory treatment whilst participating in or receiving any of The Council's services. It will ensure that all recipients of the services delivered directly by the Council are guaranteed the same opportunity.

All aspects of the Council's Equalities Policy impact on the manner in which it directly delivers services to and for its customers.

Adherence to the principles and practices contained within the policy will be monitored on a regular basis. The Council will look for ways that it can make its services accessible to all.

Breaches of this Policy by staff will be subject to the grievance and discipline procedures.

Where any service is delivered indirectly by contractors, partners or volunteers, the Council will ensure that they understand its Equality Policy and adhere to it.

## **Positive about Community Leadership**

The Council has a local governance and community leadership role. Local residents, members of local organisations, businesses and visitors have the right to expect fair and non-discriminatory treatment when engaging with the Council.

The Council recognises the diversity within the community and seeks to reflect this in the work it undertakes within that community. All aspects of the Council's Equality Policy impact on the manner in which engages with the community.

Adherence to the principles and practices contained within the policy will be monitored on a regular basis. The Council will look for ways that it can make it easier for everyone to engage with it.

## **Positive about Disability**

### **Inclusive**

The Council believe that as far as possible, disabled customers should be able to obtain services in the same way as other customers who are not disabled. However, given the constraints of operating from existing buildings, there will be some situations where the same treatment is not possible. In such cases, we will come up with a solution as to how best to service our disabled customers, which demonstrates respect for their dignity.

### **Finding Out**

The Council will periodically undertake an audit of its premises and operations to assess as far as possible, what customers with different disabilities may need in order to access our services. We will base this on good practice guidance and where appropriate talk to individual customers about any particular problems they encounter. As necessary, we will seek expert advice on finding solutions.

### **Existing Premises**

We will focus particularly on making reasonable adjustments to the physical features of the premises. Where a physical feature makes it impossible or unreasonably difficult for disabled customers to make use of a service, we will take reasonable measures to:- remove the features, or alter the features, or provide a reasonable means of avoiding it, or provide a reasonable alternative method of making the service available.

### **Getting Better**

We will plan the development of our business with disabled people in mind. We will ensure our staff are aware disability issues and are trained to meet the needs of disabled customers.

## **Positive about Democracy**

Where councillors are to be elected, the Council will make information available as widely as possible about the election, and help people who are interesting in standing for election, with the objective of reflecting the diversity of the Parish.

When the Council seeks a co-opted member, it will advertise widely and will ensure that every applicant has an equal opportunity. Selection will be made against objective criteria. The Council will always promote democracy, encourage all people to engage with it and vote at elections. It will make special efforts to engage with "hard to reach" groups.

# Appendix 2-CONGLETON TOWN COUNCIL

## OFFICERS' CODE OF CONDUCT

(Amended 29<sup>th</sup> March 2012)

### CONTENTS

	<b>Number</b>
Introduction	
Background	
Status of the Code	
Who is the Code Aimed At?	
1 Standards and Integrity Policy	
2 Disclosure of Information	
3 Political Neutrality	
4 Relationships	
5 Appointment and Other Employment Matters	
6 Outside Commitments	
7 Personal Interests	
8 Equality Issues	
9 Separation of Roles during Tendering	
10 Corruption	
11 Use of Financial Resources	
12 Hospitality	
13 Sponsorship - Giving and Receiving	



## **Introduction**

This Code of Conduct for Officers was approved by Council in December 2005. **The Codes themselves are printed in bold type** and *beneath has been added procedural guidelines in italics.*

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

## **Background**

The public is entitled to expect the highest standards of conduct from all employees who work for local government. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist the Council and its employees in their day-to-day work.

## **Status of the Code**

This Code is based on the voluntary Code of Conduct approved by the Local Authority Associations and the Local Government Management Board, adapted and/or amplified where perceived necessary to meet local circumstances or requirements. It also incorporates the principles contained in the draft model Code of Conduct for Local Authority Employees which has been the subject of consultation by the Office of the Deputy Prime Minister.

The aim of the Code is to lay down guidelines for employees which help maintain and improve standards and protect employees from misunderstanding or criticism. The standards contained in it are the minimum that should apply.

## **Who is the Code Aimed?**

The Code is intended to cover all employees under a contract of employment with the Council. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.

### **1 Standards**

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

## **Procedural Guidelines**

- 1.A *In determining acceptable standards, employees are asked to familiarise themselves, not only with the Council's Code of Conduct for Officers. But also with the operating procedures used, Standing Orders & Financial Regulations.*

## **2 Disclosure of Information**

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Authority itself is open about other types of information. Employees must be aware of which information the Authority is and is not open about, and act accordingly.
- 2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.
- 2.3 Employees must not prevent another person from gaining access to information to which that person is entitled in law.

## **Procedural Guidelines**

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

## **3 Political Neutrality**

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

## **Procedural Guidelines**

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

## **4 Relationships**

### **4.1 Councillors**

Employees are responsible to the Authority. For some, their role is to give advice to councillors and all are there to carry out the Authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

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

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

### **4.3 Contractors**

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

4.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the Chief Officer or Mayor in writing.

4.5 In the event of employees engaging a Contractor for private work at home, who is known by the employee to be one of the Council's contractors, care must be taken to ensure that the price paid for the work represents full value and thereby cannot be construed as an inducement or reward for the award of Council contracts. Especial care must be taken in this respect by employees who engage or supervise contractors in the course of their employment.

## **Procedural Guidelines**

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

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

## **5 Appointment and Other Employment Matters**

5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of

the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

- 5.2 Similarly, employees should not be involved in decisions relating to discipline promotion or pay adjustments for any other employee who is a relative, partner, etc.

### **Procedural Guidelines**

5.A *In cases where you are involved in deciding any matter relating to the appointment, promotion, discipline, pay, conditions of service or training opportunities for a person who is a relative, partner or with whom you have a close personal relationship outside work, you should declare this to the Chief Officer or Mayor (in the case of the Chief Officer) and have no further involvement in the matter.*

5.B *In this paragraph "relative" means a spouse, partner, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons and:  
"partner" means a member of a couple who live together.*

## **6 Outside Commitments**

6.1 You must not become engaged or concerned in any other business in which your duties may conflict with the interests of the Council, without prior permission from the Chief Officer. You must not become engaged in any secondary occupation that may interfere with your work. Officers earning in excess of Scale Point 28 must not be otherwise employed without the authority of the Chief Officer. The Chief Officer must obtain authority from Council before undertaking other employment.

6.2 The Town Council is consultee for making recommendations to the determining bodies for applications for various types of consent such as planning permission, licensing etc. and also determines grant applications. Staff members who are in any way concerned, connected or consulted in their work during the processing of such applications are precluded from preparing or assisting with those submissions in any private capacity on behalf of applicants (unless for their own submissions when, of course, their private interest in the matter would be perfectly clear and should be declared).

6.3 The general guidance is therefore as follows:-

- (a) Staff at all levels should not undertake any outside work which would put them in a position of conflict of interest. Such a conflict would arise when an employee is to be paid by a member of the public or any outside organisation or body for work which is in any way connected with the scope of his or her official duties.
- (b) Employees should follow such rules as the Council may from time to time impose on the ownership of intellectual property or copyright created during their employment.

## **7 Personal Interests**

7.1 An employee must not in his/her official or personal capacity:-  
allow personal interests to conflict with the Authority's requirements, or  
use his/ her position improperly to confer an advantage or disadvantage on any person.

- 7.2 Employees must declare to the Chief Officer or Mayor (in the case of the Chief Officer) in writing, any non-financial interests that they consider could bring about conflict with the authority's interests e.g. school governor, membership of local sports club, membership of Borough or County Council.
- 7.3 Employees must declare to the Chief Officer or Mayor (in the case of the Chief Officer) in writing, any financial interests which could conflict with the authority's interests e.g. financial interests of a spouse or other member of the family in a contract.
- 7.4 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

### **Procedural Guidelines**

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

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

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

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

#### **7.B Financial Interests**

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

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

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

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

7.C *Organisations not open to the public with formal membership etc.*

### **8 Equality Issues**

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

### **Procedural Guidelines**

8.A *Reference should be made to the Council's Equal Opportunities Policy.*

## **9 Roles During Tendering**

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

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

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

## **10 Corruption**

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

### **Procedural Guidelines**

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

*The particular legislation is contained in:-*

*The Public Bodies Corrupt Practices Act 1889*

*The Prevention of Corruption Act 1906*

*The Prevention of Corruption Act 1916*

*The Local Government Act 1972, Section 117(2)*

10.B *In summary, anyone who corruptly gives, promises or offers any gift, loan, fee, reward or advantage to any person as an inducement to or a reward for any member, officer or servant of a public body for doing or forbearing to do anything in respect of any matter or transaction is guilty of a criminal offence. Similarly, a criminal offence is committed by anyone who corruptly solicits, receives or agrees to receive for themselves or any other person such an inducement or reward.*

10.C *It is particularly to be noted that the giving or acceptance of any money, gift or other consideration is deemed to have been given or received corruptly unless the contrary is proved. This represents a departure from the general principle that a person is deemed innocent until proven guilty.*

## **11 Use of Financial Resources**

11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

11.2 Employees must not make personal use of property or facilities of the authority unless properly authorised to do so.

## **Procedural Guidelines**

11.A *An area of particular concern is the use of computers. See Rules in Employee Handbook and ICT Policy*

## **12 Hospitality and Gifts**

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

## **Procedural Guidelines**

- 12.A *Offers of hospitality and gifts should be approached with caution. Members of staff should ask themselves what a member of the public, who may be critical or suspicious, might think. Offers of hospitality where any suggestion of improper influence is possible should be tactfully refused. Hospitality should only be accepted when it is reasonably incidental, and on a scale appropriate, to the occasion or circumstances. If in doubt say no.*
- 12.B *Employees should only accept reasonable or modest hospitality and, if in doubt as to whether such hospitality is reasonable or modest in the circumstances, the employee should seek guidance from the Chief Officer or Mayor.*

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

## **Gifts**

*Examples of the type of modest gifts which would normally be acceptable are:-*

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

*These rules also, of course, apply to offers by firms to members of staff of discounts going beyond those on general offer,*



### **13 Sponsorship – Giving and receiving**

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Chief Officer or Mayor (in the case of the Chief Officer) of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

#### **Procedural Guidelines**

- 13.A *The Council must not be seen to offer any special favours or business in return for sponsorship.*

## **APPENDIX 3:**

## **Member-Officer Protocol**

### **Introduction**

This protocol supports and adds detail to both the Members' and Officers' Codes of Conduct.

It is based on a model drawn up by the Association of Council Secretaries and Solicitors and tailored to suit this Council.

Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they should balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect for each other's requirements and duties. There is also a need for a transparent consistency in everyday working relations.

### **Principles**

1. Members and officers must at all times observe this protocol.
2. The protocol has been approved by the Council and will be monitored along with the Codes which it supports.
3. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest of personal conduct.
4. Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
5. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
6. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The Members' Code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law:
  - Selflessness – serving only the public interest.
  - Honesty and integrity – not allowing these to be questioned; not behaving improperly.
  - Objectivity – taking decisions on merit.
  - Accountability – to the public; being open to scrutiny.
  - Openness – giving reasons for decisions.
  - Personal judgement – reaching one's own conclusions and acting accordingly.
  - Respect for others – promoting equality; avoiding discrimination; respecting others (member/members, as well as member/officer).
  - Duty to uphold the law – not acting unlawfully.
  - Stewardship – ensuring the prudent use of a council's resources.
  - Leadership – acting in a way which has public confidence.
7. These principles underpin this protocol. They will also be reflected in a new national code of conduct for employees due in the near future and on which the Office of the Deputy Prime Minister has already consulted on.
8. Until such time as a new national code appears, officers are bound by the Council's own code of conduct for staff.
9. Breaches of this protocol by a Member may result in a complaint to the Standards Board for England if it appears the members' code has also been breached. Breaches by an officer may lead to disciplinary action.

## The roles of Members

10. Members have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the Chief Officer and/or the Borough Council's Monitoring Officer.
11. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget.
12. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
13. Every elected-member represents the interests of, and is an advocate for his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
14. Some members have roles relating to their position as members of committees and sub-committees of the Council.
15. Members who serve on committees and sub-committees collectively have delegated responsibilities.
16. Some members may be appointed to represent the Council on local, regional or national bodies.
17. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
18. Members are not authorised to instruct officers other than:
  - through the formal decision-making process;
  - to request the provision of consumable resources provided by the Council for members' use;
  - where staff have been specifically allocated to give support to a member or group of members; and
19. Individual Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council. Authorised signatories however may sign cheques.
20. Members must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard when reaching decisions, to any advice provided by officers.
21. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.
22. Members have a duty under their code of conduct:
  - to promote equality by not discriminating unlawfully against any person and
  - to treat others with respect.
23. Under the code, a member must not, when acting as a member or in any other capacity:
  - bring the Council or his/her position as a member into disrepute, or
  - use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other position

## **The role of the Officers**

- 24 Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 25 Under the direction and control of the Council, officers, led by the Chief Officer, manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 26 Officers have a duty to implement decisions of the Council, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and are duly minuted.
- 27 Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
- 28 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 29 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
- 30 Officers have the right not to support members in any role other than that of members, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

## **The relationship between Members and Officers: General**

- 31 The conduct of members and officers should be such as to instil mutual confidence and trust.
- 32 The key elements of this relationship are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- 33 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 34 It is not enough to avoid impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 35 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 36 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to the Chief Officer, at least in the first instance.
- 37 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by the Chief Officer. Members should avoid disrupting officers' work by imposing their own priorities.
- 38 Members will endeavour to give timely responses to enquiries from officers.
39. An officer shall not discuss with a member personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward (division) member.

40. Members and officers should respect other's free (i.e. non-Council) time.

### **The Council as employer**

41. Officers are employed by the Council as a whole.
42. Members' roles are limited to:
- the appointment of specified posts,
  - determining human resources policies and conditions of employment.
  - hearing and determining appeals.
43. If participating in the appointment of officers, members should:
- remember that the sole criterion is merit
  - never canvass support for a particular candidate,
  - not take part where one of the candidates is a close friend or relative,
  - not be influenced by personal preferences, and
  - not favour a candidate by giving him/her information not available to the other candidates.
44. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a working relationship.

### **Mayor and Officers**

45. Officers will respect the position of Mayor and provide appropriate support.

### **Members of other committees or sub-committees and Officers**

46. The appropriate senior officers will offer to arrange informal meetings with chairmen, vice-chairmen, and spokespersons of committees and sub-committees if required.
47. The Chief Officer has the right to present reports and give advice to committees and sub-committees.
48. Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee, and will not otherwise instruct officers to act.
49. At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

### **Party Groups and Officers**

50. The Chief Officer may properly be asked to contribute to deliberations of matters concerning Council business by party groups.
51. The Chief Officer has the right to refuse such requests, but will not attend a meeting of a party group where some of those attending are not members of the Council.
52. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
53. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

- 54 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 55 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 56 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members.
- 57 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 58 Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 59 The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 60 The Chief Officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matters. He/she must give substantially the same advice to each.
- 61 An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
- 62 No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 63 At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.

### **Local Members and Officers**

- 64 To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. The Chief Officer must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.

This requirement is particularly important:

- during the formative stages of policy development, where practicable,
  - in relation to significant or sensitive operational matters,
  - whenever any form of public consultation exercise is undertaken, and
65. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
- 66 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
- 67 If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the Chief Officer. Provided the meeting has not been arranged on a party political basis:
- An officer may attend but is not obliged to do so, and
  - the meeting may be held in Council-owned premises.
- 68 No such meetings should be arranged or held in the immediate run-up to Council elections.
- 69 Whilst support for members' ward work is legitimate, staff should not be asked to accompany members to ward surgeries.

70 In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timetable, and may need to seek instructions from their managers.

### **Members' access to documents and information**

71 Members may request the Chief Officer to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- It is in the public domain, and
- It is not barred by the Data Protection Act from being given.

72 Every member of a committee or sub-committee has a right to inspect documents about the business of that committee or sub-committee.

73 A member who is not a member of a specific committee or sub-committee, may have access to any document of that specific part of the Council provided:

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
- the documents do not contain "confidential" or "exempt" information as defined by the law.

74 Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Chief Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.

75 A member should obtain advice from the Chief Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or
- where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members' code of conduct.

78 Information given to a member must only be used for the purpose for which it was requested.

77 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

78 When requested to do so, officers will keep confidential from other members advice requested by a member.

79 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

## Media relations

- 80 All formal relations with the media must be conducted in accordance with any Council agreed procedures and the law on local authority publicity.
- 81 Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.
- 82 Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 83 Before responding to enquiries from the media, officers will ensure they are authorised to do so.
- 84 If a member is contacted by, or contacts, the media on an issue, he/she should:
- indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, on behalf of the Council, or on behalf of a party group);
  - be sure of what he/she wants to say or not to say;
  - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Chief Officer, except in relation to a statement which is party political in nature;
  - consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
  - never give a commitment in relation to matter which may be subject to claims from third parties and/or are likely to be an insurance matter;
  - consider whether to consult other relevant members; and
  - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

## Correspondence

- 85 Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.
- 86 Official letters written on behalf of the Council should normally be in the name of the relevant officer.
- 87 The Mayor may initiate correspondence in his/her own name.
- 88 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
- 89 When writing in an individual capacity as a ward member, a member must make clear that fact.

## Access to premises

- 90 Officers have the right to enter Council land and premises to carry out their work.
- 91 Members have a right of access to Council land and premises to fulfil their duties.

When making visits as individual members, members should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward notify the ward member(s) beforehand; and



- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

### **Use of Council Resources**

- 92 The Council provides all members with services such as typing, printing and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 93 Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
- where facilities are provided in members' homes at the Council's expense;
  - in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
  - regarding ICT security.
- 94 Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
- business which is solely to do with a political party;
  - work in connection with a ward or constituency party political meeting;
  - electioneering;
  - work associated with an event attended by a member in a capacity other than as a member of the Council;
  - private personal correspondence;
  - work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
  - support to a member in his/her capacity as a councillor of another local authority.

### **Interpretation, complaints and allegations of breaches**

- 95 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek guidance of the Chief Officer.
- 96 A member who is unhappy about the actions taken by, or conduct of, an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
  - ensure that any criticism is well founded and constructive,
  - never make a criticism in public, and
  - take up the concern with the officer or his/her line manager privately.
- 97 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the Chief Officer.
- 98 A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
- 99 An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Chief Officer. He/she will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct, and may be referred to the Standards Board for England.

## **Personnel File**

On the commencement of your employment, we shall create a personnel file containing documents, letters, etc. relating to your employment with us.

We hold personal data to ensure compliance with our record keeping obligations and for the purpose of personnel administration. All personal data will be retained by us in a manual or computerised form and will be processed by us and or/our representatives in accordance with the current statutory requirements.

We may use the information we hold to contact you when required. Such contact may require to be made outside your normal working hours.

In accordance with data protection legislation, we shall maintain our records as accurately as possible. We require to be advised of any change in your personal circumstances or details, e.g. telephone number, change of address, change of next of kin.

You have the right to access, on request, certain information held by us on file about you. Your request must be submitted in writing (e-mail is acceptable) (and accompanied by payment of any administration fee we choose to impose, up to a maximum of £10.)

In the event of a valid request, we shall provide you with a copy of the requested information within 40 calendar days.

## **Identity Documentation**

Before starting work with us, we shall have requested documentation from you proving your entitlement to work in the UK.

We are required to check and to satisfy ourselves that you are the rightful holder of any document/s that you provide to us. All documents will be checked for the likeness of photographs, dates of birth being consistent with your appearance, expiry dates, stamps, endorsements and names. Photocopies of the document/relevant parts of the document will be kept on your personnel file.

Depending on the particular documentation with which you have provided us prior to commencing your employment, we may require to undertake follow-up checks of your documentation on an annual basis. If in such circumstances you are unable to provide us with original copies of the documentation required in terms of the relevant legislation, your employment will be terminated.

## **Camera telephones/Equipment**

You may work with confidential information or have access to it. Accordingly, unless you have obtained the permission of the Chief Officer, you may not use, whether on our premises or elsewhere, any one of the following:

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

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

## **Conduct outside working hours**

We do not wish to intrude on your interests/activities outside normal working hours. However, you should not become involved in activities which prevent you from fulfilling your duties or which result in adverse publicity to the business. For the avoidance of doubt this requirement involves the appropriate use of social networking sites which are in the public domain.

In order to foster team spirit and good working relationships, we may offer you the opportunity to attend social events from time to time. We may also organise work-related social events to which clients, as well as staff, are invited.

Although such social events usually take place away from the workplace and outside of normal working hours, our standard code of conduct applies to such events. While we do not wish to affect your enjoyment of such social events, certain rules of conduct are necessary for the protection and comfort of all those attending.

Accordingly, if you attend a work-related social event you must observe the following rules and principles:

- Alcohol should be consumed only in moderation.

- The use of illegal drugs, including cannabis, is forbidden.

- Our policy on dignity at work should be observed.

- Do not behave in a way that could offend, intimidate, embarrass or upset any other person, whether as a joke or not.

- Do not swear or use intemperate language.

- Do not behave in any way that could bring our name into disrepute.

Any breach of the above rules may result in disciplinary action being taken against you under our disciplinary procedure which could result in your dismissal.

## **Disclosure of Criminal Convictions**

Criminal charges, or convictions, for offences of dishonesty or violence committed during the period of your employment with us, whether committed during or outside normal working hours should be reported to the Chief Officer immediately. Such charges, or convictions, may result in disciplinary action being taken against you up to and including summary dismissal. Failure to disclose such criminal proceedings/convictions that arise during the period of your employment could also result in disciplinary action being taken against you up to and including summary dismissal.

A charge or conviction for any other type of offence during the period of your employment should also be reported to the Chief Officer. Such charges or convictions may result in disciplinary proceedings being taken against you, up to and including dismissal, where, in our opinion, the charge or conviction

- affects your suitability for your role;

- impairs our business reputation;

- seriously undermine the trust and confidence that we have in you.

Failure to disclose such criminal proceedings/convictions that arise during the period of your employment could also result in disciplinary action being taken against you up to and including summary dismissal.

## **Religious Holidays**

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

## **Media Statements**

Only the Chief Officer is authorised to make statements to the media concerning any matters relating to our business.

## **Random and specific Checks**

We may require you to submit to a personal search and/or a search of all your baggage, personal items, lockers, car, etc. We may do so at any time while you are on our premises or engaged on our business.

Searches may be required to protect both the business and our employees from illegal activities such as:

- any theft of our property or property belonging to another employee or third party; and
- the possession or supply of illegal substances.

A request to carry out a search does not indicate any suspicion of wrongdoing; searches will normally be carried out at random. However, we also reserve the right to stop and search you when we reasonably suspect that you may have committed an illegal act.

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

If you unreasonably refuse to submit to a search in accordance with our rules you will be subject to disciplinary action.

## **Loss of Driving Licence**

Certain jobs within our business require the job-holder to be able to drive our vehicles. If it has been indicated to you that your job falls into this category, it is a condition of your employment that you hold, and continue to hold, a current driving licence. In the event that you lose your driving licence for any reason whatsoever, we reserve the right to terminate your employment.

## Appendix 4

### Dignity at Work Policy

#### Introduction

We are committed to creating a harmonious environment by ensuring equal opportunities and fair treatment for every employee in the workplace.

One of the key aims of the policy is to ensure we provide a positive working environment in which all staff feel comfortable and in which everyone is treated with respect and dignity, regardless of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief or any other personal factor or quality.

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

#### **Bullying and Harassment**

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Raising a Complaint**

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

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

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

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

## **Reporting a Complaint**

Before raising a formal complaint, you are encouraged in the first instance to talk directly and informally to the person to whom you believe is harassing you and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence to you, and request that it stop.

It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach may resolve the matter without the need for formal action.

If you would like support in making such an approach, you should contact the Chief Officer.

However, if you feel unable to take this course of action, or if you have already approached the person to no avail, or if the harassment is of a very serious nature, you may decide to raise a formal complaint.

Formal complaints may be raised, in writing, with your Line Manager or, if preferred, the Chief Officer.

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

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

## **Management Responsibility**

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

We will be responsive and supportive towards anyone who raises a genuine complaint of harassment or bullying.

The Human Resources Department/ Chief Officer will assist any Line Manager in dealing with complaints of harassment or bullying.

We reserve the right, at our discretion, to suspend you from duty pending investigation for harassment or bullying for a temporary period whilst investigations are carried out. Such suspension will be for as short a time as possible and will be on full pay.

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

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

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

If it is agreed neither party will move we will monitor and check the situation in terms of our duty of care to determine whether there has been any form of victimisation or retaliation.

Alternatively, where a complaint is upheld it may be necessary, if practicable to relocate or transfer one of the parties to another department or function.

Following the meeting, you will be informed in writing of the outcome within 7 working days and told of any action that we propose to take as a result of your complaint. If you are dis-satisfied with the outcome, you may make a formal appeal.

Your appeal should be made in writing to the Chief Officer. You should clearly state the grounds of your appeal, i.e. the basis on which you say that our findings were inaccurate or inappropriate. This should be done within 7 working days of the written notification of the outcome of the grievance. An appeal meeting will be arranged to take place within 5 working days of the submission of your formal appeal.

Following the appeal meeting, you will be informed of the outcome within 5 working days.

We will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the Data Protection Act 1998.